

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FOURTH DAY—WEDNESDAY, MAY 11, 2022

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“O Lord, You are Father; we are the clay, and You are our potter, we are all the work of Your hand.” (Isaiah 64:8)

O Lord our God, You know all our deeds and thoughts intimately. So lay now Your hand upon us and fill us with knowledge and peace so that Your grace fills our lives and we know Your presence at every turn we make and decisions that must be made. You provide us with the miracle of Your grace so that when we experience the stressor and tension that are not helpful nor good for us, may You bless us with peace and calm so we do no harm and can express opportunities for harmony among us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Burlison assumed the Chair.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from KY 3, Nexstar Media Group, KRCG-TV, ABC 17 News, and KOMU 8 were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Thompson Rehder	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

President Kehoe assumed the Chair.

RESOLUTIONS

Senator Wieland offered Senate Resolution No. 922, regarding Eagle Scout Isaiah Kutrip, Dittmer, which was adopted.

Senator Beck offered Senate Resolution No. 923, regarding Eagle Scout Ryan Herman Rainey, St. Louis, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **HCS** for **HB 2005**, as amended, and has taken up and passed **SS** for **HCS** for **HB 2005**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 724**, entitled:

An Act to repeal sections 50.800, 50.810, 50.815, 50.820, 59.310, 64.231, 92.720, 92.740, 92.750, 92.760, 92.765, 92.770, 92.775, 92.810, 92.815, 92.825, 92.835, 92.840, 92.852, 92.855, 105.145, 140.980, 140.981, 140.982, 140.983, 140.985, 140.986, 140.991, 140.1009, 140.1012, 230.205, 233.095, 442.130, and 473.742, RSMo, and to enact in lieu thereof thirty-five new sections relating to political subdivisions, with penalty provisions.

With House Amendment Nos. 1, 2, 3, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendment No. 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 2 to House Amendment No. 7, House Amendment No. 3 to House Amendment No. 7, House Amendment No. 7, as amended, House Amendment No. 1 to House Amendment No. 8, House Amendment No. 8, as amended, House Amendment No. 1 to House Amendment No. 9, House Amendment No. 2 to House Amendment No. 9, House Amendment No. 9, as amended, House Amendment Nos. 10, 11, 12, 13, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 14, and House Substitute Amendment No. 1 for House Amendment No. 14, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 22, Section 105.145, Line 34, by inserting after the word “day” the following:

“, except that the total fines imposed under this subsection shall not exceed ten percent of the gross revenue collected by the political subdivision during the fiscal year for which the annual financial statement was not timely filed”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 7, Section 64.231, Line 25, by inserting after all of said section and line the following:

“70.631. 1. Each political subdivision may, by majority vote of its governing body, elect to cover emergency telecommunicators, jailors, and emergency medical service personnel as public safety personnel members of the system. The clerk or secretary of the political subdivision shall certify an election concerning the coverage of emergency telecommunicators, jailors, and emergency medical service personnel as public safety personnel members of the system to the board within ten days after such vote. The date in which the political subdivision’s election becomes effective shall be the first day of the calendar month specified by such governing body, the first day of the calendar month next following receipt by the board of the certification of the election, or the effective date of the political subdivision’s becoming an employer, whichever is the latest date. Such election shall not be changed after the effective date. If the election is made, the coverage provisions shall be applicable to all past and future employment with the employer by present and future employees. If a political subdivision makes no election under this section, no emergency telecommunicator, jailor, or emergency medical service personnel of the political subdivision shall be considered public safety personnel for purposes determining a minimum service retirement age as defined in section 70.600.

2. If an employer elects to cover emergency telecommunicators, jailors, and emergency medical service personnel as public safety personnel members of the system, the employer’s contributions shall be correspondingly changed effective the same date as the effective date of the political subdivision’s election.

3. The limitation on increases in an employer’s contributions provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer making an election under the provisions of this section.

[4. The provisions of this section shall only apply to counties of the third classification and any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat, and any political subdivisions located, in whole or in part, within such counties.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 35, Section 473.742, Line 84, by inserting after all of the said section and line the following:

“620.1620. 1. This section shall be known and may be cited as the “Meet in Missouri Act”.

2. As used in this section, the following terms shall mean:

(1) “Director”, the director of the department of economic development;

(2) “Eligible commission”, any regional convention and visitors commission created under section 67.601; any body designated by the division of tourism official destination marketing organization for a Missouri county which is designated as the single representative organization for the county to solicit and service tourism;

(3) “Eligible major convention event costs”, all operational costs of the venue of a major convention event including, but not limited to, costs related to the following: security, venue utilities, cleaning,

production of the event, installation and dismantling, facility rental charges, personnel, construction to prepare the venue, and other temporary facility construction;

(4) "Fund", the major economic convention event in Missouri fund established in this section;

(5) "Grant", an amount of money equal to the total amount of eligible major convention event costs listed in an approved major convention plan to be disbursed at the requested date from the fund to an eligible commission by the state treasurer at the direction of the director which shall not exceed the amount of estimated total sales taxes to be received by the state generated by sleeping rooms paid by guests of hotels and motels reasonably believed to be occupied due to the major convention event;

(6) "Major convention event", any convention if more than fifty percent of attendees travel to the convention from outside of Missouri and require overnight hotel accommodations;

(7) "Major convention plan", a written plan for the administration of a major convention event, containing such information as shall be requested by the director to establish that the event covered by the application is a major convention event including, but not limited to, the start and end dates of the major convention event, an identification of the organization planning the event, the location of the event, projected total and out-of-state attendance, projected contracted and actual hotel room nights, projected costs and revenues anticipated to be received by the eligible commission in connection with the event, the eligible major convention event costs, and evidence of satisfaction of the conditions of subsection 5 of this section.

3. (1) There is hereby created in the state treasury the "Major Economic Convention Event in Missouri Fund", which shall consist of moneys appropriated from the general revenue fund as prescribed in subsection 6 of this section and any gifts, contributions, grants, or bequests received from federal, private, or other sources. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. For major convention plans which have complied with subsection 5 of this section, in addition to funds otherwise made available under Missouri law, a grant shall be paid from the fund by the department of economic development to the eligible commission at the requested date. Any transfer of a grant from the fund to the treasurer or other designated financial officer of an eligible commission with an approved major convention plan shall be deposited in a separate, segregated account of such commission. The eligible commission shall agree to hold such funds until the major convention event has occurred and not disburse the funds until such time as the report in subsection 7 has been submitted.

5. The director shall not disburse a grant until the director or his or her designee has approved a written major convention plan submitted to the department of economic development by an eligible commission requesting a grant. The director or his or her designee shall not approve any submitted major convention plan unless he or she finds that the following conditions have been met:

(1) The applicant submitting the major convention plan is an eligible commission;

(2) The projected start and end dates of the planned major convention event and the requested date of disbursement of the grant are no later than five years from the date of the application; and

(3) There is sufficient evidence that:

(a) The event shall qualify as a major convention event under this section including, but not limited to, evidence of the actual number of contracted advance hotel reservations or projected out-of-state attendance numbers and actual hotel room usage from comparable past events;

(b) A request for proposal or similar documentation demonstrates the applicant eligible commission is competing for the event against non-Missouri cities;

(c) Without the grant, the major convention event would not be reasonably anticipated to occur in Missouri; and

(d) The positive net fiscal impact to general revenue of the state through any and all taxes attributable to the major convention event exceeds the amount of the major convention grant.

In reviewing such evidence, the director shall take into account any expenditures by an attendee for sleeping rooms paid by guests of the hotels and motels typically constitutes less than fifty percent of the expenditures by such attendees at a major convention event.

6. (1) Upon verification that the major convention plan complies with the terms of subsection 5 of this section, the director or his or her designee shall issue a certificate of approval to the eligible commission stating the date on which such grant shall be disbursed and the total amount of the grant, which shall be equal to the eligible major convention event costs listed in the approved major convention plan. The amount of any grant shall not exceed more than fifty percent of the cost of hosting the major convention event, positive net fiscal impact to general revenue, or one million dollars, whichever is less.

(2) All approved grants scheduled for disbursement each year shall be disbursed from the general revenue fund subject to appropriation by the general assembly. Any such appropriation shall not exceed three million dollars in any year.

(3) Upon such annual appropriation and transfer into the fund from the general revenue fund, the director shall disburse all grants pursuant to certificates of approval.

7. (1) Within one hundred eighty days of the conclusion of any major convention event for which a grant was disbursed under this section, the eligible commission that received such grant shall provide a written report to the director detailing the final amount of eligible major convention event costs incurred and actual attendance figures which certify compliance with this section. If the final amount of total eligible major convention event costs is less than the amount of the grant disbursed to the eligible commission under an approved major convention plan, such commission shall refund to the state treasurer the excess greater than fifty percent of the actual cost for deposit into the fund.

(2) An eligible commission shall refund the following amounts to the state treasurer based on the actual attendance figures in relation to the projected total attendance for the event as provided in the major convention plan:

(a) If the actual attendance figure is less than twenty-five percent of the projected total attendance, the commission shall refund an amount equal to the full amount of the grant;

(b) If the actual attendance figure is equal to or less than eighty-five percent and greater than or equal to twenty-five percent of the projected total attendance, the commission shall keep a portion of the grant received under this section equal to the proportion of the actual attendance figure to the projected attendance figure rounded to the nearest dollar and refund the remaining amount;

(c) If the actual attendance figure is greater than eighty-five percent of the projected total attendance, the commission shall keep the entire grant amount received under this section unless otherwise provided by this section.

(3) The provisions of this subdivision shall not apply where attendance at the convention is adversely affected by a man-made disaster including, but not limited to, an uprising or other civil unrest or where attendance at the convention is adversely affected by a substantial inclement weather-related event.

8. Any amounts that are refunded from a grant under this section shall be returned to the major economic convention event in Missouri fund to be used for future grants.

9. In accordance with the provisions of sections 23.250 to 23.298 and unless otherwise authorized pursuant to section 23.253:

(1) The program authorized under the provisions of this section shall automatically sunset six years after August 28, [2016] **2022**; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 1, Line 2, by inserting after the number “724,” the following:

“Page 7, Section 64.231, Line 25, by inserting after all of said section and line the following:

“67.265. 1. For purposes of this section, the [term “order” shall] **following terms** mean:

(1) **“Local elected governing body”, the board of aldermen, city council, county commission, or other like body of officials elected to represent an entire city or county. “Local elected governing body” shall not include any inferior body whose duties are limited to a specific area of responsibility or expertise within the city or county including, but not limited to, a local health authority;**

(2) **“Order”, a public health order, ordinance, rule, or regulation issued by a political subdivision[, including by a health officer, local public health agency, public health authority, or the political subdivision’s executive, as such term is defined in section 67.750,] in response to an actual or perceived threat to public health for the purpose of preventing the spread of a contagious disease;**

(3) **“Prohibited order”, any order that has been terminated under subsection 3 or expired under subsection 2 of this section;**

(4) “Statewide pandemic”, an outbreak of a particularly dangerous disease affecting a high proportion of the population, appearing in three or more counties.

2. Notwithstanding any other provision of law to the contrary, all orders shall be approved by a vote of the local elected governing body of the city or county, shall be issued by the same, and shall be subject to the following:

(1) Any order issued during and related to an emergency declared pursuant to chapter 44 that directly or indirectly closes, partially closes, or places restrictions on the opening of or access to any one or more business organizations, churches, schools, or other places of public or private gathering or assembly, including any order, ordinance, rule, or regulation of general applicability [or] that prohibits or otherwise limits attendance at any public or private gatherings, **or requires the wearing of face coverings,** [shall not remain in effect for longer than thirty calendar days in a one hundred eighty-day-period, including the cumulative duration of similar orders issued concurrently, consecutively, or successively, and] shall automatically expire at the end of [the] thirty days or as specified in the order, whichever is shorter, unless so authorized by a simple majority vote of the [political subdivision’s] **local elected** governing body to extend such order or approve a similar order **prior to the expiration or termination of the original order;** provided that such extension or approval of similar orders shall not [exceed thirty calendar days in duration and any order may be extended more than once] **extend beyond sixty days from the effective date of the original order passed pursuant to this subdivision; [and]**

(2) Any order of general applicability issued at a time other than an emergency declared pursuant to chapter 44 that directly or indirectly closes, **partially closes, or places restrictions on the opening of or access to any one or more business organizations,** an entire classification of business organizations, churches, schools, or other places of public or private gathering or assembly, **including any order, ordinance, rule, or regulation of general applicability that prohibits or otherwise limits attendance at any public or private gatherings, or requires the wearing of face coverings,** shall [not remain in effect for longer than twenty-one calendar days in a one hundred eighty-day-period, including the cumulative duration of similar orders issued concurrently, consecutively, or successively, and shall] automatically expire at the end of [the twenty-one] **twenty** days or as specified in the order, whichever is shorter, unless so authorized by a two-thirds majority vote of the [political subdivision’s] **local elected** governing body to extend such order or approve a similar order **prior to the expiration or termination of the original order** ; provided that such extension or approval of similar orders [may be extended more than once] **shall not extend beyond sixty days from the effective date of the original order passed pursuant to this subdivision; and**

(3) Upon the expiration of sixty days as set forth in subdivision (1) or (2) of this subsection, only the director of the department of health and senior services shall be authorized to issue or extend any further order relating to the actual or perceived threat to public health or safety that gave rise to the order authorized by the local elected governing body or to terminate the same.

[2.] **3.** The [governing bodies of the political subdivisions] **local elected governing body** issuing orders under this section shall at all times have the authority to terminate [an order] **local orders** issued or extended under this section upon a simple majority vote of the body.

[3.] **4.** In the case of local public health agencies created through an agreement by multiple counties under chapter 70, all of the participating counties’ **local elected** governing bodies shall be required to approve or terminate orders in accordance with the provisions of this section.

[4.] **5.** Prior to or concurrent with the issuance or extension of any order under subdivisions (1) and (2) of subsection [1] **2** of this section, the health officer, local public health agency, public health authority, or executive shall provide a report to the **local elected** governing body containing information supporting the need for such order **and may submit a draft order, which shall not have any legal effect until it is approved by a vote of the local elected governing body taken in a session that is open to the public.** Such report shall include specific studies or other evidence relied upon in the creation of the order, along with an explanation of the legal authority upon which the order is based. Such report shall also include a summary of the general nature and extent of the comments submitted in support of or opposition to the proposed order and a concise summary of the testimony presented at all hearings in which the order was discussed. In addition, the report shall contain a summary of the findings regarding the merits of any such testimony or comments submitted by members of the public who are opposed, in whole or in part, to the proposed order.

[5.] **6.** No [political subdivision] **local elected governing body** of this state shall make or modify any orders that have the effect, directly or indirectly, of a prohibited order under this section.

[6.] **7.** No **directive**, rule, or regulation issued by the department of health and senior services shall authorize a local health official, health officer, local public health agency, or public health authority to create or enforce any order, ordinance, rule, or regulation described in section 192.300 or this section that is inconsistent with the provisions of this section.

8. (1) No local elected governing body shall issue or authorize any order relating to a statewide pandemic pursuant to this section unless the governor has, by executive order pursuant to an emergency declared under chapter 44, directed the director of the department of health and senior services to authorize, by written directive containing sufficiently specific criteria, local elected governing bodies to issue or approve such order; except that, no such local order shall be more expansive than the written directive issued by the department and shall be subject to review and alteration by the director.

(2) Not less than thirty days after the issuance of a written directive by the director of the department, as provided in this subsection, the department shall replace such directive with an emergency rule promulgated as set forth in chapter 536.

(3) Any order issued by a local elected governing body that is not in compliance with this subsection shall be void ab initio.

(4) Any order issued by a local elected governing body shall be subject to the time limitations set forth in subsection 2 of this section.

9. Except as provided in subsection 11 of this section, the existence of a statewide pandemic may be declared by the governor or the director of the department of health and senior services. During a statewide pandemic, only the director shall have the authority to close a public or private school or other place of public or private assembly or to reduce, alter, suspend, or otherwise restrict the operations or hours thereof. The director shall consult with the local health authorities prior to any closing.

10. (1) Any person aggrieved by the actions of a political subdivision, including its local elected governing body, its officers, employees, or agents, in violation of this section shall have a civil claim

for damages against such political subdivision for:

- (a) Injunctive relief;**
- (b) Treble compensatory damages;**
- (c) Punitive damages;**
- (d) Costs of litigation including, but not limited to, court costs and expert witness fees; and**
- (e) Reasonable attorneys fees.**

(2) Venue for any civil action filed pursuant to this section shall, at the election of the aggrieved party, be in the county within which the aggrieved party resides, in the county within which the alleged harm occurred, or Cole County.

(3) In any civil action filed by a person with standing or by the attorney general under this section, upon a showing that a material fact is in dispute, the political subdivision shall bear the burden of showing, by clear and convincing evidence, that its order was necessary to prevent the actual or anticipated harm and that no less restrictive means to prevent such actual or anticipated harm were available.

11. The general assembly may, by the passage of a concurrent resolution, declare the existence of a statewide pandemic. Such resolution shall not extend the declaration of a statewide pandemic for more than thirty days beyond the convening of the next regular session of the general assembly but may by its own provisions specify the expiration date of the declaration prior to that time. The general assembly may approve subsequent declarations in like manner and subject to the same limitations.

67.308. **1.** No county, city, town or village in this state receiving public funds shall require documentation of an individual having received a vaccination against COVID-19 in order for the individual to access transportation systems or services or any other public accommodations.

2. No private person, business, corporation, organization, or other nongovernment entity shall be required to assist in any manner in the enforcement of any order issued pursuant to section 67.265, nor shall such person or entity suffer any adverse action including, but not limited to, a fine, loss of a business license, closure, or citation for any such refusal to assist.

3. (1) Any person aggrieved by the actions of a political subdivision or any public official under this section shall have a civil claim for damages against such political subdivision or public official for:

- (a) Injunctive relief;**
- (b) Treble compensatory damages;**
- (c) Punitive damages;**
- (d) Costs of litigation including, but not limited to, court costs and expert witness fees; and**
- (e) Reasonable attorneys fees.**

(2) Neither sovereign immunity nor official immunity shall be a defense in any such civil action.

(3) Venue for any civil action filed pursuant to this section or section 67.265 shall, at the election

of the aggrieved party, be the county in which the aggrieved party resides, the county where the alleged harm occurred or Cole County.

(4) In any civil action filed by a person with standing or by the attorney general under this section, upon a showing that a material fact is in dispute, the political subdivision shall bear the burden of showing, by clear and convincing evidence, that its order was necessary to prevent the actual or anticipated harm and that no less restrictive means to prevent such actual or anticipated harm were available.”; and

Further amend said bill, Page 32, Section 164.450, Line 19, by inserting after said section and line the following:

“167.029. 1. A public school district may require students to wear a school uniform or restrict student dress to a particular style in accordance with the law. The school district may determine the style and color of the school uniform.

2. No public or charter school shall implement or enforce any student dress requirements that include a mask or other face covering or respirator.

167.181. 1. The department of health and senior services, after consultation with the department of elementary and secondary education, shall promulgate rules and regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B, to be required of children attending public, private, parochial or parish schools. Such rules and regulations may modify the immunizations that are required of children in this subsection. The immunizations required and the manner and frequency of their administration shall conform to recognized standards of medical practice. The department of health and senior services shall supervise and secure the enforcement of the required immunization program.

2. It is unlawful for any student to attend school unless he has been immunized as required under the rules and regulations of the department of health and senior services, and can provide satisfactory evidence of such immunization; except that if he produces satisfactory evidence of having begun the process of immunization, he may continue to attend school as long as the immunization process is being accomplished in the prescribed manner. It is unlawful for any parent or guardian to refuse or neglect to have his child immunized as required by this section, unless the child is properly exempted.

3. This section shall not apply to any child if one parent or guardian objects in writing to his school administrator against the immunization of the child, because of religious beliefs or medical contraindications. In cases where any such objection is for reasons of medical contraindications, a statement from a duly licensed physician must also be provided to the school administrator.

4. Each school superintendent, whether of a public, private, parochial or parish school, shall cause to be prepared a record showing the immunization status of every child enrolled in or attending a school under his jurisdiction. The name of any parent or guardian who neglects or refuses to permit a nonexempted child to be immunized against diseases as required by the rules and regulations promulgated pursuant to the provisions of this section shall be reported by the school superintendent to the department of health and senior services.

5. The immunization required may be done by any duly licensed physician or by someone under his direction. If the parent or guardian is unable to pay, the child shall be immunized at public expense by a

physician or nurse at or from the county, district, city public health center or a school nurse or by a nurse or physician in the private office or clinic of the child's personal physician with the costs of immunization paid through the state Medicaid program, private insurance or in a manner to be determined by the department of health and senior services subject to state and federal appropriations, and after consultation with the school superintendent and the advisory committee established in section 192.630. When a child receives his or her immunization, the treating physician may also administer the appropriate fluoride treatment to the child's teeth.

6. Funds for the administration of this section and for the purchase of vaccines for children of families unable to afford them shall be appropriated to the department of health and senior services from general revenue or from federal funds if available.

7. No student shall be required, as a condition of school attendance or participation in school-sponsored extracurricular activities, to be immunized against COVID 19. No school shall require students to wear face masks or other face coverings or respirators as an alternative to receiving a COVID-19 vaccination. No school shall require students to undergo COVID-19 diagnostic testing or otherwise implement a "test to stay" policy requiring testing as an alternative to receiving a COVID-19 vaccination; provided, that nothing in this subsection shall be interpreted to preclude a school from requiring a student to be tested as described in section 167.191 as a condition for school attendance or participation in school-sponsored extracurricular activities. For purposes of the section, "COVID 19" shall include any variant thereof.

8. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

167.191. **1.** It is unlawful for any child to attend any of the public schools of this state while afflicted with any contagious or infectious disease, or while liable to transmit such disease after having been exposed to it. For the purpose of determining the diseased condition, or the liability of transmitting the disease, the teacher or board of directors may require any child to be examined by a physician, **physician assistant, or advanced practice registered nurse** and exclude the child from school so long as there is any liability of such disease being transmitted by the pupil. **For purposes of this section, the term "liability" shall mean that symptoms of such a contagious or infectious disease are present and that disease transmission is more likely than not to occur.** If the parent or guardian refuses to have an examination made by a physician, **physician assistant, or advanced practice registered nurse pursuant to [at] the written request of [the teacher] a school administration or school board of directors, the [teacher or board of directors] child may be [exclude the child] excluded** from school. Any parent or guardian who persists in sending a child to school, after having been examined as provided by this section, and found to be afflicted with any contagious or infectious disease, or liable to transmit the disease, or refuses to have the child examined as herein provided, is guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five nor more than one hundred dollars.

2. If the parent or guardian of the child presents a written document, signed by a physician,

physician assistant, or advanced practice registered nurse stating that the child is not afflicted with any contagious or infectious disease, or liable to transmit the disease, the child shall not be excluded from school under subsection 1.

171.011. **1.** The school board of each school district in the state may make all needful rules and regulations for the organization, grading and government in the school district. The rules shall take effect when a copy of the rules, duly signed by order of the board, is deposited with the district clerk. The district clerk shall transmit forthwith a copy of the rules to the teachers employed in the schools. The rules may be amended or repealed in like manner.

2. No school administrator, teacher, staff, or other personnel of any public school or charter school, nor any school board, shall have authority to adopt rules, regulations, policies, directives, or any other order relating to quarantines, isolation, or other health-related requirements for students except as provided in section 167.191; except that, nothing in this section or section 167.191 shall be construed to authorize any such order relating to masking or vaccinations.

3. During a statewide pandemic as defined in section 67.265, all generally applicable orders relating to the spread of an infectious or contagious disease shall be made by a local elected governing body as provided in section 67.265.

192.290. All rules and regulations authorized and made by the department of health and senior services in accordance with this chapter shall supersede as to those matters to which this chapter relates, all local **orders**, ordinances, rules, and regulations and shall be observed throughout the state and enforced by all local and state health authorities. Nothing herein shall limit the right of local authorities **under section 192.300** to make such further **orders**, ordinances, rules, and regulations not inconsistent with **or more restrictive than** the rules and regulations prescribed by the department of health and senior services, which may be necessary for the particular locality under the jurisdiction of such local authorities; **except that, all such orders, ordinances, rules and regulations made by local authorities shall comply with the provisions of section 67.265.**”; and

Further amend said bill,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 35, Section 473.742, Line 84, by inserting after all of said section and line the following:

“Section 1. No taxpayer funded general admission event shall require or inquire about COVID-19 vaccination status or COVID-19 testing unless required by a governor’s emergency order.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 33, Section 233.095, Line 9, by inserting after all of said section and line the following:

“321.228. 1. As used in this section, the following terms shall mean:

(1) “Residential construction”, new construction and erection of detached single-family or two-family

dwellings or the development of land to be used for detached single-family or two-family dwellings;

(2) “Residential construction regulatory system”, any bylaw, ordinance, order, rule, or regulation adopted, implemented, or enforced by any city, town, village, or county that pertains to residential construction, to any permitting system, or program relating to residential construction, including but not limited to the use or occupancy by the initial occupant thereof, or to any system or program for the inspection of residential construction. Residential construction regulatory system also includes the whole or any part of a nationally recognized model code, with or without amendments specific to such city, town, village, or county.

2. Notwithstanding the provisions of any other law to the contrary, if a city, town, village, or county adopts or has adopted, implements, and enforces a residential construction regulatory system applicable to residential construction within its jurisdiction, any fire protection districts wholly or partly located within such city, town, village, or county shall be without power, authority, or privilege to enforce or implement a residential construction regulatory system purporting to be applicable to any residential construction within such city, town, village, or county. **Notwithstanding the provisions of any other law to the contrary**, any such residential construction regulatory system adopted by a fire protection district or its board shall be treated as advisory only and shall not be enforced by such fire protection district or its board.

3. Notwithstanding the provisions of any other law to the contrary, fire protection districts:

(1) Shall have final regulatory authority regarding the location and specifications of fire hydrants, fire hydrant flow rates, and fire lanes, all as it relates to residential construction. Nothing in this subdivision shall be construed to require the political subdivision supplying water to incur any costs to modify its water supply infrastructure; and

(2) May inspect the alteration, enlargement, replacement or repair of a detached single-family or two-family dwelling; and

(3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this subsection.

4. In no event shall a fire protection district or its board enact, adopt, or implement any bylaws, ordinances, orders, rules, or regulations that pertain, in any manner, to either the subdivision of land for the purpose of residential construction or to the construction, installation, and erection of any improvements, infrastructure, and utility facilities related to or for the purpose of serving residential construction.

5. Notwithstanding any provision in this section to the contrary, a fire protection district may enter into a contract with a county, city, town, or village to assist in the implementation of the residential construction regulatory system of such county, city, town, or village as it relates to fire protection issues as long as the county, city, town, or village retains jurisdiction over the implementation and enforcement of such system.

6. (1) Any fire protection district funded in whole or in part through a designated voter-approved tax shall not charge any additional fees or permit charge for additional services without voter approval from the voters of the entire county in which the fire protection district is located.

(2) Any inspection fees charged by a fire protection district shall be billed at a flat rate of one hundred dollars per hour of actual time spent on site doing solely inspections. No charges shall be

charged prior to the inspection based on estimated cost of the inspection.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 3, Line 14, by inserting after said line the following:

“Further amend said bill, Page 24, Section 105.145, Line 88, by inserting after all of said section and line the following:

“105.1500. 1. This section shall be known and may be cited as “The Personal Privacy Protection Act”.

2. As used in this section, the following terms mean:

(1) “Personal information”, any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended;

(2) “Public agency”, the state and any political subdivision thereof including, but not limited to, any department, agency, office, commission, board, division, or other entity of state government; any county, city, township, village, school district, community college district; or any other local governmental unit, agency, authority, council, board, commission, state or local court, tribunal or other judicial or quasi-judicial body.

3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions listed under subsection 4 of this section, a public agency shall not:

(a) Require any individual to provide the public agency with personal information or otherwise compel the release of personal information;

(b) Require any entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code to provide the public agency with personal information or otherwise compel the release of personal information;

(c) Release, publicize, or otherwise publicly disclose personal information in possession of a public agency, unless consented to by an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code; or

(d) Request or require a current or prospective contractor or grantee with the public agency to provide the public agency with a list of entities exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, to which it has provided financial or nonfinancial support.

(2) All personal information in the possession of a public agency shall be considered a closed record under chapter 610 and court operating rules.

4. The provisions of this section shall not preclude any individual or entity from being required to comply with any of the following:

(1) Submitting any report or disclosure required by this chapter or chapter 130;

(2) Responding to any lawful request or subpoena for personal information from the Missouri ethics commission or the Missouri state highway patrol as a part of an investigation, or publicly disclosing personal information as a result of an enforcement action from the Missouri state highway patrol or the Missouri ethics commission pursuant to its authority in sections 105.955 to 105.966;

(3) Responding to any lawful warrant for personal information issued by a court of competent jurisdiction;

(4) Responding to any lawful request for discovery of personal information in litigation if:

(a) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and

(b) The requestor obtains a protective order barring disclosure of personal information to any person not named in the litigation;

(5) Applicable court rules or admitting any personal information as relevant evidence before a court of competent jurisdiction. However, a submission of personal information to a court shall be made in a manner that it is not publicly revealed and no court shall publicly reveal personal information absent a specific finding of good cause;

(6) Any report or disclosure required by state law to be filed with the secretary of state, provided that personal information obtained by the secretary of state is otherwise subject to the requirements of paragraph (c) of subdivision (1) of subsection 3 of this section, unless expressly required to be made public by state law; or

(7) Any request from a public agency for a list of the directors and officers of an entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended.

5. (1) A person or entity alleging a violation of this section may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one of the following, as appropriate:

(a) A sum of moneys not less than two thousand five hundred dollars to compensate for injury or loss caused by each violation of this section; or

(b) For an intentional violation of this section, a sum of moneys not to exceed three times the sum described in paragraph (a) of this subdivision.

(2) A court, in rendering a judgment in an action brought under this section, may award all or a portion of the costs of litigation, including reasonable attorney's fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

(3) A person who knowingly violates this section is guilty of a class B misdemeanor.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO

HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate

Committee Substitute for Senate Bill No. 724, Page 3, Line 14, by inserting after said line the following:

“Further amend said bill, Page 7, Section 64.231, Line 25, by inserting after said section and line the following:

“67.2300. 1. As used in this section, the following terms mean:

(1) “Department”, any department authorized to allocate funds raised by the state or federal funds received by the state for housing or homelessness;

(2) “State funds”, any funds raised by the state and federal funds received by the state for housing or homelessness, but shall not include any federal funds not able to be used for housing programs pursuant to this section due to federal statutory or regulatory restrictions.

2. State funds for the homeless shall be used for the following:

(1) For parking areas, each area shall provide:

(a) Access to potable water and electric outlets; and

(b) Access to bathrooms sufficient to serve all of the parking areas;

(2) For camping facilities, individuals experiencing homelessness may camp and store personal property at such facilities, which shall be subject to the following:

(a) Individuals shall only camp and store personal property at such facilities in the areas designated to each individual by the agency providing the camping facilities; and

(b) Individuals shall complete a mental health and substance use evaluation as designated by a state or local agency;

(3) For individual shelters, which shall be subject to the following:

(a) Be suitable to house between one and three individuals;

(b) Provide basic sleeping accommodations and access to electricity;

(c) Provide adequate access to showers and bathroom facilities; and

(d) Be limited to occupation by each individual for a period of not more than two years;

(4) For congregate shelters housing more than four homeless individuals in one space, state funds shall be available only to the extent the shelter monitors and provides programs to improve the employment, income, and prevention of return to homelessness of individuals leaving those shelters. The department shall provide performance payments of up to ten percent for such programs that meet guidelines as established by the department.

Individuals utilizing such facilities pursuant to this subsection shall be entered into a homelessness management information system maintained by the local continuum of care.

3. A private campground owner or an employee or officer of a private campground operating such facility pursuant to this section shall be subject to the provisions of section 537.328.

4. (1) State funds otherwise used for the construction of permanent housing for the homeless shall be used to assist such individuals with substance use, mental health treatment, and other services,

including short-term housing. The department shall provide up to twenty-five percent of the base allocation of such funds as performance payments to political subdivisions or not-for-profit organizations providing such services as rewards for meeting predetermined goals on reductions of:

- (a) Days unhoused;**
- (b) Days in jail or prison; and**
- (c) Days hospitalized, with the weights of such days to be determined by the department.**

(2) Political subdivisions and not-for-profit organizations may use state grants otherwise used for permanent housing to conduct surveys to identify individuals with the greatest number of days unhoused, in jail or prison, or hospitalized but these expenses shall not exceed ten percent of the total grant amount.

5. No person shall be permitted to use state-owned lands for unauthorized sleeping, camping, or the construction of long-term shelters. Any violation of this subsection shall be a class C misdemeanor; however, for the first offense such individual shall be given a warning, and no citation shall be issued unless that individual refuses to move to any offered services or shelter.

6. (1) A political subdivision shall not adopt or enforce any policy under which the political subdivision prohibits or discourages the enforcement of any order or ordinance prohibiting public camping, sleeping, or obstructions of sidewalks.

(2) In compliance with subsection 5 of this section, a political subdivision shall not prohibit or discourage a peace officer or prosecuting attorney who is employed by or otherwise under the direction or control of the political subdivision from enforcing any order or ordinance prohibiting public camping, sleeping, or obstructions of sidewalks.

(3) The provisions of this section shall not prohibit a policy of any political subdivision that encourages diversion programs or offering of services in lieu of a citation or arrest.

(4) The attorney general shall have the power to bring a civil action in any court of competent jurisdiction against any political subdivision to enjoin the political subdivision from violating the provisions of this subsection.

(5) The attorney general may recover reasonable expenses incurred in any civil action brought under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

7. Any political subdivision with a higher per-capita rate of homelessness than the state average, as determined by the most recent United States census numbers for the overall population and the most recent federal Department of Housing and Urban Development homelessness point-in-time continuum of care, as defined by 24 C.F.R. 578.5(a), in which the political subdivision is located, shall, within one year of the passage of this act, receive no further state funding by the department until the department determines:

- (1) The political subdivision has a per-capita rate of unsheltered homeless individuals at or below the state average; or**
- (2) The political subdivision is in compliance with subsection 6 of this act.**

8. The department authorized to allocate funds pursuant to this section may promulgate all rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2023, shall be invalid and void.

9. The provisions of this section, including references to the disbursement of state grants and funds, shall not apply to shelters for victims of domestic violence as defined in section 455.200.”; and

Further amend said bill, Page 39, Section 50.810, Line 39, by inserting after said section and line the following:

“Section B. The enactment of section 67.2300 of this act shall become effective on January 1, 2023.”; and”;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 3, Line 14, by inserting after said line the following:

“Further amend said bill, Page 32, Section 164.450, Line 19, by inserting after said section and line the following:

“195.825. 1. “Entity”, the same meaning as in Article XIV, Section 1, of the Missouri Constitution.

2. Records identifying entities licensed under Article XIV, Section 1, of the Missouri Constitution; the ownership structure of such entities; or the individual owners or others with financial or controlling interest in such entities shall not be considered closed records under Article XIV, Section 1, Subsection 3(5) of the Missouri Constitution or under chapter 610, RSMo.

3. The department of health and senior services shall be required to provide the general assembly, or a committee thereof, with access to such records for the purpose of allowing the legislature to determine the following:

(1) Whether the department has adequately exercised the authority granted to it in Article XIV, Section 1, Subsection 3(1)(a) of the Missouri Constitution to grant or refuse state licenses;

(2) Whether patient access has been unreasonably restricted, as provided in Article XIV, Section 1, Subsection 3(1)(b) of the Missouri Constitution;

(3) Whether scoring of license applications has been limited to the criteria provided in Article XIV, Section 1, Subsection 3(1)(h) of the Missouri Constitution;

(4) Whether any entities have received more licenses than allowed under Article XIV, Section 1, Subsection 3(8)-(10); or

(5) Whether there is need for the department to lift or ease any limit on the number of licensees

or certificate holders in order to meet the demand for marijuana for medical use by qualifying patients, as provided under Article XIV, Section 1, Subsection 3(1) of the Missouri Constitution.

4. The provisions of Section 3 of this section shall be considered purposes under which release of reports or other information obtained by a license applicant or licensee is authorized under Article XIV, Section 1, Subsection 3(5) of the Missouri Constitution.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 1, Section A, Line 9, by inserting after all of said section and line the following:

“44.251. 1. This section shall be known and may be cited as the “Protecting Missouri’s Small Businesses Act”.

2. As used in this section, the following terms mean:

(1) “Reason outside the business organization’s control”, any reason for which the governor proclaims a state of emergency as provided in chapter 44. Such reasons include, but are not limited to, communicable disease spread by direct human contact such as person-to-person contact or droplet spread. Such reasons shall not be construed to include violations of sanitation or food safety rules or structural safety rules;

(2) “Shutdown order”, any order by the state or any agency or political subdivision thereof to close a business organization during a state of emergency declared by the governor that is caused by any reason outside the business organization’s control.

3. The general assembly hereby finds and declares the following:

(1) It is an essential function of state government to protect the public health, welfare, peace, safety, and the economic viability and well-being of Missourians;

(2) One method of protecting Missourians is to preserve and promote the economic viability, well-being, and development of businesses in this state;

(3) States of emergency may require the state and its political subdivisions to take necessary emergency actions for the protection of Missourians that may adversely affect the economic viability and well-being of Missourians and businesses in the state;

(4) Such governmental actions should not be entered into without careful consideration of and appropriate concern for the lasting effects that may cause economic loss to Missourians and businesses in the state;

(5) It is the public policy of the state of Missouri that a political subdivision shall give appropriate consideration to the effects of its actions on the economic well-being of Missourians and businesses in the state; and

(6) To ensure that a political subdivision gives appropriate consideration to such actions, a political subdivision shall participate in economic losses caused by the political subdivision’s actions affecting Missourians and businesses in the state as provided in this section.

4. (1) Notwithstanding any other provision of law to the contrary, beginning January 1, 2023, if any political subdivision with jurisdiction over a business implements any shutdown order or orders after the governor declares a state of emergency as provided in this chapter and the business closes solely due to such shutdown order or orders for at least twenty-one consecutive days or at least forty-five cumulative days, the following shall apply:

(a) Any fee for a business license imposed by the political subdivision with jurisdiction over the business shall be waived for the business during the period of the shutdown order or orders or six months, whichever is longer. Fees for a business license may be prorated; and

(b) The political subdivision with jurisdiction over the business shall reduce the real and personal property tax liability of such business based on the number of days the business was shut down in a given year as follows:

a. If the shutdown order or orders end before June first, the appropriate officials responsible for assessing and levying real and personal property taxes and providing statements of taxes due in the political subdivision with jurisdiction over the business shall calculate the tax liability of such business as required by law. After such tax liability is calculated, such officials shall reduce such tax liability as required in this section. Such reduction shall be reflected on the statement of taxes due provided to the taxpayer who is liable for the property taxes of the business. Such appropriate officials shall follow all procedures for calculating such taxes and providing such statements provided by law as practicable. A taxpayer receiving a reduced statement of taxes due shall make full payment of such reduced taxes before the delinquency date as provided by law; and

b. If the shutdown order or orders remain in effect on or after June first, the taxpayer who is liable for the property taxes of the business shall make full payment of taxes due before the delinquency date as provided by law. The appropriate officials responsible for assessing and levying real and personal property taxes and providing statements of taxes due in the political subdivision with jurisdiction over the business shall:

(i) Notify such taxpayer, at the same time the taxpayer's statement of taxes due is provided to the taxpayer as required by law, that the taxpayer may apply for a refund of a portion of the property tax liability of such business as provided in this section;

(ii) Provide a method of applying for a refund of such portion of such tax liability, by which the taxpayer shall provide any information required by the appropriate officials to assist in the calculation of such portion. A refund application made as provided in this subparagraph shall be submitted to the appropriate official no later than the January fifteenth immediately following the refund notification;

(iii) Calculate the amount of such allowable portion to be refunded and notify the taxpayer of such amount. All such calculations for all refund applications shall be completed no later than the February fifteenth following the refund notification; and

(iv) Make payments of all refunds to all taxpayers eligible for the refund. All such payments of refunds shall be completed no later than the March fifteenth immediately following the refund notification.

(2) Notwithstanding any other provision of this section to the contrary, a taxpayer whose tax liability is reduced as provided in this subsection and who leases or rents all or a portion of the

taxpayer's affected real property to one or more renters or lessors shall distribute such amount by which the tax liability is reduced on a pro rata basis to such renters or lessors who are current on all lease or rental payments owed to the taxpayer whose tax liability is reduced.

5. This section shall not be construed to apply to fees required for a license or certification of an individual to practice a profession.

6. This section shall not be construed as an exemption of property from taxation requiring the state to provide restitution or a replacement of revenues lost to a political subdivision. Any action taken by a political subdivision that results in a recalculation or refund of taxes or revenues lost by the political subdivision, or both, shall be construed as an exercise of the political subdivision's authority to levy and collect local tax revenues as provided by state law.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 1, Line 5, by inserting after the word “**contract**” the words “**for the purchase of any services, supplies, information technology, or construction,**”; and

Further amend said amendment and page, Line 16, by inserting after the word “**funding**” the phrase “, **provided such entity conducts commercial activity or transacts business in sectors of the Russian Federation economy that are subject to sanctions imposed by the United States Department of Treasury Office of Foreign Assets Control and provided such entity is prohibited by such sanctions from engaging in such commercial activity or business**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 1, Section A, Line 9, by inserting after all of said section and line the following:

“34.605. 1. No public or private entity receiving public funds shall enter into a contract with Russia, Russian entities, or any other country adversely occupying or attacking a North Atlantic Treaty Organization (NATO) member, Ukraine, Finland, Sweden, or Georgia; except that, nothing in this section shall apply to transactions authorized under Ukraine General License Number 18 issued on February 21, 2022, by the Office of Foreign Assets Control of the United States Department of the Treasury.

2. As used in this section, the following terms mean:

(1) “Private entity”, any for-profit or not-for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, sole proprietorship, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations that receives any public funding;

(2) “Public entity”, the state of Missouri, or any political subdivision thereof, including all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the state, created

by or in accordance with state law or regulations;

(3) “Russia” or “Russian entity”, the country of Russia or any for-profit or not-for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, sole proprietorship, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations organized under the laws of Russia.

3. Any contract that fails to comply with the provisions of this section shall be void against public policy.

4. The commissioner of administration or his or her designee may promulgate regulations to implement the provisions of this section so long as they are consistent with this section and do not create any exceptions. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority of this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 9

Amend House Amendment No. 9 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 1, Line 2, by inserting after the number “724,” the following:

“Page 7, Section 64.231, Line 25, by inserting after said section and line the following:

“67.653. 1. The authority shall have the following powers:

(1) To acquire by gift, bequest, purchase, lease or sublease from public or private sources and to plan, construct, operate and maintain, or to lease or sublease to or from others for construction, operation and maintenance, convention centers, sports stadiums, field houses, indoor and outdoor convention, recreational, and entertainment facilities and centers, playing fields, parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of convention, entertainment and meeting activities and for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground, except that no such stadium, complex or facility shall be used, in any fashion, for the purpose of horse racing or dog racing, and any stadium, complex or facility newly constructed by the authority shall be suitable for multiple purposes and designed and constructed to meet National Football League franchise standards and shall be located adjacent to an existing convention facility;

(2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(3) To maintain an office, and to conduct its meetings at such place or places in the city or in the county as it may designate;

(4) To charge and collect fees and rents for use of the facilities owned or operated by it or leased or subleased from or to others and to deposit any funds received under the provisions of sections 67.650 to 67.658 in a savings or checking account in a bank, credit union, or savings and loan association in this state;

(5) To adopt a common seal;

(6) To contract and to be contracted with, including, but without limitation, the authority to enter into contracts with cities, counties and other political subdivisions and public agencies under sections 70.210 to 70.325, and otherwise, and to enter into contracts with other entities, in connection with the acquisition by gift, bequest, purchase, lease or sublease and in connection with the planning, construction, financing, leasing, subleasing, operation and maintenance of any convention or sports facility and for any other lawful purpose, and to sue and to be sued;

(7) To receive for its lawful activities any rentals, contributions or moneys appropriated or otherwise designated for payment to the authority by municipalities, counties, state or other political subdivisions or public agencies or by the federal government or any agency or officer thereof or from any other source;

(8) To disburse funds for its lawful activities and fix salaries and wages of its officers and employees;

(9) To invest any of the authority's funds in such types of investments as shall be determined by a resolution adopted by the commissioners of the authority;

(10) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension and improvement of any facility, or any part or parts thereof, which it has the power to own, lease or operate, and for any other proper corporate purpose, and to issue negotiable notes, bonds, or other instruments in writing as evidence of sums borrowed, as hereinafter provided in this section:

(a) Bonds issued hereunder shall be issued pursuant to a resolution adopted by the commissioners of the authority which shall set out the estimated cost to the authority of the proposed facility or facilities, and shall further set out the amount of bonds to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution;

(b) Notwithstanding the provisions of section 108.170, such bonds shall bear interest at such rate or rates determined by the authority and shall mature within a period not exceeding fifty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds issued by the authority shall possess all of the qualities of negotiable instruments under the laws of this state;

(c) Such bonds may be payable to bearer, may be registered or coupon bonds and if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same, which resolution may also provide for the exchange of registered and coupon bonds. Such bonds and any coupons attached thereto shall be signed in such manner and by such officers of the authority as may be provided for by the resolution authorizing the same. The authority may provide for the replacement of any bond which shall become mutilated, destroyed or lost;

(d) Bonds issued by the authority shall be payable as to principal, interest and redemption premium, if any, out of all or any part of the general funds of the authority, including rents, revenues, receipts and income derived and to be derived for the use of any facility or combination of facilities, or any part or parts

thereof, acquired, constructed, improved or extended in whole or in part from the proceeds of such bonds, including but not limited to convention center and stadium rentals, concessions, parking facilities and from funds derived from any other facilities or part or parts thereof, owned or operated by the authority, all or any part of which rents, revenues, receipts and income the authority is authorized to pledge for the payment of said principal, interest, and redemption premium, if any, except that direct appropriations of tax revenues received by the authority pursuant to sections 67.656 and 67.657 or otherwise, other than appropriations for the payment of rent, shall not be pledged for the payment of such bonds. Neither the commissioners of the authority nor any person executing its bonds shall be personally liable on such bonds by reason of the issuance thereof. Bonds issued under the provisions of sections 67.653 to 67.655 shall not constitute a debt, liability, or obligation of this state, or any political subdivision of this state, nor shall any such obligations be a pledge of the faith and credit of this state, but shall be payable solely from the revenues and assets held by the authority. The issuance of bonds under sections 67.653 to 67.655 shall not, directly, indirectly, or contingently, obligate the state of Missouri or any political subdivision thereof, or the authority, to levy any form of taxation therefor or to make any appropriation for their payment. Each obligation or bond issued under sections 67.653 to 67.655 shall contain on the face thereof a statement to the effect that the authority shall not be obligated to pay the same nor the interest on such bond, except from the revenues received by the authority or assets of the authority lawfully pledged therefor, and that neither the faith and credit nor the taxing power of this state or of any political subdivision of this state is pledged to the payment of the principal of or the interest on such obligation or bond. Bonds issued pursuant to this section may be further secured by a mortgage, deed of trust, trust agreement, pledge agreement, assignment or security agreement upon the rents, revenues, receipts and income herein referred to or any part thereof, or upon any leasehold interest or other property owned by the authority, or any part thereof, whether then owned or thereafter acquired, except that direct appropriations of tax revenues received by the authority pursuant to sections 67.656 and 67.657 or otherwise, other than appropriations for the payment of rent, shall not secure such bonds. The proceeds of such bonds shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of such bonds or in any such mortgage, deed of trust, trust agreement, pledge agreement or security agreement;

(e) The authority shall fix and maintain rates and rentals and make and collect charges for the use and services of its interest in the facility or facilities or any part thereof owned or operated by the authority which shall be sufficient to pay the cost of operation and maintenance thereof, to pay the principal of and interest on any such bonds payable from such rates, rentals and charges and to provide funds sufficient to meet all requirements of the resolution by which such bonds have been issued;

(f) The resolution authorizing the issuance of any such bonds may provide for the allocation of rents, revenues, receipts and income derived and to be derived by the authority from the use of any facility or part thereof, and of the proceeds received pursuant to sections 67.656 and 67.657, into such separate accounts as shall be deemed to be advisable to assure the proper operation and maintenance of any facility or part thereof and the prompt payment of any bonds issued to finance all or any part of the costs thereof. Such accounts may include reserve accounts necessary for the proper operation and maintenance of any such facility or any part thereof, and for the payment of any such bonds. Such resolution may include such other covenants and agreements by the authority as in its judgment are advisable or necessary properly to secure the payment of such bonds;

(g) The authority may issue negotiable refunding bonds for the purpose of refunding, extending or unifying the whole or any part of such bonds then outstanding, or any bonds, notes or other obligations issued by any other public agency, public body or political subdivision in connection with any facilities to

be acquired, leased or subleased by the authority, which refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding bonds to be refunded and the accrued interest thereon to the date of such refunding, together with any redemption premium, amounts necessary to establish reserve and escrow funds and all costs and expenses incurred in connection with the refunding. The authority may provide for the payment of interest on such refunding bonds at a rate in excess of the bonds to be refunded;

(h) In case any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery;

(i) The authority is hereby declared to be performing a public function and bonds of the authority are declared to be issued for an essential public and governmental purpose and, accordingly, interest thereon and income therefrom shall be exempt from income taxation by the state of Missouri;

(11) To condemn any and all rights or property of any kind or character, necessary for the purposes of the authority, in the manner provided in chapter 523, except that no property now or hereafter vested in or held by the state, the county or the city shall be taken by the authority without the authorization or consent of such party; provided however, that the authority shall provide relocation benefits to all individuals and businesses, occupying said property, in the same manner as such relocation benefits are provided pursuant to the federal Relocation Assistance Act;

(12) To perform all other necessary and incidental functions, and to exercise such additional powers as shall be conferred by the general assembly or by act of Congress.

2. The authority shall proceed to carry out its duties, functions and powers in accordance with sections 67.650 to 67.658, and the authority is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States to effectuate the same, except the power to levy taxes or assessments. In no event shall the state be liable for any deficiency or indebtedness incurred by the authority.

3. The authority shall grant or award at least fifteen percent of all contracts, employment opportunities, professional services and all other special contracts to persons who are members of a racial minority group, as defined in section 37.013.

4. The authority and any city, county, other political subdivision or public agency obtaining funds pursuant to the provisions of this chapter shall be subject to the provisions of sections 34.073 and 34.076.

5. Notwithstanding any provision of sections 67.650 to 67.658 to the contrary, all funds in the economic development trust fund established under section 67.656 shall be used solely for economic development purposes benefiting the people of St. Louis County and the City of St. Louis.

6. Notwithstanding any provision of sections 67.650 to 67.658 to the contrary, all votes of the commission to appropriate, disburse or invest moneys in the economic development trust fund established under section 67.656 shall require a two-thirds majority affirmative vote of all of the commissioners and shall be supported by at least one commissioner from the City of St. Louis and at least one commissioner from St. Louis County.

7. The authority shall have the duties, functions and powers under sections 67.650 to 67.658 with

respect to the use of moneys in the economic development trust fund established under section 67.656, so long as such moneys are used for economic development purposes benefitting the people of St. Louis County and the City of St. Louis. The authority shall have the additional power to use moneys in the economic development trust fund established under section 67.656 to fulfill the responsibility of St. Louis County or the City of St. Louis to provide matching dollars for state, federal, or other grants that serve economic development purposes.

67.656. 1. A “Regional Convention and Sports Complex Fund”, is hereby created. The regional convention and sports complex fund shall be administered by the authority and used to carry out the provisions of sections 67.650 to 67.658. The provisions of section 33.080 to the contrary notwithstanding, all moneys in the fund created by this section shall not be transferred and placed to the credit of the general revenue fund at the end of each biennium.

2. The regional convention and sports complex fund shall be funded with any rents, fees or charges received by the authority pursuant to any contract, agreement, lease or sublease provided for in subsection 3 of section 67.657. If the amounts received by the authority and deposited in the regional convention and sports complex fund are insufficient to discharge the obligations incurred in connection with the financing of any facility, the user, tenant or lessee that secured a letter of credit, policy of insurance or guaranty securing payment of any bonds or other indebtedness issued by the authority to fund the construction of such facility, shall deposit such shortfall in the regional convention and sports complex fund at such time or times as are necessary to discharge the authority’s obligations.

3. An “Economic Development Trust Fund” is hereby created. Notwithstanding any provision of sections 67.650 to 67.658 to the contrary, all moneys that the commission has or will receive by or resulting from settlement or resolution of any dispute or litigation relating to the National Football League or any franchise or professional sports team that is or was formerly affiliated with the National Football League shall be deposited by the authority in the Economic Development Trust Fund.

4. Notwithstanding any provision of sections 67.650 to 67.658 to the contrary, the moneys in the Economic Development Trust Fund shall not be deemed to be part of the general funds of the authority. The provisions of section 33.080 to the contrary notwithstanding, all moneys in the Economic Development Trust Fund shall not be transferred and placed to the credit of the general revenue fund at the end of each biennium.”; and

Further amend said bill,”: and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 9

Amend House Amendment No. 9 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 2, Line 34, by inserting after all of said line the following:

“Further amend said bill, Page 35, Section 473.742, Line 84, by inserting after all of said section and line the following:

“575.095. 1. A person commits the offense of tampering with a judicial officer if, with the purpose to

harass, intimidate or influence a judicial officer in the performance of such officer's official duties, such person:

- (1) Threatens or causes harm to such judicial officer or members of such judicial officer's family;
- (2) Uses force, threats, or deception against or toward such judicial officer or members of such judicial officer's family;
- (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial officer or such judicial officer's family;
- (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or such judicial officer's family, including stalking pursuant to section 565.225 or 565.227[.] ;
- (5) Disseminates through any means, including by posting on the internet, the judicial officer or the judicial officer's family's personal information.**

2. A judicial officer for purposes of this section shall be a judge **or commissioner of the state or federal court**, arbitrator, special master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, [juvenile court commissioner,] state probation or parole officer, or referee.

3. A judicial officer's family for purposes of this section shall be:

- (1) Such officer's spouse; or
- (2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption; or
- (3) Such officer's stepchild, while the marriage creating that relationship exists[.]; **or**
- (4) "Personal information" for purposes of this section includes a Social Security number, federal tax identification number, checking and savings account numbers, credit card numbers, marital status, and identity of a child under eighteen years of age.**

4. The offense of tampering with a judicial officer is a class D felony. **However, if a violation of this section results in death or bodily injury to the judicial officer or a member of the judicial officer's family, the offense shall be a class B felony.**

Section 1. 1. A person commits the offense of tampering with an election official if, with the purpose to harass or intimidate an election official in the performance of such official's official duties, such person:

- 1) Threatens or causes harm to such election official or members of such election official's family;**
- (2) Uses force, threats, or deception against or toward such election official or members of such election official's family;**
- (3) Attempts to induce, influence, or pressure an election official or members of an election official's family to violate state law or the Constitution;**
- (4) Engages in conduct reasonably calculated to harass or alarm such election official or such election official's family, including stalking pursuant to section 565.225 or 565.227;**
- (5) Disseminates through any means, including by posting on the internet, the personal**

information of an election official or any member of an election official's family. For purposes of this section, "personal information" includes a Social Security number, federal tax identification number, checking and savings account numbers, credit card numbers, marital status, or identity of a child under eighteen years of age.

2. For the purposes of this section, the term "election official" includes election judges, challengers, watchers, and other volunteers or employees of an election authority. The offense of tampering with an election official shall be a class D felony. If a violation of this section results in death or bodily injury to an election official or a member of the official's family, the offense shall be a class B felony."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 33, Section 407.475, Line 12, by inserting after all of said section and line the following:

"436.337. Notwithstanding any other provision of law, no political subdivision shall require a property owner to have a home inspection conducted of a residential property regarding the sale of the property. This provision shall not apply to any inspection requirement of new construction or occupancy permits."; and

Further amend said bill and page, Section 442.130, Line 6, by inserting after all of said section and line the following:

"442.403. 1. Any restrictive covenant recitals on property, real or personal, found in any deeds, plats, restrictions, covenants, or other conveyances of any type or nature, filed for record at any time in the office of the recorder of deeds in any county[, which relate] **that relate** to the race, color, religion, or national origin of any person[,] shall be void and unenforceable[,] and shall be ignored, as if the same never existed.

2. Any person or legal entity with an interest in real property or any agent of such person or entity, shall not incur any liability by reason of the mere existence of a restrictive covenant described in subsection 1 of this section in any document filed for record before May 3, 1948, in any recorder of deeds' office.

3. **No deed recorded on or after August 28, 2022, shall contain a reference to the specific portion of a restrictive covenant purporting to restrict the ownership or use of the property as prohibited under subsection 1 of this section. A recorder of deeds may refuse to accept any deed submitted for recording that references the specific portion of any such restrictive covenant. The person who prepares or submits a deed for recording has the responsibility of ensuring that the specific portion of such a restrictive covenant is not specifically referenced in the deed prior to such deed being submitted for recording. A deed may include a general provision that states that such deed is subject to any and all covenants and restrictions of record; however, such provision shall not apply to the specific portion of a restrictive covenant purporting to restrict the ownership or use of the property as prohibited under subsection 1 of this section. Any deed that is recorded after August 27, 2022, that mistakenly contains such a restrictive covenant shall nevertheless constitute a valid transfer of real property.**

4. Any restrictive covenant prohibited under subsection 1 of this section may be released by the owner of real property subject to such covenant by recording a certificate of release of prohibited covenants. The real property owner may record a certificate either prior to recording of a deed

conveying real property to a purchaser or when such real property owner discovers that such prohibited covenant exists and chooses to affirmatively release the same. A certificate may be prepared without assistance of an attorney but shall conform substantially to the following certificate of release of prohibited covenants form:

Certificate of Release of Prohibited Covenants

Place of record: _____

Date of instrument containing prohibited covenant(s): _____

Instrument type: _____

Deed book _____ page _____ or plat book _____ page _____

Name(s) of grantor(s): _____

Name(s) of current owner(s): _____

Real property description: _____

Specific description of prohibited covenant, including a citation to the location within the instrument: _____

The covenant contained in the above-mentioned instrument is released from the above-described real property to the extent that it contains terms purporting to restrict the ownership or use of the property as prohibited by 442.403, RSMo.

The undersigned (is/are) the legal owner(s) of the property described herein.

Given under my/our hand(s) this _____ day of _____, 20__.

(Current owners)

(County/city) of _____.

State of Missouri

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary public

My commission expires: _____”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 32, Section 164.450, Line 19, by inserting after all of said section and line the following:

“260.295. No building code adopted by a political subdivision shall prohibit the use of refrigerants

that are approved for use under the provisions of 42 U.S.C. Section 7671k or the regulations promulgated thereunder, provided any related equipment is installed in accordance with the provisions of 42 U.S.C. Section 7671k or the regulations promulgated thereunder. Any provision of a building code that violates this section shall be null and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 32, Section 164.450, Lines 1 to 19, by deleting all of the said section and lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 35, Section 473.742, Line 84, by inserting after all of said section and line the following:

“535.012. No county, municipality, or other political subdivision shall impose or enforce a moratorium on eviction proceedings unless specifically authorized by state law.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 7, Section 64.231, Line 25, by inserting after all of said section and line the following:

“79.235. 1. Notwithstanding any law to the contrary and for any city of the fourth classification with no more than two thousand inhabitants, if a statute or ordinance authorizes the mayor of a city of the fourth classification to appoint a member of a board or commission, any requirement that the appointed person be a resident of the city shall be deemed satisfied if the person owns real property or a business in the city, regardless of whether the position to which the appointment is made is considered an officer of the city under section 79.250.

2. Notwithstanding any law to the contrary and for any city of the fourth classification with no more than two thousand inhabitants, if a statute or ordinance authorizes a mayor to appoint a member of a board that manages a municipal utility of the city, any requirement that the appointed person be a resident of the city shall be deemed satisfied if all of the following conditions are met:

(1) The board has no authority to set utility rates or to issue bonds;

(2) The person resides within five miles of the city limits;

(3) The person owns real property or a business in the city;

(4) The person or the person’s business is a customer of a public utility, as described under section 91.450, managed by the board; and

(5) The person has no pecuniary interest in, and is not a board member of, any utility company that offers the same type of service as a utility managed by the board.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR
HOUSE AMENDMENT NO. 14

Amend House Substitute Amendment No. 1 for House Amendment No. 14 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 1, Line 12, by inserting after said line the following:

“Further amend said bill, Page 4, Section 50.820, Line 29, by inserting after all of said section and line the following:

“51.050. No person shall be elected or appointed clerk of the county commission unless such person be a citizen of the United States, [over the age of twenty-one years] **twenty-one years of age or older**, and shall have resided within the state one whole year, and within the county for which the person is elected one year just prior to such person’s election; and every clerk shall after the election continue to reside within the county for which such person is clerk.

55.060. No person shall be elected or appointed county auditor of a county of the first class not having a charter form of government or of a county of the second class unless he **or she** is a citizen of the United States [above the age of twenty-one years] , **twenty-one years of age or older**, and has resided within the state for one whole year and within the county for which he **or she** is elected or appointed for three months immediately preceding the election or his **or her** appointment. He **or she** shall also be a person familiar with the theory and practice of accounting by education, training, and experience and able to perform the duties imposed upon the county auditor by the provisions of this chapter. The county auditor shall, after his **or her** appointment or election, reside in the county for which he **or she** is auditor.

58.030. No person shall be elected or appointed to the office of coroner unless he **or she** be a citizen of the United States, [over the age of twenty-one years] **twenty-one years of age or older**, and shall have resided within the state one whole year, and within the county for which he **or she** is elected, six months next preceding the election.”; and

Further amends said bill, Page 7, Section 59.310, Line 91, by inserting after said section and line the following:

“60.010. 1. At the regular general election in the year 1948, and every four years thereafter, the voters of each county of this state in counties of the second, third, and fourth classification shall elect a registered land surveyor as county surveyor, who shall hold office for four years and until a successor is duly elected, commissioned and qualified. The person elected shall be commissioned by the governor.

2. No person shall be elected or appointed surveyor unless such person is a citizen of the United States, [over the age of twenty-one years] **twenty-one years of age or older**, a registered land surveyor, and shall have resided within the state one whole year. An elected surveyor shall have resided within the county for which the person is elected six months immediately prior to election and shall after election continue to reside within the county for which the person is surveyor. An appointed surveyor need not reside within the county for which the person is surveyor.

3. Notwithstanding the provisions of subsection 1 of this section, or any other law to the contrary, the county commission of any county of the third or fourth classification may appoint a surveyor following the deadline for filing for the office of surveyor, if no qualified candidate files for the office in the general

election in which the office would have been on the ballot, provided that the notice required by section 115.345 has been published in at least one newspaper of general circulation in the county. The appointed surveyor shall serve at the pleasure of the county commission, however, an appointed surveyor shall forfeit said office once a qualified individual, who has been duly elected at a regularly scheduled general election where the office of surveyor is on the ballot and who has been commissioned by the governor, takes office. The county commission shall fix appropriate compensation, which need not be equal to that of an elected surveyor.”; and

Further amend said bill and page, Section 64.231, Line 25, by inserting after said section and line the following:

“77.230. No person shall be mayor unless he **or she** be at least [thirty] **twenty-one** years of age, a citizen of the United States and a resident of such city at the time of and for two years next preceding his **or her** election. When two or more persons shall have an equal number of votes for the office of mayor, the matter shall be determined by the council.

79.080. No person shall be mayor unless he **or she** be at least [twenty-five] **twenty-one** years of age, a citizen of the United States and a resident of the city at the time of and for at least one year next preceding his **or her** election.”; and

Further amend said bill, Page 21, Section 92.855, Line 11, by inserting after said section and line the following:

“105.035. No person shall be appointed to an elected public office in the state of Missouri who is delinquent in the payment of state income tax, personal property tax, municipal tax, or real property tax on the person’s place of residence. A candidate for such appointed public office shall provide the appointing authority thereof with a signed and notarized affidavit stating that all state income taxes and property taxes, both personal property and real property, have been paid or the fact that no taxes were owed for the two fiscal years immediately prior to the filing deadline for the requisite elective public office.”; and

Further amend said bill, Page 32, Section 140.1012, Line 30, by inserting after all of said section and line the following:

“162.291. The voters of each seven-director district other than urban districts shall, at municipal elections, elect two directors who are citizens of the United States and resident taxpayers of the district, who have resided in this state for one year next preceding their election or appointment, and who are [at least twenty-four years of age] **twenty-one years of age or older.**”; and

Further amend said bill and page, Section 164.450, Line 19, by inserting after all of said section and line the following:

“190.050. 1. After the ambulance district has been declared organized, the declaring county commission, except in counties of the second class having more than one hundred five thousand inhabitants located adjacent to a county of the first class having a charter form of government which has a population of over nine hundred thousand inhabitants, shall divide the district into six election districts as equal in population as possible, and shall by lot number the districts from one to six inclusive. The county commission shall cause an election to be held in the ambulance district within ninety days after the order establishing the ambulance district to elect ambulance district directors. Each voter shall vote for one director from the ambulance election district in which the voter resides. The directors elected from districts one and four shall

serve for a term of one year, the directors elected from districts two and five shall serve for a term of two years, and the directors from districts three and six shall serve for a term of three years; thereafter, the terms of all directors shall be three years. All directors shall serve the term to which they were elected or appointed, and until their successors are elected and qualified, except in cases of resignation or disqualification. The county commission shall reapportion the ambulance districts within sixty days after the population of the county is reported to the governor for each decennial census of the United States. Notwithstanding any other provision of law, if the number of candidates for the office of director is no greater than the number of directors to be elected, no election shall be held, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they have been elected.

2. In all counties of the second class having more than one hundred five thousand inhabitants located adjacent to a county of the first class having a charter form of government which has a population of over nine hundred thousand inhabitants, the voters shall vote for six directors elected at large from within the district for a term of three years. Those directors holding office in any district in such a county on August 13, 1976, shall continue to hold office until the expiration of their terms, and their successors shall be elected from the district at large for a term of three years. In any district formed in such counties after August 13, 1976, the governing body of the county shall cause an election to be held in that district within ninety days after the order establishing the ambulance district to elect ambulance district directors. Each voter shall vote for six directors. The two candidates receiving the highest number of votes at such election shall be elected for a term of three years, the two candidates receiving the third and fourth highest number of votes shall be elected for a term of two years, the two candidates receiving the fifth and sixth highest number of votes shall be elected for a term of one year; thereafter, the term of all directors shall be three years.

3. A candidate for director of the ambulance district shall, at the time of filing, be a citizen of the United States, a qualified voter of the election district as provided in subsection 1 of this section, a resident of the district for two years next preceding the election, and shall be [at least twenty-four years of age] **twenty-one years of age or older**. In an established district which is located within the jurisdiction of more than one election authority, the candidate shall file his or her declaration of candidacy with the secretary of the board. In all other districts, a candidate shall file a declaration of candidacy with the county clerk of the county in which he or she resides. A candidate shall file a statement under oath that he or she possesses the required qualifications. No candidate's name shall be printed on any official ballot unless the candidate has filed a written declaration of candidacy pursuant to subsection 5 of section 115.127. If the time between the county commission's call for a special election and the date of the election is not sufficient to allow compliance with subsection 5 of section 115.127, the county commission shall, at the time it calls the special election, set the closing date for filing declarations of candidacy.

204.610. 1. There shall be five trustees, appointed or elected as provided for in the circuit court decree or amended decree of incorporation for a reorganized common sewer district, who shall reside within the boundaries of the district. Each trustee shall be a voter of the district and shall have resided in said district for twelve months immediately prior to the trustee's election or appointment. A trustee shall be [at least twenty-five years of age] **twenty-one years of age or older** and shall not be delinquent in the payment of taxes at the time of the trustee's election or appointment. Regardless of whether or not the trustees are elected or appointed, in the event the district extends into any county bordering the county in which the greater portion of the district lies, the presiding commissioner or other chief executive officer of the adjoining county shall be an additional member of the board of trustees, or the governing body of such bordering county may appoint a citizen from such county to serve as an additional member of the board of

trustees. Said additional trustee shall meet the qualifications set forth in this section for a trustee.

2. The trustees shall receive no compensation for their services but may be compensated for reasonable expenses normally incurred in the performance of their duties. The board of trustees may employ and fix the compensation of such staff as may be necessary to discharge the business and purposes of the district, including clerks, attorneys, administrative assistants, and any other necessary personnel. The board of trustees may employ and fix the duties and compensation of an administrator for the district. The administrator shall be the chief executive officer of the district subject to the supervision and direction of the board of trustees. The administrator of the district may, with the approval of the board of trustees, retain consulting engineers for the district under such terms and conditions as may be necessary to discharge the business and purposes of the district.

3. Except as provided in subsection 1 of this section, the term of office of a trustee shall be five years. The remaining trustees shall appoint a person qualified under this section to fill any vacancy on the board. The initial trustees appointed by the circuit court shall serve until the first Tuesday after the first Monday in June or until the first Tuesday after the first Monday in April, depending upon the resolution of the trustees. In the event that the trustees are elected, said elections shall be conducted by the appropriate election authority under chapter 115. Otherwise, trustees shall be appointed by the county commission in accordance with the qualifications set forth in subsection 1 of this section.

4. Notwithstanding any other provision of law, if there is only one candidate for the post of trustee, then no election shall be held, and the candidate shall assume the responsibilities of office at the same time and in the same manner as if elected. If there is no candidate for the post of trustee, then no election shall be held for that post and it shall be considered vacant, to be filled under the provisions of subsection 3 of this section.”: and

Further amend said bill, Page 33, Section 233.095, Line 9, by inserting after said section and line the following:

“247.060. 1. The management of the business and affairs of the district is hereby vested in a board of directors, who shall have all the powers conferred upon the district except as herein otherwise provided. It shall be composed of five members, each of whom shall be a voter of the district and shall have resided in said district one whole year immediately prior to his or her election. A member shall be [at least twenty-five years of age] **twenty-one years of age or older** and shall not be delinquent in the payment of taxes at the time of his **or her** election. Except as provided in subsection 2 of this section, the term of office of a member of the board shall be three years. The remaining members of the board shall appoint a qualified person to fill any vacancy on the board. If no qualified person who lives in the subdistrict for which there is a vacancy is willing to serve on the board, the board may appoint an otherwise qualified person who lives in the district but not in the subdistrict in which the vacancy exists to fill such vacancy.

2. After notification by certified mail that he or she has two consecutive unexcused absences, any member of the board failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to the board. The vacancy shall be filled as other vacancies occurring in the board.

3. The initial members of the board shall be appointed by the circuit court and one shall serve until the immediately following first Tuesday after the first Monday in April, two shall serve until the first Tuesday after the first Monday in April on the second year following their appointment and the remaining appointees

shall serve until the first Tuesday after the first Monday in April on the third year following their appointment. On the expiration of such terms and on the expiration of any subsequent term, elections shall be held as otherwise provided by law, and such elections shall be held in April pursuant to section 247.180.

4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first Tuesday after the first Monday in June until the first Tuesday in April of the third year following the year of their election. All directors elected thereafter shall serve from the first Tuesday in April until the first Tuesday in April of the third year following the year of their election.

5. Each member of the board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two meetings in any calendar month, except that in a county of the first classification, a member shall not be paid for attending more than four meetings in any calendar month. However, no board member shall be paid more than one attendance fee if such member attends more than one board meeting in a calendar week. In addition, the president of the board of directors may receive fifty dollars for attending each regularly or specially called board meeting, but shall not be paid the additional fee for attending more than two meetings in any calendar month. Each member of the board shall be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district.

6. In no event, however, shall a board member receive any attendance fees or additional compensation authorized in subsection 5 of this section until after such board member has completed a minimum of six hours training regarding the responsibilities of the board and its members concerning the basics of water treatment and distribution, budgeting and rates, water utility planning, the funding of capital improvements, the understanding of water utility financial statements, the Missouri sunshine law, and this chapter.

7. The circuit court of the county having jurisdiction over the district shall have jurisdiction over the members of the board of directors to suspend any member from exercising his or her office, whensoever it appears that he or she has abused his or her trust or become disqualified; to remove any member upon proof or conviction of gross misconduct or disqualification for his or her office; or to restrain and prevent any alienation of property of the district by members, in cases where it is threatened, or there is good reason to apprehend that it is intended to be made in fraud of the rights and interests of the district.

8. The jurisdiction conferred by this section shall be exercised as in ordinary cases upon petition, filed by or at the instance of any member of the board, or at the instance of any ten voters residing in the district who join in the petition, verified by the affidavit of at least one of them. The petition shall be heard in a summary manner after ten days' notice in writing to the member or officer complained of. An appeal shall lie from the judgment of the circuit court as in other causes, and shall be speedily determined; but an appeal does not operate under any condition as a supersedeas of a judgment of suspension or removal from office.

249.140. 1. Any candidate for the office of trustee in the district shall be an American citizen [over the age of twenty-five years] **twenty-one years of age or older** and shall have been a resident within the county within which the district is situated for more than four whole years next before the date of the election at which he **or she** is a candidate and shall be a voter of the district. Any person desiring to become a candidate for the office of trustee at the election held on the original incorporation of the district, as provided in section 249.070, shall file with the county commission or with the election commissioners a statement, under oath, that he **or she** possesses the qualifications required by sections 249.010 to 249.420 for trustee and shall pay a filing fee of five dollars, whereupon his **or her** name shall be placed on the ballot as candidate for trustee. Any person desiring to become a candidate for the office of trustee in any subsequent election shall file such statement, under oath, with and pay such filing fee to the secretary of the board of

trustees, whereupon his **or her** name shall be placed on the ballot as candidate for the office of trustee.

2. At such initial election the candidate who receives the highest number of votes shall be elected for a six-year term as trustee; the candidate who receives the second highest number of votes shall be elected for a four-year term as trustee; the candidate who receives the third highest number of votes shall be elected for a two-year term as trustee.

3. After his **or her** election each trustee shall take and subscribe [his] **an** oath or affirmation before the clerk of the circuit court to the effect that he **or she** is qualified to act as trustee under the provisions of sections 249.010 to 249.420 and that he **or she** will perform his **or her** duties as such trustee to the best of his **or her** ability and impartially in the interest of the whole district.

321.130. A person, to be qualified to serve as a director, shall be a resident and voter of the district for at least one year before the election or appointment and [be over the age of twenty-four years] **shall be twenty-one years of age or older**. In the event the person is no longer a resident of the district, the person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200. Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by paying a filing fee equal to the amount of a candidate for county office as set forth under section 115.357, and filing a statement under oath that such person possesses the required qualifications. Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director.”; and

Further amend said bill, Page 35, Section 473.742, Line 84, by inserting after said section and line the following:

“483.010. No person shall be appointed or elected clerk of any court, unless he [be] **or she is** a citizen of the United States, [above the age of twenty-one years] **twenty-one years of age or older**, and shall have resided within the state one whole year, and within the geographical area over which the court has jurisdiction or, in the case of circuit clerks, within the county from which elected, three months before the appointment or election; and every clerk shall, after his **or her** appointment or election, reside in the geographical area over which the court he **or she** serves has jurisdiction or, in the case of circuit clerks, in the county for which he **or she** is clerk.”; and”;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR
HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 1, Section A, Line 9, by inserting after all of said section and line the following:

“43.253. 1. Notwithstanding any other provision of law to the contrary, a minimum fee of five dollars may be charged by the Missouri state highway patrol for a records request for a Missouri Uniform Crash Report or Marine Accident Investigation Report where there are allowable fees of less than five dollars under this chapter or chapter 610. Such fee shall be in place of any allowable fee of less than five dollars.

2. The superintendent of the Missouri state highway patrol may increase the minimum fee described in this section by no more than one dollar every other year beginning August 28, 2022; however, the minimum fee described in this section shall not exceed ten dollars.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Hegeman moved that the Senate refuse to concur in **SS** for **SCS** for **SB 724**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Eslinger, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HB 2149**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON
SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2149

The Conference Committee appointed on Senate Substitute for House Bill No. 2149, with Senate Amendment No. 1, Senate Amendment No. 1 to Senate Amendment No. 3, Senate Amendment No. 3, as amended, and Senate Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Bill No. 2149, as amended;
2. That the House recede from its position on House Bill No. 2149;
3. That the attached Conference Committee Substitute No. 2 for Senate Substitute for House Bill No. 2149, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Brenda K. Shields
/s/ John Black
/s/ David Evans
/s/ Jo Doll
/s/ Patty Lewis

FOR THE SENATE:

/s/ Karla Eslinger
/s/ Jeanie Riddle
/s/ Justin Brown
/s/ Doug Beck
/s/ Jill Schupp

Senator Eslinger moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rizzo	Roberts	Rowden	Schatz	Schupp	Thompson Rehder	White
Wieland	Williams—30					

NAYS—Senators

Burlison Moon—2

Absent—Senators

Riddle Washington—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Eslinger, **CCS No. 2** for **SS** for **HB 2149**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2149

An Act to repeal sections 197.400, 197.445, 327.312, 327.313, 327.314, 327.331, 334.100, 334.530, 334.655, 338.055, 345.015, and 345.050, RSMo, and to enact in lieu thereof seventeen new sections relating to professional licensing, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer	Rizzo
Roberts	Rowden	Schatz	Schupp	Thompson Rehder	White	Wieland
Williams—29						

NAYS—Senators

Burlison	Eigel	Moon—3
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Absent—Senators

Riddle	Washington—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Mosley	O’Laughlin	Razer	Rizzo	Roberts
Rowden	Schatz	Schupp	Thompson Rehder	Washington	White	Wieland
Williams—29						

NAYS—Senators

Burlison	Eigel	Moon	Onder—4
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Absent—Senator Riddle—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Eslinger, title to the bill was agreed to.

Senator Eslinger moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 1462**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

PRIVILEGED MOTIONS

Senator Thompson Rehder, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 690**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 690

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 690, with House Amendment Nos. 2 and 3, House Amendment Nos. 1, 2 and 3 to House Amendment No. 4, House Amendment No. 4 as amended, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5 as amended, House Amendment Nos. 1 and 2 to House Amendment No. 6, and House Amendment No. 6 as amended begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 690, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 690;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 690 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Holly Thompson Rehder

/s/ Bill White

/s/ Lincoln Hough

/s/ Lauren Arthur

/s/ Greg Razer

FOR THE HOUSE:

/s/ Phil Christofanelli

/s/ J. Eggleston

Rusty Black

/s/ Mark A. Sharp

/s/ Raychel Proudie

Senator Thompson Rehder moved that the above conference committee report be adopted.

Senator Bean assumed the Chair.

At the request of Senator Thompson Rehder, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 2168**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 2168**, as amended.

PRIVILEGED MOTIONS

Senator Crawford, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 2168**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2168

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2168, with Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2168, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 2168;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2168, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Jeff Porter

/s/ Derek Grier

/s/ John L. Weimann

/s/ Steve Butz

/s/ Mark Ellebracht

FOR THE SENATE:

/s/ Sandy Crawford

/s/ Karla Eslinger

/s/ Paul Wieland

/s/ Angela Mosley

/s/ Steven Roberts

Pursuant to Senate Rule 91, Senator Luetkemeyer excused himself from voting on the adoption and 3rd reading of **SS** for **SCS** for **HCS** for **HB 2168**.

Senator Crawford moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur

Bean

Beck

Bernskoetter

Brattin

Brown

Burlison

Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	May	Moon	Mosley	O’Laughlin	Onder	Razer
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Thompson Rehder
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators

Koenig Washington—2

Absent with leave—Senators—None

Excused from voting—Senator Luetkemeyer—1

Vacancies—None

On motion of Senator Crawford, **CCS** for **SS** for **SCS** for **HCS** for **HB 2168**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2168

An Act to repeal sections 288.132, 303.025, 303.041, 319.129, 375.159, 376.380, 376.1800, and 379.011, RSMo, and to enact in lieu thereof nine new sections relating to insurance, with penalty provisions and a delayed effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	May	Moon	Mosley	O’Laughlin	Onder
Razer	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
White	Wieland	Williams—31				

NAYS—Senators—None

Absent—Senators

Thompson Rehder Washington—2

Absent with leave—Senators—None

Excused from voting—Senator Luetkemeyer—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hough assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HJR 79**, with **SCS**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing Sections 50 and 51 of Article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to constitutional amendments, with a delayed effective date.

Was called from the Informal Calendar and taken up by Senator Crawford.

SCS for **HCS** for **HJR 79**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 79

Joint Resolution Submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the process for amending the law.

Was taken up.

Senator Crawford moved that **SCS** for **HCS** for **HJR 79** be adopted.

Senator Bean assumed the Chair.

Senator Crawford offered **SS** for **SCS** for **HCS** for **HJR 79**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 79

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to procedures for ballot measures that are submitted to the people.

Senator Crawford moved that **SS** for **SCS** for **HCS** for **HJR 79** be adopted.

Senator Roberts offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Joint Resolution No. 79, Page 2, Section 50, Line 16, by inserting immediately after “forum” the following:

“The secretary of state shall hold at least one public forum for every two-thousand square miles

in a congressional district. Every public forum shall be held in a different county.”

Senator Roberts moved that the above amendment be adopted.

Senator Bernskoetter assumed the Chair.

Senator Beck offered **SA 1 to SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Joint Resolution No. 79, Page 1, Line 7, by inserting at the end of said line the following: “; and

Further amend said section, page 3, line 48, by inserting after all of said line the following:

“3. Notwithstanding Section 2(b) of Article XII of this Constitution to the contrary, the repeal and reenactment of this section shall only take effect when approved by sixty percent or more of the legal voters casting a ballot thereon. For purposes of this subsection, only citizens of the United States of America who are residents of the State of Missouri and who are properly registered to vote in the State of Missouri shall be considered legal voters.”.

Senator Beck moved that the above amendment be adopted.

President Kehoe assumed the Chair.

At the request of Senator Crawford, **HCS for HJR 79**, with **SCS, SS for SCS, SA 1 and SA 1 to SA 1** (pending), was placed on the Informal Calendar.

At the request of Senator Burlison, **HCS for HB 1462**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Hoskins, **HCS for HB 2587** was placed on the Informal Calendar.

HB 1962 was placed on the Informal Calendar.

HB 2202, with **SCS**, was placed on the Informal Calendar.

HCS for HB 1662, entitled:

An Act to repeal section 442.403, RSMo, and to enact in lieu thereof one new section relating to restrictive covenants.

Was taken up by Senator Koenig.

Senator Koenig offered **SS for HCS for HB 1662**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1662

An Act to repeal sections 442.403, 442.404, and 478.240, RSMo, and to enact in lieu thereof eleven new sections relating to restrictions on real property, with an effective date for a certain section.

Senator Koenig moved that **SS for HCS for HB 1662** be adopted.

Senator Koenig offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1662, Page 3, Section 67.137, by striking all of said section from the bill; and

Further amend said bill, page 11, section 476.095, by striking all of said section from the bill; and

Further amend said bill, page 11-13, section 478.240, by striking all of said section from the bill; and

Further amend said bill, page 13, section 535.067, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Roberts offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 1662, Page 1, Section A, Line 5, by inserting after all of said line the following:

“59.310. 1. The county recorder of deeds may refuse any document presented for recording that does not meet the following requirements:

(1) The document shall consist of one or more individual pages printed only on one side and not permanently bound nor in a continuous form. The document shall not have any attachment stapled or otherwise affixed to any page except as necessary to comply with statutory requirements, provided that a document may be stapled together for presentation for recording; a label that is firmly attached with a bar code or return address may be accepted for recording;

(2) The size of print or type shall not be smaller than eight-point type and shall be in black or dark ink. Should any document presented for recording contain type smaller than eight-point type, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;

(3) The document must be of sufficient legibility to produce a clear and legible reproduction thereof. Should any document not be of sufficient legibility to produce a clear and legible reproduction, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;

(4) The document shall be on white [paper] or light-colored **paper** of not less than twenty-pound weight without watermarks or other visible inclusions, except for plats and surveys, which may be on materials such as Mylar or velum. All text within the document shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable;

(5) All signatures on a document shall be in black or dark ink, such that such signatures shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable, and shall have the corresponding name typed, printed or stamped underneath said signature. The typing or printing of any name or the applying of an embossed or inked stamp shall not cover or otherwise materially interfere with any part of the document except where provided for by law;

(6) The documents shall have a top margin of at least three inches of vertical space from left to right, to be reserved for the recorder of deeds' certification and use. All other margins on the document shall be a minimum of three-fourths of one inch on all sides. Nonessential information such as form numbers, page numbers or customer notations may be placed in the margin. A document may be recorded if a minor portion of a seal or incidental writing extends beyond the margins. The recorder of deeds will not incur any liability for not showing any seal or information that extends beyond the margins of the permanent archival record.

2. Every document containing any of the items listed in this subsection that is presented for recording, except plats and surveys, shall have such information on the first page below the three-inch horizontal margin:

- (1) The title of the document;
- (2) The date of the document;
- (3) All grantors' names **and marital status**;
- (4) All grantees' names;
- (5) Any statutory addresses;
- (6) The legal description of the property; and
- (7) Reference book and pages for statutory requirements, if applicable.

If there is not sufficient room on the first page for all of the information required by this subsection, the page reference within the document where the information is set out shall be stated on the first page.

3. From January 1, 2002, documents which do not meet the requirements set forth in this section may be recorded for an additional fee of twenty-five dollars, which shall be deposited in the recorders' fund established pursuant to subsection 1 of section 59.319.

4. Documents which are exempt from format requirements and which the recorder of deeds may record include the following:

- (1) Documents which were signed prior to January 1, 2002;
- (2) Military separation papers;
- (3) Documents executed outside the United States;
- (4) Certified copies of documents, including birth and death certificates;
- (5) Any document where one of the original parties is deceased or otherwise incapacitated; and
- (6) Judgments or other documents formatted to meet court requirements.

5. Any document rejected by a recorder of deeds shall be returned to the preparer or presenter accompanied by an explanation of the reason it could not be recorded.

6. Recorders of deeds shall be allowed fees for their services as follows:

(1) For recording every deed or instrument: five dollars for the first page and three dollars for each page thereafter except for plats and surveys;

(2) For copying or reproducing any recorded instrument, except surveys and plats: a fee not to exceed two dollars for the first page and one dollar for each page thereafter;

(3) For every certificate and seal, except when recording an instrument: one dollar;

(4) For recording a plat or survey of a subdivision, outlets or condominiums: twenty-five dollars for each sheet of drawings or calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height. For recording a survey of one or more tracts: five dollars for each sheet of drawings or calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height. Any plat or survey larger than eighteen inches by twenty-four inches shall be counted as an additional sheet for each additional eighteen inches by twenty-four inches, or fraction thereof, plus five dollars per page of other material;

(5) For copying a plat or survey of one or more tracts: a fee not to exceed five dollars for each sheet of drawings and calculations not larger than twenty-four inches in width and eighteen inches in height and one dollar for each page of other material;

(6) For a document which releases or assigns more than one item: five dollars for each item beyond one released or assigned in addition to any other charges which may apply;

(7) For every certified copy of a marriage license or application for a marriage license: two dollars;

(8) For duplicate copies of the records in a medium other than paper, the recorder of deeds shall set a reasonable fee not to exceed the costs associated with document search and duplication; and

(9) For all other use of equipment, personnel services and office facilities, the recorder of deeds may set a reasonable fee.”; and

Further amend said bill, page 5, section 89.500, line 28, by inserting after all of said line the following:

“92.720. 1. If any of the lands or town lots contained in the back tax book or list of delinquent lands or lots remain unredeemed on the first day of January, the collector may file suit in the circuit court against such lands or lots to enforce the lien of the state and city as herein provided in sections 92.700 to 92.920.

2. The collector shall note opposite such tract in the back tax book the fact that suit has been commenced.

3. The collector shall compile lists of all state, city, school and other tax bills collectible by him which are delinquent according to his records and he shall assign a serial number to each parcel of real estate in each list and if suit has been filed in the circuit court of the city on any delinquent tax bill included in any list, the collector shall give the court docket number of each suit.

4. The sheriff may appoint the collector and the collector’s deputies as deputy sheriffs, and when so appointed they may serve all process in matters pertaining to sections 92.700 to 92.920 with like effect as the sheriff himself might do.

5. No action for recovery of taxes against real estate shall be commenced, had or maintained, unless action therefor shall be commenced within five years after delinquency.

6. For any improved parcel identified by a city operating under sections 92.700 to 92.920 as being vacant, the collector shall, within no more than two years after delinquency, file suit in the circuit court against such lands or lots to enforce the lien of the state and the city as provided in sections

92.700 to 92.920. Failure of the collector to bring suit within the time frame prescribed herein shall not constitute a defense or bar an action for the collection of taxes as otherwise provided by this section.

92.740. 1. A suit for the foreclosure of the tax liens herein provided for shall be instituted by filing in the appropriate office of the circuit clerk and with the land reutilization authority a petition, which petition shall contain a caption, a copy of the list prepared by the collector, and a prayer. Such petition without further allegation shall be deemed to be sufficient.

2. The caption shall be in the following form:

In the Circuit Court of _____ Missouri,

In the Matter of

Foreclosure of Liens for Delinquent Land Taxes

By Action in Rem.

Collector of Revenue of _____, Missouri, Plaintiff

-vs-

Parcels of Land Encumbered with Delinquent Tax Liens, Defendants

3. The petition shall conclude with a prayer that all tax liens upon such real estate be foreclosed; that the court determine the amounts and priorities of all tax bills, together with interest, penalties, costs, and attorney's fees; that the court order such real estate to be sold by the sheriff at public sale as provided by sections 92.700 to 92.920 and that thereafter a report of such sale be made by the sheriff to the court for further proceedings under the provisions of sections 92.700 to 92.920.

4. The petition when so filed shall have the same force and effect with respect to each parcel of real estate therein described as a separate suit instituted to foreclose the tax lien or liens against any one of said parcels of real estate.

5. For each petition filed, the collector shall make available to the public a list detailing each parcel included in the suit.

92.750. 1. **Except as otherwise provided in subsection 4 of this section,** any person having any right, title, or interest in, or lien upon, any parcel of real estate described in such petition may redeem such parcel of real estate by paying to the collector all of the sums mentioned therein, including principal, interest, penalties, attorney's fees and costs then due, at any time prior to the time of the foreclosure sale of such real estate by the sheriff.

2. In the event of failure to redeem prior to the time of the foreclosure sale by the sheriff, such person shall be barred and forever foreclosed of all his right, title and interest in and to the parcels of real estate described in such petition.

3. Upon redemption, as permitted by this section, the person redeeming shall be entitled to a certificate of redemption from the collector describing the property in the same manner as it is described in such petition, and the collector shall thereupon note on his records the word "redeemed" and the date of such payment opposite the description of such parcel of real estate.

4. For any improved nonhomestead parcel, any person having any right, title, or interest in, or lien upon, any parcel of real estate described in the petition may redeem such parcel of real estate at any time prior to the time of the foreclosure sale of such real estate by the sheriff by paying to the collector all of the sums due as of the date of redemption mentioned therein, including principal, interest, penalties, attorney's fees, and costs then due including, but not limited to, all debts owed to the city, exclusive of any debts owed to any statutorily created sewer district, that are known to the collector and that may be collected pursuant to section 67.451, such as amounts for water, forestry, nuisance abatement, special tax bills, and vacant building assessments.

92.760. 1. The collector shall also cause to be prepared and mailed in an envelope with postage prepaid, within thirty days after the filing of such petition, a brief notice of the filing of the suit, to the persons named in the petition as [being the owners] **having an interest in the parcel**, according to the records of the assessor for, **or otherwise known to the collector**, the respective parcels of real estate described in the petition. The notices shall be sent to the addresses [of such persons upon the records of the assessor] **most likely to apprise the parties of the proceedings as provided**, and in the event that any name or address does not appear on the records of the assessor, with respect to any parcel of real estate, the collector shall so state in an affidavit, giving the serial number of each parcel of real estate affected. Such affidavit shall be filed in the suit with the circuit clerk not later than sixty days after the date of the first publication of the notice of foreclosure. The failure of the collector to mail the notice as provided in this section shall invalidate any proceedings brought pursuant to the provisions of sections 92.700 to 92.920. The failure of the collector to file the affidavit as provided in this section shall not affect the validity of any proceedings brought pursuant to the provisions of sections 92.700 to 92.920.

2. Such notice shall be substantially as follows:

To the person to whom this notice is addressed:

According to [the] **available** records [in the assessor's office], you [are the record owner as to] **have a legal interest in** one or more parcels of real estate described in a certain petition bearing cause No. _____ (fill in number of case) filed in the Circuit Court of _____, Missouri, at _____ (fill in city), on _____, 20_____, wherein a foreclosure of the lien of various delinquent tax bills is sought and a court order asked for the purpose of selling such real estate at a public sale for payment of all delinquent tax bills, together with interest, penalties, attorney's fees and costs. Publication of notice of such foreclosure was commenced on the _____ day of _____, 20_____, in _____ (here insert name of city), Missouri.

THE COLLECTOR OF THE CITY OF _____ (Insert name of city) HAS FILED A LAWSUIT AGAINST YOUR PROPERTY. THE LAWSUIT SAYS THAT YOU ARE BEHIND ON YOUR PROPERTY TAXES. YOU COULD LOSE YOUR PROPERTY IF YOU DON'T DO ANYTHING ABOUT THIS.

YOU HAVE A RIGHT TO ENTER INTO AN AGREEMENT WITH THE COLLECTOR TO BRING YOUR TAXES UP TO DATE. YOU MAY CONTACT THE COLLECTOR BY CALLING _____ (Insert telephone number of collector). IF YOU DO NOT UNDERSTAND THIS NOTICE, OR YOU DO NOT KNOW WHAT TO DO, YOU MAY CALL THIS OFFICE FOR FURTHER EXPLANATION OR SEE A LAWYER RIGHT AWAY.

Unless all delinquent taxes be paid upon the parcels of real estate described in such petition and such real estate redeemed prior to the time of the foreclosure sale of such real estate by the sheriff, the

owner or any person claiming any right, title or interest in or to, or lien upon, any such parcels of real estate shall be forever barred and foreclosed of all right, title and interest and equity of redemption in and to such parcels of real estate; except that any such persons shall have the right to file an answer in said suit on or before the _____ day of _____, 20_____, in the office of the Circuit Clerk and a copy thereof to the Collector, setting forth in detail the nature and amount of the interest and any defense or objection to the foreclosure. Dated _____

Collector of Revenue

_____, Missouri

(Name of City)

Address _____

92.765. Affidavits of publication of notice of foreclosure, and of posting, mailing, or other acts required by the provisions of sections 92.700 to 92.920 shall be filed in the office of the circuit clerk prior to the trial, and when so filed shall constitute part of the evidentiary documents in the foreclosure suit. Such affidavits shall be prima facie evidence of the performance of acts therein described, and may be so used in the trial of the suit, unless challenged by verified answer duly filed in the suit. **The collector shall file with the court an affidavit of compliance with notice requirements of sections 92.700 to 92.920 prior to any sheriff's sale. The affidavit shall include the identities of all parties to whom notice was attempted and by what means. In the case of mailed notice returned undeliverable, the collector's affidavit shall certify that additional notice was attempted and by what means. The expense of complying with this section shall be taxed and collected as other costs in the suit.**

92.770. 1. The collector may employ such attorneys as he deems necessary to collect such taxes and to prosecute suits for taxes.

2. Such attorneys shall receive as total compensation a sum, not to exceed six percent of the amount of taxes actually collected and paid into the treasury, and an additional sum not to exceed two dollars for each suit filed when publication is not necessary and not to exceed five dollars where publication is necessary, as may be agreed upon in writing and approved by the collector, before such services are rendered.

3. The [attorney] **attorney's** fees shall be taxed as costs in the suit and collected as other costs.

92.775. 1. Upon the trial of the cause upon the question of foreclosure, the tax bill shall be prima facie proof that the tax described in the tax bill has been validly assessed at the time indicated by the tax bill and that the tax is unpaid. Any person alleging any jurisdictional defect or invalidity in the tax bill or in the sale thereof must particularly specify in his answer the defect or basis of invalidity, and must, upon trial, affirmatively establish such defense.

2. After the court has first determined the validity of the tax liens of all tax bills affecting parcels of real estate described in the petition, the priorities of the respective tax bills and the amounts due thereon, including principal, interest, penalties, attorney's fees, and costs, the court shall thereupon enter judgment of foreclosure of such liens and fix the time and place of the foreclosure sale. The petition shall be dismissed as to any parcel of real estate redeemed prior to the time fixed for the sheriff's foreclosure sale as provided in sections 92.700 to 92.920. If the parcel of real estate auctioned off at sheriff's foreclosure sale is sold for

a sum sufficient to fully pay the principal amount of all tax bills included in the judgment, together with interest, penalties, attorney's fees and costs, and for no more, and such sale is confirmed by the court, then all other proceedings as to such parcels of real estate shall be finally dismissed as to all parties and interests other than tax bill owners or holders; provided, however, that any parties seeking relief other than an interest in or lien upon the real estate may continue with said suit to a final adjudication of such other issues; provided, further, an appeal may be had as to any claim attacking the validity of the tax bill or bills or the priorities as to payment of proceeds of foreclosure sale. If the parcel of real estate auctioned off at sheriff's foreclosure sale is sold for a sum greater than the total amount necessary to pay the principal amount of all tax bills included in the judgment, together with interest, penalties, attorney's fees and costs, and such sale is confirmed by the court, and no appeal is taken by any person claiming any right, title or interest in or to or lien upon said parcel of real estate or by any person or taxing authority owning or holding or claiming any right, title or interest in or to any tax bills within the time fixed by law for the filing of notice of appeal, the court shall thereupon order the sheriff to make distribution to the owners or holders of the respective tax bills included in the judgment of the amounts found to be due and in the order of priorities. Thereafter all proceedings in the suit shall be ordered by the court to be dismissed as to such persons or taxing authorities owning, holding or claiming any right, title or interest in any such tax bill or bills so paid, and the case shall proceed as to any parties claiming any right, title, or interest in or lien upon the parcel of real estate affected by such tax bill or bills as to their respective claims to such surplus funds then remaining in the hands of the sheriff. **The receipt of such surplus funds shall constitute a bar to any claim of right, title, or interest in, or lien upon, said parcel of real estate, by the fund recipient.**

3. Whenever an answer is filed to the petition, as herein provided, a severance of the action as to all parcels of real estate affected by such answer shall be granted, and the issues raised by the petition and such answer shall be tried separate and apart from the other issues in the suit, but the granting of such severance shall not delay the trial or other disposition of any other issue in the case. A separate appeal may be taken from any other issue in the case. A separate appeal may be taken from any action of the court affecting any right, title or interest in or to, or lien upon, such real estate, other than issues of law and fact affecting the amount or validity of the lien of tax bills, but the proceeding to foreclose the lien of any tax bills shall not be stayed by such appeal. The trial shall be conducted by the court without the aid of a jury and the suit shall be in equity. This action shall take precedence over and shall be triable before any other action in equity affecting the title to such real estate, upon motion of any interested party.

92.810. 1. After the judgment of foreclosure has been entered, or, after a motion for a new trial has been overruled, or, if an appeal be taken from such judgment and the judgment has been affirmed, after the sheriff shall have been notified by any party to the suit that such judgment has been affirmed on appeal and that the mandate of the appellate court is on file with the circuit clerk, there shall be a waiting period of six months before any advertisement of sheriff's sale shall be published.

2. If any such parcel of real estate be not redeemed, or if no written contract providing for redemption be made within six months after the date of the judgment of foreclosure, if no motion for rehearing be filed, and, if filed, within six months after such motion may have been overruled, or, if an appeal be taken from such judgment and the judgment be affirmed, within six months after the sheriff shall have been notified by any party to the suit that such judgment has been affirmed on appeal and that the mandate of the appellate court is on file with the circuit clerk, the sheriff shall, after giving the [notice] **notices** required by [subsection 3] **subsections 4 and 5** of this section, commence to advertise the real estate described in the judgment and shall fix the date of sale within thirty days after the date of the first publication of the notice of sheriff's sale as herein provided, and shall at such sale proceed to sell the real estate.

3. **No later than one hundred twenty days prior to the sheriff's sale, the collector shall obtain a title abstract or report on any unredeemed parcels. Such title abstract or report shall be obtained from a licensed title company or attorney and subject to a public and competitive bidding process administered by the collector and conducted triennially. The title report shall include all conveyances, liens, and charges against the real estate, and the names and mailing addresses of any interested parties and lienholders. The charges of said abstract or report shall be taxed as costs and shall be paid as other costs in the case.**

4. **No later than twenty days prior to the sheriff's sale, the collector shall send notice of the sale to the lienholders and interested parties, as disclosed upon the title abstract or report of the real estate for which tax bills thereon are delinquent. The notice shall provide the date, time, and place of the sale. The notice shall also state that the parcel may be redeemed prior to the sale as specified in section 92.750 or by entering into an agreement with the collector to pay the taxes included in the foreclosure suit under section 92.740. The notice required by this subsection shall be mailed in an envelope with postage prepaid. The cost of the mailing and notice as required by this subsection shall be included as costs in the case.**

5. **No later than [twenty] forty days prior to the sheriff's sale, the [sheriff] collector shall send notice of the sale to the [owner or owners,] parties having interest in the parcel as disclosed upon the records of the assessor, or otherwise known to the collector, of the real estate for which tax bills thereon are delinquent. [The search of the records of the assessor must be made not more than forty days prior to the sending of this notice] The notice shall be sent to the addresses most likely to apprise the parties of the proceedings as provided. The notice shall provide the date, time and place of the sale. The notice shall also state that [the property owner] an interested party may avoid the sale by redeeming such parcel of real estate prior to the sale as specified in section 92.750 or, if applicable, by entering into an agreement with the collector to pay the taxes included in the foreclosure suit under section 92.740. The notice required by this subsection shall be mailed in an envelope with postage prepaid. The cost of [the title search,] mailing and notice as required by this subsection shall be included as costs [at the sale of the real estate] in the case.**

6. **No later than twenty days prior to the sheriff's sale, the sheriff shall enter upon the parcel subject to foreclosure of these tax liens and post a written informational notice in a conspicuous location, attached to a structure, and intended to be visible by the nearest public right-of-way. This notice shall describe the property; shall advise that it is the subject of delinquent land tax collection proceedings brought pursuant to sections 92.700 to 92.920 and that it may be sold for the payment of delinquent taxes at a sale to be held at a certain time, date, and place; and shall contain the serial number and the phone number and address of the collector, as well as a statement of the prohibition against removal unless the parcel has been redeemed. The notice shall be not less than eight inches by ten inches and shall be laminated or otherwise sufficiently weatherproofed to withstand normal exposure to rain, snow, and other conditions. The sheriff shall document, by time-stamped photograph, compliance with this section, make said documentation generally available upon request, and provide verification by affidavit of compliance with this section. The cost of notice as required by this subsection shall be included as costs in the case.**

7. **In addition to the other notice requirements of this section, no later than twenty days prior to the sheriff's sale, the sheriff shall attempt in-person notice that shall describe the property; that shall advise that it is the subject of delinquent land tax collection proceedings brought pursuant to sections 92.700 to 92.920 and that it may be sold for the payment of delinquent taxes at a sale to be held a**

certain time, date, and place; and that shall contain the serial number and phone number and address of the collector. In-person notice may be provided to any person found at the property. The sheriff shall note the date and time of attempted notice and the name, description, or other identifying information regarding the person to whom notice was attempted. The sheriff shall document compliance with this section, make said documentation generally available upon request, and provide verification by affidavit of compliance with this section. The cost of notice as required by this subsection shall be included as costs in the case.

[4.] **8.** Notwithstanding the provisions of this section to the contrary, any residential property which has not been redeemed by the end of the waiting period required by this section which has been determined to be of substandard quality or condition under the standards established by the residential renovation loan commission pursuant to sections 67.970 to 67.983 may, upon the request of the residential renovation loan commission, be transferred to the residential renovation loan commission for the purpose of renovation of the property. Any such property transferred pursuant to this subsection shall be renovated and sold by the residential renovation loan commission in the manner prescribed in sections 67.970 to 67.983. The residential renovation loan commission shall reimburse the land reutilization authority for all expenses directly incurred in relation to such property under sections 92.700 to 92.920 prior to the transfer.

92.815. 1. During such waiting period and at any time prior to the time of foreclosure sale by the sheriff, any interested party may redeem any parcel of real estate as provided by sections 92.700 to 92.920; except that during such time and at any time prior to the time of foreclosure sale by the sheriff, the collector shall enter into a written redemption contract with the owner of any real estate occupied as a homestead and who has not previously defaulted upon any such written redemption contract, provided that in no instance shall such installments exceed twelve in number or extend more than twenty-four months next after any agreement for such installment payments shall have been entered into; provided further, that upon good cause being shown by the owner of any parcel of real estate occupied as a homestead, or in the case of improved real estate with a total assessed valuation of not more than five thousand dollars, owned by an individual, the income from such property being a major factor in the total income of such individual, or by anyone on his behalf, the court may, in its discretion, fix the time and terms of payment in such contract to permit all of such installments to be paid within not longer than forty-eight months after any order or agreement as to installment payments shall have been made. **The collector shall not enter into a redemption contract with respect to any improved parcel not occupied as a homestead.**

2. So long as such installments be paid according to the terms of the contract, the six months' waiting period shall be extended, but if any installment be not paid when due, the extension of the waiting period shall be ended and the real estate shall immediately be advertised for sale or included in the next notice of sheriff's foreclosure sale. Notice shall also be sent to the redemption contract [payor] **payer** as specified in subsection [3] 4 of section 92.810.

3. On an annual basis, the collector shall make publicly available the number of parcels under redemption contract under this section.

92.817. 1. **The court shall stay the sale of any parcel to be sold under execution of a tax foreclosure judgment obtained under this chapter, which is the subject of an action filed under sections 447.620 to 447.640, provided that the party that has brought such an action has, upon an order of the court, paid into the circuit court the principal amount of all land taxes then due and owing under the tax foreclosure judgment, exclusive of penalties and interest, prior to the date of any proposed sale under execution.**

2. Upon the granting by the court of temporary possession of any property under section 447.632, upon order, the circuit court shall direct payment to the collector of all principal land taxes theretofore paid to the circuit court. In addition, in any order granting a final judgment or deed under section 447.625 or 447.640, the court shall also order the permanent extinguishment of penalties and interest arising from actions to collect delinquent land taxes due on the parcel against the grantee of said deed, and all successors in interest; excepting however, any defendant in such action.

3. If an owner of the parcel moves the court for restoration of possession under section 447.638, the owner shall pay into the circuit court all land tax amounts currently due and owing on the property, including all statutory penalties, interest, attorney's fees, and court costs retroactive to the date of accrual. Upon an order granting the restoration of possession to an owner under section 447.638, the court shall order that the funds paid to the court under subsection 2 of this section be returned to the payer, and that the funds paid to the court under this subsection be paid out to the collector.

4. If the party that brought the action under sections 447.620 to 447.640 dismisses its action prior to gaining temporary possession of the property, it shall recover any amounts paid into the circuit court prior to that date for principal land taxes.

92.825. 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 92.700 to 92.920, and provided that such sale need not occur during the term of court or while the court is in session.

2. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject only to the tax lien thereon, if any, of the United States of America.

3. The collector shall advance from current tax collections the sums necessary to pay for the publication of all advertisements required by the provisions of sections 92.700 to 92.920 and shall be allowed credit therefor in his accounts with the taxing authorities on a pro rata basis. He shall give credit in such accounts for all such advances recovered by him. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs herein enumerated, including the costs of publication, shall constitute any lien upon the real estate after such sale.

4. No person shall be eligible to bid at the time of the sheriff's sale unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the collector or sheriff that the person is not the owner of any parcel of real estate in the city that is subject to delinquent property taxes, unpaid special tax bills, or vacant building fees. A prospective bidder shall be prohibited from participating in the delinquent land tax sale if he or she has previously bid at a sheriff's sale and failed to pay bid amounts, confirm the sale, or sign a sheriff's deed. The collector or sheriff may require prospective bidders to submit an affidavit attesting to the requirements of this section and is expressly authorized to permanently preclude any prospective bidder from participating in the sale for failure to comply with this section. Notwithstanding the provisions of this section, any taxing authority or land reutilization authority shall be eligible to bid at any sale conducted under this section without making such a demonstration. The purchaser at a sale conducted by the sheriff shall pay cash immediately

at the end of bidding of each parcel on the day of the sale in an amount including all taxes **then** due and owing, **which may be in an amount in excess of or less than the judgment amount**, and other costs, **exclusive of any amounts for debts owed to any statutorily created sewer district** [as otherwise provided by law].

92.835. 1. The title to any real estate which shall vest in the land reutilization authority under the provisions of sections 92.700 to 92.920 shall be held by the land reutilization authority of the city in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure.

2. The title to any real estate which shall vest in any purchaser, upon confirmation of such sale by the court, shall be an absolute estate in fee simple, subject to rights-of-way thereon of public utilities on which tax has been otherwise paid, and subject to any tax lien thereon of the United States of America, if any, and all persons, including the state of Missouri, **any taxing authority or tax district as defined herein, judgment creditors, lienholders**, minors, incapacitated and disabled persons, and nonresidents who may have had any right, title, interest, claim, or equity of redemption in or to, or lien upon, such lands shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of redemption, and the court shall order immediate possession of such real estate be given to such purchaser[; provided, however, that such title shall also be subject to the liens of any tax bills which may have attached to such parcel of real estate prior to the time of the filing of the petition affecting such parcel of real estate not then delinquent, or which may have attached after the filing of the petition and prior to sheriff's sale and not included in any answer to such petition, but]. If such parcel of real estate is sold to the land reutilization authority the title thereto shall be free of any [such] liens to the extent of the interest of any taxing authority in such real estate; provided further, that such title shall not be subject to the lien of special tax bills [which has attached to the parcel of real estate prior to January 1, 1972, but the lien of such special tax bills shall attach to the proceeds of the sheriff's sale or to the proceeds of the ultimate sale of such parcel by the land reutilization authority].

92.840. 1. **Within six months** after the sheriff sells any parcel of real estate, the court shall, upon its own motion or upon motion of any interested party, set the cause down for hearing to confirm **or set aside** the foreclosure sale of the real estate, even though such parcels are not all of the parcels of real estate described in the notice of sheriff's foreclosure sale. Notice of the hearing shall be sent by any interested party, or the court, moving to confirm the foreclosure sale, to each person who [received] **was sent** notice of sale as specified in [subsection 3] **subsections 4 and 5** of section 92.810 **and to any other necessary parties as required by prevailing notions of due process**. At the time of such hearing, the sheriff shall make report of the sale, and the court shall hear evidence of the value of the property offered on behalf of any interested party to the suit, and shall immediately determine whether an adequate consideration has been paid for each such parcel. **Any parcel deemed to have been purchased by the land reutilization authority pursuant to section 92.830 shall not require any inquiry as to value. The court's judgment shall include a specific finding that adequate notice was provided to all necessary parties pursuant to prevailing notions of due process and sections 92.700 to 92.920, reciting the notice efforts of the collector, sheriff, and tax sale purchaser. Nothing in this section shall be interpreted to preclude a successful tax sale purchaser from asserting a claim to quiet title to the bid upon parcel pursuant to section 527.150.**

2. For this purpose, the court shall have power to summon any city official or any private person to testify as to the reasonable value of the property, and if the court finds that adequate consideration has been

paid, he shall confirm the sale and order the sheriff to issue a deed with restriction as provided herein to the purchaser subject to the application of an occupancy permit for all parcels as provided in subsection [5] 7 of this section. If the court finds that the consideration paid is inadequate, the purchaser may increase his bid to such amount as the court may deem to be adequate, whereupon the court may confirm the sale. If, however, the purchaser declines to increase his bid and make such additional payment, then the sale shall be disapproved, the lien of the judgment continued, and such parcel of real estate shall be again advertised and offered for sale by the sheriff to the highest bidder at public auction for cash at any subsequent sheriff's foreclosure sale.

3. If the sale is confirmed, the court shall order the proceeds of the sale applied in the following order:

(1) To the payment of the costs of the publication of the notice of foreclosure and of the sheriff's foreclosure sale;

(2) To the payment of all **of the collector and sheriff's** costs including appraiser's fee and attorney's fees;

(3) To the payment of all tax bills adjudged to be due in the order of their priority, including principal, interest and penalties thereon. If, after such payment, there is any sum remaining of the proceeds of the sheriff's foreclosure sale, the court shall thereupon try and determine the other issues in the suit in accordance with section 92.775. If any answering parties have specially appealed as provided in section 92.845, the court shall retain the custody of such funds pending disposition of such appeal, and upon disposition of such appeal shall make such distribution. If there are not sufficient proceeds of the sale to pay all claims in any class described, the court shall order the same to be paid pro rata in accordance with the priorities.

4. If there are any funds remaining of the proceeds after the sheriff's sale and after the distribution of such funds as set out in this section and no person entitled to any such funds, whether or not a party to the suit, shall, within two years after such sale, appear and claim the funds, [they] **ten percent** shall be distributed to the **St. Louis Affordable Housing Trust Fund or equivalent of such city operating under sections 92.700 to 92.920 for purposes that promote the reduction and prevention of vacant properties, blight remediation, and cleanup and maintenance of vacant property, with the remainder to be distributed** to the appropriate taxing authorities.

5. **Any city operating under the provisions of sections 92.700 to 92.920, by ordinance, may elect to allocate a portion of its share of the proceeds of the sheriff's sale towards a fund for the purpose of defending against claims challenging the sufficiency of notice provisions under this section.**

6. For the purpose of this section, the term "occupancy permit" shall mean the certificate of [use and] **inspection or occupancy permit for residential or commercial structures** as provided for in the revised municipal code of any city not within a county, which now has or may hereafter have a population in excess of three hundred thousand inhabitants.

[6.] 7. If there is a building or structure on the parcel, the purchaser shall apply for an occupancy permit from the city or appropriate governmental agency within ten days after the confirmation hearing. Any purchaser who is a public corporation acting in a governmental capacity shall not be required to acquire the occupancy permit. When a parcel, acquired at a sheriff sale, containing a building is sold from a public corporation acting in a governmental capacity, the subsequent purchaser shall be required to apply for the occupancy permit. Failure to apply for such occupancy permit within ten days after confirmation shall result

in the sale and confirmation being immediately set aside by the motion of any interested party and that parcel shall again be advertised and offered for sale by the sheriff to the highest bidder at public auction for cash at any subsequent sheriff foreclosure sale.

[7.] **8.** The sheriff shall include a deed restriction in the sheriff's deed, issued after confirmation and after the application of an occupancy permit for any parcel containing a building or structure. The deed restriction shall state that the purchasers at the sheriff's sale who had the property confirmed and who applied for an occupancy permit shall obtain an occupancy permit for the building or structure from the appropriate governmental agency prior to any subsequent transfer or sale of this property. This deed restriction shall **not** exist as a lien against such real estate [while the purchasers hold same in the amount of five thousand dollars]. The purchasers of the property at the sheriff sale who had the property confirmed and applied for the occupancy permit shall agree that in the event of their failure to obtain an occupancy permit prior to any subsequent transfer of the property, they shall pay to the sheriff the sum of five thousand dollars as fixed, liquidated and ascertained damages without proof of loss or damages. **These damages shall not constitute a lien on property, and** the sheriff shall have the discretionary power to file a lawsuit against such purchaser for collection of these liquidated damages. These liquidated damages shall be distributed on a prorated basis to the appropriate taxing authority after the sheriff deducts all costs, expenses and [attorney] **attorney's** fees for such lawsuits. The sheriff may employ attorneys as he deems necessary to collect liquidated damages.

9. If any sale is not confirmed within six months after the sale, any set-aside of the sale may, at the discretion of the court or collector, include a penalty of twenty-five percent of the bid amount over and above the opening bid amount, and such penalty shall be directed to the affordable housing trust fund or the equivalent, if any, of a city operating under sections 92.700 to 92.920.

10. Any interested party, other than the sheriff's sale purchaser, who moves the court to set aside a sheriff's sale after the issuance of a sheriff's deed made under the provisions of sections 92.700 to 92.920 shall be required to pay into the court the redemption amount otherwise necessary under section 92.750 prior to the court hearing any such motion to set aside. The court may hear any motion to confirm brought under the terms of this section if the redemption amount is not paid by the interested party moving the court to set aside the sale.

92.852. Any sheriff's deed given pursuant to the municipal land reutilization law shall be subject to a recording fee for the costs of recording the deed that shall be assessed and collected from the purchaser of the property at the same time the proceeds from the sale are collected. All such deeds shall be recorded at the office of the recorder of deeds within two months after the [sheriff's deed is given] **court confirms the sale, if no proceeding to set aside the confirmation judgment is before the court.**

92.855. Each sheriff's deed given pursuant to the provisions of the municipal land reutilization law shall be [presumptive] **prima facie** evidence that the suit and all proceedings therein and all proceedings prior thereto from and including assessment of the lands affected thereby and all notices required by law were regular and in accordance with all provisions of the law relating thereto. [After two years from the date of the recording of such sheriff's deed, the presumption shall be conclusive, unless at the time that this section takes effect the two-year period since the recording of such sheriff's deed has expired, or less than six months of such period of two years remains unexpired, in which latter case the presumption shall become conclusive six months after September 28, 1971. No suit to set aside or to attack the validity of any such sheriff's deed shall be commenced or maintained unless the suit is filed prior to the time that the presumption becomes conclusive, as aforesaid.]; and

Further amend said bill, page 6, section 260.295, line 8, by inserting after all of said line the following:

“442.130. **1.** All deeds or other conveyances of lands, or of any estate or interest therein, shall be subscribed by the party granting the same, or by his lawful agent, and shall be acknowledged or proved and certified in the manner herein prescribed.

2. All written instruments conveying real estate or any interest in real estate shall state whether any natural person acting as grantors, mortgagors, or other parties executing the instrument are married or unmarried.”; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Koenig moved that **SS** for **HCS** for **HB 1662**, as amended, be adopted, which motion prevailed.

Senator Hough assumed the Chair.

Senator Hegeman assumed the Chair.

On motion of Senator Koenig, **SS** for **HCS** for **HB 1662**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Mosley	Onder	Razer
Riddle	Roberts	Rowden	Schatz	Thompson Rehder	Washington	White

Wieland—29

NAYS—Senators

Moon	Rizzo	Schupp	Williams—4
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Absent—Senator O’Laughlin—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HB 1738, with **SCS**, introduced by Representative Dogan, entitled:

An Act to repeal section 227.787, RSMo, and to enact in lieu thereof one new section relating to the designation of a memorial highway.

Was taken up by Senator Roberts.

SCS for **HB 1738**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1738

An Act to repeal sections 9.339 and 227.787, RSMo, and to enact in lieu thereof four new sections relating to state designations.

Was taken up.

Senator Roberts moved that **SCS** for **HB 1738** be adopted.

Senator Roberts offered **SS** for **SCS** for **HB 1738**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1738

An Act to repeal sections 9.010, 9.339, 10.095, 227.785, and 227.787, RSMo, and to enact in lieu thereof fifty-one new sections relating to state designations.

Senator Roberts moved that **SS** for **SCS** for **HB 1738** be adopted.

Senator Brattin offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1738, Page 12, Section 8, Line 4, by inserting after all of said line the following:

“Section 9. The month of September is hereby designated as “Hydrocephalus Awareness Month” in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities so that Missourians can become more familiar with hydrocephalus and the individuals dedicated to finding its cure.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Razer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1738, Page 2, Section 9.275, Line 6, by inserting after all of said line the following:

“9.280. July second of each year shall be known and designated as “Mormon War Remembrance Day” in honor and recognition of the ten thousand members of the Mormon church who were subjected to injustice and undue suffering through Executive Order 44 by Governor Lilburn Boggs and the Mormon War in 1838.”; and

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

Senator Bean assumed the Chair.

Senator Bernskoetter offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1738, Page 12, Section 8, Line 4, by inserting after all of said line the following:

“Section 9. The month of June of each year is hereby designated as “Scoliosis Awareness Month”. The citizens of this state are encouraged to engage in appropriate events and activities to encourage screening for and increase awareness of scoliosis.”; and

Further amend the title and enacting clause accordingly.

Senator Bernskoetter moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1738, Page 12, Section 8, Line 4, by inserting after all of said line the following:

“Section 9. April fifteenth of every year is hereby designated as “Dangers of Inflation Awareness Day” in Missouri. The citizens of this state are encouraged to be mindful of the dangers of monetary inflation and the detrimental effects of monetary inflation on our economy.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Moon offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1738, Page 1, Section 9.010, Line 11, by inserting after all of said line the following:

“9.142. January thirty-first of every year is hereby designated as “Constitution Day” in Missouri. Citizens of this state are encouraged to participate in appropriate events and activities in recognition of the enduring brilliance of our founding charter that established a system of checks and balances designed to preserve liberty, promote prosperity, and ensure the security of our beloved country.”; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted, which motion prevailed.

Senator Beck offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1738, Page 12, Section 8, Line 4, by inserting after all of said line the following:

“Section 9. March twenty-sixth of each year is hereby designated as “Epilepsy Awareness Day”. The citizens of this state are encouraged to participate in appropriate activities and events to increase awareness of epilepsy and its related symptoms.”; and

Further amend the title and enacting clause accordingly.

Senator Beck moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1738, Page 6, Section 9.362, Line 6, by inserting after all of said line the following:

“9.366. The month of March is hereby designated as “Problem Gambling Awareness Month” in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities to increase public awareness of problem gambling and the availability of prevention, treatment, and recovery services.”; and

Further amend the title and enacting clause accordingly.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Roberts moved that **SS for SCS for HB 1738**, as amended, be adopted, which motion prevailed.

On motion of Senator Roberts, **SS for SCS for HB 1738**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Riddle	Rizzo	Roberts	Rowden	Schatz	Thompson Rehder	Washington
White	Wieland	Williams—31				

NAYS—Senator Moon—1

Absent—Senators

Brattin Schupp—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Roberts, title to the bill was agreed to.

Senator Roberts moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HB 2365, introduced by Representative Shields, entitled:

An Act to repeal section 161.217, RSMo, and to enact in lieu thereof one new section relating to the early learning quality assurance report program.

Was taken up by Senator Hegeman.

Senator Hegeman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 2365, Page 2, Section 161.217, Line 27, by striking the opening bracket “[” from said line; and further amend line 28, by striking “new”; and further amend line 29, by striking “three” and inserting in lieu thereof “**six**”; and further amend said line, by striking “2019” and inserting in lieu thereof the following: “**2022**”; and further amend line 35, by striking the closing bracket “]” from said line.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Hegeman, **HB 2365**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Hough	Luetkemeyer	May	Mosley
O’Laughlin	Razer	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Williams—25			

NAYS—Senators

Brattin	Burlison	Eigel	Hoskins	Koenig	Moon	Onder—7
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Absent—Senators

Thompson Rehder	Wieland—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 724**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 834**, entitled:

An Act to repeal sections 217.035, 217.650, 217.670, 217.703, 217.710, 217.720, 217.785, 217.810, 548.241, 559.036, and 559.115, RSMo, and to enact in lieu thereof nineteen new sections relating to department of corrections programs.

With House Amendment No. 1, House Amendment No. 2 to House Amendment No. 2, House Amendment No. 3 to House Amendment No. 2, House Amendment No. 4 to House Amendment No. 2, House Amendment No. 5 to House Amendment No. 2, House Amendment No. 6 to House Amendment No. 2, House Amendment No. 7 to House Amendment No. 2, House Amendment No. 8 to House Amendment No. 2, House Amendment No. 10 to House Amendment No. 2, House Amendment No. 12 to House Amendment No. 2, House Amendment No. 13 to House Amendment No. 2, House Amendment No. 14 to House Amendment No. 2 and House Amendment No. 2, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 834, Page 1, In The Title, Line 4, by deleting the phrase “department of corrections programs” and inserting in lieu thereof the phrase “public safety”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 834, Page 19, Line 36, by deleting said line and inserting in lieu thereof the following:

“and if such vehicle [is ten years of age or less and] **is model year 2012 or newer and** has less than one hundred fifty thousand miles on”; and

Further amend said amendment and page, Lines 46-47, by deleting the phrase “is ten years of age or less and” and inserting in lieu thereof the following:

“[is ten years of age or less and] **is model year 2012 or newer and**”; and

Further amend said amendment, Page 22, Line 43, by inserting after said line the following:

“307.350. 1. The owner of every motor vehicle as defined in section 301.010 which is required to be registered in this state, except:

(1) Motor vehicles having less than one hundred fifty thousand miles[, for the ten-year period following their model year of manufacture] **and of model year 2012 or newer**, excluding prior salvage vehicles immediately following a rebuilding process and vehicles subject to the provisions of section 307.380;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by

the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131;

(4) Vehicles registered in excess of twenty-four thousand pounds for a period of less than twelve months;

shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred; however, if a vehicle was purchased from a motor vehicle dealer and a valid inspection had been made within sixty days of the purchase date, the new owner shall be able to utilize an inspection performed within ninety days prior to the application for registration or transfer. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144 or a set of any license plates available pursuant to section 301.142, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 834, Page 13, Line 19, by inserting all of said line the following:

“196.1170. 1. This section shall be known and may be cited as the “Kratom Consumer Protection Act”.

2. As used in this section, the following terms mean:

(1) “Dealer”, a person who sells, prepares, or maintains kratom products or advertises, represents, or holds oneself out as selling, preparing, or maintaining kratom products. Such person may include, but not be limited to, a manufacturer, wholesaler, store, restaurant, hotel, catering facility, camp, bakery, delicatessen, supermarket, grocery store, convenience store, nursing home, or food or drink company;

(2) “Department”, the department of health and senior services;

(3) “Director”, the director of the department or the director’s designee;

(4) “Food”, a food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage for human consumption;

(5) “Kratom product”, a food product or dietary ingredient containing any part of the leaf of the plant *Mitragyna speciosa*.

3. The general assembly hereby occupies and preempts the entire field of regulating kratom products to the complete exclusion of any order, ordinance, or regulation of any political subdivision of this state. Any political subdivision’s existing or future orders, ordinances, or regulations relating to kratom products are hereby void.

4. (1) A dealer who prepares, distributes, sells, or exposes for sale a food that is represented to be a kratom product shall disclose on the product label the factual basis upon which that representation is made.

(2) A dealer shall not prepare, distribute, sell, or expose for sale a food represented to be a kratom product that does not conform to the disclosure requirement under subdivision (1) of this subsection.

5. A dealer shall not prepare, distribute, sell, or expose for sale any of the following:

(1) A kratom product that is adulterated with a dangerous non-kratom substance. A kratom product shall be considered to be adulterated with a dangerous non-kratom substance if the kratom product is mixed or packed with a non-kratom substance and that substance affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer;

(2) A kratom product that is contaminated with a dangerous non-kratom substance. A kratom product shall be considered to be contaminated with a dangerous non-kratom substance if the kratom product contains a poisonous or otherwise deleterious non-kratom ingredient including, but not limited to, any substance listed in section 195.017;

(3) A kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two percent of the alkaloid composition of the product;

(4) A kratom product containing any synthetic alkaloids, including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compounds of the plant *Mitragyna speciosa*; or

(5) A kratom product that does not include on its package or label the amount of mitragynine and 7-hydroxymitragynine contained in the product.

6. A dealer shall not distribute, sell, or expose for sale a kratom product to an individual under eighteen years of age.

7. (1) If a dealer violates subdivision (1) of subsection 4 of this section, the director may, after notice and hearing, impose a fine on the dealer of no more than five hundred dollars for the first offense and no more than one thousand dollars for the second or subsequent offense.

(2) A dealer who violates subdivision (2) of subsection 4 of this section, subsection 5 of this section, or subsection 6 of this section is guilty of a class D misdemeanor.

(3) A person aggrieved by a violation of subdivision (2) of subsection 4 of this section or subsection 5 of this section may, in addition to and distinct from any other remedy at law or in equity, bring a private cause of action in a court of competent jurisdiction for damages resulting from that violation including, but not limited to, economic, noneconomic, and consequential damages.

(4) A dealer does not violate subdivision (2) of subsection 4 of this section or subsection 5 of this section if a preponderance of the evidence shows that the dealer relied in good faith upon the representations of a manufacturer, processor, packer, or distributor of food represented to be a kratom product.

8. The department shall promulgate rules to implement the provisions of this section including, but not limited to, the requirements for the format, size, and placement of the disclosure label required pursuant to subdivision (1) of subsection 4 of this section and for the information to be included in the disclosure label. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 834, Page 77, Lines 34-37, by deleting said lines and inserting in lieu thereof the following:

“2. A judicial officer for purposes of this section shall be a **current or former: judge or commissioner of the state or federal court, arbitrator, special master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, [juvenile court commissioner,] state **or federal** probation or parole officer, [or] referee, **or the attorney general or his or her assistant attorneys”**; and**

Further amend said amendment, Page 102, Line 10, by inserting after said line the following:

“Section 3. A person commits the offense of tampering with a public official if, with the purpose to harass, intimidate, or influence a public official in the performance of such official’s official duties, such person disseminates through any means, including by posting on the internet, the public official’s family’s personal information. For purposes of this section, “personal information” includes a home address, Social Security number, federal tax identification number, checking or savings account numbers, marital status, and identity of a child under eighteen years of age. For the purposes of this section, the term “public official” includes current or former members of the general assembly, statewide elected officials, first responders, children’s division employees, and employees of the department of corrections. The offense of tampering with a public official shall be a class D felony. If a violation of this section results in death or bodily injury to a public official or a member of the public official’s family, the offense shall be a class B felony.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 834, Page 45, Lines 23-48, Page 46, Lines 1-49, Page 47, Lines 1-49, and Page 48, Lines 1-17, by deleting all of said lines and inserting in lieu thereof the following:

“559.036. 1. A term of probation commences on the day it is imposed. Multiple terms of Missouri probation, whether imposed at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole term for another offense to which the defendant is or becomes subject during the period[, unless otherwise specified by the Missouri court].

2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under section 559.016 if warranted by the conduct of the defendant and the ends of justice. The court may extend the term of the probation, but no more than one extension of any probation may be ordered except that the court may extend the term of probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension shall not exceed the maximum term established in section 559.016. **Total time on any probation term shall not include time when the probation term is suspended under this section.** Procedures for termination, discharge and extension may be established by rule of court.

(1) The division of probation and parole shall file a notification of earned discharge from probation with the court for any defendant who has completed at least sixty percent of the probation term, rounded up to the nearest whole month, and is compliant with the terms of supervision as ordered by the court and division. If a defendant submits to the division of probation and parole verifiable documentation of employment of at least one hundred thirty wage-earning hours per month for a period of at least six consecutive months, then the division of probation and parole shall file a notification of earned discharge from probation with the court once the defendant has completed at least forty percent of the probation term, rounded up to the nearest whole month, and is compliant with the terms of supervision as ordered by the court and division. The division shall not file a notification of earned discharge for any defendant who has not paid ordered restitution in full, is on a term of probation for any class A or class B felony, or is subject to lifetime supervision under

sections 217.735 and 559.106. The division shall notify the prosecuting or circuit attorney when a notification of earned discharge is filed.

(2) The prosecuting or circuit attorney may request a hearing within thirty days of the filing of the notification of earned discharge from probation. If the state opposes the discharge of the defendant, the prosecuting or circuit attorney shall argue the earned discharge is not appropriate and the defendant should continue to serve the probation term.

(3) If a hearing is requested, the court shall hold the hearing and issue its order no later than sixty days after the filing of the notification of earned discharge from probation. If, after a hearing, the court finds by a preponderance of the evidence that the earned discharge is not appropriate, the court shall order the probation term to continue, may modify the conditions of probation as appropriate, and may order the continued supervision of the defendant by either the division of probation and parole or the court. If, after a hearing, the court finds that the earned discharge is appropriate, the court shall order the defendant discharged from probation.

(4) If the prosecuting or circuit attorney does not request a hearing, the court shall order the defendant discharged from probation within sixty days of the filing of the notification of earned discharge from probation but no earlier than thirty days from the filing of notification of earned discharge from probation.

3. If the defendant violates a condition of probation at any time prior to the expiration or termination of the probation term, the court may continue him or her on the existing conditions, with or without modifying or enlarging the conditions or extending the term.

4. (1) Unless the defendant consents to the revocation of probation, if a continuation, modification, enlargement or extension is not appropriate under this section, the court shall order placement of the offender in one of the department of corrections' one hundred twenty-day programs so long as:

(a) The underlying offense for the probation is a class D or E felony or an offense listed in chapter 579 or an offense previously listed in chapter 195; except that, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying offense is involuntary manslaughter in the second degree, stalking in the first degree, assault in the second degree, sexual assault, rape in the second degree, domestic assault in the second degree, assault in the third degree when the victim is a special victim, statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual assault, sodomy in the second degree, sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy, any case in which the defendant is found guilty of a felony offense under chapter 571, or an offense of aggravated stalking or assault of a law enforcement officer in the second degree as such offenses existed prior to January 1, 2017;

(b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision;

(c) The defendant has not violated any conditions of probation involving the possession or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain individual; and

(d) The defendant has not already been placed in one of the programs by the court for the same underlying offense or during the same probation term.

(2) Upon receiving the order, the department of corrections shall conduct an assessment of the offender and place such offender in the appropriate one hundred twenty-day program under subsection 3 of section 559.115.

(3) Notwithstanding any of the provisions of subsection 3 of section 559.115 to the contrary, once the defendant has successfully completed the program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation. Time served in the program shall be credited as time served on any sentence imposed for the underlying offense.

5. If the defendant consents to the revocation of probation or if the defendant is not eligible under subsection 4 of this section for placement in a program and a continuation, modification, enlargement, or extension of the term under this section is not appropriate, the court may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a second term of probation. Such probation shall be for a term of probation as provided by section 559.016, notwithstanding any amount of time served by the offender on the first term of probation.

6. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether such probationer violated a condition of probation and, if a condition was violated, whether revocation is warranted under all the circumstances. Not less than five business days prior to the date set for a hearing on the violation, except for a good cause shown, the judge shall inform the probationer that he or she may have the right to request the appointment of counsel if the probationer is unable to retain counsel. If the probationer requests counsel, the judge shall determine whether counsel is necessary to protect the probationer's due process rights. If the judge determines that counsel is not necessary, the judge shall state the grounds for the decision in the record.

7. The prosecuting or circuit attorney may file a motion to revoke probation or at any time during the term of probation, the court may issue a notice to the probationer to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own motion, the court may immediately enter an order suspending the period of probation and may order a warrant for the defendant's arrest. The probation shall remain suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the probation reinstated.

8. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period.

9. A defendant who was sentenced prior to January 1, 2017 to an offense that was eligible at the time

of sentencing under paragraph (a) of subdivision (1) of subsection 4 of this section for the court ordered detention sanction shall continue to remain eligible for the sanction so long as the defendant meets all the other requirements provided under subsection 4 of this section.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 834, Page 2, Line 10, by inserting after all of the said line the following:

“57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff’s costs for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county any and all charges received pursuant to the provisions of this section. The funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year, shall be held in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff’s

set duties. Any such funds in excess of fifty thousand dollars in any calendar year shall be placed to the credit of the general revenue fund of the county. Moneys in the fund shall be used only for the procurement of services and equipment to support the operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff[, or any other person specially appointed to serve in a county that receives funds under section 57.278,] shall receive ten dollars for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section, in addition to the charge for such service that each sheriff receives under subsection 1 of this section. The money received by the sheriff[, or any other person specially appointed to serve in a county that receives funds under section 57.278,] under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.

5. Notwithstanding the provisions of subsection 3 of this section, the court clerk shall collect ten dollars as a court cost for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section if any person other than a sheriff is specially appointed to serve in a county that receives funds under section 57.278. The moneys received by the court clerk under this subsection shall be paid into the county treasury and the county treasurer shall make such moneys payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278. Any other person specially appointed to serve in a county shall execute and deliver to the circuit clerk along with the confirmation of service, a signed and notarized affidavit of confirmation, made under penalty of perjury, that includes the amount, check number, and date of payment to evidence payment was made to the sheriff for the deputy sheriff salary supplemental fund as required by this subsection.

[5.] 6. Sheriffs shall receive up to fifty dollars for service of any summons, writ, or other order of the court in connection with any eviction proceeding, in addition to the charge for such service that each sheriff receives under this section. All of such charges shall be received by the sheriff who is requested to perform the service and shall be paid to the county treasurer in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. All charges shall be payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge.”; and

Further amended said amendment, Page 33, Line 18, by inserting after all of the said line the following:

“488.435. 1. Sheriffs shall receive a charge, as provided in section 57.280, for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, as provided in section 57.280, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars, as provided in section 57.280; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled, as provided in section 57.280, to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed

as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to section 57.280 shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of such charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall, as provided in section 57.280, receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his or her agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff's costs, as provided in section 57.280, for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, as provided in section 57.280, going and returning from the courthouse of the county in which he or she resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. As provided in subsection 4 of section 57.280, the sheriff shall receive ten dollars for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of section 57.280, in addition to the charge for such service that each sheriff receives under subsection 1 of section 57.280. The money received by the sheriff under subsection 4 of section 57.280 shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.

4. As provided in subsection 5 of section 57.280, the court clerk shall collect ten dollars as a court cost for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section if any person other than a sheriff is specially appointed to serve in a county that receives funds under section 57.278. The moneys received by the clerk under this subsection shall be paid into the county treasury and the county treasurer shall make such moneys payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 834, Page 13, Line 19, by inserting after all of said line the following:

“195.825. 1. “Entity”, the same meaning as in Article XIV, Section 1, of the Missouri Constitution.

2. Records identifying entities licensed under Article XIV, Section 1, of the Missouri Constitution; the ownership structure of such entities; or the individual owners or others with financial or controlling interest in such entities shall not be considered closed records under Article XIV, Section 1, Subsection 3(5) of the Missouri Constitution or under chapter 610, RSMo.

3. The department of health and senior services shall be required to provide the general assembly, or a committee thereof, with access to such records for the purpose of allowing the legislature to determine the following:

(1) Whether the department has adequately exercised the authority granted to it in Article XIV, Section 1, Subsection 3(1)(a) of the Missouri Constitution to grant or refuse state licenses;

(2) Whether patient access has been unreasonably restricted, as provided in Article XIV, Section 1, Subsection 3(1)(b) of the Missouri Constitution;

(3) Whether scoring of license applications has been limited to the criteria provided in Article XIV, Section 1, Subsection 3(1)(h) of the Missouri Constitution;

(4) Whether any entities have received more licenses than allowed under Article XIV, Section 1, Subsection 3(8)-(10); or

(5) Whether there is need for the department to lift or ease any limit on the number of licensees or certificate holders in order to meet the demand for marijuana for medical use by qualifying patients, as provided under Article XIV, Section 1, Subsection 3(1) of the Missouri Constitution.

4. The provisions of Section 3 of this section shall be considered purposes under which release of reports or other information obtained by a license applicant or licensee is authorized under Article XIV, Section 1, Subsection 3(5) of the Missouri Constitution.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 834, Page 102, Line 10, by inserting after all of the said line the following:

“Section 3. 1. A person commits the offense of tampering with an election official if, with the purpose to harass or intimidate an election official in the performance of such official’s official duties, such person:

1) Threatens or causes harm to such election official or members of such election official’s family;

(2) Uses force, threats, or deception against or toward such election official or members of such election official’s family;

(3) Attempts to induce, influence, or pressure an election official or members of an election official’s family to violate state law or the Constitution;

(4) Engages in conduct reasonably calculated to harass or alarm such election official or such election official’s family, including stalking pursuant to section 565.225 or 565.227;

(5) Disseminates through any means, including by posting on the internet, the personal information of an election official or any member of an election official’s family. For purposes of this section, “personal information” includes a Social Security number, federal tax identification number, checking and savings account numbers, credit card numbers, marital status, or identity of a child under eighteen years of age.

2. For the purposes of this section, the term “election official” includes election judges, challengers, watchers, and other volunteers or employees of an election authority. The offense of tampering with an election official shall be a class D felony. If a violation of this section results in death or bodily injury to an election official or a member of the official’s family, the offense shall be a class B felony.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 834, Page 45, Lines 2 and 4, by deleting each occurrence of the word “**discharge**” and inserting in lieu thereof the word “**release**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 834, Page 3, Line 5, by inserting after said line the following:

“70.441. 1. As used in this section, the following terms have the following meanings:

(1) “Agency”, the bi-state development agency created by compact under section 70.370;

(2) “Conveyance” includes bus, paratransit vehicle, rapid transit car or train, locomotive, or other vehicle used or held for use by the agency as a means of transportation of passengers;

(3) “Facilities” includes all property and equipment, including, without limitation, rights-of-way and related trackage, rails, signals, power, fuel, communication and ventilation systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices, parking lots and other real estate or personal property used or held for or incidental to the operation, rehabilitation or improvement of any public mass transportation system of the agency;

(4) “Person”, any individual, firm, copartnership, corporation, association or company; and

(5) “Sound production device” includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette player, speaker device and any sound amplifier.

2. In interpreting or applying this section, the following provisions shall apply:

(1) Any act otherwise prohibited by this section is lawful if specifically authorized by agreement, permit, license or other writing duly signed by an authorized officer of the agency or if performed by an officer, employee or designated agent of the agency acting within the scope of his or her employment or agency;

(2) Rules shall apply with equal force to any person assisting, aiding or abetting another, including a minor, in any of the acts prohibited by the rules or assisting, aiding or abetting another in the avoidance of any of the requirements of the rules; and

(3) The singular shall mean and include the plural; the masculine gender shall mean the feminine and the neuter genders; and vice versa.

3. (1) No person shall use or enter upon the light rail conveyances of the agency without payment of the fare or other lawful charges established by the agency. Any person on any such conveyance must have properly validated fare media in his possession. This ticket must be valid to or from the station the passenger is using, and must have been used for entry for the trip then being taken;

(2) No person shall use any token, pass, badge, ticket, document, transfer, card or fare media to gain entry to the facilities or conveyances of, or make use of the services of, the agency, except as provided, authorized or sold by the agency and in accordance with any restriction on the use thereof imposed by the agency;

(3) No person shall enter upon parking lots designated by the agency as requiring payment to enter, either by electronic gate or parking meters, where the cost of such parking fee is visibly displayed at each location, without payment of such fees or other lawful charges established by the agency;

(4) Except for employees of the agency acting within the scope of their employment, no person shall sell, provide, copy, reproduce or produce, or create any version of any token, pass, badge, ticket, document, transfer, card or any other fare media or otherwise authorize access to or use of the facilities, conveyances or services of the agency without the written permission of an authorized representative of the agency;

(5) No person shall put or attempt to put any paper, article, instrument or item, other than a token, ticket, badge, coin, fare card, pass, transfer or other access authorization or other fare media issued by the agency and valid for the place, time and manner in which used, into any fare box, pass reader, ticket vending machine, parking meter, parking gate or other fare collection instrument, receptacle, device, machine or location;

(6) Tokens, tickets, fare cards, badges, passes, transfers or other fare media that have been forged, counterfeited, imitated, altered or improperly transferred or that have been used in a manner inconsistent with this section shall be confiscated;

(7) No person may perform any act which would interfere with the provision of transit service or obstruct the flow of traffic on facilities or conveyances or which would in any way interfere or tend to interfere with the safe and efficient operation of the facilities or conveyances of the agency;

(8) All persons on or in any facility or conveyance of the agency shall:

(a) Comply with all lawful orders and directives of any agency employee acting within the scope of his employment;

(b) Obey any instructions on notices or signs duly posted on any agency facility or conveyance; and

(c) Provide accurate, complete and true information or documents requested by agency personnel acting within the scope of their employment and otherwise in accordance with law;

(9) No person shall falsely represent himself or herself as an agent, employee or representative of the agency;

(10) No person on or in any facility or conveyance shall:

(a) Litter, dump garbage, liquids or other matter, or create a nuisance, hazard or [unsanitary] **insanitary** condition, including, but not limited to, spitting and urinating, except in facilities provided;

(b) Drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants;

(c) Enter or remain in any facility or conveyance while his ability to function safely in the environment of the agency transit system is impaired by the consumption of alcohol or by the taking of any drug;

(d) Loiter or stay on any facility of the agency;

(e) Consume foods or liquids of any kind, except in those areas specifically authorized by the agency;

(f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch, except in those areas or locations specifically authorized by the agency; or

(g) Throw or cause to be propelled any stone, projectile or other article at, from, upon or in a facility or conveyance;

(11) **Except as otherwise provided under section 571.107**, no weapon or other instrument intended for use as a weapon may be carried in or on any facility or conveyance, except for law enforcement personnel. For the purposes hereof, a weapon shall include, but not be limited to, a firearm, switchblade knife, sword, or any instrument of any kind known as blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with metal, wood impregnated with metal filings or razor blades; except that this subdivision shall not apply to a rifle or shotgun which is unloaded and carried in any enclosed case, box or other container which completely conceals the item from view and identification as a weapon;

(12) No explosives, flammable liquids, acids, fireworks or other highly combustible materials or radioactive materials may be carried on or in any facility or conveyance, except as authorized by the agency;

(13) No person, except as specifically authorized by the agency, shall enter or attempt to enter into any area not open to the public, including, but not limited to, motorman's cabs, conductor's cabs, bus operator's seat location, closed-off areas, mechanical or equipment rooms, concession stands, storage areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns, train yards, garages, depots or any area marked with a sign restricting access or indicating a dangerous environment;

(14) No person may ride on the roof, the platform between rapid transit cars, or on any other area outside any rapid transit car or bus or other conveyance operated by the agency;

(15) No person shall extend his hand, arm, leg, head or other part of his or her person or extend any item, article or other substance outside of the window or door of a moving rapid transit car, bus or other conveyance operated by the agency;

(16) No person shall enter or leave a rapid transit car, bus or other conveyance operated by the agency except through the entrances and exits provided for that purpose;

(17) No animals may be taken on or into any conveyance or facility except the following:

(a) An animal enclosed in a container, accompanied by the passenger and carried in a manner which does not annoy other passengers; and

(b) Working dogs for law enforcement agencies, agency dogs on duty, dogs properly harnessed and accompanying blind or hearing-impaired persons to aid such persons, or dogs accompanying trainers carrying a certificate of identification issued by a dog school;

(18) No vehicle shall be operated carelessly, or negligently, or in disregard of the rights or safety of others or without due caution and circumspection, or at a speed in such a manner as to be likely to endanger persons or property on facilities of the agency. The speed limit on parking lots and access roads shall be posted as fifteen miles per hour unless otherwise designated.

4. (1) Unless a greater penalty is otherwise provided by the laws of the state, any violation of this section shall constitute a misdemeanor, and any person committing a violation thereof shall be subject to arrest and, upon conviction in a court of competent jurisdiction, shall pay a fine in an amount not less than twenty-five dollars and no greater than two hundred fifty dollars per violation, in addition to court costs. Any default in the payment of a fine imposed pursuant to this section without good cause shall result in imprisonment for not more than thirty days;

(2) Unless a greater penalty is provided by the laws of the state, any person convicted a second or subsequent time for the same offense under this section shall be guilty of a misdemeanor and sentenced to pay a fine of not less than fifty dollars nor more than five hundred dollars in addition to court costs, or to undergo imprisonment for up to sixty days, or both such fine and imprisonment;

(3) Any person failing to pay the proper fare, fee or other charge for use of the facilities and conveyances of the agency shall be subject to payment of such charge as part of the judgment against the violator. All proceeds from judgments for unpaid fares or charges shall be directed to the appropriate agency official;

(4) All juvenile offenders violating the provisions of this section shall be subject to the jurisdiction of the juvenile court as provided in chapter 211;

(5) As used in this section, the term “conviction” shall include all pleas of guilty and findings of guilt.

5. Any person who is convicted, pleads guilty, or pleads nolo contendere for failing to pay the proper fare, fee, or other charge for the use of the facilities and conveyances of the bi-state development agency, as described in subdivision (3) of subsection 4 of this section, may, in addition to the unpaid fares or charges and any fines, penalties, or sentences imposed by law, be required to reimburse the reasonable costs attributable to the enforcement, investigation, and prosecution of such offense by the bi-state development agency. The court shall direct the reimbursement proceeds to the appropriate agency official.

6. (1) Stalled or disabled vehicles may be removed from the roadways of the agency property by the agency and parked or stored elsewhere at the risk and expense of the owner;

(2) Motor vehicles which are left unattended or abandoned on the property of the agency for a period of over seventy-two hours may be removed as provided for in section 304.155, except that the removal may be authorized by personnel designated by the agency under section 70.378.”; and

Further amend said amendment, Page 61, Line 38, by inserting after said line the following:

“571.020. 1. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:

(1) An explosive weapon;

(2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

(3) A gas gun;

(4) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

(5) [Knuckles; or

(6)] Any of the following in violation of federal law:

(a) A machine gun; **or**

(b) A short-barreled rifle or shotgun[;

(c) A firearm silencer; or

(d) A switchblade knife.

2. A person does not commit an offense pursuant to this section if his or her conduct involved any of the items in subdivisions (1) to [(5)] (4) of subsection 1, the item was possessed in conformity with any applicable federal law, and the conduct:

(1) Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency, or a penal institution; or

(2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this [section] **subsection**; or

(3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

(4) Was incident to displaying the weapon in a public museum or exhibition; or

(5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

3. An offense pursuant to subdivision (1), (2), (3) or [(6)] (5) of subsection 1 of this section is a class D felony; a crime pursuant to subdivision (4) [or (5)] of subsection 1 of this section is a class A misdemeanor.

571.030. 1. A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121 **and sections 571.205 to 571.230**, if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under section 571.107; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she

is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or

(11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section 579.015.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and who carry the identification defined in subsection 13 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the parole board;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121 **or sections 571.205 to 571.230**, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state

employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

8. A person who commits the crime of unlawful use of weapons under:

(1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E felony;

(2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B misdemeanor, except when a concealed weapon is carried onto any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of section 571.107 shall apply;

(3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

(4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such

person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section “qualified retired peace officer” means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.”: and

Further amend said amendment, Page 68, Line 1, by inserting after said line the following:

“571.107. 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121 **or sections 571.205 to 571.230**, a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No concealed carry permit issued pursuant to sections 571.101 to 571.121 **or sections 571.205 to 571.230**, valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms **or knuckles** into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under Section 17, Article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry permit or endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit or endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons

violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) [Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15)] Any private property whose owner has posted the premises as being off-limits to concealed

firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;

[(16)] **(15)** Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

[(17)] **(16)** Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm **or knuckles** in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant to sections 571.101 to 571.121 **or sections 571.205 to 571.230**, or a concealed carry endorsement issued prior to August 28, 2013, shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if applicable, endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for a concealed carry permit for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate of qualification for a concealed carry endorsement. If the person holds an endorsement, the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

3. Notwithstanding any provision of this chapter or chapter 70, 577, or 578 to the contrary, a person carrying a firearm concealed on or about his or her person who is lawfully in possession of a

valid concealed carry permit or endorsement shall not be prohibited or impeded from accessing or using any publicly funded transportation system and shall not be harassed or detained for carrying a concealed firearm on the property, vehicles, or conveyances owned, contracted, or leased by such systems that are accessible to the public. For purposes of this subsection, “publicly funded transportation system” means the property, equipment, rights-of-way, or buildings, whether publicly or privately owned and operated, of an entity that receives public funds and holds itself out to the general public for the transportation of persons. This includes portions of a public transportation system provided through a contract with a private entity but excludes any corporation that provides intercity passenger train service on railroads throughout the United States or any private partnership in which the corporation engages.

571.111. 1. An applicant for a concealed carry permit shall demonstrate knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed carry permit:

(1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection [2] 3 of this section, signed by a qualified firearms safety instructor as defined in subsection [6] 7 of this section; or

(2) Submits a photocopy of a certificate that shows the applicant completed a firearms safety course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or

(3) Is a qualified firearms safety instructor as defined in subsection [6] 7 of this section; or

(4) Submits proof that the applicant currently holds any type of valid peace officer license issued under the requirements of chapter 590; or

(5) Submits proof that the applicant is currently allowed to carry firearms in accordance with the certification requirements of section 217.710; or

(6) Submits proof that the applicant is currently certified as any class of corrections officer by the Missouri department of corrections and has passed at least one eight-hour firearms training course, approved by the director of the Missouri department of corrections under the authority granted to him or her, that includes instruction on the justifiable use of force as prescribed in chapter 563; or

(7) Submits a photocopy of a certificate of firearms safety training course completion that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of subsection [2] 3 of this section that were in effect on the date it was issued.

2. An applicant serving as an active duty member in the Armed Forces and who submits proof of receipt of a pistol marksmanship award shall be exempt from the requirements of subdivisions (2), (3), (9), and (10) of subsection 3 of this section.

3. A certificate of firearms safety training course completion may be issued to any applicant by any qualified firearms safety instructor. On the certificate of course completion the qualified firearms safety instructor shall affirm that the individual receiving instruction has taken and passed a firearms safety course of at least eight hours in length taught by the instructor that included:

(1) Handgun safety in the classroom, at home, on the firing range and while carrying the firearm;

(2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload either a revolver or a semiautomatic pistol and demonstrated his or her marksmanship with

either firearm;

(3) The basic principles of marksmanship;

(4) Care and cleaning of concealable firearms;

(5) Safe storage of firearms at home;

(6) The requirements of this state for obtaining a concealed carry permit from the sheriff of the individual's county of residence;

(7) The laws relating to firearms as prescribed in this chapter;

(8) The laws relating to the justifiable use of force as prescribed in chapter 563;

(9) A live firing exercise of sufficient duration for each applicant to fire either a revolver or a semiautomatic pistol, from a standing position or its equivalent, a minimum of twenty rounds from the handgun at a distance of seven yards from a B-27 silhouette target or an equivalent target;

(10) A live-fire test administered to the applicant while the instructor was present of twenty rounds from either a revolver or a semiautomatic pistol from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

[3.] 4. A certificate of firearms safety training course completion may also be issued to an applicant who presents proof to a qualified firearms safety instructor that the applicant has passed a regular or online course on firearm safety conducted by an instructor certified by the National Rifle Association that is at least one hour in length and who also passes the requirements of subdivisions (1), (2), (6), (7), (8), (9), and (10) of subsection [2] 3 of this section in a course, not restricted by a period of hours, that is taught by a qualified firearms safety instructor.

[4.] 5. A qualified firearms safety instructor shall not give a grade of passing to an applicant for a concealed carry permit who:

(1) Does not follow the orders of the qualified firearms instructor or cognizant range officer; or

(2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety instructor, poses a danger to the applicant or to others; or

(3) During the live-fire testing portion of the course fails to hit the silhouette portion of the targets with at least fifteen rounds.

[5.] 6. Qualified firearms safety instructors who provide firearms safety instruction to any person who applies for a concealed carry permit shall:

(1) Make the applicant's course records available upon request to the sheriff of the county in which the applicant resides;

(2) Maintain all course records on students for a period of no less than four years from course completion date; and

(3) Not have more than forty students per certified instructor in the classroom portion of the course or more than five students per range officer engaged in range firing.

[6.] 7. A firearms safety instructor shall be considered to be a qualified firearms safety instructor by any

sheriff issuing a concealed carry permit pursuant to sections 571.101 to 571.121 if the instructor:

- (1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a personal protection instructor or pistol marksmanship instructor; or
- (2) Submits a photocopy of a notarized certificate from a firearms safety instructor's course offered by a local, state, or federal governmental agency; or
- (3) Submits a photocopy of a notarized certificate from a firearms safety instructor course approved by the department of public safety; or
- (4) Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or
- (5) Is a certified police officer firearms safety instructor.

[7.] **8.** Any firearms safety instructor qualified under subsection [6] 7 of this section may submit a copy of a training instructor certificate, course outline bearing the notarized signature of the instructor, and a recent photograph of the instructor to the sheriff of the county in which the instructor resides. The sheriff shall review the training instructor certificate along with the course outline and verify the firearms safety instructor is qualified and the course meets the requirements provided under this section. If the sheriff verifies the firearms safety instructor is qualified and the course meets the requirements provided under this section, the sheriff shall collect an annual registration fee of ten dollars from each qualified instructor who chooses to submit such information and submit the registration to the Missouri sheriff methamphetamine relief taskforce. The Missouri sheriff methamphetamine relief taskforce, or its designated agent, shall create and maintain a statewide database of qualified instructors. This information shall be a closed record except for access by any sheriff. Firearms safety instructors may register annually and the registration is only effective for the calendar year in which the instructor registered. Any sheriff may access the statewide database maintained by the Missouri sheriff methamphetamine relief taskforce to verify the firearms safety instructor is qualified and the course offered by the instructor meets the requirements provided under this section. Unless a sheriff has reason to believe otherwise, a sheriff shall presume a firearms safety instructor is qualified to provide firearms safety instruction in counties throughout the state under this section if the instructor is registered on the statewide database of qualified instructors.

[8.] **9.** Any firearms safety instructor who knowingly provides any sheriff with any false information concerning an applicant's performance on any portion of the required training and qualification shall be guilty of a class C misdemeanor. A violation of the provisions of this section shall result in the person being prohibited from instructing concealed carry permit classes and issuing certificates.”; and

Further amend said amendment, Page 73, Line 2, by inserting after said line the following:

“571.215. 1. A Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 shall authorize the person in whose name the permit is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No Missouri lifetime or extended concealed carry permit shall authorize any person to carry concealed firearms into:

- (1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries, or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule under subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule under subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government, or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid Missouri lifetime or extended concealed carry permit from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under Section 17, Article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid Missouri lifetime or extended concealed carry permit, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county, or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit holders in that portion of a building owned, leased, or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule, or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule, or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule, or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule, or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a Missouri lifetime or extended concealed carry permit to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, unless the person with the Missouri lifetime or extended concealed carry permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a Missouri lifetime or extended concealed carry permit;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager under rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

[(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15)] Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a Missouri lifetime or extended concealed carry permit from carrying

concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a Missouri lifetime or extended concealed carry permit from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a Missouri lifetime or extended concealed carry permit from carrying a concealed firearm in vehicles owned by the employer;

[(16)] (15) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

[(17)] (16) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a Missouri lifetime or extended concealed carry permit shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her Missouri lifetime or extended concealed carry permit revoked and such person shall not be eligible for a Missouri lifetime or extended concealed carry permit or a concealed carry permit issued under sections 571.101 to 571.121 for a period of three years. Upon conviction of charges arising from a citation issued under this subsection, the court shall notify the sheriff of the county which issued the Missouri lifetime or extended concealed carry permit. The sheriff shall suspend or revoke the Missouri lifetime or extended concealed carry permit.”; and

Further amend said amendment, Page 81, Line 38, by inserting after said line the following:

“577.703. 1. A person commits the offense of bus hijacking if he or she seizes or exercises control, by force or violence or threat of force or violence, of any bus. The offense of bus hijacking is a class B felony.

2. The offense of “assault with the intent to commit bus hijacking” is defined as an intimidation, threat, assault or battery toward any driver, attendant or guard of a bus so as to interfere with the performance of duties by such person. Assault to commit bus hijacking is a class D felony.

3. Any person, who, in the commission of such intimidation, threat, assault or battery with the intent to commit bus hijacking, employs a dangerous or deadly weapon or other means capable of inflicting serious bodily injury shall, upon conviction, be guilty of a class A felony.

4. **Except as otherwise provided under section 571.107**, any passenger who boards a bus with a dangerous or deadly weapon or other means capable of inflicting serious bodily injury concealed upon his or her person or effects is guilty of the felony of “possession and concealment of a dangerous or deadly weapon” upon a bus. Possession and concealment of a dangerous and deadly weapon by a passenger upon

a bus is a class D felony. The provisions of this subsection shall not apply to:

(1) Duly elected or appointed law enforcement officers or commercial security personnel who are in possession of weapons used within the course and scope of their employment; [nor shall the provisions of this subsection apply to]

(2) Persons who are in possession of weapons or other means of inflicting serious bodily injury with the consent of the owner of such bus, his or her agent, or the lessee or bailee of such bus; or

(3) Persons carrying a concealed firearm who lawfully possess a valid concealed carry permit or endorsement in accordance with sections 571.101 to 571.126 or sections 571.205 to 571.230.

577.712. 1. In order to provide for the safety, comfort, and well-being of passengers and others having a bona fide business interest in any terminal, a bus transportation company may refuse admission to terminals to any person not having bona fide business within the terminal. Any such refusal shall not be inconsistent or contrary to state or federal laws, regulations pursuant thereto, or to any ordinance of the political subdivision in which such terminal is located. A duly authorized company representative may ask any person in a terminal or on the premises of a terminal to identify himself or herself and state his or her business. Failure to comply with such request or failure to state an acceptable business purpose shall be grounds for the company representative to request that such person leave the terminal. Refusal to comply with such request shall constitute disorderly conduct. Disorderly conduct shall be a class C misdemeanor.

2. **Except as otherwise provided by section 571.107**, it is unlawful for any person to carry a deadly or dangerous weapon or any explosives or hazardous material into a terminal or aboard a bus. Possession of a deadly or dangerous weapon, explosive or hazardous material shall be a class D felony. Upon the discovery of any such item or material, the company may obtain possession and retain custody of such item or material until it is transferred to the custody of law enforcement officers.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 834, Page 26, Line 40, by inserting after said line the following:

“407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property who obtains items for resale or profit shall keep a register containing a written or electronic record for each purchase or [trade in which] **trade-in of** each type of material subject to the provisions of this section [is] obtained for value. There shall be a separate record for each transaction involving any:

(1) Copper, brass, or bronze;

(2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

(3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; whatever may be the condition or length of such metal;

(4) Detached catalytic converter; or

(5) Motor vehicle, heavy equipment, or tractor battery.

2. The record required by this section shall contain the following data:

(1) A copy of the driver's license, or **other** photo identification issued by the state or by the United States government or agency thereof, of the person from whom the material is obtained;

(2) The current address, gender, birth date, and a color photograph of the person from whom the material is obtained if not included or are different from the identification required in subdivision (1) of this subsection;

(3) The date, time, and place of the transaction;

(4) The license plate number of the vehicle used by the seller during the transaction; [and]

(5) A full description of the material, including the weight and purchase price; **and**

(6) If the purchase or trade-in includes a detached catalytic converter:

(a) Either proof the seller is a bona fide automobile repair shop or an affidavit that attests the detached catalytic converter was acquired lawfully; and

(b) The make, model, year, and vehicle identification number of the vehicle from which the detached catalytic converter originated.

3. **(1)** The records required under this section shall be maintained **in order of transaction date** for a minimum of [thirty-six months] **four years** from when such material is obtained and shall be available for inspection by any law enforcement officer.

(2) The department of public safety shall create and make available on the department website a standardized form for recording the records required under this section.

(3) At least monthly, a purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property shall submit to a local law enforcement agency with jurisdiction over the purchaser's, collector's, or dealer's primary place of business the records required under this section on the department of public safety's form, with copies of the purchaser's, collector's, or dealer's other records, if any, attached. The submission may be in either a paper or electronic format. A law enforcement agency may prescribe the format of forms submitted electronically.

4. No transaction that includes a detached catalytic converter shall occur at any location other than the fixed place of business of the purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property. No detached catalytic converter shall be altered, modified, disassembled, or destroyed until it has been in the purchaser's, collector's, or dealer's possession for five business days.

5. Anyone [licensed under section 301.218 who knowingly purchases a stolen detached catalytic converter shall be subject to the following penalties:

(1) For a first violation, a fine in the amount of five thousand dollars;

(2) For a second violation, a fine in the amount of ten thousand dollars; and

(3) For a third violation, revocation of the] convicted of violating this section shall be guilty of a class B misdemeanor and shall be subject to having any license for a business described under section 301.218 revoked.

6. This section shall not apply to [either of] the following transactions:

(1) Any transaction for which the seller has an existing business relationship with the scrap metal dealer

and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business, and for which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof, and a copy is retained by the purchaser; or

(2) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except [for] **that minor parts of** heating and cooling equipment or **of** equipment used in the generation and transmission of electrical power or telecommunications, **including any catalytic converter of such equipment, shall remain subject to this section.**"; and

Further amend said amendment, Page 59, Lines 3-4, by deleting said lines and inserting in lieu thereof the following:

“(3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another [knowing] **and knows** that it has been stolen, [or believing] **believes** that it has been stolen, **or reasonably should suspect that it has been stolen.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 834, Page 22, Line 43, by inserting after said line the following:

“304.287. 1. Beginning August 28, 2022, no county, city, town, village, municipality, state agency, or other political subdivision of this state shall enact, adopt, or enforce any law, ordinance, regulation, order, or other provision that authorizes the use of an automated traffic enforcement system or systems to establish evidence that a motor vehicle or its operator is not in compliance with traffic signals, traffic speeds, or other traffic laws, ordinances, rules, or regulations on any public street, road, or highway within this state, or to impose or collect any civil or criminal fine, fee, or penalty for any such noncompliance, except as permitted under subsection 2 of this section.

2. Any county, city, town, village, municipality, state agency, or other political subdivision of this state that has an automated traffic enforcement system installation or maintenance contract with a company or entity on August 28, 2022, shall arrange to complete or terminate the contract by September 1, 2023. The provisions of subsection 1 of this section shall apply to the county, city, town, village, municipality, state agency, or other political subdivision after the termination or completion of such installation or maintenance contracts.

3. As used in this section, the term “automated traffic enforcement system” means a camera or optical device designed to record images that depict the motor vehicle, the motor vehicle operator, the license plate of the motor vehicle or other images to establish evidence that the motor vehicle or its operator is not in compliance with the traffic laws of this state or any of the state's political subdivisions.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 834, Page 1, Section A, Line 5, by inserting after said section and line the following:

“43.253. 1. Notwithstanding any other provision of law to the contrary, a minimum fee of five dollars may be charged by the Missouri state highway patrol for a records request for a Missouri Uniform Crash Report or Marine Accident Investigation Report where there are allowable fees of less than five dollars under this chapter or chapter 610. Such five-dollar fee shall be in place of any allowable fee of less than five dollars.

2. The superintendent of the Missouri state highway patrol may increase the minimum fee described in this section by no more than one dollar every other year beginning August 28, 2022; however, the minimum fee described in this section shall not exceed ten dollars.

43.650. 1. The patrol shall, subject to appropriation, maintain a web page on the internet which shall be open to the public and shall include a registered sexual offender **and registered violent offender** search capability.

2. Except as provided in subsections 4 and 5 of this section, the registered sexual offender **and registered violent offender** search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425 **or section 589.437.**

3. The registered sexual offender **and registered violent offender** search shall include the capability to search for sexual offenders by name, **by** zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address. **The search shall also have the capability to filter results by sexual offenders or violent offenders.**

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender **and registered violent offender** search:

(1) The name and any known aliases of the offender;

(2) The date of birth and any known alias dates of birth of the offender;

(3) A physical description of the offender;

(4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;

(5) Any photographs of the offender;

(6) A physical description of the offender’s vehicles, including the year, make, model, color, and license plate number;

(7) The nature and dates of all offenses qualifying the offender to register, including the tier level assigned to the offender under sections 589.400 to 589.425;

(8) The date on which the offender was released from the department of mental health, prison, or jail[,] or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the **sexual or violent** offender with the provisions of [section] **sections 589.400**

to 589.425; and

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

5. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 shall be exempt from public notification to include any adjudications from another state, territory, the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction.

57.317. 1. (1) **Except in a noncharter county of the first classification with more than one hundred fifty thousand and less than two hundred thousand inhabitants**, the county sheriff in any county of the first or second classification shall receive an annual salary equal to eighty percent of the compensation of an associate circuit judge of the county.

(2) The county sheriff in any county of the third or fourth classification shall receive an annual salary computed as the following percentages of the compensation of an associate circuit judge of the county. If there is an increase in salary of less than ten thousand dollars, the increase shall take effect on January 1, 2022. If there is an increase of ten thousand dollars or more, the increase shall be paid over a period of five years in twenty percent increments per year. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of sheriff from the prior year.

Assessed Valuation	Percentage
\$18,000,000 to 99,999,999	45%
100,000,000 to 249,999,999	50%
250,000,000 to 449,999,999	55%
450,000,000 to 899,999,999	60%
900,000,000 and over	65%

2. Two thousand dollars of the salary authorized in this section shall be payable to the sheriff only if the sheriff has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the sheriff’s office when approved by a professional association of the county sheriffs of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each sheriff who completes the training program and shall send a list of certified sheriffs to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county sheriff in the same manner as other expenses as may be appropriated for that purpose.

3. The county sheriff in any county other than a charter county shall not receive an annual compensation less than the compensation described under this section.

67.145. 1. No political subdivision of this state shall prohibit any first responder from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

2. As used in this section, “first responder” means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to,

emergency first responders, **telecommunicator first responders**, police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, mobile emergency medical technicians, emergency medical technician-paramedics, registered nurses, or physicians.

70.631. 1. Each political subdivision may, by majority vote of its governing body, elect to cover [emergency telecommunicators] **telecommunicator first responders**, jailors, and emergency medical service personnel as public safety personnel members of the system. The clerk or secretary of the political subdivision shall certify an election concerning the coverage of [emergency telecommunicators] **telecommunicator first responders**, jailors, and emergency medical service personnel as public safety personnel members of the system to the board within ten days after such vote. The date in which the political subdivision's election becomes effective shall be the first day of the calendar month specified by such governing body, the first day of the calendar month next following receipt by the board of the certification of the election, or the effective date of the political subdivision's becoming an employer, whichever is the latest date. Such election shall not be changed after the effective date. If the election is made, the coverage provisions shall be applicable to all past and future employment with the employer by present and future employees. If a political subdivision makes no election under this section, no [emergency] telecommunicator **first responder**, jailor, or emergency medical service personnel of the political subdivision shall be considered public safety personnel for purposes determining a minimum service retirement age as defined in section 70.600.

2. If an employer elects to cover [emergency telecommunicators] **telecommunicator first responders**, jailors, and emergency medical service personnel as public safety personnel members of the system, the employer's contributions shall be correspondingly changed effective the same date as the effective date of the political subdivision's election.

3. The limitation on increases in an employer's contributions provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer making an election under the provisions of this section.

4. The provisions of this section shall only apply to counties of the third classification and any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat, and any political subdivisions located, in whole or in part, within such counties.

84.480. The board of police commissioners shall appoint a chief of police who shall be the chief police administrative and law enforcement officer of such cities. The chief of police shall be chosen by the board solely on the basis of his or her executive and administrative qualifications and his or her demonstrated knowledge of police science and administration with special reference to his or her actual experience in law enforcement leadership and the provisions of section 84.420. At the time of the appointment, the chief shall not be more than sixty years of age, shall have had at least five years' executive experience in a governmental police agency and shall be certified by a surgeon or physician to be in a good physical condition, and shall be a citizen of the United States and shall either be or become a citizen of the state of Missouri and resident of the city in which he or she is appointed as chief of police. [In order to secure and retain the highest type of police leadership within the departments of such cities, the chief shall receive a salary of not less than eighty thousand two hundred eleven dollars, nor more than one hundred eighty-nine thousand seven hundred twenty-six dollars per annum.]

105.1500. 1. This section shall be known and may be cited as “The Personal Privacy Protection Act”.

2. As used in this section, the following terms mean:

(1) “Personal information”, any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended;

(2) “Public agency”, the state and any political subdivision thereof including, but not limited to, any department, agency, office, commission, board, division, or other entity of state government; any county, city, township, village, school district, community college district; or any other local governmental unit, agency, authority, council, board, commission, state or local court, tribunal or other judicial or quasi-judicial body.

3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions listed under subsection 4 of this section, a public agency shall not:

(a) Require any individual to provide the public agency with personal information or otherwise compel the release of personal information;

(b) Require any entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code to provide the public agency with personal information or otherwise compel the release of personal information;

(c) Release, publicize, or otherwise publicly disclose personal information in possession of a public agency, unless consented to by an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code; or

(d) Request or require a current or prospective contractor or grantee with the public agency to provide the public agency with a list of entities exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, to which it has provided financial or nonfinancial support.

(2) All personal information in the possession of a public agency shall be considered a closed record under chapter 610 and court operating rules.

4. The provisions of this section shall not preclude any individual or entity from being required to comply with any of the following:

(1) Submitting any report or disclosure required by this chapter or chapter 130;

(2) Responding to any lawful request or subpoena for personal information from the Missouri ethics commission or the Missouri state highway patrol as a part of an investigation, or publicly disclosing personal information as a result of an enforcement action from the Missouri state highway patrol or the Missouri ethics commission pursuant to its authority in sections 105.955 to 105.966;

(3) Responding to any lawful warrant for personal information issued by a court of competent jurisdiction;

(4) Responding to any lawful request for discovery of personal information in litigation if:

(a) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and

(b) The requestor obtains a protective order barring disclosure of personal information to any person not named in the litigation;

(5) Applicable court rules or admitting any personal information as relevant evidence before a court of competent jurisdiction. However, a submission of personal information to a court shall be made in a manner that it is not publicly revealed and no court shall publicly reveal personal information absent a specific finding of good cause;

(6) Any report or disclosure required by state law to be filed with the secretary of state, provided that personal information obtained by the secretary of state is otherwise subject to the requirements of paragraph (c) of subdivision (1) of subsection 3 of this section, unless expressly required to be made public by state law; or

(7) Any request from a public agency for a list of the directors and officers of an entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended.

5. (1) A person or entity alleging a violation of this section may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one of the following, as appropriate:

(a) A sum of moneys not less than two thousand five hundred dollars to compensate for injury or loss caused by each violation of this section; or

(b) For an intentional violation of this section, a sum of moneys not to exceed three times the sum described in paragraph (a) of this subdivision.

(2) A court, in rendering a judgment in an action brought under this section, may award all or a portion of the costs of litigation, including reasonable attorney's fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

(3) A person who knowingly violates this section is guilty of a class B misdemeanor.

170.310. 1. For school year 2017-18 and each school year thereafter, upon graduation from high school, pupils in public schools and charter schools shall have received thirty minutes of cardiopulmonary resuscitation instruction and training in the proper performance of the Heimlich maneuver or other first aid for choking given any time during a pupil's four years of high school.

2. Beginning in school year 2017-18, any public school or charter school serving grades nine through twelve shall provide enrolled students instruction in cardiopulmonary resuscitation. Students with disabilities may participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. Instruction shall be included in the district's existing health or physical education curriculum. Instruction shall be based on a program established by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines, and psychomotor skills development shall be incorporated into the instruction. For purposes of this section, "psychomotor skills" means the use of hands-on practicing and skills testing to support cognitive learning.

3. The teacher of the cardiopulmonary resuscitation course or unit shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in certification of students. Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing. **For purposes of this subsection, first responders shall include telecommunicator first responders as defined in section 650.320.**

4. The department of elementary and secondary education may promulgate rules to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

190.091. 1. As used in this section, the following terms mean:

(1) “Bioterrorism”, the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance, or biological product to cause death, disease, or other biological malfunction in a human, an animal, a plant, or any other living organism to influence the conduct of government or to intimidate or coerce a civilian population;

(2) “Department”, the Missouri department of health and senior services;

(3) “Director”, the director of the department of health and senior services;

(4) “Disaster locations”, any geographical location where a bioterrorism attack, terrorist attack, catastrophic or natural disaster, or emergency occurs;

(5) “First responders”, state and local law enforcement personnel, **telecommunicator first responders**, fire department personnel, and emergency medical personnel who will be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and emergencies;

(6) “**Missouri state highway patrol telecommunicator**”, **any authorized Missouri state highway patrol communications division personnel whose primary responsibility includes directly responding to emergency communications and who meet the training requirements pursuant to section 650.340.**

2. The department shall offer a vaccination program for first responders **and Missouri state highway patrol telecommunicators** who may be exposed to infectious diseases when deployed to disaster locations as a result of a bioterrorism event or a suspected bioterrorism event. The vaccinations shall include, but are not limited to, smallpox, anthrax, and other vaccinations when recommended by the federal Centers for Disease Control and Prevention’s Advisory Committee on Immunization Practices.

3. Participation in the vaccination program shall be voluntary by the first responders **and Missouri state highway patrol telecommunicators**, except for first responders **or Missouri state highway patrol telecommunicators** who, as determined by their employer, cannot safely perform emergency responsibilities when responding to a bioterrorism event or suspected bioterrorism event without being vaccinated. The recommendations of the Centers for Disease Control and Prevention’s Advisory Committee

on Immunization Practices shall be followed when providing appropriate screening for contraindications to vaccination for first responders **and Missouri state highway patrol telecommunicators**. A first responder **and Missouri state highway patrol telecommunicator** shall be exempt from vaccinations when a written statement from a licensed physician is presented to their employer indicating that a vaccine is medically contraindicated for such person.

4. If a shortage of the vaccines referred to in subsection 2 of this section exists following a bioterrorism event or suspected bioterrorism event, the director, in consultation with the governor and the federal Centers for Disease Control and Prevention, shall give priority for such vaccinations to persons exposed to the disease and to first responders **or Missouri state highway patrol telecommunicators** who are deployed to the disaster location.

5. The department shall notify first responders **and Missouri state highway patrol telecommunicators** concerning the availability of the vaccination program described in subsection 2 of this section and shall provide education to such first responders [and], their employers, **and Missouri state highway patrol telecommunicators** concerning the vaccinations offered and the associated diseases.

6. The department may contract for the administration of the vaccination program described in subsection 2 of this section with health care providers, including but not limited to local public health agencies, hospitals, federally qualified health centers, and physicians.

7. The provisions of this section shall become effective upon receipt of federal funding or federal grants which designate that the funding is required to implement vaccinations for first responders **and Missouri state highway patrol telecommunicators** in accordance with the recommendations of the federal Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices. Upon receipt of such funding, the department shall make available the vaccines to first responders **and Missouri state highway patrol telecommunicators** as provided in this section.

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

(1) "Advanced emergency medical technician" or "AEMT", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;

(2) "Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(3) "Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(4) "Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

(5) “Ambulance service area”, a specific geographic area in which an ambulance service has been authorized to operate;

(6) “Basic life support (BLS)”, a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(7) “Council”, the state advisory council on emergency medical services;

(8) “Department”, the department of health and senior services, state of Missouri;

(9) “Director”, the director of the department of health and senior services or the director’s duly authorized representative;

(10) “Dispatch agency”, any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(11) “Emergency”, the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person’s health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(12) “Emergency medical dispatcher”, a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course[, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245] **and any ongoing training requirements under section 650.340;**

(13) “Emergency medical responder”, a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the U.S. Department of Transportation and any modifications to such curricula specified by the department through rules adopted under sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(14) “Emergency medical response agency”, any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(15) “Emergency medical services for children (EMS-C) system”, the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(16) “Emergency medical services (EMS) system”, the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention

and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(17) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

(18) “Emergency medical technician-basic” or “EMT-B”, a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(19) “Emergency medical technician-community paramedic”, “community paramedic”, or “EMT-CP”, a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;

(20) “Emergency medical technician-paramedic” or “EMT-P”, a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(21) “Emergency services”, health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital’s emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

(22) “Health care facility”, a hospital, nursing home, physician’s office or other fixed location at which medical and health care services are performed;

(23) “Hospital”, an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

(24) “Medical control”, supervision provided by or under the direction of physicians, or their designated registered nurse, including both online medical control, instructions by radio, telephone, or other means of direct communications, and offline medical control through supervision by treatment protocols, case review, training, and standing orders for treatment;

(25) “Medical direction”, medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

(26) “Medical director”, a physician licensed pursuant to chapter 334 designated by the ambulance service, **dispatch agency**, or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

(27) “Memorandum of understanding”, an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(28) “Patient”, an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

(29) “Person”, as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

(30) “Physician”, a person licensed as a physician pursuant to chapter 334;

(31) “Political subdivision”, any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

(32) “Professional organization”, any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B’s, nurses, EMT-P’s, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

(33) “Proof of financial responsibility”, proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

(34) “Protocol”, a predetermined, written medical care guideline, which may include standing orders;

(35) “Regional EMS advisory committee”, a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

(36) “Specialty care transportation”, the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

(37) “Stabilize”, with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual’s medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

(38) “State advisory council on emergency medical services”, a committee formed to advise the department on policy affecting emergency medical service throughout the state;

(39) “State EMS medical directors advisory committee”, a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

(40) “STEMI” or “ST-elevation myocardial infarction”, a type of heart attack in which impaired blood flow to the patient’s heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and

as further defined in rules promulgated by the department under sections 190.001 to 190.250;

(41) “STEMI care”, includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

(42) “STEMI center”, a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

(43) “Stroke”, a condition of impaired blood flow to a patient’s brain as defined by the department;

(44) “Stroke care”, includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

(45) “Stroke center”, a hospital that is currently designated as such by the department;

(46) “Trauma”, an injury to human tissues and organs resulting from the transfer of energy from the environment;

(47) “Trauma care” includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

(48) “Trauma center”, a hospital that is currently designated as such by the department.

191.905. 1. No health care provider shall knowingly make or cause to be made a false statement or false representation of a material fact in order to receive a health care payment, including but not limited to:

(1) Knowingly presenting to a health care payer a claim for a health care payment that falsely represents that the health care for which the health care payment is claimed was medically necessary, if in fact it was not;

(2) Knowingly concealing the occurrence of any event affecting an initial or continued right under a medical assistance program to have a health care payment made by a health care payer for providing health care;

(3) Knowingly concealing or failing to disclose any information with the intent to obtain a health care payment to which the health care provider or any other health care provider is not entitled, or to obtain a health care payment in an amount greater than that which the health care provider or any other health care provider is entitled;

(4) Knowingly presenting a claim to a health care payer that falsely indicates that any particular health care was provided to a person or persons, if in fact health care of lesser value than that described in the claim was provided.

2. No person shall knowingly solicit or receive any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind in return for:

(1) Referring another person to a health care provider for the furnishing or arranging for the furnishing of any health care; or

(2) Purchasing, leasing, ordering or arranging for or recommending purchasing, leasing or ordering any

health care.

3. No person shall knowingly offer or pay any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, to any person to induce such person to refer another person to a health care provider for the furnishing or arranging for the furnishing of any health care.

4. Subsections 2 and 3 of this section shall not apply to a discount or other reduction in price obtained by a health care provider if the reduction in price is properly disclosed and appropriately reflected in the claim made by the health care provider to the health care payer, or any amount paid by an employer to an employee for employment in the provision of health care.

5. Exceptions to the provisions of subsections 2 and 3 of this section shall be provided for as authorized in 42 U.S.C. Section 1320a-7b(3)(E), as may be from time to time amended, and regulations promulgated pursuant thereto.

6. No person shall knowingly abuse **or neglect** a person receiving health care.

7. A person who violates subsections 1 to 3 of this section is guilty of a class D felony upon his or her first conviction, and shall be guilty of a class B felony upon his or her second and subsequent convictions. Any person who has been convicted of such violations shall be referred to the Office of Inspector General within the United States Department of Health and Human Services. The person so referred shall be subject to the penalties provided for under 42 U.S.C. Chapter 7, Subchapter XI, Section 1320a-7. A prior conviction shall be pleaded and proven as provided by section 558.021. A person who violates subsection 6 of this section shall be guilty of a class D felony, unless the act involves no physical, sexual or emotional harm or injury and the value of the property involved is less than five hundred dollars, in which event a violation of subsection 6 of this section is a class A misdemeanor.

8. Any natural person who willfully prevents, obstructs, misleads, delays, or attempts to prevent, obstruct, mislead, or delay the communication of information or records relating to a violation of sections 191.900 to 191.910 is guilty of a class E felony.

9. Each separate false statement or false representation of a material fact proscribed by subsection 1 of this section or act proscribed by subsection 2 or 3 of this section shall constitute a separate offense and a separate violation of this section, whether or not made at the same or different times, as part of the same or separate episodes, as part of the same scheme or course of conduct, or as part of the same claim.

10. In a prosecution pursuant to subsection 1 of this section, circumstantial evidence may be presented to demonstrate that a false statement or claim was knowingly made. Such evidence of knowledge may include but shall not be limited to the following:

(1) A claim for a health care payment submitted with the health care provider's actual, facsimile, stamped, typewritten or similar signature on the claim for health care payment;

(2) A claim for a health care payment submitted by means of computer billing tapes or other electronic means;

(3) A course of conduct involving other false claims submitted to this or any other health care payer.

11. Any person convicted of a violation of this section, in addition to any fines, penalties or sentences imposed by law, shall be required to make restitution to the federal and state governments, in an amount at least equal to that unlawfully paid to or by the person, and shall be required to reimburse the reasonable

costs attributable to the investigation and prosecution pursuant to sections 191.900 to 191.910. All of such restitution shall be paid and deposited to the credit of the "MO HealthNet Fraud Reimbursement Fund", which is hereby established in the state treasury. Moneys in the MO HealthNet fraud reimbursement fund shall be divided and appropriated to the federal government and affected state agencies in order to refund moneys falsely obtained from the federal and state governments. All of such cost reimbursements attributable to the investigation and prosecution shall be paid and deposited to the credit of the "MO HealthNet Fraud Prosecution Revolving Fund", which is hereby established in the state treasury. Moneys in the MO HealthNet fraud prosecution revolving fund may be appropriated to the attorney general, or to any prosecuting or circuit attorney who has successfully prosecuted an action for a violation of sections 191.900 to 191.910 and been awarded such costs of prosecution, in order to defray the costs of the attorney general and any such prosecuting or circuit attorney in connection with their duties provided by sections 191.900 to 191.910. No moneys shall be paid into the MO HealthNet fraud protection revolving fund pursuant to this subsection unless the attorney general or appropriate prosecuting or circuit attorney shall have commenced a prosecution pursuant to this section, and the court finds in its discretion that payment of attorneys' fees and investigative costs is appropriate under all the circumstances, and the attorney general and prosecuting or circuit attorney shall prove to the court those expenses which were reasonable and necessary to the investigation and prosecution of such case, and the court approves such expenses as being reasonable and necessary. Any moneys remaining in the MO HealthNet fraud reimbursement fund after division and appropriation to the federal government and affected state agencies shall be used to increase MO HealthNet provider reimbursement until it is at least one hundred percent of the Medicare provider reimbursement rate for comparable services. The provisions of section 33.080 notwithstanding, moneys in the MO HealthNet fraud prosecution revolving fund shall not lapse at the end of the biennium.

12. A person who violates subsections 1 to 3 of this section shall be liable for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars for each separate act in violation of such subsections, plus three times the amount of damages which the state and federal government sustained because of the act of that person, except that the court may assess not more than two times the amount of damages which the state and federal government sustained because of the act of the person, if the court finds:

(1) The person committing the violation of this section furnished personnel employed by the attorney general and responsible for investigating violations of sections 191.900 to 191.910 with all information known to such person about the violation within thirty days after the date on which the defendant first obtained the information;

(2) Such person fully cooperated with any government investigation of such violation; and

(3) At the time such person furnished the personnel of the attorney general with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation.

13. Upon conviction pursuant to this section, the prosecution authority shall provide written notification of the conviction to all regulatory or disciplinary agencies with authority over the conduct of the defendant health care provider.

14. The attorney general may bring a civil action against any person who shall receive a health care payment as a result of a false statement or false representation of a material fact made or caused to be made

by that person. The person shall be liable for up to double the amount of all payments received by that person based upon the false statement or false representation of a material fact, and the reasonable costs attributable to the prosecution of the civil action. All such restitution shall be paid and deposited to the credit of the MO HealthNet fraud reimbursement fund, and all such cost reimbursements shall be paid and deposited to the credit of the MO HealthNet fraud prosecution revolving fund. No reimbursement of such costs attributable to the prosecution of the civil action shall be made or allowed except with the approval of the court having jurisdiction of the civil action. No civil action provided by this subsection shall be brought if restitution and civil penalties provided by subsections 11 and 12 of this section have been previously ordered against the person for the same cause of action.

15. Any person who discovers a violation by himself or herself or such person's organization and who reports such information voluntarily before such information is public or known to the attorney general shall not be prosecuted for a criminal violation.

195.815. 1. The department of health and senior services shall require all [officers, managers, contractors, employees, and other support staff of licensed or certified] **employees, contractors, owners, and volunteers of medical marijuana facilities**], and all owners of such medical marijuana facilities who will have access to the facilities or to the facilities' medical marijuana,] to submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check.

2. The department may require that such fingerprint submissions be made as part of a medical marijuana facility application [for licensure or certification], a medical marijuana facility **renewal** application [for renewal of licensure or certification], and an individual's application for **licensure and issuance of an identification card** authorizing that individual to be an **employee, contractor, owner, [officer, manager, contractor, employee, or other support staff] or volunteer** of a medical marijuana facility.

3. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120 to the contrary, all records related to any criminal history information discovered shall be accessible and available to the department.

4. As used in this section, the following words shall mean:

(1) **"Contractor", a person performing work or service of any kind for a medical marijuana facility in accordance with a contract with that facility;**

(2) **"Employee", [any] a person performing work or service of any kind or character for hire in a medical marijuana facility;**

[(2)] (3) **"Medical marijuana facility", an entity licensed or certified by the department of health and senior services[, or its successor agency,] to acquire, cultivate, process, manufacture, test, store, sell, transport, or deliver medical marijuana[;**

(3) **"Other support staff", any person performing work or service of any kind or character, other than employees, on behalf of a medical marijuana facility if such a person would have access to the medical marijuana facility or its medical marijuana or related equipment or supplies].**

210.1500. 1. When a child is located by a police officer or law enforcement official and there is reasonable cause to suspect the child may be a victim of sex trafficking or severe forms of trafficking as those terms are defined under 22 U.S.C. Section 7102, the police officer or law enforcement official shall immediately cause a report to be made to the children's division in accordance with section 210.115. Upon receipt of a report by the children's division and if the children's division determines that the report merits an investigation, the reporting official and the children's division shall ensure the immediate safety of the child and shall coinvestigate the complaint to its conclusion.

2. If the police officer or law enforcement official has reasonable cause to believe that the child is in imminent danger of suffering serious physical harm or a threat to life as a result of abuse or neglect due to sex trafficking or sexual exploitation and such officer or official has reasonable cause to believe the harm or threat to life may occur before a juvenile court is able to issue a temporary protective custody order or before a juvenile officer is able to take the child into protective custody, the police officer or law enforcement official may take or retain temporary protective custody of the child without the consent of the child's parent or parents, guardian, or any other person legally responsible for the child's care, as provided under section 210.125.

3. If the child is already under the jurisdiction of the court under paragraph (a) of subdivision (1) of subsection 1 of section 211.031 and in the legal custody of the children's division, the police officer or law enforcement official, along with the children's division, shall secure placement for the child in the least restrictive setting in order to ensure the safety of the child from further sex trafficking or severe forms of trafficking.

4. The children's division and the reporting officer or official shall ensure a referral is made to the child advocacy center for a forensic interview and an evaluation, as necessary to ensure the medical safety of the child, by a SAFE CARE provider as defined under section 334.950. The child shall be assessed utilizing a validated screening tool specific to sex trafficking to ensure the appropriate resources are secured for the treatment of the child.

5. For purposes of this section, multidisciplinary teams shall be used when conducting an investigation. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement upon the request by the department of social services, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private, to secure appropriate services to meet the needs of the child.

210.1505. 1. There is hereby created the "Statewide Council on Sex Trafficking and Sexual Exploitation of Children" to consist of the following members:

(1) The following four members of the general assembly:

(a) Two members of the senate, with one member to be appointed by the president pro tempore of the senate and one member to be appointed by the minority floor leader of the senate; and

(b) Two members of the house of representatives, with one member to be appointed by the speaker of the house of representatives and one member to be appointed by the minority floor leader of the house of representatives;

(2) The director of the children's division or his or her designee;

(3) The director of the department of public safety or his or her designee;

- (4) The director of the department of mental health or his or her designee;**
- (5) The director of the office of prosecution services or his or her designee;**
- (6) The superintendent of the Missouri state highway patrol or his or her designee;**
- (7) The executive director of the statewide network of child advocacy organizations specializing in the prevention of child abuse or neglect or his or her designee;**
- (8) The executive director of the statewide coalition against domestic and sexual violence or his or her designee;**
- (9) The executive director of the Missouri Juvenile Justice Association or his or her designee;**
- (10) The director of the attorney general’s human trafficking task force or his or her designee;**
- (11) Two representatives from agencies providing services to victims of child sex trafficking and sexual exploitation who reflect the geographic diversity of the state and who shall be appointed by the director of the department of social services; and**
- (12) A member of the judiciary, who shall be appointed by the supreme court.**

2. A majority of the members of the council shall constitute a quorum. The council shall hold its first meeting within thirty days after the council’s creation and organize by selecting a chair and a vice chair. The council shall meet at the call of the chair.

3. The council shall:

(1) Collect and analyze data relating to sex trafficking and sexual exploitation of children, including the number of reports made to the children’s division under section 210.115, any information obtained from phone calls to the national sex trafficking hotline, the number of reports made to law enforcement, arrests, prosecution rates, and any other data important for any recommendations of the council. State departments and council members shall provide relevant data as requested by the council to fulfill the council’s duties; and

(2) Collect feedback from stakeholders, practitioners, and leadership throughout the state in order to develop best practices and procedures regarding the response to sex trafficking and sexual exploitation of children, including identification and assessment of victims; response and treatment coordination and collaboration across systems; trauma-informed, culturally competent victim-centered services; training for professionals in all systems; and investigating and prosecuting perpetrators.

4. The department of social services shall provide administrative support to the council.

5. On or before December 31, 2023, the council shall submit a report of the council’s activities to the governor and general assembly and the joint committee on child abuse and neglect under section 21.771. The report shall include recommendations for priority needs and actions, including statutory or regulatory changes relating to the response to sex trafficking and sexual exploitation of children and services for child victims.

6. The council shall expire on December 31, 2023.

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits

that have a family court as provided in [sections 487.010 to 487.190] **chapter 487** shall have exclusive original jurisdiction in proceedings:

(1) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child is otherwise without proper care, custody or support;

(c) The child was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130; or

(d) The child is in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school;

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control;

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification;

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of eighteen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, and except that the juvenile court shall have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent jurisdiction with the circuit court on any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child to the guardianship of the department of social services as provided by law; [and]

(6) Involving an order of protection pursuant to chapter 455 when the respondent is less than eighteen years of age; **and**

(7) Involving a child who has been a victim of sex trafficking or sexual exploitation.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence or the residence of the person eighteen years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child to the court located in the county of the child's residence, or the county in which the offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child to the court located in the county of the child's residence for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child under the supervision of another juvenile court within or without the state pursuant to section 210.570 with the consent of the receiving court;

(5) Upon motion of any child or his or her parent, the court having jurisdiction shall grant one change of judge pursuant to Missouri supreme court rules;

(6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child, certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child taken into custody in a county other than the county of the child's residence, the juvenile court of the county of the child's residence shall be notified of such taking into custody within seventy-two hours.

4. When an investigation by a juvenile officer pursuant to this section reveals that the only basis for action involves an alleged violation of section 167.031 involving a child who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child to verify that the child is being home schooled and not in violation of section 167.031 before making a report of such a violation. Any report of a violation of section 167.031 made by a juvenile officer regarding a child who is being home schooled shall be made to the prosecuting attorney of the county where the child legally resides.

5. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care or for the removal of custody of a child from the parent without a specific showing that

there is a causal relation between the disability or disease and harm to the child.”; and

Further amend said bill, Page 2, Section 217.035, Line 21, by inserting after said section and line the following:

“217.541. 1. The department shall by rule establish a program of house arrest. The director or his or her designee may extend the limits of confinement of offenders serving sentences for class D or E felonies who have one year or less remaining prior to release on parole[, conditional release,] or discharge to participate in the house arrest program.

2. The offender referred to the house arrest program shall remain in the custody of the department and shall be subject to rules and regulations of the department pertaining to offenders of the department until released on parole [or conditional release] by the state parole board.

3. The department shall require the offender to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the offender.

4. An offender released to house arrest shall be authorized to leave his or her place of residence only for the purpose and time necessary to participate in the program and activities authorized in subsection 3 of this section.

5. The division of probation and parole shall supervise every offender released to the house arrest program and shall verify compliance with the requirements of this section and such other rules and regulations that the department shall promulgate and may do so by remote electronic surveillance. If any probation/parole officer has probable cause to believe that an offender under house arrest has violated a condition of the house arrest agreement, the probation/parole officer may issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility to which the offender is brought shall be sufficient legal authority for detaining the offender. An offender arrested under this section shall remain in custody or incarcerated without consideration of bail. The director or his or her designee, upon recommendation of the probation and parole officer, may direct the return of any offender from house arrest to a correctional facility of the department for reclassification.

6. Each offender who is released to house arrest shall pay a percentage of his or her wages, established by department rules, to a maximum of the per capita cost of the house arrest program. The money received from the offender shall be deposited in the inmate fund and shall be expended to support the house arrest program.”; and

Further amend said bill, Page 6, Section 217.703, Line 104, by inserting after said section and line the following:

“217.705. 1. The director of the division of probation and parole shall appoint probation and parole officers and institutional parole officers as deemed necessary to carry out the purposes of the board.

2. Probation and parole officers shall investigate all persons referred to them for investigation by the board or by any court as provided by sections 217.750 and 217.760. They shall furnish to each offender released under their supervision a written statement of the conditions of probation[,] or parole [or conditional release] and shall instruct the offender regarding these conditions. They shall keep informed of

the offender's conduct and condition and use all suitable methods to aid and encourage the offender to bring about improvement in the offender's conduct and conditions.

3. The probation and parole officer may recommend and, by order duly entered, the court may impose and may at any time modify any conditions of probation. The court shall cause a copy of any such order to be delivered to the probation and parole officer and the offender.

4. Probation and parole officers shall keep detailed records of their work and shall make such reports in writing and perform such other duties as may be incidental to those enumerated that the board may require. In the event a parolee is transferred to another probation and parole officer, the written record of the former probation and parole officer shall be given to the new probation and parole officer.

5. Institutional parole officers shall investigate all offenders referred to them for investigation by the board and shall provide the board such other reports the board may require. They shall furnish the offender prior to release on parole [or conditional release] a written statement of the conditions of parole [or conditional release] and shall instruct the offender regarding these conditions.

6. The department shall furnish probation and parole officers and institutional parole officers, including supervisors, with credentials and a special badge which such officers and supervisors shall carry on their person at all times while on duty.”; and

Further amend said bill, Page 7, Section 217.710, Line 34, by inserting after said section and line the following:

“217.718. 1. As an alternative to the revocation proceedings provided under sections 217.720, 217.722, and 559.036, and if the court has not otherwise required detention to be a condition of probation under section 559.026, a probation or parole officer may order an offender to submit to a period of detention in the county jail, or other appropriate institution, upon a determination by a probation or parole officer that the offender has violated a condition of continued probation or parole.

2. The period of detention may not exceed forty-eight hours the first time it is imposed against an offender during a term of probation or parole. Subsequent periods may exceed forty-eight hours, but the total number of hours an offender spends in detention under this section shall not exceed three hundred sixty in any calendar year.

3. The officer shall present the offender with a written report detailing in what manner the offender has violated the conditions of parole, probation, or conditional release and advise the offender of the right to a hearing before the court or board prior to the period of detention. The division shall file a copy of the violation report with the sentencing court or board after the imposition of the period of detention and within a reasonable period of time that is consistent with existing division procedures.

4. Any offender detained under this section in a county of the first class or second class or in any city with a population of five hundred thousand or more and detained as herein provided shall be subject to all the provisions of section 221.170, even though the offender was not convicted and sentenced to a jail or workhouse.

5. If parole[,] or probation[, or conditional release] is revoked and a term of imprisonment is served by reason thereof, the time spent in a jail, halfway house, honor center, workhouse, or other institution as a detention condition of parole[,] or probation[, or conditional release] shall be credited against the prison or jail term served for the offense in connection with which the detention was imposed.

6. The division shall reimburse the county jail or other institution for the costs of detention under this section at a rate determined by the department of corrections, which shall be at least thirty dollars per day per offender and subject to appropriation of funds by the general assembly. Prior to ordering the offender to submit to the period of detention under subsection 1 of this section, the probation and parole officer shall certify to the county jail or institution that the division has sufficient funds to provide reimbursement for the costs of the period of detention. A jail or other institution may refuse to detain an offender under this section if funds are not available to provide reimbursement or if there is inadequate space in the facility for the offender.

7. Upon successful completion of the period of detention under this section, the court or board may not revoke the term of parole[, or probation[, or conditional release] or impose additional periods of detention for the same incident unless new or additional information is discovered that was unknown to the division when the period of detention was imposed and indicates that the offender was involved in the commission of a crime. If the offender fails to complete the period of detention or new or additional information is discovered that the incident involved a crime, the offender may be arrested under sections 217.720 and 217.722.”; and

Further amend said bill, Page 8, Section 217.720, Line 57, by inserting after said section and line the following:

“217.730. 1. The period served on parole, except for judicial parole granted or revoked pursuant to section 559.100, shall be deemed service of the term of imprisonment and, subject to the provisions of section 217.720 relating to an offender who is or has been a fugitive from justice, the total time served may not exceed the maximum term or sentence.

2. When an offender on parole [or conditional release], before the expiration of the term for which the offender was sentenced, has performed the obligation of his parole for such time as satisfies the board that his final release is not incompatible with the best interest of society and the welfare of the individual, the board may make a final order of discharge and issue a certificate of discharge to the offender. No such order of discharge shall be made in any case less than three years after the date on which the offender was paroled [or conditionally released] except where the sentence expires earlier.

3. Upon final discharge, persons shall be informed in writing on the process and procedure to register to vote.”; and

Further amend said bill, Page 12, Section 217.947, Line 9, by inserting after said section and line the following:

“301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant’s identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is ten years of age or less and has less than one hundred fifty thousand miles on the odometer, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of ten years after the receipt of such information. This section shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, autocycle, bus, or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is ten years of age or less and has less than one hundred fifty thousand miles on the odometer, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of ten years after the receipt of such information. This subsection shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify

the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class [B] C misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

9. An applicant for registration may make a donation of one dollar to the Missouri medal of honor recipients fund. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the Missouri medal of honor recipients fund as established in section 226.925. Moneys in the medal of honor recipients fund shall be used solely for the purposes established in section 226.925, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An “emergency vehicle” is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state, **county, or municipal** park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer, coroner, medical examiner, or forensic investigator of the county medical examiner’s office, or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee’s official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550;

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; or

(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while

in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor.

313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) "Adjusted gross receipts", the gross receipts from licensed gambling games and devices less winnings paid to wagers;

(2) "Applicant", any person applying for a license authorized under the provisions of sections 313.800 to 313.850;

(3) "Bank", the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) "Capital, cultural, and special law enforcement purpose expenditures" shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful

life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse-mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;

(5) “Cheat”, to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;

(6) “Commission”, the Missouri gaming commission;

(7) “Credit instrument”, a written check, negotiable instrument, automatic bank draft or other authorization from a qualified person to an excursion gambling boat licensee or any of its affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of credit extended by the licensee to such person from the qualified person’s banking account in an amount determined under section 313.817 on or after a date certain of not more than thirty days from the date the credit was extended, and includes any such writing taken in consolidation, redemption or payment of a previous credit instrument, but does not include any interest-bearing installment loan or other extension of credit secured by collateral;

(8) “Dock”, the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(9) “Excursion gambling boat”, a boat, ferry, other floating facility, or any nonfloating facility licensed by the commission on **or inside of** which gambling games are allowed;

(10) “Fiscal year”, the fiscal year of a home dock city or county;

(11) “Floating facility”, any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;

(12) “Gambling excursion”, the time during which gambling games may be operated on an excursion gambling boat whether docked or during a cruise;

(13) “Gambling game” includes, but is not limited to, games of skill or games of chance on an excursion gambling boat but does not include gambling on sporting events; provided such games of chance are approved by amendment to the Missouri Constitution;

(14) “Games of chance”, any gambling game in which the player’s expected return is not favorably increased by the player’s reason, foresight, dexterity, sagacity, design, information or strategy;

(15) “Games of skill”, any gambling game in which there is an opportunity for the player to use the player’s reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player’s expected return; including, but not limited to, the gambling games known as “poker”, “blackjack” (twenty-one), “craps”, “Caribbean stud”, “pai gow poker”, “Texas hold’em”, “double down stud”, and any video representation of such games;

(16) “Gross receipts”, the total sums wagered by patrons of licensed gambling games;

(17) “Holder of occupational license”, a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;

(18) "Licensee", any person licensed under sections 313.800 to 313.850;

(19) "Mississippi River" and "Missouri River", the water, bed and banks of those rivers, including any space filled wholly or partially by the water of those rivers in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(20) "Nonfloating facility", any structure within one thousand feet **from the closest edge of the main channel** of the Missouri or Mississippi River, **as established by the United States Army Corps of Engineers**, that contains at least two thousand gallons of water beneath or inside the facility either by an enclosed space containing such water or in rigid or semirigid storage containers, **tanks**, or structures;

(21) "Supplier", a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. (1) In addition to the games of skill defined in this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant's or licensee's home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing the petitioner's case by a preponderance of evidence including:

(a) Is it in the best interest of gaming to allow the game; and

(b) Is the gambling game a game of chance or a game of skill?

(2) All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.805. The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

(1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;

(2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. Notwithstanding the provisions of chapter 311 to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions, provided that the commission shall not establish any regulations or policies that limit the amount of wagers, losses, or buy-in amounts;

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a licensee within this state to determine compliance with sections 313.800 to 313.850;

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645;

(7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat or adjacent facilities;

(8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

(9) To require all licensees to file all financial reports required by rules and regulations of the commission;

(10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;

(11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;

(12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;

(13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to physical or electronic tokens, electronic cards, or chips which only can be used on the excursion gambling boat;

(14) To require excursion gambling boat licensees to develop a system, approved by the commission, that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving identifying information for the first time. Such system shall be submitted to the commission by October 1, 2000, and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use

identifying information obtained from patrons who have elected to have marketing blocked under the provisions of this section only for the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit the commission from accessing identifying information for the purposes of enforcing section 313.004 and sections 313.800 to 313.850;

(15) To determine which of the authorized gambling games will be permitted on any licensed excursion gambling boat;

(16) The commission shall base its decision to license excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. The commission shall consider economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for excursion gambling boats that are similarly situated with respect to the criteria set forth in this section;

(17) The commission shall render a finding **or findings** concerning the transition from a boat, barge, or floating facility to a nonfloating facility within thirty days after a hearing on any request from an applicant or **existing** licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;

(18) To require any applicant for a license or renewal of a license to operate an excursion gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to achieve maximum employment of African-Americans and other minorities and maximum participation in the procurement of contractual purchases of goods and services. This provision shall be administered in accordance with all federal and state employment laws, including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal, the licensee will report on the effectiveness of the plan. The commission shall include the licensee's reported information in its annual report to the joint committee on gaming and wagering;

(19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

320.210. The state fire marshal shall appoint one assistant director and such other investigators and employees as the needs of the office require within the limits of the appropriation made for such purpose. [Supervising investigators shall be at least twenty-five years of age and shall have either a minimum of five years' experience in fire risk inspection, prevention, or investigation work, or a degree in fire protection engineering from a recognized college or university of engineering.] No person shall be appointed as an investigator or other employee who has been convicted of a felony or other crime involving moral turpitude. Any person appointed as an investigator shall be of good character, shall be a citizen of the United States, [shall have been a taxpaying resident of this state for at least three years immediately preceding his appointment, and] shall be a graduate of an accredited four-year high school or, in lieu thereof, shall have obtained a certificate of equivalency from the state department of elementary and secondary education, and shall [possess ordinary physical strength and be able to pass such physical and mental examinations as the state fire marshal may prescribe] **be a resident of Missouri at the time of appointment.** An investigator or employee shall not hold any other commission or office, elective or appointive, or accept any other employment **that would pose a conflict of interest** while he **or she** is an investigator or employee. An investigator or employee shall not accept any compensation, reward, or gift other than his **or her** regular

salary and expenses for the performance of his or her official duties.

407.1700. 1. For the purposes of this section, the following terms shall mean:

(1) “Consumer product”, any tangible personal property that is distributed in commerce and that is normally used for personal, family, or household purposes, including any such property intended to be attached to or installed in any real property without regard to whether the personal property is so attached or installed;

(2) “High-volume third-party seller”, a participant in an online marketplace who is a third-party seller and who, in any continuous twelve-month period during the previous twenty-four months, has entered into two hundred or more discrete sales or transactions of new or unused consumer products with an aggregate total of five thousand dollars or more in gross revenue. For purposes of calculating the number of discrete sales or transactions or the aggregate gross revenues under this subdivision, an online marketplace shall be required to count only sales or transactions made through the online marketplace and for which payment was processed by the online marketplace, either directly or through its payment processor;

(3) “Online marketplace”, any person or entity that operates a consumer-directed, electronically-based or accessed platform that:

(a) Includes features that allow for, facilitate, or enable third-party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the United States;

(b) Is used by one or more third-party sellers for such purposes; and

(c) Has a contractual or similar relationship with consumers governing its use of the platform to purchase consumer products;

(4) “Seller”, a person who sells, offers to sell, or contracts to sell a consumer product through an online marketplace’s platform;

(5) “Third-party seller”, any seller, independent of an online marketplace, who sells, offers to sell, or contracts to sell a consumer product through an online marketplace. This term shall not include a seller who:

(a) Operates the online marketplace’s platform; or

(b) Is a business entity that has:

a. Made available to the general public the entity’s name, business address, and working contact information;

b. An ongoing contractual relationship with the online marketplace to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products; and

c. Provided to the online marketplace identifying information, as described in subparagraph a. of this paragraph, that has been verified under subsection 2 of this section;

(6) “Verify”, to confirm information provided to an online marketplace under this section, which may include the use of one or more methods that enable the online marketplace to reliably determine that any information and documents provided are valid; corresponding to the seller or an individual

acting on the seller's behalf; not misappropriated; and not falsified.

2. An online marketplace shall require any high-volume third-party seller on the online marketplace to provide, no later than ten days after qualifying as a high-volume third-party seller, the following information:

(1) Bank account information, including a bank account number or, if such seller does not have a bank account, the name of the payee for payments issued by the online marketplace to such seller. The bank account or payee information required under this subdivision may be provided by the seller in the following ways:

(a) To the online marketplace; or

(b) To a payment processor or other third-party contracted by the online marketplace to maintain such information, provided that the online marketplace ensures that it may obtain such information on demand from such payment processor or other third-party;

(2) Contact information for such seller, including the following:

(a) With respect to a high-volume third-party seller who is an individual, the individual's name; or

(b) With respect to a high-volume third-party seller who is not an individual, one of the following forms of contact information:

a. A copy of a valid government-issued identification for an individual acting on behalf of such seller that includes the individual's name; or

b. A copy of a valid government-issued record or tax document that includes the business name and physical address of such seller;

(3) A current working email address and phone number for such seller; and

(4) A business tax identification number or, if such seller does not have a business tax identification number, a taxpayer identification number.

3. An online marketplace shall:

(1) Periodically, but no less than annually, notify any high-volume third-party seller on such online marketplace's platform of the requirement to keep any information collected under subsection 2 of this section current; and

(2) Require any high-volume third-party seller on such online marketplace's platform to, no later than ten days after receiving the notice under subdivision (1) of this subsection, electronically certify that:

(a) The seller has provided any changes to such information to the online marketplace if any such changes have occurred;

(b) There have been no changes to such seller's information; or

(c) Such seller has provided any changes to such information to the online marketplace.

4. In the event that a high-volume third-party seller does not provide the information or

certification required under subsections 2 and 3 of this section, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to provide such information or certification no later than ten days after the issuance of such notice, suspend any future sales activity of such seller until such seller provides such information or certification.

5. (1) An online marketplace shall:

(a) Verify the information collected in subsection 2 of this section no later than ten days after such collection; and

(b) Verify any change to such information no later than ten days after being notified of such change by a high-volume third-party seller under subsection 3 of this section.

(2) In the case of a high-volume third-party seller who provides a copy of a valid government-issued tax document, any information contained in such tax document shall be presumed to be verified as of the date of issuance of such document.

(3) Data collected to comply solely with the requirements of this section shall not be used for any other purpose unless required by law.

(4) An online marketplace shall implement and maintain reasonable security procedures and practices, including administrative, physical, and technical safeguards, appropriate to the nature of the data and the purposes for which the data will be used, to protect the data collected to comply with the requirements of this section from unauthorized use, disclosure, access, destruction, or modification.

6. (1) An online marketplace shall:

(a) Require any high-volume third-party seller with an aggregate total of twenty thousand dollars or more in annual gross revenues on such online marketplace, and that uses such online marketplace's platform, to provide the information described in subdivision (2) of this subsection to the online marketplace; and

(b) Disclose the information described in subdivision (2) of this subsection to consumers in a clear and conspicuous manner in the order confirmation message or other document or communication made to a consumer after a purchase is finalized and in the consumer's account transaction history.

(2) The information required shall be the following:

(a) Subject to subdivision (3) of this subsection, the identity of the high-volume third-party seller, including:

a. The full name of the seller, which may include the seller's name or seller's company name, or the name by which the seller or company operates on the online marketplace;

b. The physical address of the seller; and

c. Contact information for the seller, to allow for the direct, unhindered communication with high-volume third-party sellers by users of the online marketplace, including:

(i) A current working phone number;

(ii) A current working email address; or

(iii) Other means of direct electronic messaging, which may be provided to such seller by the online marketplace; and

(b) Whether the high-volume third-party seller used a different seller to supply the consumer product to the consumer upon purchase and, upon the request of an authenticated purchaser, the information described in paragraph (a) of this subdivision relating to any such seller who supplied the consumer product to the purchaser if such seller is different than the high-volume third-party seller listed on the product listing prior to purchase.

(3) Subject to subdivision (2) of this subsection, upon the request of a high-volume third-party seller, an online marketplace may provide for partial disclosure of the identity information required under paragraph (a) of subdivision (2) of this subsection in the following situations:

(a) If such seller certifies to the online marketplace that the seller does not have a business address and only has a residential street address, or has a combined business and residential address, the online marketplace may:

a. Disclose only the country and, if applicable, the state in which such seller resides; and

b. Inform consumers that there is no business address available for the seller and that consumer inquiries should be submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace;

(b) If such seller certifies to the online marketplace that the seller is a business that has a physical address for product returns, the online marketplace may disclose the seller's physical address for product returns; and

(c) If such seller certifies to the online marketplace that the seller does not have a phone number other than a personal phone number, the online marketplace shall inform consumers that there is no phone number available for the seller and that consumer inquiries should be submitted to the seller's email address or other means of electronic messaging provided to such seller by the online marketplace.

(4) If an online marketplace becomes aware that a high-volume third-party seller has made a false representation to the online marketplace in order to justify the provision of a partial disclosure under subdivision (1) of this subsection or that a high-volume third-party seller who has requested and received a provision for a partial disclosure under subdivision (1) of this subsection has not provided responsive answers within a reasonable time frame to consumer inquiries submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to respond no later than ten days after the issuance of such notice, suspend any future sales activity of such seller unless such seller consents to the disclosure of the identity information required under paragraph (a) of subdivision (2) of this subsection.

(5) An online marketplace shall disclose to consumers in a clear and conspicuous manner on the product listing of any high-volume third-party seller a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to the online marketplace.

(6) If a high-volume third-party seller does not comply with the requirements to provide and disclose information under this subsection, the online marketplace shall, after providing the seller

with written or electronic notice and an opportunity to provide or disclose such information no later than ten days after the issuance of such notice, suspend any future sales activity of such seller until the seller complies with such requirements.

7. (1) A violation of the provisions of this section shall be treated as a violation of sections 407.010 to 407.130 and shall be enforced solely by the attorney general. Nothing in this section shall be construed as providing the basis for, or subjecting a party to, a private civil action.

(2) The attorney general may promulgate rules and regulations with respect to collecting, verifying, and disclosing information under this section, provided that such rules and regulations are limited to what is necessary to collect, verify, or disclose such information. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

455.073. 1. By July 1, 1996, the supreme court of the state of Missouri shall:

(1) Develop and adopt uniform forms for petitions and orders of protection; and

(2) Provide the forms to each circuit clerk.

2. The following statements shall be printed in bold faced type or in capital letters on the order of protection:

(1) “Violation of this order may be punished by confinement in jail for as long as five years and by a fine of as much as five thousand dollars”; and

(2) “If so ordered by the court, the respondent is forbidden to enter or stay at the petitioner’s residence”.

3. The form prescribed by the supreme court for the notice of hearing required by subsection 2 of section 455.040 shall list all potential relief that can be granted by the court in any proceeding pursuant to sections 455.010 to 455.085 as described in section 455.050, and shall advise the respondent that such relief may be granted if the court finds for the petitioner, or if the respondent defaults to the petition.

4. If a full order of protection is granted, all temporary orders shall continue in the full order of protection and shall remain in full force and effect unless otherwise ordered by the court.

5. All orders of protection shall be issued on the form adopted pursuant to subsection 1 of this section.

455.075. The court may order a party to pay a reasonable amount to the other party for attorney’s fees incurred prior to the commencement of the proceeding [or], **throughout the proceeding**, and after entry of judgment. The court shall consider all relevant factors, including the financial resources of both parties, and may order that the amount be paid directly to the attorney, who may enforce the order in his name.

455.085. 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to domestic violence, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the

officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest, the officer is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party the officer believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

- (1) The intent of the law to protect victims from continuing domestic violence;
- (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
- (3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of domestic violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether the officer should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual assault, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years

of the date of the subsequent violation, in which case the subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual assault, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if:

(1) The law enforcement officer responding to a call of a reported incident of domestic violence, stalking, sexual assault, or violation of an order of protection presented a copy of the order of protection to the respondent; **or**

(2) Notice is given by actual communication to the respondent in a manner reasonably likely to advise the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

476.055. 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, [2023] **2028**, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two

members of the senate appointed by the president pro tem of the senate, the executive director of the Missouri office of prosecution services, the director of the state public defender system, and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve *ex officio*. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class E felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee; and
- (4) The chair of the senate judiciary committee.

8. Section 488.027 shall expire on September 1, [2023] **2028**. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section[, but shall complete its duties prior to September 1, 2025].

9. This section shall expire on September 1, 2025].

490.800. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such offense by admissible evidence may be paid restitution. Any individual who receives restitution under this

section shall not also receive restitution under section 650.058 for the same offense for which the individual was determined to be actually innocent. The individual shall receive an amount of one hundred dollars per day for each day of postconviction incarceration for the offense for which the individual is determined to be actually innocent under this section. The petition for the payment of such restitution shall be filed with the sentencing court. For the purposes of this section, the term “actually innocent” shall mean:

(1) The individual was convicted of a felony for which a final order of release was entered based on an order setting aside the judgment of conviction by the sentencing court pursuant to section 547.031, based on a finding of actual innocence entered by the sentencing court pursuant to section 547.031, or by writ otherwise authorized by law;

(2) All appeals of the order of release have been exhausted; and

(3) The individual was not serving any term of a sentence for any other offense concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the parole board in connection with the offense for which the person has been exonerated. Regardless of whether any other basis may exist for the revocation of the person’s probation or parole at the time of conviction for the offense for which the person is later determined to be actually innocent, when the court’s or the parole board’s sole stated reason for the revocation in its order is the conviction for the offense for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive evidence that the person’s probation or parole was revoked in connection with the offense for which the person has been exonerated.

Any individual who receives restitution under this section shall not also receive restitution under section 650.058 for the same offense the person was determined to be actually innocent and shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. No individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. A petition for payment of restitution under this section may be filed only by the individual determined to be actually innocent or the individual’s legal guardian. No claim or petition for restitution under this section may be filed by the individual’s heirs or assigns. An individual’s right to receive restitution under this section is not assignable or otherwise transferrable. The state’s obligation to pay restitution under this section shall cease upon the individual’s death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

3. An individual who is determined to be actually innocent of an offense under this section shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial, or conviction. Upon the court's granting the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and available only to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea, or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever, and no such inquiry shall be made for information relating to an expungement under this section.

491.015. 1. In prosecutions under chapter 566 or prosecutions related to sexual conduct under chapter 568, opinion and reputation evidence of [the complaining] **a victim's or witness' prior sexual conduct, acts, or practices** is inadmissible **at any trial, hearing, or court proceeding and not a subject for inquiry during a deposition or discovery**; evidence of specific instances of [the complaining] **a victim's or witness' prior sexual conduct, acts, or practices** or the absence of such instances or conduct is inadmissible **at any trial, hearing, or any other court proceeding, and not a subject for inquiry during a deposition or discovery**, except where such specific instances are:

(1) Evidence of the sexual conduct of [the complaining] **a victim or witness** with the defendant to prove consent where consent is a defense to the alleged crime and the evidence is reasonably contemporaneous with the date of the alleged crime; or

(2) Evidence of specific instances of sexual activity showing alternative source or origin of semen, pregnancy or disease;

(3) Evidence of immediate surrounding circumstances of the alleged crime; or

(4) Evidence relating to the previous chastity of [the complaining] **a victim or witness** in cases, where, by statute, previously chaste character is required to be proved by the prosecution.

2. Evidence of the sexual conduct, **acts, or practices** of [the complaining] **a victim or witness** offered under this section is admissible to the extent that the court finds the evidence relevant to a material fact or issue.

3. If the defendant proposes to offer evidence of the sexual conduct, **acts, or practices** of [the complaining] **a victim or witness** under this section, he **or she** shall file with the court a written motion accompanied by an offer of proof or make an offer of proof on the record outside the hearing of the jury. The court shall hold an in camera hearing to determine the sufficiency of the offer of proof and may at that hearing hear evidence if the court deems it necessary to determine the sufficiency of the offer of proof. If the court finds any of the evidence offered admissible under this section the court shall make an order stating the scope of the evidence which may be introduced. Objections to any decision of the court under this section may be made by either the prosecution or the defendant in the manner provided by law. The in camera hearing shall be recorded and the court shall set forth its reasons for its ruling. The record of the in camera hearing shall be sealed for delivery to the parties and to the appellate court in the event of an appeal or other post trial proceeding.

537.529. 1. This section shall be known and may be cited as the “Uniform Public Expression Protection Act”.

2. As used in this section, the following terms shall mean:

(1) “Goods or services”, shall not include a dramatic, literary, musical, political, journalistic, or artistic work;

(2) “Governmental unit”, any city, county, or other political subdivision of this state, or any department, division, board, or other agency of any political subdivision of this state;

(3) “Person”, an individual, estate, trust, partnership, business or nonprofit entity, governmental unit, or other legal entity.

3. Except as otherwise provided in subsection 4 of this section, this section applies to a cause of action asserted in a civil action against a person based on the person’s:

(1) Communication in a legislative, executive, judicial, administrative, or other governmental proceeding;

(2) Communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or

(3) Exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the Constitution of the United States or the Constitution of the state of Missouri, on a matter of public concern.

4. This section does not apply to a cause of action asserted:

(1) Against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity;

(2) By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety; or

(3) Against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication related to the person’s sale or lease of the goods or services.

5. No later than sixty days after a party is served with a complaint, cross-claim, counterclaim, third-party claim, or other pleading that asserts a cause of action to which this section applies, or at a later time on a showing of good cause, a party may file a special motion to dismiss the cause of action or part of the cause of action.

6. (1) Except as otherwise provided in this subsection:

(a) All other proceedings between the moving party and responding party in an action, including discovery and a pending hearing or motion, are stayed on the filing of a motion under subsection 5 of this section; and

(b) On motion by the moving party, the court may stay:

a. A hearing or motion involving another party if the ruling on the hearing or motion would adjudicate a legal or factual issue that is material to the motion under subsection 5 of this section; or

b. Discovery by another party if the discovery relates to a legal or factual issue that is material to the motion under subsection 5 of this section.

(2) A stay under subdivision (1) of this subsection remains in effect until entry of an order ruling on the motion filed under subsection 5 of this section and the expiration of the time to appeal the order.

(3) If a party appeals from an order ruling on a motion under subsection 5 of this section, all proceedings between all parties in an action are stayed. The stay remains in effect until the conclusion of the appeal.

(4) During a stay under subdivision (1) of this subsection, the court may allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden imposed by subdivision (1) of subsection 9 of this section and is not reasonably available without discovery.

(5) A motion for costs and expenses under subsection 12 of this section shall not be subject to a stay under this section.

(6) A stay under this subsection does not affect a party's ability to voluntarily dismiss a cause of action or part of a cause of action or move to sever a cause of action.

(7) During a stay under this section, the court for good cause may hear and rule on:

(a) A motion unrelated to the motion under subsection 5 of this section; and

(b) A motion seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

7. (1) The court shall hear a motion under subsection 5 of this section no later than sixty days after filing of the motion, unless the court orders a later hearing:

(a) To allow discovery under subdivision (4) of subsection 6 of this section; or

(b) For other good cause.

(2) If the court orders a later hearing under paragraph (a) of subdivision (1) of this subsection, the court shall hear the motion under subsection 5 of this section no later than sixty days after the court order allowing the discovery, subject to paragraph (b) of subdivision (1) of this subsection.

8. In ruling on a motion under subsection 5 of this section, the court shall consider the parties' pleadings, the motion, any replies and responses to the motion, and any evidence that could be considered in ruling on a motion for summary judgment.

9. (1) In ruling on a motion under subsection 5 of this section, the court shall dismiss with prejudice a cause of action or part of a cause of action if:

(a) The moving party establishes under subsection 3 of this section that this section applies;

(b) The responding party fails to establish under subsection 4 of this section that this section does not apply; and

(c) Either:

a. The responding party fails to establish a prima facie case as to each essential element of the cause of action; or

b. The moving party establishes that:

(i) The responding party failed to state a cause of action upon which relief can be granted; or

(ii) There is no genuine issue as to any material fact and the party is entitled to judgment as a matter of law on the cause of action or part of the cause of action.

(2) A voluntary dismissal without prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under subsection 5 of this section does not affect a moving party's right to obtain a ruling on the motion and seek costs, reasonable attorney's fees, and reasonable litigation expenses under subsection 12 of this section.

(3) A voluntary dismissal with prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under subsection 5 of this section establishes for the purpose of subsection 12 of this section that the moving party prevailed on the motion.

10. The court shall rule on a motion under subsection 5 of this section no later than sixty days after the hearing under subsection 7 of this section.

11. A moving party may appeal within twenty-one days as a matter of right from an order denying, in whole or in part, a motion under subsection 5 of this section.

12. On a motion under subsection 5 of this section, the court shall award costs, reasonable attorney's fees, and reasonable litigation expenses related to the motion:

(1) To the moving party if the moving party prevails on the motion; or

(2) To the responding party if the responding party prevails on the motion and the court finds that the motion was frivolous or filed solely with intent to delay the proceeding.

13. This section shall be broadly construed and applied to protect the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association, guaranteed by the Constitution of the United States or the Constitution of the state of Missouri.

14. In applying and construing this section, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

15. This section applies to a civil action filed or cause of action asserted in a civil action on or after August 28, 2022.

544.453. Notwithstanding any provision of the law or court rule to the contrary, a judge or judicial officer, when setting bail or conditions of release in all courts in Missouri for any offense charged, shall consider, in addition to any factor required by law, whether:

(1) A defendant poses a danger to a victim of crime, the community, any witness to the crime, or to any other person;

(2) A defendant is a flight risk;

(3) A defendant has committed a violent misdemeanor offense, sexual offense, or felony offense in this state or any other state in the last five years; and

(4) A defendant has failed to appear in court as a required condition of probation or parole for a violent misdemeanor or felony within the last three years.

545.473. 1. Notwithstanding Missouri supreme court rule 32.03, a defendant with a case filed in a county [with department of corrections centers with a total average yearly offender population in excess of two thousand persons] **having seventy-five thousand or fewer inhabitants** shall follow the procedure listed in subsections 2 to 5 of this section in order to obtain a change of venue for misdemeanors or felonies.

2. Upon written application of the defendant, a change of venue may be ordered in any criminal proceeding for the following reasons:

- (1) That the inhabitants of the county are prejudiced against the defendant; or
- (2) That the state has an undue influence over the inhabitants of the county.

3. In felony **and misdemeanor** cases, the application must be filed not later than [thirty] **ten** days after [arraignment. In misdemeanor cases, the application must be filed not later than ten days before the date set for trial] **the initial plea is entered.**

4. A copy of the application and a notice of the time when it will be presented to the court shall be served on all parties.

5. The application shall set forth the reason or reasons for change of venue. It need not be verified and shall be signed by the defendant or his attorney.

6. The state may, within five days after the filing of the application for a change of venue, file a denial of the existence of the reason or reasons alleged in the application. Such denial need not be verified. If a denial is filed, the court shall hear evidence and determine the issues. If the issues are determined in favor of the defendant, or if the truth of the grounds alleged is within the knowledge of the court, or if no denial is filed, a change of venue shall be ordered to some other county convenient to the parties and where the reason or reasons do not exist.

546.262. A court shall not compel a victim or member of the victim's family testifying in a criminal proceeding for a violation of sections 565.072 to 565.076 to disclose a residential address or place of employment on the record in open court unless the court finds that disclosure of the address or place of employment is necessary.

546.263. 1. A person may testify by video conference at a civil trial involving an offense under sections 565.072 to 565.076 if the person testifying is the victim of the offense. The circuit and associate circuit court judges for each circuit shall develop local rules and instructions for appearances by video conference permitted under this subsection, which shall be posted on the circuit court's internet website.

2. The circuit and associate circuit court judges for each circuit shall provide, and post on the circuit court's internet website, a telephone number for the public to call for assistance regarding appearances by video conference.”; and

Further amend said bill and page, Section 548.241, Line 10, by inserting after said section and line the following:

“556.036. 1. A prosecution for murder, rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, attempted sodomy in the first

degree, attempted forcible sodomy, **sexual abuse in the first degree, attempted sexual abuse in the first degree, incest, and attempted incest** or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

(1) For any felony, three years, except as provided in subdivision (4) of this subsection;

(2) For any misdemeanor, one year;

(3) For any infraction, six months;

(4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term “person who has a legal duty to represent an aggrieved party” shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the person is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the person’s complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years;

(2) During any time when the accused is concealing himself or herself from justice either within or without this state;

(3) During any time when a prosecution against the accused for the offense is pending in this state;

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020; or

(5) During any period of time after which a DNA profile is developed from evidence collected in relation to the commission of a crime and included in a published laboratory report until the date upon which the accused is identified by name based upon a match between that DNA evidence profile and the known DNA profile of the accused. For purposes of this section, the term “DNA profile” means the collective results of the DNA analysis of an evidence sample.

556.046. 1. A person may be convicted of an offense included in an offense charged in the indictment or information. An offense is so included when:

(1) It is established by proof of the same or less than all the facts required to establish the commission of the offense charged; or

(2) It is specifically denominated by statute as a lesser degree of the offense charged; or

(3) It consists of an attempt to commit the offense charged or to commit an offense otherwise included therein.

2. The court shall not be obligated to charge the jury with respect to an included offense unless there is a **rational** basis for a verdict acquitting the person of the offense charged and convicting him **or her** of the included offense. An offense is charged for purposes of this section if:

(1) It is in an indictment or information; or

(2) It is an offense submitted to the jury because there is a **rational** basis for a verdict acquitting the person of the offense charged and convicting the person of the included offense.

3. The court shall be obligated to instruct the jury with respect to a particular included offense only if **the instruction is requested and** there is a **rational** basis in the evidence for acquitting the person of the immediately higher included offense and [there is a basis in the evidence for] convicting the person of that particular included offense.

558.011. 1. The authorized terms of imprisonment, including both prison and conditional release terms, are:

(1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;

(2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;

(3) For a class C felony, a term of years not less than three years and not to exceed ten years;

(4) For a class D felony, a term of years not to exceed seven years;

(5) For a class E felony, a term of years not to exceed four years;

(6) For a class A misdemeanor, a term not to exceed one year;

(7) For a class B misdemeanor, a term not to exceed six months;

(8) For a class C misdemeanor, a term not to exceed fifteen days.

2. In cases of class D and E felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon

a person convicted of a class D or E felony, it shall commit the person to the custody of the department of corrections.

3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036, or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.

4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term **when the offense occurred before August 28, 2022**. The conditional release term of any term imposed under section 557.036 shall be:

(a) One-third for terms of nine years or less;

(b) Three years for terms between nine and fifteen years;

(c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the parole board pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of an offender by the parole board, subject to conditions of release that the parole board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the division of probation and parole. The conditions of release shall include avoidance by the offender of any other offense, federal or state, and other conditions that the parole board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the parole board. The director of any division of the department of corrections except the division of probation and parole may file with the parole board a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the parole board shall convene a hearing on the petition. The offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the parole board and for the parole board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a parole board decision has not been reached, the offender shall be released conditionally. The decision of the parole board shall be final.

6. For offenses occurring on or after August 28, 2022, a sentence of imprisonment shall consist only of a prison term without eligibility for conditional release.

558.016. 1. The court may sentence a person who has been found guilty of an offense to a term of

imprisonment as authorized by section 558.011 or to a term of imprisonment authorized by a statute governing the offense if it finds the defendant is a prior offender or a persistent misdemeanor offender. The court may sentence a person to an extended term of imprisonment if:

(1) The defendant is a persistent offender or a dangerous offender, and the person is sentenced under subsection 7 of this section;

(2) The statute under which the person was found guilty contains a sentencing enhancement provision that is based on a prior finding of guilt or a finding of prior criminal conduct and the person is sentenced according to the statute; or

(3) A more specific sentencing enhancement provision applies that is based on a prior finding of guilt or a finding of prior criminal conduct.

2. A “prior offender” is one who has been found guilty of one felony.

3. A “persistent offender” is one who has been found guilty of two or more felonies committed at different times.

4. A “dangerous offender” is one who:

(1) Is being sentenced for a felony during the commission of which he knowingly murdered or endangered or threatened the life of another person or knowingly inflicted or attempted or threatened to inflict serious physical injury on another person; [and] **or**

(2) Has been found guilty of a class A or B felony or a dangerous felony **as defined by section 556.061.**

5. A “persistent misdemeanor offender” is one who has been found guilty of two or more offenses, committed at different times that are classified as A or B misdemeanors under the laws of this state.

6. The findings of guilt shall be prior to the date of commission of the present offense.

7. The court shall sentence a person, who has been found to be a persistent offender or a dangerous offender, and is found guilty of a class B, C, D, or E felony to the authorized term of imprisonment for the offense that is one class higher than the offense for which the person is found guilty.

558.019. 1. This section shall not be construed to affect the powers of the governor under Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020[,] **or** section 566.125, [or section 571.015,] which set minimum terms of sentences, or the provisions of section 559.115, relating to probation.

2. The provisions of subsections 2 to 5 of this section shall only be applicable to the offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony, 570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when punished as a class A felony, 575.210, 575.230 when punished as a class B felony, 575.240 when punished as a class B felony, 576.070, 576.080, 577.010, 577.013, 577.078, 577.703,

577.706, 579.065, and 579.068 when punished as a class A or B felony. For the purposes of this section, “prison commitment” means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include an offender’s first incarceration prior to release on probation under section 217.362 or 559.115. Other provisions of the law to the contrary notwithstanding, any offender who has been found guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;

(2) If the offender has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the offender has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be eighty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any offender who has been found guilty of a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for offenses committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term “minimum prison term” shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections.

6. An offender who was convicted of, or pled guilty to, a felony offense other than those offenses listed in subsection 2 of this section prior to August 28, 2019, shall no longer be subject to the minimum prison term provisions under subsection 2 of this section, and shall be eligible for parole, conditional release, or other early release by the department of corrections according to the rules and regulations of the department.

7. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be

appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members shall be appointed to a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for offenders convicted of the same or similar offenses and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor, if sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

(4) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(5) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(6) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

8. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.

9. If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:

(1) Restitution to any victim or a statutorily created fund for costs incurred as a result of the offender's actions;

(2) Offender treatment programs;

(3) Mandatory community service;

(4) Work release programs in local facilities; and

(5) Community-based residential and nonresidential programs.

10. Pursuant to subdivision (1) of subsection 9 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by

the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

11. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a person to make payment.

12. A person who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the person either willfully refused to make the payment or that the person willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

13. Nothing in this section shall be construed to allow the sentencing advisory commission to issue recommended sentences in specific cases pending in the courts of this state.

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except in the case of multiple sentences of imprisonment imposed for any offense committed during or at the same time as, or multiple offenses of, the following felonies:

- (1) Rape in the first degree, forcible rape, or rape;
- (2) Statutory rape in the first degree;
- (3) Sodomy in the first degree, forcible sodomy, or sodomy;
- (4) Statutory sodomy in the first degree; or

(5) An attempt to commit any of the felonies listed in this subsection. In such case, the sentence of imprisonment imposed for any felony listed in this subsection or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. The sentences imposed for any other offense may run concurrently.

2. If a person who is on probation[,] **or** parole [or conditional release] is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole [or after the start of his or her conditional release term], the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation[,] **or** parole [or conditional release] revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation[,] **or** parole [or conditional release] revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his or her sentence within the department of corrections of the state of Missouri, except that a personal hearing before the parole board shall not be required for parole consideration.

558.041. 1. Any offender committed to the department of corrections, except those persons committed

pursuant to subsection 7 of section 558.016, or subsection 3 of section 566.125, [may] **shall** receive additional credit in terms of days spent in confinement upon recommendation for such credit by the offender's institutional superintendent when the offender meets the requirements for such credit as provided in subsections 3 and [4] **5** of this section. Good time credit may be rescinded by the director or his or her designee pursuant to the divisional policy issued pursuant to subsection 3 of this section.

2. Any credit extended to an offender shall only apply to the sentence which the offender is currently serving.

3. The director of the department of corrections shall issue a policy for awarding credit[.] **as follows:**

(1) The policy [may] **shall** reward an [inmate] **offender** who has served his or her sentence in an orderly and peaceable manner and has taken advantage of the rehabilitation programs available to him or her[.];

(2) Any violation of **major** institutional rules [or], the laws of this state, **or the accumulation of minor violations exceeding six within a calendar year** may result in the loss of all or a portion of any credit earned by the [inmate] **offender** pursuant to this section; **except that, credit accrued in previous years shall not be lost;**

(3) **The policy shall specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities, and the criteria for awarding credit.**

4. [The department shall cause the policy to be published in the code of state regulations] **No person committed to the department who is sentenced to death or life without probation or parole shall be eligible for good time credit.**

5. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024] **Each offender shall receive a deduction of sixty days from his or her sentence by being awarded the following specified monthly credits:**

(1) **For the offender's successful completion of high school, or for the offender who has obtained his or her diploma or equivalent general education diploma;**

(2) **For the offender's successful completion of an alcohol or drug abuse treatment program as provided and as defined by the department, except for alcohol and drug abuse treatment programs ordered by the court or parole board;**

(3) **For the offender's completion of one thousand hours of restorative justice;**

(4) **The offender's completion of other programs as provided and as defined by the department's policy.**

6. **Nothing in this section shall be construed to entitle any offender to early discharge and the parole board shall retain discretion pursuant to section 217.690 on all decisions regarding discharge under this section.**

558.046. The sentencing court may, upon petition, reduce any term of sentence or probation pronounced by the court [or a term of conditional release] or parole pronounced by the parole board if the court determines that:

(1) The convicted person was:

(a) Convicted of an offense that did not involve violence or the threat of violence; and

(b) Convicted of an offense that involved alcohol or illegal drugs; and

(2) Since the commission of such offense, the convicted person has successfully completed a detoxification and rehabilitation program; and

(3) The convicted person is not:

(a) A prior offender, a persistent offender, a dangerous offender or a persistent misdemeanor offender as defined by section 558.016; or

(b) A persistent sexual offender as defined in section 566.125; or

(c) A prior offender, a persistent offender or a class X offender as defined in section 558.019.”: and

Further amend said bill, Pages 12-15, Section 559.036, Lines 1-125, by deleting said lines and inserting in lieu thereof the following:

“559.036. 1. A term of probation commences on the day it is imposed. Multiple terms of Missouri probation, whether imposed at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole term for another offense to which the defendant is or becomes subject during the period[, unless otherwise specified by the Missouri court].

2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under section 559.016 if warranted by the conduct of the defendant and the ends of justice. The court may extend the term of the probation, but no more than one extension of any probation may be ordered except that the court may extend the term of probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension shall not exceed the maximum term established in section 559.016. **Total time on any probation term shall not include time when the probation term is suspended under this section.** Procedures for termination, discharge and extension may be established by rule of court.

3. **This subsection shall be known and may be cited as the “Earning Safe Reentry Through Work Act”.**

(1) The division of probation and parole shall file a notification of earned discharge from probation with the court for any defendant who has completed at least twenty-four months of the probation term and is compliant with the terms of supervision as ordered by the court and division. The division shall not file a notification of earned discharge for any defendant who has not paid ordered restitution in full, is on a term of probation for any class A or class B felony, or is subject to lifetime supervision under sections 217.735 and 559.106. The division shall notify the prosecuting or circuit attorney when a notification of earned discharge is filed.

(2) The prosecuting or circuit attorney may request a hearing within thirty days of the filing of the notification of earned discharge from probation. If the state opposes the discharge of the defendant, the prosecuting or circuit attorney shall argue the earned discharge is not appropriate and the defendant should continue to serve the probation term.

(3) If a hearing is requested, the court shall hold the hearing and issue its order no later than sixty days after the filing of the notification of earned discharge from probation. If, after a hearing, the court finds by a preponderance of the evidence that the earned discharge is not appropriate, the court shall order the probation term to continue, may modify the conditions of probation as appropriate, and may order the continued supervision of the defendant by either the division of probation and parole or the court. If, after a hearing, the court finds that the earned discharge is appropriate, the court shall order the defendant discharged from probation.

(4) If the prosecuting or circuit attorney does not request a hearing, the court shall order the defendant discharged from probation within sixty days of the filing of the notification of earned discharge from probation but no earlier than thirty days from the filing of notification of earned discharge from probation.

4. If the defendant violates a condition of probation at any time prior to the expiration or termination of the probation term, the court may continue him or her on the existing conditions, with or without modifying or enlarging the conditions or extending the term.

[4.] **5.** (1) Unless the defendant consents to the revocation of probation, if a continuation, modification, enlargement or extension is not appropriate under this section, the court shall order placement of the offender in [one of the] a department of corrections' one hundred twenty-day [programs] **program** so long as:

(a) The underlying offense for the probation is a class D or E felony or an offense listed in chapter 579 or an offense previously listed in chapter 195; except that, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying offense is involuntary manslaughter in the second degree, stalking in the first degree, assault in the second degree, sexual assault, rape in the second degree, domestic assault in the second degree, assault in the third degree when the victim is a special victim, statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual assault, sodomy in the second degree, sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy, any case in which the defendant is found guilty of a felony offense under chapter 571, or an offense of aggravated stalking or assault of a law enforcement officer in the second degree as such offenses existed prior to January 1, 2017;

(b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision;

(c) The defendant has not violated any conditions of probation involving the possession or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain individual; and

(d) The defendant has not already been placed in one of the programs by the court for the same underlying offense or during the same probation term.

(2) Upon receiving the order, the department of corrections shall conduct an assessment of the offender and place such offender in **either** the [appropriate] one hundred twenty-day **structured cognitive behavioral intervention** program [under subsection 3 of section 559.115] **or the one hundred twenty-day**

institutional treatment program. The placement of the offender in the structured cognitive behavioral intervention program or institutional treatment program shall be at the sole discretion of the department based on the assessment of the offender. The program shall begin upon receipt of the offender by the department. The time between the court's order and receipt of the offender by the department shall not apply toward the program.

(3) [Notwithstanding any of the provisions of subsection 3 of section 559.115 to the contrary, once the defendant has successfully completed the program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation.] **Upon successful completion of a program under this subsection, as determined by the department, the division of probation and parole shall advise the sentencing court of the defendant's probationary release date thirty days prior to release. Once the defendant has successfully completed a program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation.**

(4) **If the department determines the defendant has not successfully completed a one hundred twenty-day program under this section, the division of probation and parole shall advise the prosecuting attorney and the sentencing court of the defendant's unsuccessful program exit and the defendant shall be removed from the program. The defendant shall be released from the department within fifteen working days after the court is notified of the unsuccessful program exit, unless the court has issued a warrant in response to the unsuccessful program exit to facilitate the return of the defendant to the county of jurisdiction for further court proceedings. If a defendant is discharged as unsuccessful from a one hundred twenty-day program, the sentencing court may modify, enlarge, or revoke the defendant's probation based on the same incident of the violation.**

(5) Time served in the program shall be credited as time served on any sentence imposed for the underlying offense.

[5.] 6. If the defendant consents to the revocation of probation or if the defendant is not eligible under subsection [4] 5 of this section for placement in a program and a continuation, modification, enlargement, or extension of the term under this section is not appropriate, the court may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a second term of probation. Such probation shall be for a term of probation as provided by section 559.016, notwithstanding any amount of time served by the offender on the first term of probation.

[6.] 7. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether such probationer violated a condition of probation and, if a condition was violated, whether revocation is warranted under all the circumstances. Not less than five business days prior to the date set for a hearing on the violation, except for a good cause shown, the judge shall inform the probationer that he or she may have the right to request the appointment of counsel if the probationer is unable to retain counsel. If the probationer requests counsel, the judge shall determine whether counsel is necessary to protect the probationer's due process rights. If the judge determines that counsel is not necessary, the judge shall state the grounds for the decision in the record.

[7.] **8.** The prosecuting or circuit attorney may file a motion to revoke probation or at any time during the term of probation, the court may issue a notice to the probationer to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own motion, the court may immediately enter an order suspending the period of probation and may order a warrant for the defendant's arrest. The probation shall remain suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the probation reinstated. **Notwithstanding any other provision of the law to the contrary, the probation term shall be tolled during the time period when the probation is suspended under this section. The court may grant the probationer credit on the probation term for any of the tolled period when reinstating the probation term.**

[8.] **9.** The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period. **If the delay of the hearing is attributable to the probationer's actions or the probationer otherwise consents or acquiesces to the delay, the court shall have been found to have made every reasonable effort to conduct the hearing within the probation term.**

[9.] **10.** A defendant who was sentenced prior to January 1, 2017 to an offense that was eligible at the time of sentencing under paragraph (a) of subdivision (1) of subsection [4] **5** of this section for the court ordered detention sanction shall continue to remain eligible for the sanction so long as the defendant meets all the other requirements provided under subsection [4] **5** of this section.”; and

Further amend said bill, Page 18, Section 559.115, Line 77, by inserting after said section and line the following:

“565.184. 1. A person commits the offense of abuse of an elderly person, a person with a disability, or a vulnerable person if he or she:

(1) Purposely engages in conduct involving more than one incident that causes emotional distress to an elderly person, a person with a disability, or a vulnerable person. The course of conduct shall be such as would cause a reasonable elderly person, person with a disability, or vulnerable person to suffer substantial emotional distress; or

(2) Intentionally fails to provide care, goods or services to an elderly person, a person with a disability, or a vulnerable person. The result of the conduct shall be such as would cause a reasonable elderly person, person with a disability, or vulnerable person to suffer physical or emotional distress; or

(3) Knowingly acts or knowingly fails to act in a manner which results in a substantial risk to the life, body or health of an elderly person, a person with a disability, or a vulnerable person.

2. The offense of abuse of an elderly person, a person with a disability, or a vulnerable person is a class [A misdemeanor] **D felony**. Nothing in this section shall be construed to mean that an elderly person, a person with a disability, or a vulnerable person is abused solely because such person chooses to rely on spiritual means through prayer, in lieu of medical care, for his or her health care, as evidence by such

person's explicit consent, advance directive for health care, or practice.

566.010. As used in this chapter and chapter 568, the following terms mean:

(1) "Aggravated sexual offense", any sexual offense, in the course of which, the actor:

- (a) Inflicts serious physical injury on the victim;
- (b) Displays a deadly weapon or dangerous instrument in a threatening manner;
- (c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person;

(d) Had previously been found guilty of an offense under this chapter or under section 573.200, child used in sexual performance; section 573.205, promoting sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic materials to minors; or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter or said sections;

(e) Commits the offense as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity; or

(f) Engages in the act that constitutes the offense with a person the actor knows to be, without regard to legitimacy, the actor's:

- a. Ancestor or descendant by blood or adoption;
- b. Stepchild while the marriage creating that relationship exists;
- c. Brother or sister of the whole or half blood; or
- d. Uncle, aunt, nephew, or niece of the whole blood;

(2) "Commercial sex act", any sex act on account of which anything of value is given to or received by any person;

(3) "Deviate sexual intercourse", any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

(4) "Forced labor", a condition of servitude induced by means of:

(a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or

(b) The abuse or threatened abuse of the legal process;

(5) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;

(6) "Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, **or causing semen, seminal fluid, or other ejaculate to come into contact with another person**, for the

purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

(7) “Sexual intercourse”, any penetration, however slight, of the female genitalia by the penis.

566.086. 1. A person commits the offense of sexual contact with a student if he or she has sexual contact with a student of the school and is:

(1) A teacher, as that term is defined in subdivisions (4), (5), and (7) of section 168.104;

(2) A student teacher; [or]

(3) An employee of the school; [or]

(4) A volunteer of the school or of an organization working with the school on a project or program who is not a student at the school; [or]

(5) An elected or appointed official of the school district; [or]

(6) A person employed by an entity that contracts with the school or school district to provide services;
or

(7) A coach, assistant coach, director, or other adult with a school-aged team, club, or ensemble, regardless of whether such team, club, or ensemble is connected to a school or scholastic association. For purposes of this subdivision, “school-aged team, club, or ensemble” means any group consisting of any child or children under the age of eighteen organized for individual or group competition for the performance of sports activities or any group organized for individual or group presentation for fine or performing arts.

2. For the purposes of this section, “school” shall mean any public or private school in this state serving kindergarten through grade twelve or any school bus used by the school district.

3. The offense of sexual contact with a student is a class E felony.

4. It is not a defense to prosecution for a violation of this section that the student consented to the sexual contact.

566.149. 1. Any person who has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; **section 573.037, possession of child pornography;** section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not be present in or loiter within five hundred feet of any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in subsection 2 of this section.

2. No parent, legal guardian, or custodian who has been found guilty of violating any of the offenses listed in subsection 1 of this section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has permission to be present from the superintendent or school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Permission may be granted by the superintendent, school board, or in the case of a private school from the principal for more than one event at a time, such as a series of events, however, the parent, legal guardian, or custodian must obtain permission for any other event he or she wishes to attend for which he or she has not yet had permission granted.

3. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this section is a class A misdemeanor.

566.150. 1. Any person who has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; **section 573.037, possession of child pornography**; or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not knowingly be present in or loiter within five hundred feet of any real property comprising any public park with playground equipment, a public swimming pool, athletic complex or athletic fields if such facilities exist for the primary use of recreation for children, any museum if such museum holds itself out to the public as and exists with the primary purpose of entertaining or educating children under eighteen years of age, or Missouri department of conservation nature or education center properties.

2. The first violation of the provisions of this section is a class E felony.

3. A second or subsequent violation of this section is a class D felony.

4. Any person who has been found guilty of an offense under subdivision (1) or (2) of subsection 1 of this section who is the parent, legal guardian, or custodian of a child under the age of eighteen attending a program on the property of a nature or education center of the Missouri department of conservation may receive permission from the nature or education center manager to be present on the property with the child during the program.

566.151. 1. A person twenty-one years of age or older commits the offense of enticement of a child if he or she persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the internet or any electronic communication, any person who is less than [fifteen] **seventeen** years of age for the purpose of engaging in sexual conduct.

2. It is not a defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

3. Enticement of a child or an attempt to commit enticement of a child is a felony for which the authorized term of imprisonment shall be not less than five years and not more than thirty years. No person convicted under this section shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years.

566.155. 1. Any person who has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; **section 573.037, possession of child pornography**; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; [or]

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section; **or**

(3) Any tier III offense listed under section 589.414;

shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less than [seventeen] **eighteen** years of age is a member **or shall not supervise or employ any child under eighteen years of age.**

2. The first violation of the provisions of this section is a class E felony.

3. A second or subsequent violation of this section is a class D felony.

566.203. 1. A person commits the offense of abusing an individual through forced labor by knowingly providing or obtaining the labor or services of a person:

(1) By causing or threatening to cause serious physical injury to any person;

(2) By physically restraining or threatening to physically restrain another person;

(3) By blackmail;

(4) By means of any scheme, plan, or pattern of behavior intended to cause such person to believe that, if the person does not perform the labor services, the person or another person will suffer serious physical injury, physical restraint, or financial harm; or

(5) By means of the abuse or threatened abuse of the law or the legal process.

2. A person who is found guilty of the crime of abuse through forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless such person is otherwise required to register pursuant to the provisions of such section.

3. The offense of abuse through forced labor is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. If death results from a violation of this section, or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B felony, or an attempt to commit sexual abuse when punishable as a class B felony, or an attempt to kill, it shall be punishable for a term of years not less than five years or life and a fine not to exceed two hundred fifty thousand dollars.

4. In addition to any fine imposed, the court shall enter a judgment of restitution in the amount

of five thousand dollars in favor of the state of Missouri, payable to the human trafficking and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section.

566.206. 1. A person commits the offense of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor if he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for labor or services, for the purposes of slavery, involuntary servitude, peonage, or forced labor, or benefits, financially or by receiving anything of value, from participation in such activities.

2. A person who is found guilty of the offense of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless he or she is otherwise required to register pursuant to the provisions of such section.

3. Except as provided in subsection 4 of this section, the offense of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars.

4. If death results from a violation of this section, or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B felony or an attempt to commit sexual abuse when the sexual abuse attempted is punishable as a class B felony, or an attempt to kill, it shall be punishable by imprisonment for a term of years not less than five years or life and a fine not to exceed two hundred fifty thousand dollars.

5. In addition to any fine imposed, the court shall enter a judgment of restitution in the amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section.

566.209. 1. A person commits the crime of trafficking for the purposes of sexual exploitation if a person knowingly recruits, entices, harbors, transports, provides, advertises the availability of or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for the use or employment of such person in a commercial sex act, sexual conduct, a sexual performance, or the production of explicit sexual material as defined in section 573.010, without his or her consent, or benefits, financially or by receiving anything of value, from participation in such activities.

2. The crime of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. If a violation of this section was effected by force, abduction, or coercion, the crime of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars.

3. In addition to any fine imposed, the court shall enter a judgment of restitution in the amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking and sexual

exploitation fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section.

566.210. 1. A person commits the offense of sexual trafficking of a child in the first degree if he or she knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities;

(2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010; or

(3) Advertises the availability of a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was twelve years of age or older.

3. The offense of sexual trafficking of a child in the first degree is a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than twenty-five years of such sentence. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has been found guilty of sexual trafficking of a child less than twelve years of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. In addition to any fine imposed, the court shall enter a judgment of restitution in the amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section.

566.211. 1. A person commits the offense of sexual trafficking of a child in the second degree if he or she knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities;

(2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010; or

(3) Advertises the availability of a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was eighteen years of age or older.

3. The offense sexual trafficking of a child in the second degree is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this section was effected by force, abduction, or

coercion, the crime of sexual trafficking of a child shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty-five years of such sentence.

4. In addition to any fine imposed, the court shall enter a judgment of restitution in the amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section.

566.215. 1. A person commits the offense of contributing to human trafficking through the misuse of documentation when he or she knowingly:

(1) Destroys, conceals, removes, confiscates, or possesses a valid or purportedly valid passport, government identification document, or other immigration document of another person while committing offenses or with the intent to commit offenses, pursuant to sections 566.203 to 566.218; or

(2) Prevents, restricts, or attempts to prevent or restrict, without lawful authority, a person's ability to move or travel by restricting the proper use of identification, in order to maintain the labor or services of a person who is the victim of an offense committed pursuant to sections 566.203 to 566.218.

2. A person who is found guilty of the offense of contributing to human trafficking through the misuse of documentation shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless he or she is otherwise required to register pursuant to the provisions of such section.

3. The offense of contributing to human trafficking through the misuse of documentation is a class E felony.

4. In addition to any fine imposed, the court shall enter a judgment of restitution in the amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section.

567.020. 1. A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

2. The offense of prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this offense.

3. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

4. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B misdemeanor offense, upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into consideration successful completion of a drug or alcohol treatment program in determining the defendant's sentence.

5. [In addition to the affirmative defense provided in subsection 2 of section 566.223, it shall be an affirmative defense to prosecution pursuant to this section that the defendant] **A person shall not be certified as an adult or adjudicated as a delinquent for the offense of prostitution under this section if the person** was under the age of eighteen [and was acting under the coercion, as defined in section 566.200, of an agent] at the time [of] the offense [charged] **occurred**. In such cases where the [defendant] **person** was under the age of eighteen, the [defendant] **person** shall be classified as a victim of abuse, as defined under section 210.110, and such abuse shall be reported **immediately to the children's division, as required under section 210.115 and to the juvenile officer for appropriate services, treatment, investigation, and other proceedings as provided under chapters 207, 210, and 211. Upon request, the local law enforcement agency and the prosecuting attorney shall assist the children's division and the juvenile officer in conducting the investigation.**

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

(1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or

(2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or

(3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

2. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen years of age or older.

3. The offense of patronizing prostitution is a class B misdemeanor, unless the individual who the person patronizes is less than eighteen years of age but older than [fourteen] **fifteen** years of age, in which case patronizing prostitution is a class E felony.

4. The offense of patronizing prostitution is a class [D] **B** felony if the individual who the person patronizes is [fourteen] **fifteen** years of age or younger. Nothing in this section shall preclude the prosecution of an individual for the offenses of:

(1) Statutory rape in the first degree pursuant to section 566.032;

(2) Statutory rape in the second degree pursuant to section 566.034;

(3) Statutory sodomy in the first degree pursuant to section 566.062; or

(4) Statutory sodomy in the second degree pursuant to section 566.064.

569.010. As used in this chapter the following terms mean:

(1) "Cave or cavern", any naturally occurring subterranean cavity enterable by a person including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether or not the opening has a natural entrance;

(2) "Enter unlawfully or remain unlawfully", a person enters or remains in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the

owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public;

(3) “Nuclear power plant”, a power generating facility that produces electricity by means of a nuclear reactor owned by a utility or a consortium utility. Nuclear power plant shall be limited to property within the structure or fenced yard, as defined in section 563.011;

(4) “To tamper”, to interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing;

(5) **“Teller machine”, an automated teller machine (ATM) or interactive teller machine (ITM) is a remote computer terminal owned or controlled by a financial institution or a private business that allows individuals to obtain financial services including obtaining cash, transferring or transmitting money or digital currencies, payment of bills, loading money or digital currency to a payment card or other device without physical in-person assistance from another person. “Teller machine” does not include personally owned electronic devices used to access financial services;**

(6) “Utility”, an enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated.

569.100. 1. A person commits the offense of property damage in the first degree if such person:

(1) Knowingly damages property of another to an extent exceeding seven hundred fifty dollars; or

(2) Damages property to an extent exceeding seven hundred fifty dollars for the purpose of defrauding an insurer; [or]

(3) Knowingly damages a motor vehicle of another and the damage occurs while such person is making entry into the motor vehicle for the purpose of committing the crime of stealing therein or the damage occurs while such person is committing the crime of stealing within the motor vehicle; or

(4) Knowingly damages, modifies, or destroys a teller machine or otherwise makes it inoperable.

2. The offense of property damage in the first degree committed under subdivision (1) or (2) of subsection 1 of this section is a class E felony, unless the offense of property damage in the first degree was committed under subdivision (1) of subsection 1 of this section and the victim was intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class D felony. The offense of property damage in the first degree committed under subdivision (3) of subsection 1 of this section is a class D felony unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony. **The offense of property damage in the first degree committed under subdivision (4) of subsection 1 of this section is a class D felony unless committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which exceeds seven hundred fifty dollars or the damage to the teller machine exceeds seven hundred fifty dollars in which case it is a class C felony; or unless committed to obtain the personal financial credentials of another person or committed as a second or subsequent violation of subdivision (4) of subsection 1 of this section in which case it is a class B felony.**

570.010. As used in this chapter, the following terms mean:

(1) “Adulterated”, varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage;

(2) “Appropriate”, to take, obtain, use, transfer, conceal, retain or dispose;

(3) “Check”, a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money;

(4) “Coercion”, a threat, however communicated:

(a) To commit any offense; or

(b) To inflict physical injury in the future on the person threatened or another; or

(c) To accuse any person of any offense; or

(d) To expose any person to hatred, contempt or ridicule; or

(e) To harm the credit or business reputation of any person; or

(f) To take or withhold action as a public servant, or to cause a public servant to take or withhold action;

or

(g) To inflict any other harm which would not benefit the actor. A threat of accusation, lawsuit or other invocation of official action is justified and not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat;

(5) “Credit device”, a writing, card, code, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer;

(6) “Dealer”, a person in the business of buying and selling goods;

(7) “Debit device”, a writing, card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients;

(8) “Deceit or deceive”, making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind, or concealing a material fact as to the terms of a contract or agreement. The term “deceit” does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor’s intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;

(9) “Deprive”:

(a) To withhold property from the owner permanently; or

(b) To restore property only upon payment of reward or other compensation; or

(c) To use or dispose of property in a manner that makes recovery of the property by the owner unlikely;

(10) “Electronic benefits card” or “EBT card”, a debit card used to access food stamps or cash benefits issued by the department of social services;

(11) “Financial institution”, a bank, trust company, savings and loan association, or credit union;

(12) “Food stamps”, the nutrition assistance program in Missouri that provides food and aid to low-income individuals who are in need of benefits to purchase food operated by the United States Department of Agriculture (USDA) in conjunction with the department of social services;

(13) “Forcibly steals”, a person, in the course of stealing, uses or threatens the immediate use of physical force upon another person for the purpose of:

(a) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or

(b) Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft;

(14) “Internet service”, an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the internet, or any comparable system or service and also includes, but is not limited to, a world wide web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service;

(15) “Means of identification”, anything used by a person as a means to uniquely distinguish himself or herself;

(16) “Merchant”, a person who deals in goods of the kind or otherwise by his or her occupation holds oneself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his or her employment of an agent or broker or other intermediary who by his or her occupation holds oneself out as having such knowledge or skill;

(17) “Mislabeled”, varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage; or represented as being another person’s product, though otherwise accurately labeled as to quality and quantity;

(18) “Pharmacy”, any building, warehouse, physician’s office, hospital, pharmaceutical house or other structure used in whole or in part for the sale, storage, or dispensing of any controlled substance as defined in chapter 195;

(19) “Property”, anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument;

(20) “Public assistance benefits”, anything of value, including money, food, EBT cards, food stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and medicine, materials, goods, and any service including institutional care, medical care, dental care, child care, psychiatric and psychological service, rehabilitation instruction, training, transitional assistance, or counseling, received by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services

provided or administered by the Missouri department of social services or any of its divisions;

(21) “Services” includes transportation, telephone, electricity, gas, water, or other public service, cable television service, video service, voice over internet protocol service, or internet service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;

(22) “Stealing-related offense”, federal and state violations of criminal statutes against stealing, robbery, or buying or receiving stolen property and shall also include municipal ordinances against the same if the offender was either represented by counsel or knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings;

(23) “Teller machine”, an automated teller machine (ATM) or interactive teller machine (ITM) that is a remote computer terminal or other device owned or controlled by a financial institution or a private business that allows individuals to obtain financial services, including obtaining cash, transferring or transmitting moneys or digital currencies, payment of bills, or loading moneys or digital currency to a payment card, without physical in-person assistance from another person. “Teller machine” does not include personally owned electronic devices used to access financial services;

(24) “Video service”, the provision of video programming provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including internet protocol technology whether provided as part of a tier, on demand, or a per-channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6), but does not include any video programming provided by a commercial mobile service provider as “commercial mobile service” is defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or other services offered over the public internet, and includes microwave television transmission, from a multipoint distribution service not capable of reception by conventional television receivers without the use of special equipment;

[(24)] (25) “Voice over internet protocol service”, a service that:

(a) Enables real-time, two-way voice communication;

(b) Requires a broadband connection from the user’s location;

(c) Requires internet protocol-compatible customer premises equipment; and

(d) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network;

[(25)] (26) “Writing” includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

570.030. 1. A person commits the offense of stealing if he or she:

(1) Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;

(2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or

(3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

2. The offense of stealing is a class A felony if the property appropriated consists of any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field tank or field applicator.

3. The offense of stealing is a class B felony if:

(1) The property appropriated or attempted to be appropriated consists of any amount of anhydrous ammonia or liquid nitrogen;

(2) The property consists of any animal considered livestock as the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, [conditional release,] or other early release by the department of corrections;

(3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and that person has previously been found guilty of two stealing-related offenses committed on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense;

(4) The property appropriated or attempted to be appropriated consists of any animal considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds ten thousand dollars; or

(5) The property appropriated or attempted to be appropriated is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person to deprive the owner or custodian of the property.

4. The offense of stealing is a class C felony if the value of the property or services appropriated is twenty-five thousand dollars or more **or the property is a teller machine or the contents of a teller machine including cash regardless of the value or amount.**

5. The offense of stealing is a class D felony if:

(1) The value of the property or services appropriated is seven hundred fifty dollars or more;

(2) The offender physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft;

(b) Any will or unrecorded deed affecting real property;

(c) Any credit device, debit device or letter of credit;

(d) Any firearms;

(e) Any explosive weapon as defined in section 571.010;

(f) Any United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open;

(g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri;

(h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States;

(i) Any book of registration or list of voters required by chapter 115;

(j) Any animal considered livestock as that term is defined in section 144.010;

(k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;

(l) Any captive wildlife held under permit issued by the conservation commission;

(m) Any controlled substance as defined by section 195.010;

(n) Ammonium nitrate;

(o) Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or

(p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues.

6. The offense of stealing is a class E felony if:

(1) The property appropriated is an animal;

(2) The property is a catalytic converter; [or]

(3) A person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense; **or**

(4) The property appropriated is a letter, postal card, package, bag, or other sealed article that was delivered by common carrier or delivery service and not yet received by the addressee or that had been left to be collected for shipment by a common carrier or delivery service.

7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.

8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this section.

9. If a violation of this section is subject to enhanced punishment based on prior findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.

10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a separate felony and may be charged in separate counts.

11. The value of property or services appropriated pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitutes a single criminal episode and may be aggregated in determining the grade of the offense, except as set forth in subsection 10 of this section.

570.036. 1. A person commits the offense of organized retail theft if he or she, while alone or with any other person or persons, commits a series of thefts of retail merchandise against one or more persons either on the premises of a merchant or through the use of an internet or network site in this state with the intent to:

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade, or barter the merchandise for value in any manner including, but not limited to, through the use of an internet or network site.

2. The offense of organized retail theft is a class D felony if the aggregated value of the property or services involved in all thefts committed in this state during a period of one hundred twenty days is no less than one thousand five hundred dollars and no more than ten thousand dollars.

3. The offense of organized retail theft is a class C felony if the aggregated value of the property or services involved in all thefts committed in this state during a period of one hundred twenty days is more than ten thousand dollars.

4. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

5. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in this state during a period of one hundred twenty days:

(1) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services that are obtained; and

(2) The amounts involved in all thefts committed by all participants in the organized retail theft shall be aggregated.

6. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this state in which any theft committed by any participant in the organized retail theft was committed regardless of whether the defendant was ever physically present in such jurisdiction.

571.015. 1. Any person who commits any felony under the laws of this state by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also guilty of the offense of armed criminal action and, upon conviction, shall be punished by imprisonment by the department of corrections for a term of not less than three years and not to exceed fifteen years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term of not less than five years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, [conditional release,] or suspended imposition or execution of sentence for a period of three calendar years.

2. Any person convicted of a second offense of armed criminal action under subsection 1 of this section shall be punished by imprisonment by the department of corrections for a term of not less than five years and not to exceed thirty years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, [conditional release,] or suspended imposition or execution of sentence for a period of five calendar years.

3. Any person convicted of a third or subsequent offense of armed criminal action under subsection 1 of this section shall be punished by imprisonment by the department of corrections for a term of not less than ten years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be no less than fifteen years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, [conditional release,] or suspended imposition or execution of sentence for a period of ten calendar years.

571.031. 1. This section shall be known and may be cited as “Blair’s Law”.

2. A person commits the offense of unlawful discharge of a firearm if, with criminal negligence, he or she discharges a firearm within or into the limits of any municipality.

3. This section shall not apply if the firearm is discharged:

(1) As allowed by a defense of justification under chapter 563;

(2) On a properly supervised shooting range;

(3) To lawfully take wildlife during an open season established by the department of conservation. Nothing in this subdivision shall prevent a municipality from adopting an ordinance restricting the discharge of a firearm within one-quarter mile of an occupied structure;

(4) For the control of nuisance wildlife as permitted by the department of conservation or the United States Fish and Wildlife Service;

(5) By special permit of the chief of police of the municipality;

(6) As required by an animal control officer in the performance of his or her duties;

(7) Using blanks;

(8) More than one mile from any occupied structure;

(9) In self-defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person; or

(10) By law enforcement personnel, as defined in section 590.1040, or a member of the United States Armed Forces if acting in an official capacity.

4. A person who commits the offense of discharge of a firearm shall be guilty of:

- (1) For a first offense, a class A misdemeanor;**
- (2) For a second offense, a class E felony; and**
- (3) For a third or subsequent offense, a class D felony.**

571.070. 1. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

(1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; or

(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of a firearm is a class [D] **C** felony, unless a person has been convicted of a dangerous felony as defined in section 556.061, in which case it is a class [C] **B** felony.

3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm.

571.101. 1. All applicants for concealed carry permits issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle. A concealed carry permit shall be valid from the date of issuance or renewal until five years from the last day of the month in which the permit was issued or renewed. The concealed carry permit is valid throughout this state. Although the permit is considered valid in the state, a person who fails to renew his or her permit within five years from the date of issuance or renewal shall not be eligible for an exception to a National Instant Criminal Background Check under federal regulations currently codified under 27 CFR 478.102(d), relating to the transfer, sale, or delivery of firearms from licensed dealers. A concealed carry endorsement issued prior to August 28, 2013, shall continue from the date of issuance or renewal until three years from the last day of the month in which the endorsement was issued or renewed to authorize the carrying of a concealed firearm on or about the applicant's person or within a vehicle in the same manner as a concealed carry permit issued under subsection 7 of this section on or after August 28, 2013.

2. A concealed carry permit issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is [at least nineteen] **eighteen** years of age **or older**, is a citizen or permanent resident of the United States, and either:

(a) Has assumed residency in this state; or

(b) Is a member of the **United States** Armed Forces stationed in Missouri[,], or the spouse of such member of the military;

(2) [Is at least nineteen years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:

(a) Has assumed residency in this state;

(b) Is a member of the Armed Forces stationed in Missouri; or

(c) The spouse of such member of the military stationed in Missouri and nineteen years of age;

(3) Has not [pled guilty to or entered a plea of nolo contendere or] been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

[(4)] (3) Has not been convicted of[, pled guilty to or entered a plea of nolo contendere to] one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit;

[(5)] (4) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

[(6)] (5) Has not been discharged under dishonorable conditions from the United States Armed Forces;

[(7)] (6) Has not engaged in a pattern of behavior, documented in public or closed records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

[(8)] (7) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

[(9)] (8) Submits a completed application for a permit as described in subsection 3 of this section;

[(10)] (9) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

[(11)] (10) Is not the respondent of a valid full order of protection which is still in effect;

[(12)] (11) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C. Section 922(g).

3. The application for a concealed carry permit issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, date and place of birth, and, if the applicant is not a United States citizen, the applicant's country of citizenship and any alien or admission number issued by the Federal Bureau of Customs and Immigration Enforcement or any successor agency;

(2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen or permanent resident of the United States;

(3) An affirmation that the applicant is [at least nineteen years of age or is] eighteen years of age or older [and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces];

(4) An affirmation that the applicant has not [pled guilty to or] been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of[, pled guilty to, or entered a plea of nolo contendere to] one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a permit;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect;

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri; and

(12) A government-issued photo identification. This photograph shall not be included on the permit and shall only be used to verify the person's identity for permit renewal, or for the issuance of a new permit due to change of address, or for a lost or destroyed permit.

4. An application for a concealed carry permit shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a concealed carry permit must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion

of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable permit fee as provided by subsection 11 or 12 of this section.

5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a concealed carry permit, the applicant shall be fingerprinted. No other biometric data shall be collected from the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal Background Check System within three working days after submission of the properly completed application for a concealed carry permit. If no disqualifying record is identified by these checks at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check, the sheriff shall examine the results and, if no disqualifying information is identified, shall issue a concealed carry permit within three working days.

(2) In the event the report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's license or a valid military identification, shall permit the applicant to exercise the same rights in accordance with the same conditions as pertain to a concealed carry permit issued under this section, provided that it shall not serve as an alternative to an national instant criminal background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours of receipt of any report that identifies a disqualifying record, and shall notify the concealed carry permit system established under subsection 5 of section 650.350. The revocation of a provisional permit issued under this section shall be proscribed in a manner consistent to the denial and review of an application under subsection 6 of this section.

6. The sheriff may refuse to approve an application for a concealed carry permit if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a concealed carry permit to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the concealed carry permit in the presence of the sheriff or his or her designee.

8. The concealed carry permit shall specify only the following information:

(1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder;

(2) The signature of the sheriff issuing the permit;

(3) The date of issuance; and

(4) The expiration date.

The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches long and shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a concealed carry permit system county code and shall be stored in sequential number.

9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a provisional permit and his or her action thereon. Any record of an application that is incomplete or denied for any reason shall be kept for a period not to exceed one year. Any record of an application that was approved shall be kept for a period of one year after the expiration and nonrenewal of the permit.

(2) The sheriff shall report the issuance of a concealed carry permit or provisional permit to the concealed carry permit system. All information on any such permit that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013, shall not be public information and shall be considered personal protected information. Information retained in the concealed carry permit system under this subsection shall not be distributed to any federal, state, or private entities and shall only be made available for a single entry query of an individual in the event the individual is a subject of interest in an active criminal investigation or is arrested for a crime. A sheriff may access the concealed carry permit system for administrative purposes to issue a permit, verify the accuracy of permit holder information, change the name or address of a permit holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a certified death certificate for the permit holder. Any person who violates the provisions of this subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

10. Information regarding any holder of a concealed carry permit, or a concealed carry endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data shall be distributed to any federal, state, or private entity, except to MoSMART or a designee thereof. Any state agency that has retained any documents or records, including fingerprint records provided by an applicant for a concealed carry endorsement prior to August 28, 2013, shall destroy such documents or records, upon successful issuance of a permit.

11. For processing an application for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund. This fee shall include the cost to reimburse the Missouri state highway patrol for the costs of fingerprinting and criminal background checks. An additional fee shall be added to each credit card, debit card, or other electronic transaction equal

to the charge paid by the state or the applicant for the use of the credit card, debit card, or other electronic payment method by the applicant.

12. For processing a renewal for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

13. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

14. For the purposes of this chapter, "concealed carry permit" shall include any concealed carry endorsement issued by the department of revenue before January 1, 2014, and any concealed carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013.

571.205. 1. Upon request and payment of the required fee, the sheriff shall issue a concealed carry permit that is valid through the state of Missouri for the lifetime of the permit holder to a Missouri resident who meets the requirements of sections 571.205 to 571.230, known as a Missouri lifetime concealed carry permit. A person may also request, and the sheriff shall issue upon payment of the required fee, a concealed carry permit that is valid through the state of Missouri for a period of either ten years or twenty-five years from the date of issuance or renewal to a Missouri resident who meets the requirements of sections 571.205 to 571.230. Such permit shall be known as a Missouri extended concealed carry permit. A person issued a Missouri lifetime or extended concealed carry permit shall be required to comply with the provisions of sections 571.205 to 571.230. If the applicant can show qualification as provided by sections 571.205 to 571.230, the sheriff shall issue a Missouri lifetime or extended concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle.

2. A Missouri lifetime or extended concealed carry permit shall be suspended if the permit holder becomes a resident of another state. The permit may be reactivated upon reestablishment of Missouri residency if the applicant meets the requirements of sections 571.205 to 571.230, and upon successful completion of a name-based inquiry of the National Instant Background Check System.

3. A Missouri lifetime or extended concealed carry permit shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least nineteen years of age, is a citizen or permanent resident of the United States and has assumed residency in this state, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and has assumed residency in this state;

(2) Has not [pled guilty to or entered a plea of nolo contendere or] been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States, other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(3) Has not been convicted of[, pled guilty to or entered a plea of nolo contendere to] one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a Missouri lifetime or extended concealed carry permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating

liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a Missouri lifetime or extended concealed carry permit;

(4) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States, other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) Has not been discharged under dishonorable conditions from the United States Armed Forces;

(6) Has not engaged in a pattern of behavior, documented in public or closed records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or herself or others;

(7) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

(8) Submits a completed application for a permit as described in subsection 4 of this section;

(9) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement under subsections 1 and 2 of section 571.111;

(10) Is not the respondent of a valid full order of protection which is still in effect;

(11) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C. Section 922(g).

4. The application for a Missouri lifetime or extended concealed carry permit issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, date and place of birth, and, if the applicant is not a United States citizen, the applicant's country of citizenship and any alien or admission number issued by the United States Immigration and Customs Enforcement or any successor agency;

(2) An affirmation that the applicant has assumed residency in Missouri and is a citizen or permanent resident of the United States;

(3) An affirmation that the applicant is at least nineteen years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;

(4) An affirmation that the applicant has not [pled guilty to or] been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of[, pled guilty to, or entered a plea of nolo contendere to] one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a permit or that the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the

possession or abuse of a controlled substance within a five-year period immediately preceding application for a permit;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state under chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect;

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury under the laws of the state of Missouri; and

(12) A government-issued photo identification. This photograph shall not be included on the permit and shall only be used to verify the person's identity for the issuance of a new permit, issuance of a new permit due to change of name or address, renewal of an extended permit, or for a lost or destroyed permit, or reactivation under subsection 2 of this section.

5. An application for a Missouri lifetime or extended concealed carry permit shall be made to the sheriff of the county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 3 of this section. In addition to the completed application, the applicant for a Missouri lifetime or extended concealed carry permit shall also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable permit fee as provided by subsection 12 of this section.

6. (1) Before an application for a Missouri lifetime or extended concealed carry permit is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification. No biometric data shall be collected from the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal Background Check System within three working days after submission of the properly completed application for a Missouri lifetime or extended concealed carry permit. Upon receipt of the completed report from the National Instant Criminal

Background Check System, the sheriff shall examine the results and, if no disqualifying information is identified, shall issue a Missouri lifetime or extended concealed carry permit within three working days.

(2) In the event the report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's license, shall permit the applicant to exercise the same rights in accordance with the same conditions as pertain to a Missouri lifetime or extended concealed carry permit issued under this section, provided that it shall not serve as an alternative to a national instant criminal background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the permit under subsection 7 or 8 of this section. The sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours of receipt of any report that identifies a disqualifying record, and shall notify the concealed carry permit system established under subsection 5 of section 650.350. The revocation of a provisional permit issued under this section shall be prescribed in a manner consistent to the denial and review of an application under subsection 7 of this section.

7. The sheriff may refuse to approve an application for a Missouri lifetime or extended concealed carry permit if he or she determines that any of the requirements specified in subsection 3 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.205 to 571.230. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial under section 571.220. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial under section 571.220.

8. If the application is approved, the sheriff shall issue a Missouri lifetime or extended concealed carry permit to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the Missouri lifetime or extended concealed carry permit in the presence of the sheriff or his or her designee.

9. The Missouri lifetime or extended concealed carry permit shall specify only the following information:

(1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder;

(2) The signature of the sheriff issuing the permit;

(3) The date of issuance;

(4) A clear statement indicating that the permit is only valid within the state of Missouri; and

(5) If the permit is a Missouri extended concealed carry permit, the expiration date.

The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches long and shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a concealed carry permit system county code and shall be stored in sequential number.

10. (1) The sheriff shall keep a record of all applications for a Missouri lifetime or extended concealed carry permit or a provisional permit and his or her action thereon. Any record of an application that is incomplete or denied for any reason shall be kept for a period not to exceed one year.

(2) The sheriff shall report the issuance of a Missouri lifetime or extended concealed carry permit or provisional permit to the concealed carry permit system. All information on any such permit that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.205 to 571.230. An applicant's status as a holder of a Missouri lifetime or extended concealed carry permit or provisional permit shall not be public information and shall be considered personal protected information. Information retained in the concealed carry permit system under this subsection shall not be distributed to any federal, state, or private entities and shall only be made available for a single entry query of an individual in the event the individual is a subject of interest in an active criminal investigation or is arrested for a crime. A sheriff may access the concealed carry permit system for administrative purposes to issue a permit, verify the accuracy of permit holder information, change the name or address of a permit holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a certified death certificate for the permit holder. Any person who violates the provisions of this subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

11. Information regarding any holder of a Missouri lifetime or extended concealed carry permit is a closed record. No bulk download or batch data shall be distributed to any federal, state, or private entity, except to MoSMART or a designee thereof.

12. For processing an application, the sheriff in each county shall charge a nonrefundable fee not to exceed:

(1) Two hundred dollars for a new Missouri extended concealed carry permit that is valid for ten years from the date of issuance or renewal;

(2) Two hundred fifty dollars for a new Missouri extended concealed carry permit that is valid for twenty-five years from the date of issuance or renewal;

(3) Fifty dollars for a renewal of a Missouri extended concealed carry permit;

(4) Five hundred dollars for a Missouri lifetime concealed carry permit,

which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

573.010. As used in this chapter the following terms shall mean:

(1) "Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude;

(2) "Characterized by", describing the essential character or dominant theme of an item;

(3) "Child", any person under the age of fourteen;

(4) "Child pornography":

(a) Any obscene material or performance depicting sexual conduct, sexual contact as defined in section 566.010, or a sexual performance and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a minor; or

(b) Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:

a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct; or

c. Such visual depiction has been created, adapted, or modified to show that an identifiable minor is engaging in sexually explicit conduct. “Identifiable minor” means a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction; and who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature. The term “identifiable minor” shall not be construed to require proof of the actual identity of the identifiable minor;

(5) “Employ”, “employee”, or “employment”, any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises;

(6) “Explicit sexual material”, any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition;

(7) “Furnish”, to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide;

(8) “Material”, anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects;

(9) “Minor”, any person less than eighteen years of age;

(10) “Nudity” or “state of nudity”, the showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola;

(11) “Obscene”, any material or performance if, taken as a whole:

(a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

(b) The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and

(c) A reasonable person would find the material lacks serious literary, artistic, political or scientific value;

(12) “Operator”, any person on the premises of a sexually oriented business who causes the business to function, puts or keeps the business in operation, or is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not such person is an owner, part owner, or licensee of the business;

(13) “Performance”, any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more;

(14) “Pornographic for minors”, any material or performance if the following apply:

(a) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and

(b) The material or performance depicts or describes nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

(c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

(15) “Premises”, the real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages or both;

(16) “Promote”, to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer;

(17) “Regularly”, the consistent and repeated doing of the act so described;

(18) “Sadomasochistic abuse”, flagellation or torture by or upon a person as an act of sexual stimulation or gratification;

(19) “Semi-nude” or “state of semi-nudity”, the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part;

(20) “Sexual conduct”, actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person’s clothed or unclothed genitals,

pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;

(21) “Sexually explicit conduct”, actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(b) Bestiality;

(c) Masturbation;

(d) Sadistic or masochistic abuse; or

(e) Lascivious exhibition of the genitals or pubic area of any person;

(22) “Sexually oriented business” includes:

(a) An adult bookstore or adult video store. “Adult bookstore” or “adult video store” means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A principal business activity exists where the commercial establishment:

a. Has a substantial portion of its displayed merchandise which consists of such items; or

b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or

c. Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or

d. Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or

e. Maintains a substantial section of its interior business space for the sale or rental of such items; or

f. Maintains an adult arcade. “Adult arcade” means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;

(b) An adult cabaret;

(c) An adult motion picture theater. “Adult motion picture theater” means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration;

(d) A semi-nude model studio. “Semi-nude model studio” means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

a. By a college, junior college, or university supported entirely or partly by taxation;

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. In a structure:

(i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

(ii) Where, in order to participate in a class, a student must enroll at least three days in advance of the class;

(e) A sexual encounter center. “Sexual encounter center” means a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is semi-nude;

(23) “Sexual performance”, any performance, or part thereof, which includes sexual conduct by a child who is less than [seventeen] **eighteen** years of age;

(24) “Specified anatomical areas” include:

(a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(25) “Specified sexual activity”, includes any of the following:

(a) Intercourse, oral copulation, masturbation, or sodomy; or

(b) Excretory functions as a part of or in connection with any of the activities described in paragraph (a) of this subdivision;

(26) “Substantial”, at least thirty percent of the item or items so modified;

(27) “Visual depiction”, includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image.

573.024. 1. A person commits the offense of enabling sexual exploitation of a minor if such person acting with criminal negligence permits or allows any violation of section 566.210, 566.211, 573.020, 573.023, 573.025, 573.030, 573.035, 573.200, or 573.205.

2. The offense of enabling sexual exploitation of a minor is a class E felony for the first offense and a class C felony for a second or subsequent offense.

3. If the person guilty of the offense of enabling sexual exploitation of a minor is an owner of a business or the owner’s agent and the business provided the location or locations for such exploitation, the business location or locations shall be required to close for up to one year for the first

offense, and the length of time shall be determined by the court. For a second offense, such business location or locations shall permanently close. As used in this section, “business” shall include, but is not limited to, a hotel or massage parlor and “owner’s agent” shall be any person empowered to manage the owner’s business location or locations.

573.206. 1. A person commits the offense of patronizing a sexual performance by a child if such person obtains, solicits, or participates in a sexual performance by a child under eighteen years of age.

2. The offense of patronizing a sexual performance by a child is a class C felony.

575.010. The following definitions shall apply to this chapter and chapter 576:

(1) “Affidavit” means any written statement which is authorized or required by law to be made under oath, and which is sworn to before a person authorized to administer oaths;

(2) “Government” means any branch or agency of the government of this state or of any political subdivision thereof;

(3) “Highway” means any public road or thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(4) “Judicial proceeding” means any official proceeding in court, or any proceeding authorized by or held under the supervision of a court;

(5) “Juror” means a grand or petit juror, including a person who has been drawn or summoned to attend as a prospective juror;

(6) “Jury” means a grand or petit jury, including any panel which has been drawn or summoned to attend as prospective jurors;

(7) “Law enforcement animal” means a dog, horse, or other animal used in law enforcement or a correctional facility, or by a municipal police department, fire department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs, and tracking animals;

(8) “Official proceeding” means any cause, matter, or proceeding where the laws of this state require that evidence considered therein be under oath or affirmation;

[(8) “Police animal” means a dog, horse or other animal used in law enforcement or a correctional facility, or by a municipal police department, fire department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs and tracking animals;]

(9) “Public record” means any document which a public servant is required by law to keep;

(10) “Testimony” means any oral statement under oath or affirmation;

(11) “Victim” means any natural person against whom any crime is deemed to have been perpetrated or attempted;

(12) “Witness” means any natural person:

(a) Having knowledge of the existence or nonexistence of facts relating to any crime; or

- (b) Whose declaration under oath is received as evidence for any purpose; or
- (c) Who has reported any crime to any peace officer or prosecutor; or
- (d) Who has been served with a subpoena issued under the authority of any court of this state.

575.095. 1. A person commits the offense of tampering with a judicial officer if, with the purpose to harass, intimidate or influence a judicial officer in the performance of such officer's official duties, such person:

- (1) Threatens or causes harm to such judicial officer or members of such judicial officer's family;
- (2) Uses force, threats, or deception against or toward such judicial officer or members of such judicial officer's family;
- (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial officer or such judicial officer's family;
- (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or such judicial officer's family, including stalking pursuant to section 565.225 or 565.227;

(5) Disseminates through any means, including by posting on the internet, the judicial officer's or the judicial officer's family's personal information. For purposes of this section, "personal information" includes a home address, home or mobile telephone number, personal email address, Social Security number, federal tax identification number, checking or savings account numbers, marital status, and identity of a child under eighteen years of age.

2. A judicial officer for purposes of this section shall be a judge **or commissioner of a state or federal court**, arbitrator, special master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile court commissioner, state probation or parole officer, [or] referee, **or the attorney general or his or her assistant attorneys general authorized under section 27.020.**

3. A judicial officer's family for purposes of this section shall be:

- (1) Such officer's spouse; or
- (2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption; or
- (3) Such officer's stepchild, while the marriage creating that relationship exists.

4. The offense of tampering with a judicial officer is a class D felony.

5. If a violation of this section results in death or bodily injury to a judicial officer or a member of the judicial officer's family, the offense is a class B felony.

575.200. 1. A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any [crime] **offense or violation of probation or parole**, he or she escapes or attempts to escape from custody.

2. The offense of escape or attempted escape from custody is a class A misdemeanor unless:

- (1) The person escaping or attempting to escape is under arrest for a felony, in which case it is a class E felony; or

(2) The offense is committed by means of a deadly weapon or dangerous instrument or by holding any person as hostage, in which case it is a class A felony.

575.205. 1. A person commits the offense of tampering with electronic monitoring equipment if he or she intentionally removes, alters, tampers with, damages, [or] destroys, **fails to charge, or otherwise disables** electronic monitoring equipment which a court, the division of probation and parole or the parole board has required such person to wear.

2. This section does not apply to the owner of the equipment or an agent of the owner who is performing ordinary maintenance or repairs on the equipment.

3. The offense of tampering with electronic monitoring equipment is a class D felony.

4. The offense of tampering with electronic monitoring equipment if a person fails to charge or otherwise disables electronic monitoring equipment is a class E felony, unless the offense for which the person was placed on electronic monitoring was a misdemeanor, in which case it is a class A misdemeanor.

575.353. 1. **This section shall be known and may be cited as “Max’s Law”.**

2. A person commits the offense of assault on a [police] **law enforcement** animal if he or she knowingly attempts to kill or disable or knowingly causes or attempts to cause serious physical injury to a [police] **law enforcement** animal when that animal is involved in law enforcement investigation, apprehension, tracking, or search, or the animal is in the custody of or under the control of a law enforcement officer, department of corrections officer, municipal police department, fire department or a rescue unit or agency.

[2.] **3. The offense of assault on a [police] law enforcement animal is a [class C misdemeanor, unless]:**

(1) Class A misdemeanor, if the law enforcement animal is not injured to the point of requiring veterinary care or treatment;

(2) Class E felony if the law enforcement animal is seriously injured to the point of requiring veterinary care or treatment; and

(3) Class D felony if the assault results in the death of such animal [or disables such animal to the extent it is unable to be utilized as a police animal, in which case it is a class E felony].

577.010. 1. A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition.

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior offender; or

(b) A person less than seventeen years of age is present in the vehicle;

(3) A class E felony if:

(a) The defendant is a persistent offender; or

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury

to another person;

(4) A class D felony if:

(a) The defendant is an aggravated offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;

(5) A class C felony if:

(a) The defendant is a chronic offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person;

(6) A class B felony if:

(a) The defendant is a habitual offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined in section 301.010, or the highway's right-of-way;

(d) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons; or

(e) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

(7) A class A felony if the defendant has previously been found guilty of an offense under paragraphs (a) to (e) of subdivision (6) of this subsection and is found guilty of a subsequent violation of such paragraphs.

3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is found guilty of a second or subsequent offense of driving while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation.

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

(1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

6. A person found guilty of the offense of driving while intoxicated:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days **involving at least two hundred forty hours** of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic or habitual offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; and

(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day.

577.012. 1. A person commits the offense of driving with excessive blood alcohol content if such person operates:

(1) A vehicle while having eight-hundredths of one percent or more by weight of alcohol in his or her blood; or

(2) A commercial motor vehicle while having four one-hundredths of one percent or more by weight of alcohol in his or her blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. The offense of driving with excessive blood alcohol content is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if the defendant is alleged and proved to be a prior offender;

(3) A class E felony if the defendant is alleged and proved to be a persistent offender;

(4) A class D felony if the defendant is alleged and proved to be an aggravated offender;

(5) A class C felony if the defendant is alleged and proved to be a chronic offender;

(6) A class B felony if the defendant is alleged and proved to be a habitual offender.

4. A person found guilty of the offense of driving with an excessive blood alcohol content as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section:

(1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

6. If a person is found guilty of a second or subsequent offense of driving with an excessive blood alcohol content, the court may order the person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation.

7. A person found guilty of driving with excessive blood alcohol content:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of

imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be granted parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days **involving at least four hundred eighty hours** of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic or habitual offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; and

(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day.

578.007. The provisions of section 574.130[,] **and** sections 578.005 to 578.023 shall not apply to:

(1) Care or treatment performed by a licensed veterinarian within the provisions of chapter 340;

(2) Bona fide scientific experiments;

(3) Hunting, fishing, or trapping as allowed by chapter 252, including all practices and privileges as allowed under the Missouri Wildlife Code;

(4) Facilities and publicly funded zoological parks currently in compliance with the federal “Animal Welfare Act” as amended;

(5) Rodeo practices currently accepted by the Professional Rodeo Cowboy’s Association;

(6) The killing of an animal by the owner thereof, the agent of such owner, or by a veterinarian at the request of the owner thereof;

(7) The lawful, humane killing of an animal by an animal control officer, the operator of an animal shelter, a veterinarian, or law enforcement or health official;

(8) With respect to farm animals, normal or accepted practices of animal husbandry;

(9) The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or farm animal, but **this exemption** shall not include [police or guard dogs] **the killing or injuring of a law enforcement animal** while working;

(10) The killing of house or garden pests; or

(11) Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri.

578.022. Any dog that is owned, or the service of which is employed, by a law enforcement agency and that bites **or injures** another animal or human in the course of their official duties is exempt from the provisions of sections 273.033 [and], 273.036 [and section], **578.012, and 578.024.**

589.404. As used in sections 589.400 to 589.425, the following terms mean:

(1) “Adjudicated” or “adjudication”, adjudication of delinquency, a finding of guilt, plea of guilt, finding of not guilty due to mental disease or defect, or plea of nolo contendere to committing, attempting to commit, or conspiring to commit;

(2) “Adjudicated delinquent”, a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

(3) “Chief law enforcement official”, the sheriff’s office of each county or the police department of a city not within a county;

(4) “Offender registration”, the required minimum informational content of sex offender registries, which shall consist of, but not be limited to, a full set of fingerprints on a standard sex offender registration card upon initial registration in Missouri, as well as all other forms required by the Missouri state highway patrol upon each initial and subsequent registration;

(5) “Residence”, any place where an offender sleeps for seven or more consecutive or nonconsecutive days or nights within a twelve-month period;

(6) “Sex offender”, any person who meets the criteria to register under sections 589.400 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248;

(7) “Sex offense”, any offense which is listed under section 589.414 or comparable to those listed under section 589.414 or otherwise comparable to offenses covered under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248;

(8) “Sexual act”, any type or degree of genital, oral, or anal penetration;

(9) **“Sexual conduct”, sexual intercourse, deviate sexual intercourse, or sexual contact;**

(10) **“Sexual contact”, any [sexual touching of or contact with a person’s body, either directly or through the clothing] touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, or causing semen, seminal fluid, or other ejaculate to come into contact with another person, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;**

[10] (11) “Sexual element”, used for the purposes of distinguishing if sexual contact or a sexual act was committed. Authorities shall refer to information filed by the prosecutor, amended information filed

by the prosecutor, indictment information filed by the prosecutor, or amended indictment information filed by the prosecutor, the plea agreement, or court documentation to determine if a sexual element exists;

[(11)] (12) “Signature”, the name of the offender signed in writing or electronic form approved by the Missouri state highway patrol;

[(12)] (13) “Student”, an individual who enrolls in or attends the physical location of an educational institution, including a public or private secondary school, trade or professional school, or an institution of higher education;

[(13)] (14) “Vehicle”, any land vehicle, watercraft, or aircraft.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within three business days, appear in person to the chief law enforcement officer of the county or city not within a county if there is a change to any of the following information:

- (1) Name;
- (2) Residence;
- (3) Employment, including status as a volunteer or intern;
- (4) Student status; or
- (5) A termination to any of the items listed in this subsection.

2. Any person required to register under sections 589.400 to 589.425 shall, within three business days, notify the chief law enforcement official of the county or city not within a county of any changes to the following information:

- (1) Vehicle information;
- (2) Temporary lodging information;
- (3) Temporary residence information;
- (4) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or
- (5) Telephone or other cellular number, including any new forms of electronic communication.

3. The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described under subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.

4. If any person required by sections 589.400 to 589.425 to register changes such person’s residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, territory, the District

of Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the responsible official in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three business days.

5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official annually in the month of their birth to verify the information contained in their statement made pursuant to section 589.407. Tier I sexual offenders include:

(1) Any offender who has been adjudicated for the offense of:

(a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older;

(b) Sexual misconduct involving a child under section 566.083 if it is a first offense and [the punishment is less than one year] **if the offense is a misdemeanor;**

(c) Sexual abuse in the second degree under section 566.101 [if the punishment is less than a year] **if the offense is a misdemeanor;**

(d) Kidnapping in the second degree under section 565.120 with sexual motivation;

(e) Kidnapping in the third degree under section 565.130;

(f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 [if the punishment is less than one year] **if the offense is a misdemeanor;**

(g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;

(h) Sexual [contact with a prisoner or offender] **conduct in the course of public duty** under section 566.145 if the victim is eighteen years of age or older;

(i) Sex with an animal under section 566.111;

(j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older;

(k) Possession of child pornography under section 573.037;

(l) Sexual misconduct in the first degree under section 566.093;

(m) Sexual misconduct in the second degree under section 566.095;

(n) Child molestation in the second degree under section 566.068 as it existed prior to January 1, 2017, if the [punishment is less than one year] **offense is a misdemeanor;** [or]

(o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age; **or**

(p) Sexual contact with a student eighteen years of age or older under section 566.086;

(2) Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a sexual nature or with

a sexual element that is comparable to the tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement official to verify the information contained in their statement made pursuant to section 589.407. Tier II sexual offenders include:

(1) Any offender who has been adjudicated for the offense of:

(a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to seventeen years of age;

(b) Child molestation in the third degree under section 566.069 if the victim is between thirteen and fourteen years of age;

(c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen years of age;

(d) Enticement of a child under section 566.151;

(e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is thirteen to seventeen years of age;

(f) Sexual exploitation of a minor under section 573.023;

(g) Promoting child pornography in the first degree under section 573.025;

(h) Promoting child pornography in the second degree under section 573.035;

(i) Patronizing prostitution under section 567.030;

(j) Patronizing a sexual performance by a child under section 573.206;

(k) Sexual [contact with a prisoner or offender] conduct in the course of public duty under section 566.145 if the victim is thirteen to seventeen years of age;

[(k)] (l) Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age;

[(l)] (m) Sexual misconduct involving a child under section 566.083 if it is a first offense [the penalty is a term of imprisonment of more than a year] and if the offense is a felony; [or]

[(m)] (n) Age misrepresentation with intent to solicit a minor under section 566.153; or

(o) Sexual abuse in the first degree under section 566.100 if the victim is thirteen to seventeen years of age;

(2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense **or a violation of a restriction under section 566.147, 566.148, 566.149, 566.150, 566.155, or 589.426** and who is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a

previous occasion; or

(3) Any person who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official every ninety days to verify the information contained in their statement made under section 589.407. Tier III sexual offenders include:

(1) Any offender registered as a predatory sexual offender as defined in section [566.123] **566.125** or a persistent sexual offender as defined in section [566.124] **566.125**;

(2) Any offender who has been adjudicated for the crime of:

(a) Rape in the first degree under section 566.030;

(b) Statutory rape in the first degree under section 566.032;

(c) Rape in the second degree under section 566.031;

(d) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature;

(e) Sodomy in the first degree under section 566.060;

(f) Statutory sodomy under section 566.062;

(g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;

(h) Sodomy in the second degree under section 566.061;

(i) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense;

(j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age;

(k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian;

(l) Child kidnapping under section 565.115;

(m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 [if the punishment is greater than a year] **if the offense is a felony**;

(n) Incest under section 568.020;

(o) Endangering the welfare of a child in the first degree under section 568.045 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;

(p) Child molestation in the first degree under section 566.067;

(q) Child molestation in the second degree under section 566.068;

- (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age;
 - (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;
 - (t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;
 - (u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;
 - (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;
 - (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;
 - (x) Sexual trafficking of a child in the first degree under section 566.210;
 - (y) Sexual trafficking of a child in the second degree under section 566.211;
 - (z) Genital mutilation of a female child under section 568.065;
 - (aa) Statutory rape in the second degree under section 566.034;
 - (bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;
 - (cc) Sexual abuse in the second degree under section 566.101 [if the penalty is a term of imprisonment of more than a year] **if the offense is a felony**;
 - (dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;
 - (ee) **Patronizing prostitution under section 567.030 if the victim is under eighteen years of age**;
 - (ff) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under thirteen years of age;
 - [(ff)] **(gg) Sexual [contact with a prisoner or offender] conduct in the course of public duty** under section 566.145 if the victim is under thirteen years of age;
 - [(gg) Sexual intercourse with a prisoner [or offender under section 566.145];]
 - (hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age;
 - (ii) Use of a child in a sexual performance under section 573.200; or
 - (jj) Promoting a sexual performance by a child under section 573.205;
- (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425[,] or other comparable out-of-state failure to register offense[,] **or a violation of a restriction under section 566.147, 566.148, 566.149, 566.150, 566.155, or 589.426 and** who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion;

(4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

(5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this section.

8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri registrants who work, including as a volunteer or unpaid intern, or attend any school whether public or private, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis or have a temporary residence in this state shall be required to report in person to the chief law enforcement officer in the area of the state where they work, including as a volunteer or unpaid intern, or attend any school or training and register in that state. "Part-time" in this subsection means for more than seven days in any twelve-month period.

9. If a person who is required to register as a sexual offender under sections 589.400 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier.

589.437. 1. For purposes of this section and section 43.650, the following persons shall be known as violent offenders:

(1) Any person who is on probation or parole for:

(a) The offense of murder in the first degree under section 565.020;

(b) The offense of murder in the second degree under section 565.021; or

(c) An offense in a jurisdiction outside of this state that would qualify under paragraph (a) or (b) of this subdivision if the offense were to have been committed in this state; and

(2) Any person who was found not guilty by reason of mental disease or defect of an offense listed under subdivision (1) of this subsection.

2. The division of probation and parole of the department of corrections, or the department of mental health if the person qualifies as a violent offender under subdivision (2) of subsection 1 of this section, shall notify the Missouri state highway patrol if a violent offender is placed on probation or parole, is placed on conditional release, is removed from probation or parole, or relocates to this state under the interstate compact for adult offender supervision, sections 589.500 to 589.569, so that the Missouri state highway patrol can update the offender registry under section 43.650."; and

Further amend said bill, Page 19, Section 589.565, Line 19, by inserting after said section and line the following:

"589.700. 1. There is hereby created in the state treasury the "Human Trafficking and Sexual Exploitation Fund", which shall consist of proceeds from the human trafficking restitution collected for violations of sections 566.203, 566.206, 566.209, 566.210, 566.211, and 566.215. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in this

fund shall be distributed to the county where the human trafficking offense occurred. Upon receipt of moneys from the fund, a county shall allocate the disbursement as follows:

(1) Fifty percent towards local rehabilitation services for victims of human trafficking including, but not limited to, mental health and substance abuse counseling; general education, including parenting skills; housing relief; vocational training; and employment counseling; and

(2) Fifty percent towards local efforts to prevent human trafficking including, but not limited to, education programs for persons convicted of human trafficking offenses and increasing the number of local law enforcement members charged with enforcing human trafficking laws.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

590.040. 1. The POST commission shall set the minimum number of hours of basic training for licensure as a peace officer no lower [than four hundred seventy and no higher] than six hundred, with the following exceptions:

(1) Up to one thousand hours may be mandated for any class of license required for commission by a state law enforcement agency;

(2) As few as one hundred twenty hours may be mandated for any class of license restricted to commission as a reserve peace officer with police powers limited to the commissioning political subdivision;

(3) Persons validly licensed on August 28, 2001, may retain licensure without additional basic training;

(4) Persons licensed and commissioned within a county of the third classification before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the commissioning political subdivision has adopted an order or ordinance to that effect;

(5) Persons serving as a reserve officer on August 27, 2001, within a county of the first classification or a county with a charter form of government and with more than one million inhabitants on August 27, 2001, having previously completed a minimum of one hundred sixty hours of training, shall be granted a license necessary to function as a reserve peace officer only within such county. For the purposes of this subdivision, the term “reserve officer” shall mean any person who serves in a less than full-time law enforcement capacity, with or without pay and who, without certification, has no power of arrest and who, without certification, must be under the direct and immediate accompaniment of a certified peace officer of the same agency at all times while on duty; and

(6) The POST commission shall provide for the recognition of basic training received at law enforcement training centers of other states, the military, the federal government and territories of the United States regardless of the number of hours included in such training and shall have authority to require supplemental training as a condition of eligibility for licensure.

2. The director shall have the authority to limit any exception provided in subsection 1 of this section to persons remaining in the same commission or transferring to a commission in a similar jurisdiction.

3. The basic training of every peace officer, except agents of the conservation commission, shall include

at least thirty hours of training in the investigation and management of cases involving domestic and family violence. Such training shall include instruction, specific to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety of victims, other family and household members and investigating officers; legal rights and remedies available to victims, including rights to compensation and the enforcement of civil and criminal remedies; services available to victims and their children; the effects of cultural, racial and gender bias in law enforcement; and state statutes. Said curriculum shall be developed and presented in consultation with the department of health and senior services, the children's division, public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence.

590.080. 1. The director shall have cause to discipline any peace officer licensee who:

(1) Is unable to perform the functions of a peace officer with reasonable competency or reasonable safety [as a result of a mental condition, including alcohol or substance abuse];

(2) Has committed any criminal offense, whether or not a criminal charge has been filed;

(3) Has been convicted, or has entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, or the United States, or of any country, regardless of whether or not sentence is imposed;

(4) Has committed any act [while on active duty or under color of law] that involves moral turpitude or a reckless disregard for the safety of the public or any person;

[4)] **(5)** Has caused a material fact to be misrepresented for the purpose of obtaining or retaining a peace officer commission or any license issued pursuant to this chapter;

[5)] **(6)** Has violated a condition of any order of probation lawfully issued by the director; [or

(6)] **(7)** Has violated a provision of this chapter or a rule promulgated pursuant to this chapter;

(8) Has tested positive for a controlled substance, as defined in chapter 195, without a valid prescription for the controlled substance;

(9) Is subject to an order of another state, territory, the federal government, or any peace officer licensing authority suspending or revoking a peace officer license or certification; or

(10) Has committed any act of gross misconduct indicating inability to function as a peace officer. Gross misconduct shall include any willful and want on or unlawful conduct motivated by premeditated or intentional purpose or by purposeful indifference to the consequence of one's acts.

2. When the director has knowledge of cause to discipline a peace officer license pursuant to this section, the director may cause a complaint to be filed with the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for discipline, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the discretion of the director to determine appropriate discipline when cause exists pursuant to this section.

3. Upon a finding by the administrative hearing commission that cause to discipline exists, the director

shall, within thirty days, hold a hearing to determine the form of discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the license at issue. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

4. Notice of any hearing pursuant to this chapter or section may be made by certified mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. Notice may be given by publication.

5. Nothing contained in this section shall prevent a licensee from informally disposing of a cause for discipline with the consent of the director by voluntarily surrendering a license or by voluntarily submitting to discipline.

6. The provisions of chapter 621 and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission and pursuant to this section the rights and duties of the parties involved.

590.1070. 1. There is hereby established within the department of public safety the "Peace Officer Basic Training Tuition Reimbursement Program". Any moneys appropriated by the general assembly for this program shall be used to provide tuition reimbursement for:

(1) Qualifying Missouri residents who have paid tuition at a state licensed basic law enforcement training center for the basic law enforcement training required for a peace officer license in this state and who have been employed as a full-time peace officer in this state for a specified period; and

(2) Qualifying government entities that have paid tuition for an employee to receive the basic law enforcement training required for a peace officer license in this state at a licensed basic law enforcement training center when such employee has been employed as a full-time peace officer for a specified period.

2. The department of public safety shall be the administrative agency for the implementation of the tuition reimbursement program established under this section, and shall:

(1) Prescribe the form and the time and method of awarding tuition reimbursement under this section and shall supervise the processing thereof; and

(2) Select qualifying recipients to receive reimbursement under this section and determine the manner and method of payment to the recipient.

3. To be eligible to receive tuition reimbursement under subdivision (1) of subsection 1 of this section, a person shall:

(1) Be initially employed as a peace officer on or after September 1, 2022;

(2) Submit to the department an initial application for tuition reimbursement, and annually thereafter for each year of qualifying employment, in the manner and on a form prescribed by the department that requires:

(a) Employer verification of the person's employment as a full-time peace officer in this state for at least one year and the person's current employment as a peace officer in this state as of the date of the application;

(b) A transcript containing the person's basic police training course work and his or her date of graduation; and

(c) A statement of the total amount of tuition the applicant paid to the basic training center for his or her basic training;

(3) Be currently employed, and have completed at least one year of employment, as a full-time peace officer in this state; and

(4) Comply with any other requirements adopted by the department under this section.

4. To be eligible to receive tuition reimbursement under subdivision (2) of subsection 1 of this section, a government entity shall:

(1) Be the employer of a peace officer who was initially employed on or after September 1, 2022;

(2) Submit to the department an initial application for tuition reimbursement, and annually thereafter for each year of the employee's qualifying employment, up to four years, in the manner and on a form prescribed by the department that requires:

(a) Verification of the employee's full-time employment as a peace officer in this state for at least one year and the employee's current employment as a peace officer in this state as of the date of the application;

(b) A transcript containing the employee's basic police training course work and his or her date of graduation; and

(c) A statement of the total amount of tuition and fees the employer paid to the basic training center for the employee's basic training;

(3) Certify that the employee is currently employed, and has completed at least one year of employment, as a full-time peace officer in this state; and

(4) Comply with any other requirements adopted by the department under this section.

5. Tuition reimbursement granted under this section, subject to the availability of funds, shall be reimbursed as follows:

(1) At the end of one year of continuous employment as a full-time peace officer, an applicant or his or her employer, whichever applies, shall be eligible to receive reimbursement for twenty-five percent of the total tuition paid to a licensed basic training center;

(2) At the end of two, three, and four years of continuous qualifying employment as a full-time peace officer, and submission of documents verifying continued full-time employment as a peace officer, an applicant or his or her employer, whichever applies, shall be eligible to receive reimbursement each year for twenty-five percent of the total tuition paid to a licensed basic training center. A government entity may qualify for tuition reimbursement under this subdivision for tuition paid for an employee even if such person is no longer employed by the government entity as long as the person for whom tuition was paid is still continuously employed as a full-time peace officer in Missouri.

6. Notwithstanding any provision of this section to the contrary, the total amount of tuition reimbursement provided under this section to an eligible person, or to a government entity with

respect to an employee, shall not exceed six thousand dollars per person or employee.

7. The department of public safety shall promulgate all necessary rules and regulations for the administration of the program. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

590.1075. There is hereby created in the state treasury the “Peace Officer Basic Training Tuition Reimbursement Fund”, which shall consist of moneys appropriated annually by the general assembly from general revenue and any gifts, bequests, or donations. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of section 590.1070. Notwithstanding the provisions of section 33.080, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

595.201. 1. This section shall be known and may be cited as the “Sexual Assault Survivors’ Bill of Rights”. These rights shall be in addition to other rights as designated by law and no person shall discourage a person from exercising these rights. For the purposes of this section, “sexual assault survivor” means any person who is fourteen years of age or older and who may be a victim of a sexual offense who presents themselves to an appropriate medical provider, law enforcement officer, prosecuting attorney, or court.

2. [The rights provided to survivors in this section attach whenever a survivor is subject to a forensic examination, as provided in section 595.220; and whenever a survivor is subject to an interview by a law enforcement official, prosecuting attorney, or defense attorney.] A **sexual assault** survivor retains all the rights of this section [at all times] regardless of whether [the survivor agrees to participate in the criminal justice system or in family court; and regardless of whether the survivor consents to a forensic examination to collect sexual assault forensic evidence. The following rights shall be afforded to sexual assault survivors] **a criminal investigation or prosecution results or if the survivor has previously waived any of these rights. A sexual assault survivor has the right to:**

(1) [A survivor has the right to] Consult with an employee or volunteer of a rape crisis center [during any forensic examination that is subject to confidentiality requirements pursuant to section 455.003, as well as the right to have a support person of the survivor’s choosing present, subject to federal regulations as provided in 42 CFR 482; and during any interview by a law enforcement official, prosecuting attorney, or defense attorney. A survivor retains this right even if the survivor has waived the right in a previous examination or interview;

(2) Reasonable costs incurred by a medical provider for the forensic examination portion of the examination of a survivor shall be paid by the department of public safety, out of appropriations made for that purpose, as provided under section 595.220. Evidentiary collection kits shall be developed and made

available, subject to appropriations, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety;

(3) Before a medical provider commences a forensic examination of a survivor, the medical provider shall provide the survivor with a document to be developed by the department of public safety that explains the rights of survivors, pursuant to this section, in clear language that is comprehensible to a person proficient in English at the fifth-grade level, accessible to persons with visual disabilities, and available in all major languages of the state. This document shall include, but is not limited to:

(a) The survivor's rights pursuant to this section and other rules and regulations by the department of public safety and the department of health and senior services, which shall be signed by the survivor of sexual assault to confirm receipt;

(b) The survivor's right to consult with an employee or volunteer of a rape crisis center, to be summoned by the medical provider before the commencement of the forensic examination, unless no employee or volunteer of a rape crisis center can be summoned in a reasonably timely manner, and to have present at least one support person of the victim's choosing;

(c) If an employee or volunteer of a rape crisis center or a support person cannot be summoned in a timely manner, the ramifications of delaying the forensic examination; and

(d) After the forensic examination, the survivor's right to shower at no cost, unless showering facilities are not reasonably available;

(4) Before commencing an interview of a survivor, a law enforcement officer, prosecuting attorney, or defense attorney shall inform the survivor of the following:

(a) The survivor's rights pursuant to this section and other rules and regulations by the department of public safety and the department of health and senior services, which shall be signed by the survivor of sexual assault to confirm receipt;

(b) The survivor's right to consult with an employee or volunteer of a rape crisis center during any interview by a law enforcement official, prosecuting attorney, or defense attorney, to be summoned by the interviewer before the commencement of the interview, unless no employee or volunteer of a rape crisis center can be summoned in a reasonably timely manner;

(c) The survivor's right to have a support person of the survivor's choosing present during any interview by a law enforcement officer, prosecuting attorney, or defense attorney, unless the law enforcement officer, prosecuting attorney, or defense attorney determines in his or her good faith professional judgment that the presence of that individual would be detrimental to the purpose of the interview; and

(d) For interviews by a law enforcement officer, the survivor's right to be interviewed by a law enforcement official of the gender of the survivor's choosing. If no law enforcement official of that gender is reasonably available, the survivor shall be interviewed by an available law enforcement official only upon the survivor's consent;

(5) The right to counsel during an interview by a law enforcement officer or during any interaction with the legal or criminal justice systems within the state;

(6) A law enforcement official, prosecuting attorney, or defense attorney shall not, for any reason,

discourage a survivor from receiving a forensic examination;

(7) A survivor has the right to prompt analysis of sexual assault forensic evidence, as provided under section 595.220;

(8) A survivor has the right to be informed, upon the survivor's request, of the results of the analysis of the survivor's sexual assault forensic evidence, whether the analysis yielded a DNA profile, and whether the analysis yielded a DNA match, either to the named perpetrator or to a suspect already in CODIS. The survivor has the right to receive this information through a secure and confidential message in writing from the crime laboratory so that the survivor can call regarding the results;

(9) A defendant or person accused or convicted of a crime against a survivor shall have no standing to object to any failure to comply with this section, and the failure to provide a right or notice to a survivor under this section may not be used by a defendant to seek to have the conviction or sentence set aside;

(10) The failure of a law enforcement agency to take possession of any sexual assault forensic evidence or to submit that evidence for analysis within the time prescribed under section 595.220 does not alter the authority of a law enforcement agency to take possession of that evidence or to submit that evidence to the crime laboratory, and does not alter the authority of the crime laboratory to accept and analyze the evidence or to upload the DNA profile obtained from that evidence into CODIS. The failure to comply with the requirements of this section does not constitute grounds in any criminal or civil proceeding for challenging the validity of a database match or of any database information, and any evidence of that DNA record shall not be excluded by a court on those grounds;

(11) No sexual assault forensic evidence shall be used to prosecute a survivor for any misdemeanor crimes or any misdemeanor crime pursuant to sections 579.015 to 579.185; or as a basis to search for further evidence of any unrelated misdemeanor crimes or any misdemeanor crime pursuant to sections 579.015 to 579.185, that shall have been committed by the survivor, except that sexual assault forensic evidence shall be admissible as evidence in any criminal or civil proceeding against the defendant or person accused;

(12) Upon initial interaction with a survivor, a law enforcement officer shall provide the survivor with a document to be developed by the department of public safety that explains the rights of survivors, pursuant to this section, in clear language that is comprehensible to a person proficient in English at the fifth-grade level, accessible to persons with visual disabilities, and available in all major languages of the state. This document shall include, but is not limited to:

(a) A clear statement that a survivor is not required to participate in the criminal justice system or to receive a forensic examination in order to retain the rights provided by this section and other relevant law;

(b) Telephone and internet means of contacting nearby rape crisis centers and employees or volunteers of a rape crisis center;

(c) Forms of law enforcement protection available to the survivor, including temporary protection orders, and the process to obtain such protection;

(d) Instructions for requesting the results of the analysis of the survivor's sexual assault forensic evidence; and

(e) State and federal compensation funds for medical and other costs associated with the sexual assault and any municipal, state, or federal right to restitution for survivors in the event of a criminal trial;

(13) A law enforcement official shall, upon written request by a survivor, furnish within fourteen days of receiving such request a free, complete, and unaltered copy of all law enforcement reports concerning the sexual assault, regardless of whether the report has been closed by the law enforcement agency;

(14) A prosecuting attorney shall, upon written request by a survivor, provide:

(a) Timely notice of any pretrial disposition of the case;

(b) Timely notice of the final disposition of the case, including the conviction, sentence, and place and time of incarceration;

(c) Timely notice of a convicted defendant's location, including whenever the defendant receives a temporary, provisional, or final release from custody, escapes from custody, is moved from a secure facility to a less secure facility, or reenters custody; and

(d) A convicted defendant's information on a sex offender registry, if any;

(15) In either a civil or criminal case relating to the sexual assault, a survivor has the right to be reasonably protected from the defendant and persons acting on behalf of the defendant, as provided under section 595.209 and Article I, Section 32 of the Missouri Constitution;

(16) A survivor has the right to be free from intimidation, harassment, and abuse, as provided under section 595.209 and Article I, Section 32 of the Missouri Constitution;

(17) A survivor shall not be required to submit to a polygraph examination as a prerequisite to filing an accusatory pleading, as provided under 595.223, or to participating in any part of the criminal justice system;

(18) A survivor has the right to be heard through a survivor impact statement at any proceeding involving a post arrest release decision, plea, sentencing, post conviction release decision, or any other proceeding where a right of the survivor is at issue, as provided under section 595.229 and Article I, Section 32 of the Missouri Constitution.

3. For purposes of this section, the following terms mean:

(1) "CODIS", the Federal Bureau of Investigation's Combined DNA Index System that allows the storage and exchange of DNA records submitted by federal, state, and local DNA crime laboratories. The term "CODIS" includes the National DNA Index System administered and operated by the Federal Bureau of Investigation;

(2) "Crime", an act committed in this state which, regardless of whether it is adjudicated, involves the application of force or violence or the threat of force or violence by the offender upon the victim and shall include the crime of driving while intoxicated, vehicular manslaughter and hit and run; and provided, further, that no act involving the operation of a motor vehicle, except driving while intoxicated, vehicular manslaughter and hit and run, which results in injury to another shall constitute a crime for the purpose of this section, unless such injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include an act of terrorism, as defined in 18 U.S.C. Section 2331, which has been committed outside of the United States against a resident of Missouri;

(3) "Crime laboratory", a laboratory operated or supported financially by the state, or any unit of city, county, or other local Missouri government that employs at least one scientist who examines physical evidence in criminal matters and provides expert or opinion testimony with respect to such physical

evidence in a state court of law;

(4) “Disposition”, the sentencing or determination of a penalty or punishment to be imposed upon a person convicted of a crime or found delinquent or against who a finding of sufficient facts for conviction or finding of delinquency is made;

(5) “Law enforcement official”, a sheriff and his regular deputies, municipal police officer, or member of the Missouri state highway patrol and such other persons as may be designated by law as peace officers;

(6) “Medical provider”, any qualified health care professional, hospital, other emergency medical facility, or other facility conducting a forensic examination of the survivor;

(7) “Rape crisis center”, any public or private agency that offers assistance to victims of sexual assault, as the term sexual assault is defined in section 455.010, who are adults, as defined by section 455.010, or qualified minors, as defined by section 431.056;

(8) “Restitution”, money or services which a court orders a defendant to pay or render to a survivor as part of the disposition;

(9) “Sexual assault survivor”, any person who is a victim of an alleged sexual offense under sections 566.010 to 566.223 and, if the survivor is incompetent, deceased, or a minor who is unable to consent to counseling services, the parent, guardian, spouse, or any other lawful representative of the survivor, unless such person is the alleged assailant;

(10) “Sexual assault forensic evidence”, any human biological specimen collected by a medical provider during a forensic medical examination from an alleged survivor, as provided for in section 595.220, including, but not limited to, a toxicology kit;

(11) “Survivor”, a natural person who suffers direct or threatened physical, emotional, or financial harm as the result of the commission or attempted commission of a crime. The term “victim” also includes the family members of a minor, incompetent or homicide victim.] **as defined in section 455.003;**

(2) A sexual assault forensic examination as provided in section 595.220, or when a telehealth network is established, a forensic examination as provided in section 192.2520 and section 197.135;

(3) A shower and a change of clothing, as reasonably available, at no cost to the sexual assault survivor;

(4) Request to be examined by an appropriate medical provider or interviewed by a law enforcement officer of the gender of the sexual assault survivor’s choosing, when there is an available appropriate medical provider or law enforcement official of the gender of the sexual assault survivor’s choosing;

(5) An interpreter who can communicate in the language of the sexual assault survivor’s choice, as is reasonably available, in a timely manner;

(6) Notification and basic overview of the options of choosing a reported evidentiary collection kit, unreported evidentiary collection kit, or anonymous evidentiary collection kit as defined in section 595.220;

(7) Notification about the evidence tracking system as defined in subsection 9 of section 595.220;

(8) Notification about the right to information pursuant to subsection 4 of section 610.100;

(9) Be free from intimidation, harassment, and abuse in any related criminal or civil proceeding and the right to reasonable protection from the offender or any person acting on behalf of the offender from harm and threats of harm arising out of the survivor's disclosure of the sexual assault.

3. An appropriate medical provider, law enforcement officer, and prosecuting attorney shall provide the sexual assault survivor with notification of the rights of survivors pursuant to subsection 2 of this section in a timely manner. Each appropriate medical provider, law enforcement officer, and prosecuting attorney shall ensure that the sexual assault survivor has been notified of these rights.

4. The department of public safety shall develop a document in collaboration with Missouri-based stakeholders. Missouri-based stakeholders shall include, but not be limited to, the following:

- (1) Prosecuting attorneys;**
- (2) Chief law enforcement officers or their designees;**
- (3) Appropriate medical providers, as defined in section 595.220;**
- (4) Representatives of the statewide coalition against domestic and sexual violence;**
- (5) Representatives of rape crisis centers;**
- (6) Representatives of the Missouri Hospital Association;**
- (7) The director of the Missouri highway patrol crime lab or their designee; and**
- (8) The director of the department of health and senior services or their designee.**

5. The document shall include the following:

- (1) A description of the rights of the sexual assault survivor pursuant to this section; and**
- (2) Telephone and internet means for contacting the local rape crisis center, as defined in section 455.003.**

The department of public safety shall provide this document in clear language that is comprehensible to a person proficient in English and shall provide this document in any other foreign language spoken by at least five percent of the population in any county or city not within a county in Missouri.

595.226. 1. After August 28, 2007, any information contained in any court record, whether written or published on the internet, including any visual or aural recordings that could be used to identify or locate any victim of an offense under chapter 566 or a victim of domestic assault or stalking shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include, **but shall not be limited to**, the name, home or temporary address, **personal email address**, telephone number, Social Security number, **birth date**, place of employment, **any health information, including human immunodeficiency virus (HIV) status, any information from a forensic testing report**, or physical characteristics, including an unobstructed visual image of the victim's face or body.

2. [If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such] **Any person who is requesting identifying information of a victim and who has a legitimate interest in obtaining such information may petition the court for an in camera inspection**

of the records. If the court determines the person is entitled to all or any part of such records, the court may order production and disclosure of the records, but only if the court determines that the disclosure to the person or entity would not compromise the welfare or safety of the victim, and only after providing reasonable notice to the victim and after allowing the victim the right to respond to such request.

3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a case under chapter 566 or a case of domestic assault or stalking shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure.

595.320. If a judge orders a person who has been convicted of an offense under sections 565.072 to 565.076 to attend any batterer intervention program, as defined in section 455.549, the person shall be financially responsible for any costs associated with attending such class.

600.042. 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

(4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

(5) Develop programs and administer activities to achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

(7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate;

(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of the state public defender system and the responsibilities of

division directors, district defenders, deputy district defenders, assistant public defenders and other personnel;

(9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the [state general revenue] **public defender - federal and other** fund;

(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;

(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

(3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

(1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.

6. There is hereby created within the state treasury the “Public Defender - Federal and Other Fund”, which shall be funded annually by appropriation, and which shall contain moneys received from any other funds from government grants, private gifts, donations, bequests, or any other source to be used for the purpose of funding local offices of the office of the state public defender. The state treasurer shall be the custodian of the fund and shall approve disbursements from the fund upon the request of the director of the office of state public defender. Any interest or other earnings with respect to amounts transferred to the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund.

630.155. 1. A person commits the offense of patient, resident or client abuse or neglect against any person admitted on a voluntary or involuntary basis to any mental health facility or mental health program in which people may be civilly detained pursuant to chapter 632, or any patient, resident or client of any residential facility, day program or specialized service operated, funded or licensed by the department if he knowingly does any of the following:

(1) Beats, strikes or injures any person, patient, resident or client;

(2) Mistreats or maltreats, handles or treats any such person, patient, resident or client in a brutal or inhuman manner;

(3) Uses any more force than is reasonably necessary for the proper control, treatment or management of such person, patient, resident or client;

(4) Fails to provide services which are reasonable and necessary to maintain the physical and mental health of any person, patient, resident or client when such failure presents either an imminent danger to the health, safety or welfare of the person, patient, resident or client, or a substantial probability that death or serious physical harm will result.

2. Patient, resident or client abuse or neglect is a class A misdemeanor unless committed under subdivision (2) or (4) of subsection 1 of this section in which case such abuse or neglect shall be a class [E] **D** felony.

632.305. 1. An application for detention for evaluation and treatment may be executed by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, on a form provided by the court for such purpose, and [must] **shall** allege under oath, **without a notarization requirement**, that the applicant has reason to believe that the respondent is suffering from a mental disorder and presents a likelihood of serious harm to himself **or herself** or to others. The application [must] **shall** specify the factual information on which such belief is based and should contain the names and addresses of all persons known to the applicant who have knowledge of such facts through personal observation.

2. The filing of a written application in court by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, shall authorize the applicant to bring the matter before the court on an ex parte basis to determine whether the respondent should be taken into custody and transported to a mental health facility. The application may be filed in the court having probate jurisdiction in any county where the respondent may be found. If the court finds that there is probable cause, either upon testimony under oath or upon a review of affidavits, to believe that the respondent may be suffering from a mental disorder and presents a likelihood of serious harm to himself **or herself** or others,

it shall direct a peace officer to take the respondent into custody and transport him **or her** to a mental health facility for detention for evaluation and treatment for a period not to exceed ninety-six hours unless further detention and treatment is authorized pursuant to this chapter. Nothing herein shall be construed to prohibit the court, in the exercise of its discretion, from giving the respondent an opportunity to be heard.

3. A mental health coordinator may request a peace officer to take or a peace officer may take a person into custody for detention for evaluation and treatment for a period not to exceed ninety-six hours only when such mental health coordinator or peace officer has reasonable cause to believe that such person is suffering from a mental disorder and that the likelihood of serious harm by such person to himself **or herself** or others is imminent unless such person is immediately taken into custody. Upon arrival at the mental health facility, the peace officer or mental health coordinator who conveyed such person or caused him **or her** to be conveyed shall either present the application for detention for evaluation and treatment upon which the court has issued a finding of probable cause and the respondent was taken into custody or complete an application for initial detention for evaluation and treatment for a period not to exceed ninety-six hours which shall be based upon his **or her** own personal observations or investigations and shall contain the information required in subsection 1 of this section.

4. If a person presents himself **or herself** or is presented by others to a mental health facility and a licensed physician, a registered professional nurse or a mental health professional designated by the head of the facility and approved by the department for such purpose has reasonable cause to believe that the person is mentally disordered and presents an imminent likelihood of serious harm to himself **or herself** or others unless he **or she** is accepted for detention, the licensed physician, the mental health professional or the registered professional nurse designated by the facility and approved by the department may complete an application for detention for evaluation and treatment for a period not to exceed ninety-six hours. The application shall be based on his **or her** own personal observations or investigation and shall contain the information required in subsection 1 of this section.

5. Any oath required by the provisions of this section shall be subject to the provisions of section 492.060.

650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime solely as a result of DNA profiling analysis may be paid restitution. The individual [may] **shall** receive an amount of one hundred dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term “actually innocent” shall mean:

- (1) The individual was convicted of a felony for which a final order of release was entered by the court;
- (2) All appeals of the order of release have been exhausted;

(3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the parole board in connection with the crime for which the person has been exonerated. Regardless of whether any other basis may exist for the revocation of the person’s probation or parole at the time of conviction for the crime for which the person is later determined to be actually innocent, when the court’s or the parole board’s sole stated reason for the revocation in its order is the conviction for the crime for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive

evidence that [their] **the person's** probation or parole was revoked in connection with the crime for which the person has been exonerated; and

(4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's innocence of the crime for which the person is in custody.

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. If the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may [only] be filed **only** by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction. Upon **the court's** granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and [only] available **only** to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in

response to any inquiry made of him or her for any purpose whatsoever, and no such inquiry shall be made for information relating to an expungement under this section.

5. Any individual who receives restitution under section 490.800 shall not also receive restitution under this section for the same offense the individual was determined to be found actually innocent.

650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

- (1) **“Ambulance service”, the same meaning given to the term in section 190.100;**
- (2) **“Board”, the Missouri 911 service board established in section 650.325;**
- ~~[(2)]~~ (3) **“Dispatch agency”, the same meaning given to the term in section 190.100;**
- (4) **“Medical director”, the same meaning given to the term in section 190.100;**
- (5) **“Memorandum of understanding”, the same meaning given to the term in section 190.100;**
- (6) **“Public safety answering point”, the location at which 911 calls are answered;**

~~[(3)]~~ (7) **“Telecommunicator first responder”, any person employed as an emergency telephone worker, call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.**

650.340. 1. The provisions of this section may be cited and shall be known as the “911 Training and Standards Act”.

2. Initial training requirements for [telecommunicators] **telecommunicator first responders** who answer 911 calls that come to public safety answering points shall be as follows:

- (1) Police telecommunicator **first responder**, 16 hours;
- (2) Fire telecommunicator **first responder**, 16 hours;
- (3) Emergency medical services telecommunicator **first responder**, 16 hours;
- (4) Joint communication center telecommunicator **first responder**, 40 hours.

3. All persons employed as a telecommunicator **first responder** in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator **first responder**. Such persons shall complete at least twenty-four hours of ongoing training every three years by such persons or organizations as provided in subsection 6 of this section.

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator **or a telecommunicator first responder** after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator **or telecommunicator first responder**.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the committee that such person has completed training in another state which is at least as stringent as the training requirements of subsection 2 of this section.

6. The board shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. [This section shall not apply to an emergency medical dispatcher or agency as defined in section 190.100, or a person trained by an entity accredited or certified under section 190.131, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134.] **The board shall be responsible for the approval of training courses for emergency medical dispatchers. The board shall develop necessary rules and regulations in collaboration with the state EMS medical director’s advisory committee, as described in section 190.103, which may provide recommendations relating to the medical aspects of prearrival medical instructions.**

8. A dispatch agency is required to have a memorandum of understanding with all ambulance services that it dispatches. If a dispatch agency provides prearrival medical instructions, it is required to have a medical director whose duties include the maintenance of standards and approval of protocols or guidelines.

Section 1. The portion of State Highway 231 (Telegraph Rd.) from PVT Tori Pines Drive continuing to Meadow Haven Lane in St. Louis County shall be designated as “Mehlville Fire Captain Chris Francis Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donation.

Section 2. 1. There is hereby created in the state treasury the “Restitution for Domesticated Animals Inadvertently Harmed by Law Enforcement Fund”, which shall consist of money appropriated by the general assembly. The state treasurer shall be the custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of public safety for the purposes of providing restitution for any domesticated animal inadvertently harmed or killed by a peace officer while in the line of duty. Such restitution shall be equal to the fair marketplace value of the animal which was harmed or killed. No restitution payment made pursuant to this section shall constitute any waiver of sovereign immunity and such sovereign or governmental tort immunity shall remain in full force and effect.

2. Notwithstanding the provisions of section 33.0870 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

[190.134. A dispatch agency is required to have a memorandum of understanding with all ambulance services that it dispatches. If a dispatch agency provides prearrival medical instructions, it is required to have a medical director, whose duties include the maintenance of standards and protocol approval.]

[217.703. 1. The division of probation and parole shall award earned compliance credits to any offender who is:

(1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

(2) On probation, parole, or conditional release for an offense listed in chapter 579, or an offense previously listed in chapter 195, or for a class D or E felony, excluding sections 565.225, 565.252, 566.031, 566.061, 566.083, 566.093, 568.020, 568.060, offenses defined as sexual assault under section 589.015, deviate sexual assault, assault in the second degree under subdivision (2) of

subsection 1 of section 565.052, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, and any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017;

(3) Supervised by the division of probation and parole; and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

2. If an offender was placed on probation, parole, or conditional release for an offense of:

(1) Involuntary manslaughter in the second degree;

(2) Assault in the second degree except under subdivision (2) of subsection 1 of section 565.052 or section 565.060 as it existed prior to January 1, 2017;

(3) Domestic assault in the second degree;

(4) Assault in the third degree when the victim is a special victim or assault of a law enforcement officer in the second degree as it existed prior to January 1, 2017;

(5) Statutory rape in the second degree;

(6) Statutory sodomy in the second degree;

(7) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or

(8) Any case in which the defendant is found guilty of a felony offense under chapter 571;

the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section or at a hearing under subsection 5 of this section. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

3. Earned compliance credits shall reduce the term of probation, parole, or conditional release by thirty days for each full calendar month of compliance with the terms of supervision. Credits shall begin to accrue for eligible offenders after the first full calendar month of supervision or on October 1, 2012, if the offender began a term of probation, parole, or conditional release before September 1, 2012.

4. For the purposes of this section, the term "compliance" shall mean the absence of an initial violation report or notice of citation submitted by a probation or parole officer during a calendar month, or a motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the offender.

5. Credits shall not accrue during any calendar month in which a violation report, which may include a report of absconder status, has been submitted, the offender is in custody, or a motion to revoke or motion to suspend has been filed, and shall be suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held, or if a hearing is held and the offender is continued under supervision, or the court or board finds that the violation did not occur, then the offender shall be deemed to be in compliance and shall begin earning credits on the first day of the next calendar month following the month in which the report was submitted or the motion was filed. If a hearing is held, all earned credits shall be rescinded if:

(1) The court or board revokes the probation or parole or the court places the offender in a department program under subsection 4 of section 559.036 or under section 217.785; or

(2) The offender is found by the court or board to be ineligible to earn compliance credits because the nature and circumstances of the violation indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender.

Earned credits, if not rescinded, shall continue to be suspended for a period of time during which the court or board has suspended the term of probation, parole, or release, and shall begin to accrue on the first day of the next calendar month following the lifting of the suspension.

6. Offenders who are deemed by the division to be absconders shall not earn credits. For purposes of this subsection, “absconder” shall mean an offender under supervision whose whereabouts are unknown and who has left such offender’s place of residency without the permission of the offender’s supervising officer and without notifying of their whereabouts for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder when such offender is available for active supervision.

7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination of time served in custody, if applicable, time served on probation, parole, or conditional release, and earned compliance credits satisfy the total term of probation, parole, or conditional release, the board or sentencing court shall order final discharge of the offender, so long as the offender has completed restitution and at least two years of his or her probation, parole, or conditional release, which shall include any time served in custody under section 217.718 and sections 559.036 and 559.115.

8. The award or rescission of any credits earned under this section shall not be subject to appeal or any motion for postconviction relief.

9. At least twice a year, the division shall calculate the number of months the offender has remaining on his or her term of probation, parole, or conditional release, taking into consideration any earned compliance credits, and notify the offender of the length of the remaining term.

10. No less than sixty days before the date of final discharge, the division shall notify the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney upon receiving such notice does not take any action under subsection 5 of this section, the offender shall be discharged under subsection 7 of this section.

11. Any offender who was sentenced prior to January 1, 2017, to an offense that was eligible for earned compliance credits under subsection 1 or 2 of this section at the time of sentencing shall

continue to remain eligible for earned compliance credits so long as the offender meets all the other requirements provided under this section.

12. The application of earned compliance credits shall be suspended upon entry into a treatment court, as described in sections 478.001 to 478.009, and shall remain suspended until the offender is discharged from such treatment court. Upon successful completion of treatment court, all earned compliance credits accumulated during the suspension period shall be retroactively applied, so long as the other terms and conditions of probation have been successfully completed.]"; and

Further amend said bill, Page 21, Section 217.810, Line 89, by inserting after said section and line the following:

“[537.528. 1. Any action against a person for conduct or speech undertaken or made in connection with a public hearing or public meeting, in a quasi-judicial proceeding before a tribunal or decision-making body of the state or any political subdivision of the state is subject to a special motion to dismiss, motion for judgment on the pleadings, or motion for summary judgment that shall be considered by the court on a priority or expedited basis to ensure the early consideration of the issues raised by the motion and to prevent the unnecessary expense of litigation. Upon the filing of any special motion described in this subsection, all discovery shall be suspended pending a decision on the motion by the court and the exhaustion of all appeals regarding the special motion.

2. If the rights afforded by this section are raised as an affirmative defense and if a court grants a motion to dismiss, a motion for judgment on the pleadings or a motion for summary judgment filed within ninety days of the filing of the moving party’s answer, the court shall award reasonable attorney fees and costs incurred by the moving party in defending the action. If the court finds that a special motion to dismiss or motion for summary judgment is frivolous or solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney fees to the party prevailing on the motion.

3. Any party shall have the right to an expedited appeal from a trial court order on the special motions described in subsection 2 of this section or from a trial court’s failure to rule on the motion on an expedited basis.

4. As used in this section, a “public meeting in a quasi-judicial proceeding” means and includes any meeting established and held by a state or local governmental entity, including without limitations meetings or presentations before state, county, city, town or village councils, planning commissions, review boards or commissions.

5. Nothing in this section limits or prohibits the exercise of a right or remedy of a party granted pursuant to another constitutional, statutory, common law or administrative provision, including civil actions for defamation.

6. If any provision of this section or the application of any provision of this section to a person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

7. The provisions of this section shall apply to all causes of actions.]

Section B. Section 407.1700 of section A of this act shall become effective on February 28, 2023.”; and
Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 724**, as amended. Representatives: Falkner, Taylor (139), Pietzman, Merideth, Adams.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **SB 724**, with **HCS**, as amended: Senators Hegeman, Crawford, Eslinger Roberts, and May.

PRIVILEGED MOTIONS

Senator Luetkemeyer moved that the Senate refuse to concur in **SS** for **SCS** for **SB 834**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 2587**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto seven new sections relating to the regulatory sandbox act.

Was called from the Informal Calendar and taken up by Senator Hoskins.

Senator Hoskins offered **SS** for **HCS** for **HB 2587**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2587

An Act to repeal sections 130.029, 143.022, 143.071, 143.081, 144.030, and 285.730, RSMo, and to enact in lieu thereof twenty-one new sections relating to business entities.

Senator Hoskins moved that **SS** for **HCS** for **HB 2587** be adopted.

Senator Razer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 2587, Page 39, Section 144.030, Line 632, by inserting after all of said lines the following:

“253.550. 1. Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, may, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer in an amount equal to twenty-five percent

of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.

2. (1) During the period beginning on January 1, 2010, but ending on or after June 30, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections 4 and 10 of section 253.559 which, in the aggregate, exceed seventy million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, but ending before June 30, 2018, the department of economic development shall not approve applications for tax credits under the provisions of subsections 4 and 10 of section 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2018, the department of economic development shall not approve applications for tax credits under the provisions of subsections 4 and 10 of section 253.559 which, in the aggregate, exceed ninety million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection 4 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

(2) For each fiscal year beginning on or after July 1, 2018, the department shall authorize an amount up to, but not to exceed, an additional thirty million dollars in tax credits issued under subsections 4 and 10 of section 253.559, provided that such tax credits are authorized solely for projects located in a qualified census tract.

(3) Projects that receive preliminary approval that are located within a qualified census tract may receive an authorization of tax credits under either subdivision (1) or (2) of this section, but such projects shall first be authorized from the tax credit amount in subdivision (2) of this section before being authorized from the tax credit amount in subdivision (1) of this section.

(4) For each fiscal year beginning on or after July 1, 2018, if the maximum amount of tax credits allowed in any fiscal year as provided under subdivisions (1) and (2) of this subsection is authorized, the maximum amount of tax credits allowed under subdivision (1) of this subsection shall be adjusted by the percentage increase in the Consumer Price Index for All Urban Consumers, or its successor index, as such index is defined and officially reported by the United States Department of Labor, or its successor agency. Only one such adjustment shall be made for each instance in which the provisions of this subdivision apply. The director of the department of economic development shall publish such adjusted amount.

3. For all applications for tax credits approved on or after January 1, 2010, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

4. The limitations on tax credit authorization provided under the provisions of subsection 2 of this section shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to October 1, 2018; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before October 1, 2018, has filed an application with the department evidencing that such taxpayer:

(a) Has incurred costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars and received an approved Part I from the Secretary of the United States Department of Interior; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.”; and

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

Senator Cierpiot offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 2587, Page 2, Section 34.195, Line 32, by inserting after all of said line the following:

“44.032. 1. (1) **As used in this section, the term “rural electric cooperative” means any rural electric cooperative organized or operating under the provisions of chapter 394, any corporation organized on a nonprofit or a cooperative basis as described in subsection 1 of section 394.200, or any electrical corporation operating under a cooperative business plan as described in subsection 2 of section 393.110.**

(2) The general assembly recognizes the necessity for anticipating and making advance provisions to care for the unusual and extraordinary burdens imposed **by disasters or emergencies** on this state [and], its political subdivisions [by disasters or emergencies], **and rural electric cooperatives**. To meet such situations, it is the intention of the general assembly to confer emergency powers on the governor, acting through the director, and vesting the governor with adequate power and authority within the limitation of available funds in the Missouri disaster fund to meet any such emergency or disaster.

2. There is hereby established a fund to be known as the “Missouri Disaster Fund”, to which the general assembly may appropriate funds and from which funds may be appropriated annually to the state emergency management agency. The funds appropriated shall be expended during a state emergency at the direction of the governor and upon the issuance of an emergency declaration which shall set forth the emergency and shall state that it requires the expenditure of public funds to furnish immediate aid and relief. The director of the state emergency management agency shall administer the fund.

3. Expenditures may be made upon direction of the governor for emergency management, as defined in section 44.010, or to implement the state disaster plans. Expenditures may also be made to meet the matching requirements of state and federal agencies for any applicable assistance programs.

4. Assistance may be provided from the Missouri disaster fund to political subdivisions of this state [which] **and rural electric cooperatives that** have suffered from a disaster to such an extent as to impose

a severe financial burden exceeding the ordinary reserve capacity of the subdivision **or rural electric cooperative** affected. Applications for aid under this section shall be made to the state emergency management agency on such forms as may be prescribed and furnished by the agency, which forms shall require the furnishing of sufficient information to determine eligibility for aid and the extent of the financial burden incurred. The agency may call upon other agencies of the state in evaluating such applications. The director of the state emergency management agency shall review each application for aid under the provisions of this section and recommend its approval or disapproval, in whole or in part, to the governor. If approved, the governor shall determine and certify to the director of the state emergency management agency the amount of aid to be furnished. The director of the state emergency management agency shall thereupon issue [his] **the director's** voucher to the commissioner of administration, who shall issue [his] **the commissioner's** warrants therefor to the applicant.

5. When a disaster or emergency has been proclaimed by the governor or there is a national emergency, the director of the state emergency management agency, upon order of the governor, shall have authority to expend funds for the following:

(1) The purposes of sections 44.010 to 44.130 and the responsibilities of the governor and the state emergency management agency as outlined in sections 44.010 to 44.130;

(2) Employing, for the duration of the response and recovery to emergency, additional personnel and contracting or otherwise procuring necessary appliances, supplies, equipment, and transport;

(3) Performing services for and furnishing materials and supplies to state government agencies, counties, [and] municipalities, **and rural electric cooperatives** with respect to performance of any duties enjoined by law upon such agencies, counties, [and] municipalities, **and rural electric cooperatives** which they are unable to perform because of extreme natural or man-made phenomena, and receiving reimbursement in whole or in part from such agencies, counties, [and] municipalities, **and rural electric cooperatives** able to pay therefor under such terms and conditions as may be agreed upon by the director of the state emergency management agency and any such agency, county, [or] municipality, **or rural electric cooperative**;

(4) Performing services for and furnishing materials to any individual in connection with alleviating hardship and distress growing out of extreme natural or man-made phenomena, and receiving reimbursement in whole or in part from such individual under such terms as may be agreed upon by the director of the state emergency management agency and such individual;

(5) Providing services to counties and municipalities with respect to quelling riots and civil disturbances;

(6) Repairing and restoring public infrastructure;

(7) Furnishing transportation for supplies to alleviate suffering and distress;

(8) Furnishing medical services and supplies to prevent the spread of disease and epidemics;

(9) Quelling riots and civil disturbances;

(10) Training individuals or governmental agencies for the purpose of perfecting the performance of emergency assistance duties as defined in the state disaster plans;

(11) Procurement, storage, and transport of special emergency supplies or equipment determined by the director to be necessary to provide rapid response by state government to assist counties and municipalities

in impending or actual emergencies;

(12) Clearing or removing from publicly or privately owned land or water, debris and wreckage which may threaten public health or safety;

(13) Reimbursement to any urban search and rescue task force for any reasonable and necessary expenditures incurred in the course of responding to any declared emergency under this section; and

(14) Such other measures as are customarily necessary to furnish adequate relief in cases of catastrophe or disaster.

6. The governor may receive such voluntary contributions as may be made from any source to aid in carrying out the purposes of this section and shall credit the same to the Missouri disaster fund.

7. All obligations and expenses incurred by the governor in the exercise of the powers and duties vested by the provisions of this section shall be paid by the state treasurer out of available funds in the Missouri disaster fund, and the commissioner of administration shall draw warrants upon the state treasurer for the payment of such sum, or so much thereof as may be required, upon receipt of proper vouchers provided by the director of the state emergency management agency.

8. The provisions of this section shall be liberally construed in order to accomplish the purposes of sections 44.010 to 44.130 and to permit the governor to cope adequately with any emergency which may arise, and the powers vested in the governor by this section shall be construed as being in addition to all other powers presently vested in the governor and not in derogation of any existing powers.

9. Such funds as may be made available by the government of the United States for the purpose of alleviating distress from disasters may be accepted by the state treasurer and shall be credited to the Missouri disaster fund, unless otherwise specifically provided in the act of Congress making such funds available.

10. The foregoing provisions of this section notwithstanding, any expenditure or proposed series of expenditures which total in excess of one thousand dollars per project shall be approved by the governor prior to the expenditure.”; and

Further amend the title and enacting clause accordingly.

Senator Cierpiot moved that the above amendment be adopted, which motion prevailed.

Senator Rowden assumed the Chair.

Senator Roberts offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 2587, Page 66, Section 620.3930, Line 123, by inserting after all of said line the following:

“650.570. 1. This act shall be known and may be cited as the “Faith Without Fear Act”.

2. The department of public safety shall distribute to any not-for-profit religious organization a one-time grant for the purpose of enhancing physical security, subject to the requirements of this section. No not-for-profit religious organization shall receive more than one grant pursuant to this section.

3. Grants distributed under this section shall not exceed seventy-five percent of the total cost of the security enhancement.

4. Subject to appropriation, no more than twenty-five million dollars shall be distributed under this section and no more than two million five hundred thousand dollars shall be distributed under this section in any fiscal year. No more than fifty thousand dollars shall be distributed to any one not-for-profit religious organization annually.

5. (1) The department of public safety shall create an on-line application form as part of its website which shall be the sole means of applying for grants under this section. Any not-for-profit religious organization seeking a grant under this section shall submit an application to the department using such form on the department's website. The not-for-profit religious organization shall submit documents showing how it plans to enhance security, including plans for how the not-for-profit religious organization will cover the remaining twenty-five percent of the cost for its security enhancement.

(2) In assessing the plans of a not-for-profit religious organization for covering the remaining twenty-five percent of the cost, the department shall only consider costs for the following:

(a) Physical security enhancements;

(b) Security personnel costs;

(c) Installation costs;

(d) Costs related to increased square footage in the not-for-profit religious organization's place of business;

(e) Employee and security training costs;

(f) New employee salaries; and

(g) Existing employee salaries due to new security duties.

(3) Any not-for-profit religious organization applying for a grant shall submit documentation to the department showing how grant funds will be used.

6. The department shall prescribe the time of filing applications and supervise the processing thereof, provided that applications shall be accepted by the department beginning October 1, 2022.

7. The department shall select qualified recipients to receive grants and determine the manner and method of payment to the recipients.

8. Any not-for-profit religious organization who receives a grant pursuant to this section shall submit documentation to the department no later than one year after the distribution showing how the grant funds were spent.

9. In the case of a not-for-profit religious organization with employees and locations in more than one state, grant funds distributed pursuant to this section shall be used only for locations in Missouri and employees residing in Missouri.

10. For purposes of this section, the terms "enhancing security" and "security enhancement" mean:

- (1) Physical infrastructure security improvement investments;**
- (2) Security risk assessment costs;**
- (3) Costs associated with employee training programs; and**
- (4) Costs associated with upskilling employees with security-related certifications or credentials.**

11. For the purposes of this section, the term “not-for-profit religious organization” means any church, synagogue, mosque, or any entity that has or would qualify for federal tax-exempt status as a not-for-profit religious organization under Section 501(c) of the Internal Revenue Code.”; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Luetkemeyer offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 2587, Page 44, Section 407.475, Line 18, by inserting after all of said line the following:

“431.204. 1. A reasonable covenant in writing promising not to solicit, recruit, hire, induce, persuade, encourage, or otherwise interfere with, directly or indirectly, the employment of one or more employees or owners of a business entity shall be presumed to be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031 if it is between a business entity and the owner of the business entity and does not continue for more than two years following the end of the owner’s business relationship with the business entity.

2. A reasonable covenant in writing promising not to solicit, induce, direct, or otherwise interfere with, directly or indirectly, a business entity’s customers, including any reduction, termination, or transfer of any customer’s business, in whole or in part, for the purposes of providing any product or any service that is competitive with those provided by the business entity, shall be presumed to be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031 if the covenant is limited to customers with whom the owner dealt and if the covenant is between a business entity and an owner, so long as the covenant does not continue for more than five years following the end of the owner’s business relationship with the business entity.

3. A provision in writing by which an owner promises to provide prior notice of the owner’s intent to terminate, sell, or otherwise dispose of such owner’s ownership interest in the business entity shall be presumed to be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031.

4. If a covenant is overbroad, overlong, or otherwise not reasonably necessary to protect the protectable business interests of the business entity seeking enforcement of the covenant, a court shall modify the covenant, enforce the covenant as modified, and grant only the relief reasonably necessary to protect such interests.

5. Nothing in this section is intended to create or to affect the validity or enforceability of covenants not to compete, other types of covenants, or nondisclosure or confidentiality agreements, except as expressly provided in this section.

6. Except as provided in subsection 3 of this section, nothing in this section shall be construed to

limit an owner's ability to seek or accept employment with another business entity immediately upon, or at any time subsequent to, termination of the owner's business relationship with the business entity, whether such termination was voluntary or nonvoluntary.”; and

Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted, which motion prevailed.

Senator Schatz offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 2587, Page 43, Section 285.730, Line 143, by inserting after all of said line the following:

“311.660. 1. The supervisor of liquor control shall have the authority to suspend or revoke for cause all such licenses; and to make the following regulations, without limiting the generality of provisions empowering the supervisor of liquor control as in this chapter set forth as to the following matters, acts and things:

(1) Fix and determine the nature, form and capacity of all packages used for containing intoxicating liquor of any kind, to be kept or sold under this law;

(2) Prescribe an official seal and label and determine the manner in which such seal or label shall be attached to every package of intoxicating liquor so sold under this law; this includes prescribing different official seals or different labels for the different classes, varieties or brands of intoxicating liquor;

(3) Prescribe all forms, applications and licenses and such other forms as are necessary to carry out the provisions of this chapter, except that when a licensee substantially complies with all requirements for the renewal of a license by the date on which the application for renewal is due, such licensee shall be permitted at least an additional ten days from the date notice is sent that the application is deficient, in which to complete the application;

(4) Prescribe the terms and conditions of the licenses issued and granted under this law;

(5) Prescribe the nature of the proof to be furnished and conditions to be observed in the issuance of duplicate licenses, in lieu of those lost or destroyed;

(6) Establish rules and regulations for the conduct of the business carried on by each specific licensee under the license, and such rules and regulations if not obeyed by every licensee shall be grounds for the revocation or suspension of the license;

(7) The right to examine books, records and papers of each licensee and to hear and determine complaints against any licensee;

(8) To issue subpoenas and all necessary processes and require the production of papers, to administer oaths and to take testimony;

(9) Prescribe all forms of labels to be affixed to all packages containing intoxicating liquor of any kind; [and]

(10) To refer to the Missouri gaming commission, Missouri state highway patrol, and local law enforcement agencies any suspected illegal gambling activity punishable under chapter 572 being

conducted on the premises of a location licensed under this chapter, which shall be investigated under section 43.380; and

(11) To make such other rules and regulations as are necessary and feasible for carrying out the provisions of this chapter, as are not inconsistent with this law.

2. Notwithstanding subsection 1 of this section, the supervisor of liquor control shall not prohibit persons from participating in the sale of intoxicating liquor within the scope of their employment solely on the basis of being found guilty of any felony offense, except for prohibitions set forth in sections 311.191 and 311.193.

311.680. 1. Whenever it shall be shown, or whenever the supervisor of liquor control has knowledge, that a person licensed hereunder has not at all times kept an orderly place or house, or has violated any of the provisions of this chapter, the supervisor of liquor control may warn, place on probation on such terms and conditions as the supervisor of liquor control deems appropriate for a period not to exceed twelve months, suspend or revoke the license of that person, but the person shall have ten days' notice of the application to warn, place on probation, suspend or revoke the person's license prior to the order of warning, probation, revocation or suspension issuing.

2. Any wholesaler licensed pursuant to this chapter in lieu of, or in addition to, the warning, probation, suspension or revocation authorized in subsection 1 of this section, may be assessed a civil penalty by the supervisor of liquor control of not less than one hundred dollars or more than twenty-five hundred dollars for each violation.

3. Any solicitor licensed pursuant to this chapter in lieu of the suspension or revocation authorized in subsection 1 of this section may be assessed a civil penalty or fine by the supervisor of liquor control of not less than one hundred dollars nor more than five thousand dollars for each violation.

4. Any retailer with less than five thousand occupant capacity licensed pursuant to this chapter in lieu of the suspension or revocation authorized by subsection 1 of this section may be assessed a civil penalty or fine by the supervisor of liquor control of not less than fifty dollars nor more than one thousand dollars for each violation.

5. Any retailer with five thousand or more occupant capacity licensed pursuant to this chapter in lieu of the suspension or revocation authorized by subsection 1 of this section, may be assessed a civil penalty or fine by the supervisor of liquor control of not less than fifty dollars nor more than five thousand dollars for each violation.

6. (1) Upon notification by the Missouri gaming commission or a law enforcement agency of possession of a gambling device, as defined pursuant to section 572.010, by a person licensed pursuant to this chapter, the supervisor of liquor control shall suspend or revoke the license of such person on such terms and conditions as the supervisor of liquor control deems appropriate, provided such person shall be given ten days to remove such gambling device from the premises prior to the supervisor of liquor control taking action pursuant to this subsection. Upon a second or subsequent notification pursuant to this subsection of the possession of a gambling device by a person licensed pursuant to this chapter, the supervisor of liquor control shall not be required to give such person ten days to remove such gambling device from the premises prior to taking action pursuant to this subsection.

(2) The supervisor of liquor control shall, by no later than August 15, 2022, provide written or

electronic notice to all persons licensed pursuant to this chapter informing such persons of the provisions of this subsection and section 311.720.

7. Any aggrieved person may appeal to the administrative hearing commission in accordance with section 311.691.

[7.] **8.** In order to encourage the early resolution of disputes between the supervisor of liquor control and licensees, the supervisor of liquor control, prior to issuing an order of warning, probation, revocation, suspension, or fine, shall provide the licensee with the opportunity to meet or to confer with the supervisor of liquor control, or his or her designee, concerning the alleged violations. At least ten days prior to such meeting or conference, the supervisor shall provide the licensee with notice of the time and place of such meeting or conference, and the supervisor of liquor control shall also provide the licensee with a written description of the specific conduct for which discipline is sought, a citation of the law or rules allegedly violated, and, upon request, copies of any violation report or any other documents which are the basis for such action. Any order of warning, probation, revocation, suspension, or fine shall be effective no sooner than thirty days from the date of such order.

311.710.1. In addition to the penalties and proceedings for suspension or revocation of licenses provided for in this chapter, and without limiting them, proceedings for the suspension or revocation of any license authorizing the sale of intoxicating liquor at retail may be brought in the circuit court of any county in this state, or in the City of St. Louis, in which the licensed premises are located and such proceedings may be brought by the sheriff or any peace officer of that county or by any eight or more persons who are taxpaying citizens of the county or city for any of the following offenses:

(1) Selling, giving or otherwise supplying intoxicating liquor to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor;

(2) Knowingly permitting any prostitute, degenerate, or dissolute person to frequent the licensed premises;

(3) Permitting on the licensed premises any disorderly conduct, breach of the peace, or any lewd, immoral or improper entertainment, conduct or practices;

(4) Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under his or her license;

(5) Selling, giving, or otherwise supplying intoxicating liquor to any person under the age of twenty-one years;

(6) Selling, giving or otherwise supplying intoxicating liquors between the hours of 1:30 a.m. and 6:00 a.m. any day of the week;

(7) Permitting on the licensed premises any form of gambling device punishable under chapter 572.

2. Provided, that said taxpaying citizen shall submit in writing, under oath, by registered United States mail to the supervisor of alcohol and tobacco control a joint complaint, stating the name of the licensee, the name under which the licensee's business is conducted and the address of the licensed premises, setting out in general the character and nature of the offense or offenses charged, together with the names and addresses of the witnesses by whom proof thereof is expected to be made; and provided, that after a period of thirty

days after the mailing of such complaint to the supervisor of alcohol and tobacco control the person therein complained of shall not have been cited by the supervisor to appear and show cause why his or her license should not be suspended or revoked then they shall file with the circuit clerk of the county or city in which the premises are located a copy of the complaint on file with the supervisor of alcohol and tobacco control.

3. If, pursuant to the receipt of such complaint by the supervisor of alcohol and tobacco control, the licensee appears and shows cause why his or her license should not be suspended or revoked at a hearing held for that purpose by the supervisor and either the complainants or the licensee consider themselves aggrieved with the order of the supervisor then, after a request in writing by either the complainants or the licensee, the supervisor shall certify to the circuit clerk of the county or city in which the licensed premises are located a copy of the original complaint filed with him or her, together with a copy of the transcript of the evidence adduced at the hearing held by him or her. Such certification by the supervisor shall not act as a supersedeas of any order made by him or her.

4. Upon receipt of such complaint, whether from the complainant directly or from the supervisor of alcohol and tobacco control, the court shall set a date for an early hearing thereon and it shall be the duty of the circuit clerk to cause to be delivered by registered United States mail to the prosecuting attorney of the county or to the circuit attorney of the City of St. Louis and to the licensee copies of the complaint and he or she shall, at the same time, give notice of the time and place of the hearing. Such notice shall be delivered to the prosecuting attorney or to the circuit attorney and to the licensee at least fifteen days prior to the date of the hearing.

5. The complaint shall be heard by the court without a jury and if there has been a prior hearing thereon by the supervisor of alcohol and tobacco control then the case shall be heard de novo and both the complainants and the licensee may produce new and additional evidence material to the issues.

6. If the court shall find upon the hearing that the offense or offenses charged in the complaint have been established by the evidence, the court shall order the suspension or revocation of the license but, in so doing, shall take into consideration whatever order, if any, may have been made in the premises by the supervisor of alcohol and tobacco control. If the court finds that to revoke the license would be unduly severe, then the court may suspend the license for such period of time as the court deems proper.

7. The judgment of the court in no event shall be superseded or stayed during pendency of any appeal therefrom.

8. It shall be the duty of the prosecuting attorney or circuit attorney to prosecute diligently and without delay any such complaints coming to him or her by virtue of this section.

9. The jurisdiction herein conferred upon the circuit courts to hear and determine complaints for the suspension or revocation of licenses in the manner provided in this section shall not be exclusive and any authority conferred upon the supervisor of alcohol and tobacco control to revoke or suspend licenses shall remain in full force and effect, and the suspension or revocation of a license as provided in this section shall be in addition to and not in lieu of any other revocation or suspension provided by this chapter.

10. Costs accruing because of such hearings in the circuit court shall be taxed in the same manner as criminal costs.

311.720. Conviction in any court of any violation of this chapter, or any felony violation of chapter 195 **or chapter 572**, in the course of business, shall have the effect of automatically revoking the license of the person convicted, and such revocation shall continue operative until said case is finally disposed of, and if

the defendant is finally acquitted, he may apply for and receive a license hereunder, upon paying the regular license charge therefor, in the same manner as though he had never had a license hereunder; provided, however, that the provisions of this section shall not apply to violations of section 311.070, and violations of said section shall be punished only as therein provided.

313.004. 1. There is hereby created the "Missouri Gaming Commission" consisting of five members appointed by the governor, with the advice and consent of the senate. Each member of the Missouri gaming commission shall be a resident of this state. No member shall have pled guilty to or shall have been convicted of a felony or gambling-related offense. Not more than three members shall be affiliated with the same political party. No member of the commission shall be an elected official. The overall membership of the commission shall reflect experience in law enforcement, civil and criminal investigation and financial principles.

2. The initial members of the commission shall be appointed within thirty days of April 29, 1993. Of the members first appointed, one shall be appointed for a one-year term, two shall be appointed for a two-year term and two shall be appointed for a three-year term. Thereafter, all members appointed shall serve for a three-year term. No person shall serve as a member more than six years. The governor shall designate one of the members as the chair. The governor may remove any member of the commission from office for malfeasance or neglect of duty in office. The governor may also replace any member of the commission, with the advice and consent of the senate, when any responsibility concerning the state lottery, pari-mutuel wagering or any other form of gaming is placed under the jurisdiction of the commission.

3. The commission shall meet at least quarterly in accordance with its rules. In addition, special meetings may be called by the chair or any two members of the commission upon twenty-four-hour written notice to each member. No action of the commission shall be binding unless taken at a meeting at which at least three of the five members are present and shall vote in favor thereof.

4. The commission shall perform all duties and have all the powers and responsibilities conferred and imposed upon it relating to excursion gambling boats and, after June 30, 1994, the lawful operation of the game of bingo under this chapter. Within the commission, there shall be established a division of gambling and after June 30, 1994, the division of bingo. Subject to appropriations, the commission may hire an executive director and any employees as it may deem necessary to carry out the commission's duties. The commission shall have authority to require investigations of any employee or applicant for employment as deemed necessary and use such information or any other information in the determination of employment. The commission shall promulgate rules and regulations establishing a code of ethics for its employees which shall include, but not be limited to, restrictions on which employees shall be prohibited from participating in or wagering on any game or gaming operation subject to the jurisdiction of the commission. The commission shall determine if any other employees of the commission or any licensee of the commission shall participate or wager in any operation under the jurisdiction of the commission.

5. On April 29, 1993, all the authority, powers, duties, functions, records, personnel, property, matters pending and all other pertinent vestiges of the state tourism commission relating to the regulation of excursion gambling boats and, after June 30, 1994, of the department of revenue relating to the regulation of the game of bingo shall be transferred to the Missouri gaming commission.

6. The commission shall be assigned to the department of public safety as a type III division, but the director of the department of public safety has no supervision, authority or control over the actions or decisions of the commission.

7. Members of the Missouri gaming commission shall receive as compensation, the amount of one hundred dollars for every day in which the commission holds a meeting, when such meeting is subject to the recording of minutes as provided in chapter 610, and shall be reimbursed for reasonable expenses incurred in the performance of their duties. The chair shall receive as additional compensation one hundred dollars for each month such person serves on the commission in that capacity.

8. No member or employee of the commission shall be appointed or continue to be a member or employee who is licensed by the commission as an excursion gambling boat operator or supplier and no member or employee of the commission shall be appointed or continue to be a member or employee who is related to any person within the second degree of consanguinity or affinity who is licensed by the commission as an excursion gambling boat operator or supplier. The commission shall determine by rule and regulation appropriate restrictions on the relationship of members and employees of the commission to persons holding or applying for occupational licenses from the commission or to employees of any licensee of the commission. No peace officer, as defined by section 590.010, who is designated to have direct regulator authority related to excursion gambling boats shall be employed by any excursion gambling boat or supplier licensed by the commission while employed as a peace officer. No member or employee of the commission or any employee of the state attorney general's office or the state highway patrol who has direct authority over the regulation or investigation of any applicant or licensee of the commission or any peace officer of any city or county which has approved excursion boat gambling shall accept any gift or gratuity from an applicant or licensee while serving as a member or while under such employment. Any person knowingly in violation of the provisions of this subsection is guilty of a class A misdemeanor. Any such member, officer or employee who personally or whose prohibited relative knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment.

9. The commission may enter into agreements with the Federal Bureau of Investigation, the Federal Internal Revenue Service, the state attorney general, **the Missouri state highway patrol**, or any state, federal or local agency the commission deems necessary to carry out the duties of the commission, **including investigations relating to and the enforcement of the provisions of chapter 572 relating to illegal gambling**. No state agency shall count employees used in any agreements entered into with the commission against any personnel cap authorized by any statute. Any consideration paid by the commission for the purpose of entering into, or to carry out, any agreement shall be considered an administrative expense of the commission. When such agreements are entered into for responsibilities relating to excursion gambling boats, **or for the purpose of investigating illegal gambling pursuant to chapter 572 utilizing existing Missouri state highway patrol personnel assigned to enforce the regulations of licensed gaming activities governed by chapter 313**, the commission shall require excursion gambling boat licensees to pay for such services under rules and regulations of the commission. The commission may provide by rules and regulations for the offset of any prize or winnings won by any person making a wager subject to the jurisdiction of the commission, when practical, when such person has an outstanding debt owed the state of Missouri.

10. No person who has served as a member or employee of the commission, as a member of the general assembly, as an elected or appointed official of the state or of any city or county of this state in which the licensing of excursion gambling boats has been approved in either the city or county or both or any employee of the state highway patrol designated by the superintendent of the highway patrol or any employee of the state attorney general's office designated by the state attorney general to have direct regulatory authority related to excursion gambling boats shall, while in such office or during such

employment and during the first two years after termination of his office or position, obtain direct ownership interest in or be employed by any excursion gambling boat licensed by the commission or which has applied for a license to the commission or enter into a contractual relationship related to direct gaming activity. A "direct ownership interest" shall be defined as any financial interest, equitable interest, beneficial interest, or ownership control held by the public official or employee, or such person's family member related within the second degree of consanguinity or affinity, in any excursion gambling boat operation or any parent or subsidiary company which owns or operates an excursion gambling boat or as a supplier to any excursion gambling boat which has applied for or been granted a license by the commission, provided that a direct ownership interest shall not include any equity interest purchased at fair market value or equity interest received as consideration for goods and services provided at fair market value of less than one percent of the total outstanding shares of stock of any publicly traded corporation or certificates of partnership of any limited partnership which is listed on a regulated stock exchange or automated quotation system. Any person who knowingly violates the provisions of this subsection is guilty of a class E felony. Any such member, officer or employee who personally and knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment. For purposes of this subsection, "appointed official" shall mean any official of this state or of any city or county authorized under subsection 10 of section 313.812 appointed to a position which has discretionary powers over the operations of any licensee or applicant for licensure by the commission. This shall only apply if the appointed official has a direct ownership interest in an excursion gambling boat licensed by the commission or which has applied for a license to the commission to be docked within the jurisdiction of his or her appointment. No elected or appointed official, his or her spouse or dependent child shall, while in such office or within two years after termination of his or her office or position, be employed by an applicant for an excursion gambling boat license or an excursion gambling boat licensed by the commission. Any other person related to an elected or appointed official within the second degree of consanguinity or affinity employed by an applicant for an excursion gambling boat license or excursion gambling boat licensed by the commission shall disclose this relationship to the commission. Such disclosure shall be in writing and shall include who is employing such individual, that person's relationship to the elected or appointed official, and a job description for which the person is being employed. The commission may require additional information as it may determine necessary.

11. The commission may enter into contracts with any private entity the commission deems necessary to carry out the duties of the commission, other than criminal law enforcement, provision of legal counsel before the courts and other agencies of this state, and the enforcement of liquor laws. The commission may require provisions for special auditing requirements, investigations and restrictions on the employees of any private entity with which a contract is entered into by the commission.

12. Notwithstanding the provisions of chapter 610 to the contrary, all criminal justice records shall be available to any agency or commission responsible for licensing or investigating applicants or licensees applying to any gaming commission of this state.

13. (1) The commission shall establish a telephone contact number, which shall be prominently displayed on the commission's website, to receive reports of suspected illegal gambling activities. Upon the receipt of such report, the commission shall refer such reports to the Missouri state highway patrol for investigation pursuant to this section. The commission shall notify the subject of such investigation within thirty days of receiving a report under this subsection.

(2) The superintendent of the highway patrol shall initiate investigations of potential violations

punishable under chapter 572, including referrals made by the Missouri gaming commission pursuant to this section.

(3) Upon the request of a prosecuting or circuit attorney, the attorney general shall aid a prosecuting or circuit attorney in prosecuting violations referred by the superintendent of the highway patrol.

(4) Local law enforcement agencies shall notify the supervisor of liquor control, the state lottery commission, and the Missouri gaming commission of all investigations of potential violations punishable under chapter 572.

(5) The provisions of this subsection shall not preclude or hinder the ability of a local law enforcement agency to conduct investigations into potential violations punishable under chapter 572 or any other crime or criminal activity in its jurisdiction.

(6) Any person or establishment licensed under this chapter that is convicted of or pleads guilty to a violation punishable under chapter 572, and any affiliated company of such person or establishment, shall be permanently prohibited from being licensed to participate in any way in a program implementing video lottery gaming terminals should such a program be implemented in this state.

313.255. 1. The director shall issue, suspend, revoke, and renew licenses for lottery game retailers pursuant to rules and regulations adopted by the commission. Such rules shall specify that at least ten percent of all licenses awarded to lottery game retailers in constitutional charter cities not within a county and constitutional charter cities with a population of at least four hundred fifty thousand not located wholly within a county of the first class with a charter form of government shall be awarded to minority-owned and -controlled business enterprises. Licensing rules and regulations shall include requirements relating to the financial responsibility of the licensee, the accessibility of the licensee's place of business or activity to the public, the sufficiency of existing licenses to serve the public interest, the volume of expected sales, the security and efficient operation of the lottery, and other matters necessary to protect the public interest and trust in the lottery and to further the sales of lottery tickets or shares. Lottery game retailers shall be selected without regard to political affiliation.

2. The commission may sell lottery tickets at its office and at special events.

3. The commission shall require every retailer to post a bond, a bonding fee or a letter of credit in such amount as may be required by the commission, and upon licensure shall prominently display his license, or a copy thereof, as provided in the rules and regulations of the commission.

4. All licenses for lottery game retailers shall specify the place such sales shall take place.

5. A lottery game retailer license shall not be assignable or transferable.

6. A license shall be revoked upon a finding that the licensee:

(1) Has knowingly provided false or misleading information to the commission or its employees;

(2) Has been convicted of any felony; or

(3) Has endangered the security of the lottery.

7. A license may be suspended, revoked, or not renewed for any of the following causes:

- (1) A change of business location;
- (2) An insufficient sales volume;
- (3) A delinquency in remitting money owed to the lottery; [or]
- (4) Any violation of any rule or regulation adopted pursuant to this section by the commission; **or**
- (5) Possession of a gambling device as defined pursuant to section 572.010.”; and**

Further amend said bill, page 44, section 407.475, line 18, by inserting after all of said line the following:

“572.010. As used in this chapter the following terms mean:

(1) “Advance gambling activity”, a person advances gambling activity if, acting other than as a player, he or she engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but is not limited to conduct directed toward the creation or establishment of the particular game, lottery, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement or communication of any of its financial or recording phases, or toward any other phase of its operation. A person advances gambling activity if, having substantial proprietary control or other authoritative control over premises being used with his or her knowledge for purposes of gambling activity, he or she permits that activity to occur or continue or makes no effort to prevent its occurrence or continuation. The supplying, servicing and operation of a licensed excursion gambling boat under sections 313.800 to 313.840 does not constitute advancing gambling activity;

(2) “Bookmaking”, advancing gambling activity by unlawfully accepting bets from members of the public as a business, rather than in a casual or personal fashion, upon the outcomes of future contingent events;

(3) “Contest of chance”, any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that the skill of the contestants may also be a factor therein;

(4) “Gambling”, a person engages in gambling when he or she stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his or her control or influence, upon an agreement or understanding that he or she will receive something of value in the event of a certain outcome. Gambling does not include bona fide business transactions valid under the law of contracts, including but not limited to contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance; nor does gambling include playing an amusement device that confers only an immediate right of replay not exchangeable for something of value. Gambling does not include any licensed activity, or persons participating in such games which are covered by sections 313.800 to 313.840;

(5) “Gambling device”, any device, machine, paraphernalia or equipment that is **not approved by the Missouri gaming commission or state lottery commission under the provisions of chapter 313 and that:**

(a) Contains a random number generator where prize payout percentages are controlled or adjustable;

(b) Is used in any scenario where coins or cash prizes are involved or any scenario where a prize is converted to cash or monetary credit of any kind related to the use of the gambling device; or

(c) Is used or usable in the playing phases of any gambling activity, whether that activity consists of gambling between persons or gambling by a person with a machine, regardless of whether the machine or device or system or network of devices includes a preview of the outcome or whether the outcome is known, displayed, or capable of being known or displayed to the user;

Any device not described in paragraphs (a) to (c) of this subdivision that a reasonable person would believe is usable or can be made readily usable in gambling or any phases of gambling activity shall be prima facie evidence of a gambling device and may be subject to seizure by any peace officer in this state. However, lottery tickets, policy slips and other items used in the playing phases of lottery and policy schemes are not gambling devices within this definition;

(6) “Gambling record”, any article, instrument, record, receipt, ticket, certificate, token, slip or notation used or intended to be used in connection with unlawful gambling activity;

(7) “Lottery” or “policy”, an unlawful gambling scheme in which for a consideration the participants are given an opportunity to win something of value, the award of which is determined by chance;

(8) “Player”, a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor and supplying cards or other equipment used therein. A person who engages in “bookmaking” as defined in subdivision (2) of this section is not a player;

(9) “Professional player”, a player who engages in gambling for a livelihood or who has derived at least twenty percent of his or her income in any one year within the past five years from acting solely as a player;

(10) “Profit from gambling activity”, a person profits from gambling activity if, other than as a player, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(11) “Slot machine”, a gambling device that as a result of the insertion of a coin or other object operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, **from the perspective of a player or a reasonable person, it may eject something of value, regardless of whether the machine or device or system or network of devices includes a preview of the outcome or whether the outcome is known, displayed, or capable of being known or displayed to the user.** A device so constructed or readily adaptable or convertible to such use is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot machine because apart from its use or adaptability as such it may also sell or deliver something of value on a basis other than chance;

(12) “Something of value”, any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge;

(13) “Unlawful”, not specifically authorized by law.

572.015. **1.** Nothing in this chapter prohibits constitutionally authorized activities under Article III, Sections 39(a) to 39(f) of the Missouri Constitution.

2. For the purposes of this section and Article III, Section 39(f) of the Missouri Constitution, the following terms shall mean:

(1) “Net proceeds”, the gross amount paid for tickets for a raffle or sweepstakes minus the payment of prizes and administrative expenses. Administrative expenses relating to the purchase or rental of supplies and equipment utilized in conducting the raffle or sweepstakes shall not be in excess of the reasonable market purchase price or reasonable market rental rate for such supplies and equipment, and in no case shall such administrative expenses be based on a percentage of proceeds;

(2) “Raffle” or “sweepstakes”, the award by chance of one or more prizes to one or more persons among a group of persons who have paid or promised something of value in exchange for a ticket that represents one or more equal chances to win a prize, and for which all tickets have been sold prior to the selection of a winner or winners;

(3) “Sponsor”, the offering of a raffle or sweepstakes by an organization recognized as charitable or religious pursuant to federal law in which the entire net proceeds of such raffle or sweepstakes shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the raffle or sweepstakes.

572.100. The general assembly by enacting this chapter intends to preempt any other regulation of the area covered by this chapter. No governmental subdivision or agency may enact or enforce a law that regulates or makes any conduct in the area covered by this chapter an offense, or the subject of a criminal or civil penalty or sanction of any kind, **except for the revocation, suspension, or denial by the Missouri lottery commission, the Missouri gaming commission, or the division of alcohol and tobacco control of a license issued under chapter 311 or 313.** The term “gambling”, as used in this chapter, does not include licensed activities under sections 313.800 to 313.840.”; and

Further amend said bill, page 66, section 620.3930, line 123, by inserting after all of said line the following:

“Section B. Because of the need to eliminate illegal gambling activity in this state, the repeal and reenactment of sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.255, 572.010, 572.015, and 572.100 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 311.660, 311.680, 311.710, 311.720, 313.004, 313.255, 572.010, 572.015, and 572.100 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted.

Senator Onder raised the point of order that SA 5 is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the Committee on Parliamentary Procedure.

On behalf of the Parliamentary Committee, Senator Rizzo ruled that the point of order was not well taken.

At the request of Senator Schatz, SA 5 was withdrawn.

Senator Beck offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Committee Substitute for House Bill No. 2587, Page 8, Section 130.029, Line 46, by inserting after all of said line the following:

“135.1620. 1. As used in this section, the following terms mean:

(1) “Department”, the Missouri department of economic development;

(2) “Eligible expenses”, expenses incurred in the construction or development of real property for the purpose of establishing a full-service grocery store in a food desert;

(3) “Food desert”, a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population are located at least one-half mile away from a full-service grocery store in urbanized areas or at least three miles away in rural areas;

(4) “Full-service grocery store”, a grocery store that provides a full complement of healthful fruits, vegetables, grains, meat, and dairy products along with household items. Fresh fruits and vegetables shall be available for sale in quantities that are substantially similar to industry standards for facilities of similar size. A lack of availability of fresh fruits and vegetables in sufficient quantities due to a supply shortage, as determined by the department, shall not disqualify an entity from being a full-service grocery store otherwise eligible for tax credits pursuant to this section;

(5) “New location”, a full-service grocery store facility located on a tract of real property within a food desert acquired by or leased to a taxpayer on or after January 1, 2023. A location shall be deemed to have been acquired by or leased to a taxpayer on or after January 1, 2023, if the transfer of title to the taxpayer, the transfer of possession under a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs on or after January 1, 2023, or if the commencement of the construction or installation of the facility by or on behalf of a taxpayer occurs on or after January 1, 2023;

(6) “Rural area”, a town or community within the state that is not within a metropolitan statistical area and has a population of fifty thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a metropolitan statistical area;

(7) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265;

(8) “Taxpayer”, any individual, partnership, or corporation as described under section 143.441 or 143.471 that is subject to the tax imposed under chapter 143, excluding withholding tax imposed

under sections 143.191 to 143.265, or any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143;

(9) “Urbanized area”, an urbanized area as designated by the United States Census Bureau.

2. For all tax years beginning on or after January 1, 2023, a taxpayer shall be allowed to claim a tax credit against the taxpayer’s state tax liability in an amount equal to fifty percent of the taxpayer’s eligible expenses that are in excess of initial eligible expenses of:

(1) One million dollars if the full-service grocery store is established in a charter county, a county of the first classification, or a city not within a county; or

(2) Five hundred thousand dollars if the full-service grocery store is established in any other county.

3. (1) In order to claim a tax credit pursuant to this section, a taxpayer shall submit an application to the department, which shall include:

(a) All eligible expenses incurred by the taxpayer;

(b) The date of the commencement of construction of the full-service grocery store;

(c) The anticipated date of the commencement of operations of the full-service grocery store; and

(d) Any other information required by the department to implement the provisions of this section;

(2) The amount of the tax credit shall not exceed the amount of the taxpayer’s state tax liability in the tax year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of two million five hundred thousand dollars per tax year. However, any tax credit that cannot be claimed in the tax year the eligible expenses were incurred may be carried over to the next three succeeding tax years until the full credit is claimed.

4. The total amount of tax credits that may be authorized under this section shall not exceed twenty-five million dollars in any calendar year, which shall be authorized on a first-come, first-served basis.

5. Tax credits issued under the provisions of this section may be transferred, sold, or assigned.

6. (1) The issuance of tax credits authorized under this section shall cease and the department shall recoup from the taxpayer and deposit in the general revenue fund an amount equal to all credits previously issued to the taxpayer under this section, less any amounts previously repaid, increased by the amount of interest that would have been earned on the amount of such tax credits, in the event that the taxpayer:

(a) Fails to complete construction of a full-service grocery store within five years of the commencement of the project; or

(b) Fails to operate a full-service grocery store at the same new location for at least ten consecutive years.

(2) A taxpayer shall annually submit a report to the department, on a form to be developed by the department, indicating that the taxpayer is in compliance with the provisions of this section.

7. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

8. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall automatically sunset on December thirty-first, six years after the effective date of this section, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first, twelve years after the effective date of the reauthorization of this section;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(4) Nothing in this subsection shall prevent a taxpayer from claiming a tax credit properly issued before the program was sunset in a tax year after the program is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Beck moved that the above amendment be adopted.

Senator Beck offered SA 1 to SA 6, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for House Committee Substitute for House Bill No. 2587, Page 3, Line 89, by inserting after “4.” the following: “**Subject to appropriation,**”.

Senator Beck moved that the above amendment be adopted, which motion prevailed.

Senator Beck moved that SA 6, as amended, be adopted, which motion prevailed.

Senator Koenig offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Committee Substitute for House Bill No. 2587, Pages 4-6, Section 71.990, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Committee Substitute for House Bill No. 2587, Page 7, Section

89.500, Line 28, by inserting after all of said line the following:

“105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) “Governing body”, the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) “Political subdivision”, any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275.

9. Any political subdivision that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine of five hundred dollars per day.

10. The state auditor shall report any violation of subsection 9 of this section to the department of revenue. Upon notification from the state auditor’s office that a political subdivision failed to timely submit a copy of the annual financial statement, the department of revenue shall notify such political subdivision by certified mail that the statement has not been received. Such notice shall clearly set forth the following:

(1) The name of the political subdivision;

(2) That the political subdivision shall be subject to a fine of five hundred dollars per day if the political subdivision does not submit a copy of the annual financial statement to the state auditor’s office within thirty days from the postmarked date stamped on the certified mail envelope;

(3) That the fine will be enforced and collected as provided under subsection 11 of this section; and

(4) That the fine will begin accruing on the thirty-first day from the postmarked date stamped on the certified mail envelope and will continue to accrue until the state auditor's office receives a copy of the financial statement.

In the event a copy of the annual financial statement is received within such thirty-day period, no fine shall accrue or be imposed. The state auditor shall report receipt of the financial statement to the department of revenue within ten business days. Failure of the political subdivision to submit the required annual financial statement within such thirty-day period shall cause the fine to be collected as provided under subsection 11 of this section.

11. The department of revenue may collect the fine authorized under the provisions of subsection 9 of this section by offsetting any sales or use tax distributions due to the political subdivision. The director of revenue shall retain two percent for the cost of such collection. The remaining revenues collected from such violations shall be distributed annually to the schools of the county in the same manner that proceeds for all penalties, forfeitures, and fines collected for any breach of the penal laws of the state are distributed.

12. Any [transportation development district organized under sections 238.200 to 238.275 having] **political subdivision that has** gross revenues of less than five thousand dollars **or that has not levied or collected sales or use taxes** in the fiscal year for which the annual financial statement was not timely filed shall not be subject to the fine authorized in this section.

13. If a failure to timely submit the annual financial statement is the result of fraud or other illegal conduct by an employee or officer of the political subdivision, the political subdivision shall not be subject to a fine authorized under this section if the statement is filed within thirty days of the discovery of the fraud or illegal conduct. If a fine is assessed and paid prior to the filing of the statement, the department of revenue shall refund the fine upon notification from the political subdivision.

14. If a political subdivision has an outstanding balance for fines or penalties at the time it files its first annual financial statement after January 1, 2022, the director of revenue shall make a one-time downward adjustment to such outstanding balance in an amount that reduces the outstanding balance by no less than ninety percent.

15. The director of revenue shall have the authority to make a one-time downward adjustment to any outstanding penalty imposed under this section on a political subdivision if the director determines the fine is uncollectable. The director of revenue may prescribe rules and regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Brown offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Committee Substitute for House Bill No. 2587, Page 44, Section 407.475, Line 18, by inserting after all of said line the following:

“415.415. 1. The operator of a self-service storage facility has a lien on all personal property stored within each leased space for rent, labor, or other charges, and for expenses reasonably incurred in sale of such personal property, as provided in sections 415.400 to 415.425. The lien established by this subsection shall have priority over all other liens except those liens that have been perfected and recorded on personal property. The rental agreement shall contain a statement, in bold type, advising the occupant of the existence of such lien and that property stored in the leased space may be sold to satisfy such lien if the occupant is in default, and that any proceeds from the sale of the property which remain after satisfaction of the lien will be paid to the state treasurer if unclaimed by the occupant within one year after the sale of the property.

2. If the occupant is in default for a period of more than forty-five days, the operator may enforce the lien granted in subsection 1 of this section and sell the property stored in the leased space for cash. Sale of the property stored on the premises may be done at a public or private sale, may be done as a unit or in parcels, or may be by way of one or more contracts, and may be at any time or place and on any terms as long as the sale is done in a commercially reasonable manner in accordance with the provisions of section 400.9-627. The operator may otherwise dispose of any property which has no commercial value.

3. The proceeds of any sale made under this subsection shall be applied to satisfy the lien, with any surplus being held for delivery on demand to the occupant or any other lienholders which the operator knows of or which are contained in the statement filed by the occupant pursuant to subsection 3 of section 415.410 for a period of one year after receipt of proceeds of the sale and satisfaction of the lien. No proceeds shall be paid to an occupant until such occupant files a sworn affidavit with the operator stating that there are no other valid liens outstanding against the property sold and that he or she, the occupant, shall indemnify the operator for any damages incurred or moneys paid by the operator due to claims arising from other lienholders of the property sold. After the one-year period set in this subsection, any proceeds remaining after satisfaction of the lien shall be considered abandoned property to be reported and paid to the state treasurer in accordance with laws pertaining to the disposition of unclaimed property.

4. Before conducting a sale under subsection 2 of this section, the operator shall:

(1) At least forty-five days before any disposition of property under this section, which shall run concurrently with subsection 2 of this section, notify the occupant and each lienholder which is contained in any statement filed by the occupant pursuant to subsection 3 of section 415.410 of the default by first-class mail or electronic mail at the occupant's or lienholder's last known address, and shall notify any third-party owner identified by the occupant pursuant to subsection 3 of section 415.410;

(2) No sooner than ten days after mailing the notice required in subdivision (1) of this subsection, mail a second notice of default, by verified mail or electronic mail, to the occupant at the occupant's or lienholder's last known address, which notice shall include:

(a) A statement that the contents of the occupant's leased space are subject to the operator's lien;

(b) A statement of the operator's claim, indicating the charges due on the date of the notice, the amount of any additional charges which shall become due before the date of release for sale and the date those

additional charges shall become due;

(c) A demand for payment of the charges due within a specified time, not less than ten days after the date on which the second notice was mailed;

(d) A statement that unless the claim is paid within the time stated, the contents of the occupant's space will be sold after a specified time; and

(e) The name, street address and telephone number of the operator, or a designated agent whom the occupant may contact, to respond to the notice;

(3) At least seven days before the sale, advertise the time, place and terms of the sale in **the classified section of a newspaper of general circulation in the jurisdiction where the sale is to be held or in any other commercially reasonable manner. The manner of advertisement shall be deemed commercially reasonable if at least three independent bidders attend or view the sale at the time and place advertised.** [Such advertisement shall be in the classified section of the newspaper and shall state that the items will be released for sale.]

5. If the property is a vehicle, watercraft, or trailer and rent and other charges remain unpaid for sixty days, the owner may treat the vehicle, watercraft, or trailer as an abandoned vehicle and have the vehicle, watercraft, or trailer towed from the self-service storage facility. When the vehicle, watercraft, or trailer is towed from the self-service storage facility, the owner shall not be liable for the vehicle, watercraft, or trailer for any damages to the motor vehicle, watercraft, or trailer once the tower takes possession of the property.

6. At any time before a sale under this section, the occupant may pay the amount necessary to satisfy the lien and redeem the occupant's personal property.”; and

Further amend the title and enacting clause accordingly.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Crawford offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Committee Substitute for House Bill No. 2587, Page 7, Section 89.500, Line 28, by inserting after all of said line the following:

“105.1500. 1. This section shall be known and may be cited as “The Personal Privacy Protection Act”.

2. As used in this section, the following terms mean:

(1) “Personal information”, any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended;

(2) “Public agency”, the state and any political subdivision thereof including, but not limited to, any department, agency, office, commission, board, division, or other entity of state government; any county, city, township, village, school district, community college district; or any other local governmental unit, agency, authority, council, board, commission, state or local court, tribunal or

other judicial or quasi-judicial body.

3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions listed under subsection 4 of this section, a public agency shall not:

(a) Require any individual to provide the public agency with personal information or otherwise compel the release of personal information;

(b) Require any entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code to provide the public agency with personal information or otherwise compel the release of personal information;

(c) Release, publicize, or otherwise publicly disclose personal information in possession of a public agency, unless consented to by an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code; or

(d) Request or require a current or prospective contractor or grantee with the public agency to provide the public agency with a list of entities exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, to which it has provided financial or nonfinancial support.

(2) All personal information in the possession of a public agency shall be considered a closed record under chapter 610 and court operating rules.

4. The provisions of this section shall not preclude any individual or entity from being required to comply with any of the following:

(1) Submitting any report or disclosure required by this chapter or chapter 130;

(2) Responding to any lawful request or subpoena for personal information from the Missouri ethics commission or the Missouri state highway patrol as a part of an investigation, or publicly disclosing personal information as a result of an enforcement action from the Missouri state highway patrol or the Missouri ethics commission pursuant to its authority in sections 105.955 to 105.966;

(3) Responding to any lawful warrant for personal information issued by a court of competent jurisdiction;

(4) Responding to any lawful request for discovery of personal information in litigation if:

(a) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and

(b) The requestor obtains a protective order barring disclosure of personal information to any person not named in the litigation;

(5) Applicable court rules or admitting any personal information as relevant evidence before a court of competent jurisdiction. However, a submission of personal information to a court shall be made in a manner that it is not publicly revealed and no court shall publicly reveal personal information absent a specific finding of good cause;

(6) Any report or disclosure required by state law to be filed with the secretary of state, provided that personal information obtained by the secretary of state is otherwise subject to the requirements of paragraph (c) of subdivision (1) of subsection 3 of this section, unless expressly required to be made

public by state law; or

(7) Any request from a public agency for a list of the directors and officers of an entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended.

5. (1) A person or entity alleging a violation of this section may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one of the following, as appropriate:

(a) A sum of moneys not less than two thousand five hundred dollars to compensate for injury or loss caused by each violation of this section; or

(b) For an intentional violation of this section, a sum of moneys not to exceed three times the sum described in paragraph (a) of this subdivision.

(2) A court, in rendering a judgment in an action brought under this section, may award all or a portion of the costs of litigation, including reasonable attorney's fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

(3) A person who knowingly violates this section is guilty of a class B misdemeanor.”; and

Further amend the title and enacting clause accordingly.

Senator Crawford moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for House Committee Substitute for House Bill No. 2587, Page 39, Section 144.030, Line 632, by inserting after all of said line the following:

“167.630. 1. Each school board may authorize a school nurse licensed under chapter 335 who is employed by the school district and for whom the board is responsible for to maintain an adequate supply of prefilled auto syringes of epinephrine with fifteen-hundredths milligram or three-tenths milligram delivery at the school. The nurse shall recommend to the school board the number of prefilled epinephrine auto syringes that the school should maintain.

2. To obtain prefilled epinephrine auto syringes for a school district, a prescription written by a licensed physician, a physician's assistant, or nurse practitioner is required. For such prescriptions, the school district shall be designated as the patient, the nurse's name shall be required, and the prescription shall be filled at a licensed pharmacy.

3. A school nurse [or], **contracted agent trained by a nurse, or** other school employee trained by and supervised by the nurse, shall have the discretion to use an epinephrine auto syringe on any student the school nurse [or], trained employee **or trained contracted agent** believes is having a life-threatening anaphylactic reaction based on the training in recognizing an acute episode of an anaphylactic reaction. The provisions of section 167.624 concerning immunity from civil liability for trained employees administering lifesaving methods shall apply to trained employees administering a prefilled auto syringe under this section. **Trained contracted agents shall have immunity from civil liability for administering a prefilled auto syringe under this section.**”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for House Committee Substitute for House Bill No. 2587, Page 39, Section 144.030, Line 632, by inserting after all of said line the following:

“260.221. 1. As used in this section, the following terms mean:

(1) “Processed recycled asphalt shingles”, recycled asphalt shingles that do not contain extraneous metals, glass, rubber, nails, soil, brick, tars, paper, wood, and plastics and that have been reduced in size to produce a commercially reasonable usable product. “Processed recycled asphalt shingles” shall also be considered clean fill, as such term is defined in section 260.200;

(2) “Recycled asphalt shingles”, manufacture waste scrap shingles and post-consumer, tear-off scrap shingles that are accumulated as products for commercial purposes related to recycling or reuse as processed recycled asphalt shingles.

2. Processed recycled asphalt shingles may be used for fill, reclamation, and other beneficial purposes without a permit under sections 260.200 to 260.345 if such processed recycled asphalt shingles are inspected for toxic and hazardous substances in accordance with requirements established by the department of natural resources, provided that processed recycled asphalt shingles shall not be used for such purposes within five hundred feet of any lake, river, sink hole, perennial stream, or ephemeral stream, and shall not be used for such purposes below surface level and closer than fifty feet above the water table.

3. This section shall not be construed to authorize the abandonment, accumulation, placement, or storage of recycled asphalt shingles or processed recycled asphalt shingles on any real property without the consent of the real property owner.”; and

Further amend said bill, page 66, section 620.3930, line 123 by inserting after all of said line the following:

“644.060. 1. Processed recycled asphalt shingles, as defined in section 260.221, may be used for fill, reclamation, and other beneficial purposes without a permit under sections 644.006 to 644.141 if such processed recycled asphalt shingles are inspected for toxic and hazardous substances in accordance with requirements established by the department of natural resources, provided that processed recycled asphalt shingles shall not be used for such purposes within five hundred feet of any lake, river, sink hole, perennial stream, or ephemeral stream, and shall not be used for such purposes below surface level and closer than fifty feet above the water table.

2. This section shall not be construed to authorize the abandonment, accumulation, placement, or storage of recycled asphalt shingles or processed recycled asphalt shingles on any real property without the consent of the real property owner.”

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered SA 13:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for House Committee Substitute for House Bill No. 2587, Page 8, Section

130.029, Line 46, by inserting after all of said line the following:

“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor’s deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor’s city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. **Beginning January 1, 2023, in any county with more than four hundred thousand but fewer than five hundred thousand inhabitants, all personal property in such county shall be annually assessed at a percent of its true value in money as of January first of each calendar year as follows:**

(1) A political subdivision shall annually reduce the percentage of true value in money at which personal property is assessed pursuant to this subsection such that the amount by which the revenue generated by taxes levied on such personal property is substantially equal to one hundred percent of the growth in revenue generated by real property assessment growth. Annual reductions shall be made pursuant to this subdivision until December 31, 2073. Thereafter, the percentage of true value in money at which personal property is assessed shall be equal to the percentage in effect on December 31, 2073.

(2) The provisions of subdivision (1) of this subsection shall not be construed to relieve a political subdivision from adjustments to property tax levies as required by section 137.073.

(3) For the purposes of subdivision (1) of this subsection, “real property assessment growth” shall mean the growth in revenue from increases in the total assessed valuation of all real property in a political subdivision over the revenue generated from the assessed valuation of such real property from the previous calendar year. Real property assessment growth shall not include any revenue in excess of the percent increase in the consumer price index, as described in subsection 2 of section 137.073.

(4) Notwithstanding the provisions of subdivisions (1) to (4) of this subsection to the contrary, for the purposes of the tax levied pursuant to Article III, Section 38(b) of the Missouri Constitution, all personal property shall be assessed at thirty-three and one-third percent of its true value in money as of January first of each calendar year.

2. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection [5] 6 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor’s books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the

preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

[2.] **3.** Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

[3.] **4.** The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles

pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than two hundred hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (7) of section 135.200, twenty-five percent.

[4.] 5. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

[5.] 6. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(a) For real property in subclass (1), nineteen percent;

(b) For real property in subclass (2), twelve percent; and

(c) For real property in subclass (3), thirty-two percent.

(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.

[6.] 7. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

[7.] 8. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is deemed to be real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

[8.] 9. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is deemed to be real estate as defined in subsection 7 of section 442.015, in which case the amount

of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

[9.] **10.** The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

[10.] **11.** Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

[11.] **12.** If a physical inspection is required, pursuant to subsection [10] **11** of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

[12.] **13.** A physical inspection, as required by subsection [10] **11** of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection [11] **12** of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

[13.] **14.** A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

[14.] **15.** Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate

committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

[15.] **16.** The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection [14] **15** of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

[16.] **17.** Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer or taxpayer's mine property. For purposes of this subsection, "mine property" shall mean all real property that is in use or readily available as a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444."; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins moved that **SS for HCS for HB 2587**, as amended, be adopted, which motion prevailed.

Senator Hoskins moved that **SS for HCS for HB 2587**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred **SS for HCS for HB 2587**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Thompson Rehder moved that the conference committee report on **HCS for SS for SB 690**, as amended, be again taken up for adoption, which motion prevailed.

Senator Thompson Rehder moved that the conference committee report be adopted.

Senator Eslinger assumed the Chair.

Senator Bean assumed the Chair.

Senator Thompson Rehder raised the point of order that Senator Onder had previously spoken on the conference committee report.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Onder offered a substitute motion that the Senate grant the House further conference on SS for Senate Bill 690 with HCS, as amended, and that the conferees be allowed to exceed the differences by adding sections 208.152 and 208.153 to prohibit the expending of MO HealthNet funds to abortion facilities or any affiliates or associates thereof.

Senator Onder moved that the above substitute motion be adopted.

Senator White moved that motion lay on the table, which motion prevailed.

Senator Onder offered a substitute motion that the Senate grant the House further conference on SS for Senate Bill 690 with HCS, as amended, and that the conferees be allowed to exceed the differences by adding sections 208.152 and 208.153 to prohibit the expending of MO HealthNet funds to abortion facilities or any affiliates or associates thereof with such prohibition to become effective on January 1, 2023.

Senator Onder moved that the above substitute motion be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Eigel, Hoskins, and Moon.

Senator Rowden assumed the Chair.

Senator Hough assumed the Chair.

Senator Bean assumed the Chair.

On motion of Senator Rowden, the Senate recessed until 12:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Hough.

The substitute motion offered by Senator Onder was again taken up.

At the request of Senator Thompson Rehder, the motion to adopt the conference committee report on HCS for SS for SB 690, as amended, was withdrawn, rendering the substitute motion moot.

PRIVILEGED MOTIONS

Senator Beck, on behalf of the conference committee appointed to act with a like committee from the House on HCS No. 2 for SB 710, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 710

The Conference Committee appointed on House Committee Substitute No. 2 for Senate Bill No. 710, with House Amendment Nos. 1, 2, and 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4 as amended, House Amendment No. 1 to House Amendment No. 5, House Amendment

No. 5 as amended, House Amendment Nos. 6, 7, 8, 9, 10, 11, 12, and 13, House Amendment No. 1 to House Amendment No. 14, House Amendment No. 14 as amended, House Amendment No. 15, House Amendment No. 1 to House Amendment No. 16, House Amendment No. 16 as amended, House Amendment Nos. 17, 18, 19, and 20, House Amendment Nos. 1, 3, and 4 to House Amendment No. 21, House Amendment No. 21 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute No. 2 for Senate Bill No. 710, as amended;
- 2. That the Senate recede from its position on Senate Bill No. 710;
- 3. That the attached Conference Committee Substitute for House Committee Substitute No. 2 for Senate Bill No. 710 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Doug Beck
 /s/ Karla May
 /s/ Bill White
 /s/ Denny Hoskins
 Tony Luetkemeyer

FOR THE HOUSE:

/s/ Ben Baker
 /s/ Andrew McDaniel
 /s/ J. Eggleston
 Patty Lewis (25)
 /s/ LaKeySha Bosley

Senator Beck moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Thompson Rehder
Washington	White	Wieland	Williams—32			

NAYS—Senator Moon—1

Absent—Senator Burlison—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Beck, **CCS** for **HCS No. 2** for **SB 710**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
 SENATE BILL NO. 710**

An Act to repeal sections 167.630, 172.800, 191.116, 191.500, 191.515, 191.520, 191.525, 191.743, 192.005, 192.2225, 194.210, 194.255, 194.265, 194.285, 194.290, 194.297, 194.299, 194.304, 196.866, 196.868, 197.100, 197.256, 197.258, 197.400, 197.415, 197.445, 198.006, 198.022, 198.026, 198.036,

198.525, 198.526, 198.545, 208.798, 208.909, 210.921, 251.070, 301.020, 302.171, 335.230, 335.257, 376.427, 376.1575, and 660.010, RSMo, and to enact in lieu thereof fifty-four new sections relating to health care, with penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Mosley	O’Laughlin	Onder	Razer	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Thompson Rehder	Washington	White
Wieland	Williams—30					

NAYS—Senators

Burlison	Eigel	Moon—3
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Absent—Senator Eslinger—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Razer	Riddle
Rizzo	Roberts	Rowden	Schatz	Schupp	Thompson Rehder	Washington
White	Wieland	Williams—31				

NAYS—Senators

Burlison	Eigel	Onder—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Beck, title to the bill was agreed to.

Senator Beck moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed HCS for **SB 718**, entitled:

An Act to repeal sections 160.545, 167.903, 170.018, 173.1200, 173.2500, 173.2505, and 513.430, RSMo, and to enact in lieu thereof twelve new sections relating to higher education.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 718, Page 1, Section 9.170, Line 6, by inserting after all of said section and line the following:

“135.690. 1. As used in this section, the following terms mean:

(1) “Community-based faculty preceptor”, a physician or physician assistant who is licensed in Missouri and provides preceptorships to Missouri medical students or physician assistant students without direct compensation for the work of precepting;

(2) “Department”, the Missouri department of health and senior services;

(3) “Division”, the division of professional registration of the department of commerce and insurance;

(4) “Federally Qualified Health Center (FQHC)”, a reimbursement designation from the Bureau of Primary Health Care and the Centers for Medicare and Medicaid services of the United States Department of Health and Human Services;

(5) “Medical student”, an individual enrolled in a Missouri medical college approved and accredited as reputable by the American Medical Association or the Liaison Committee on Medical Education or enrolled in a Missouri osteopathic college approved and accredited as reputable by the Commission on Osteopathic College Accreditation;

(6) “Medical student core preceptorship” or “physician assistant student core preceptorship”, a preceptorship for a medical student or physician assistant student that provides a minimum of one hundred twenty hours of community-based instruction in family medicine, internal medicine, pediatrics, psychiatry, or obstetrics and gynecology under the guidance of a community-based faculty preceptor. A community-based faculty preceptor may add together the amounts of preceptorship instruction time separately provided to multiple students in determining whether he or she has reached the minimum hours required under this subdivision, but the total preceptorship instruction time provided shall equal at least one hundred twenty hours in order for such preceptor to be eligible for the tax credit authorized under this section;

(7) “Physician assistant student”, an individual participating in a Missouri physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its successor organization;

(8) “Taxpayer”, any individual, firm, partner in a firm, corporation, or shareholder in an S corporation doing business in this state and subject to the state income tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

2. (1) Beginning January 1, 2023, any community-based faculty preceptor who serves as the

community-based faculty preceptor for a medical student core preceptorship or a physician assistant student core preceptorship shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, in an amount equal to one thousand dollars for each preceptorship, up to a maximum of three thousand dollars per tax year, if he or she completes up to three preceptorship rotations during the tax year and did not receive any direct compensation for the preceptorships.

(2) To receive the credit allowed by this section, a community-based faculty preceptor shall claim such credit on his or her return for the tax year in which he or she completes the preceptorship rotations and shall submit supporting documentation as prescribed by the division and the department.

(3) In no event shall the total amount of a tax credit authorized under this section exceed a taxpayer's income tax liability for the tax year for which such credit is claimed. No tax credit authorized under this section shall be allowed a taxpayer against his or her tax liability for any prior or succeeding tax year.

(4) No more than two hundred preceptorship tax credits shall be authorized under this section for any one calendar year. The tax credits shall be awarded on a first-come, first-served basis. The division and the department shall jointly promulgate rules for determining the manner in which taxpayers who have obtained certification under this section are able to claim the tax credit. The cumulative amount of tax credits awarded under this section shall not exceed two hundred thousand dollars per year.

(5) Notwithstanding the provisions of subdivision (4) of this subsection, the department is authorized to exceed the two hundred thousand dollars per year tax credit program cap in any amount not to exceed the amount of funds remaining in the medical preceptor fund, as established under subsection 3 of this section, as of the end of the most recent tax year, after any required transfers to the general revenue fund have taken place in accordance with the provisions of subsection 3 of this section.

3. (1) Funding for the tax credit program authorized under this section shall be generated by the division from a license fee increase of seven dollars per license for physicians and surgeons and from a license fee increase of three dollars per license for physician assistants. The license fee increases shall take effect beginning January 1, 2023, based on the underlying license fee rates prevailing on that date. The underlying license fee rates shall be determined under section 334.090 and all other applicable provisions of chapter 334.

(2) (a) There is hereby created in the state treasury the "Medical Preceptor Fund", which shall consist of moneys collected under this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by the division for the administration of the tax credit program authorized under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the medical preceptor fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(b) Notwithstanding any provision of this chapter or any other provision of law to the contrary, all revenue from the license fee increases described under subdivision (1) of this subsection shall be deposited in the medical preceptor fund. After the end of every tax year, an amount equal to the total dollar amount of all tax credits claimed under this section shall be transferred from the medical preceptor fund to the state’s general revenue fund established under section 33.543. Any excess moneys in the medical preceptor fund shall remain in the fund and shall not be transferred to the general revenue fund.

4. (1) The department shall administer the tax credit program authorized under this section. Each taxpayer claiming a tax credit under this section shall file an application with the department verifying the number of hours of instruction and the amount of the tax credit claimed. The hours claimed on the application shall be verified by the college or university department head or the program director on the application. The certification by the department affirming the taxpayer’s eligibility for the tax credit provided to the taxpayer shall be filed with the taxpayer’s income tax return.

(2) No amount of any tax credit allowed under this section shall be refundable. No tax credit allowed under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive the tax credit authorized under this section if such taxpayer employs persons who are not authorized to work in the United States under federal law.

5. The department of commerce and insurance and the department of health and senior services shall jointly promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.”; and

Further amend said bill, Pages 5-6, Section 167.903, Lines 1-33, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 25, Section 513.430, Line 96, by deleting the word “**before**” and inserting in lieu thereof the word “**after**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 718, Page 11, Section 170.036, Line 13, by deleting the word “**Six**” and inserting in lieu thereof the word “**Nine**”; and

Further amend said bill, page, and section, Line 19, by deleting the word “**and**”; and

Further amend said bill, page, and section, Line 21, by deleting all of the said line and inserting in lieu thereof the following:

“**computer science teachers;**

(g) An association of school board members;

(h) An association of elementary school principals; and

(i) An association of secondary school principals.

(7) A representative from a Missouri institution of higher education, to be appointed by the commissioner of higher education; and

(8) A representative from a Missouri private, nonprofit institution of higher education, to be appointed by the commissioner of higher education.”; and

Further amend said bill, page, and section, Lines 37 to 42, by deleting all of the said lines and inserting in lieu thereof the following:

“(4) Within one year of the task force forming, a plan for schools serving any student in grades kindergarten through eighth grade to provide instruction in the basics of computer science and computation thinking in an integrated or standalone format beginning in the 2024-25 school year without creating learning loss in the existing curriculum;

(5) A plan for ensuring teachers are well-prepared to begin teaching computer science, including defining high quality professional learning for in-service teachers and strategies for pre-service teacher preparation;”; and

Further amend said bill and section, Page 12, Line 61, by deleting the words **“one month”** and inserting in lieu thereof the words **“three months”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 718, Page 12, Section 170.036, Line 65, by inserting after all of said section and line the following:

“173.280. 1. As used in this section, the following terms mean:

(1) “Postsecondary educational institution”, any campus of a public or private institution of higher education in this state that is subject to the coordinating board for higher education under section 173.005;

(2) “Student athlete”, an individual who participates or has participated in an intercollegiate sport for a postsecondary educational institution. Student athlete shall not be construed to apply to an individual’s participation in a college intramural sport or in a professional sport outside of intercollegiate athletics;

(3) “Third party”, any individual or entity, including any athlete agent, other than a postsecondary educational institution, athletic conference, or athletic association.

2. (1) No postsecondary educational institution shall uphold any rule, requirement, standard, or other limitation that prevents a student of that institution from fully participating in intercollegiate athletics without penalty and earning compensation as a result of the use of the student’s name, image, likeness rights, or athletic reputation. A student athlete earning compensation from the use of a student’s name, image, likeness rights, or athletic reputation shall not affect such student athlete’s grant-in-aid or stipend

eligibility, amount, duration, or renewal.

(2) No postsecondary educational institution shall interfere with or prevent a student from fully participating in intercollegiate athletics or obtaining professional representation in relation to contracts or legal matters, including, but not limited to, representation provided by athlete agents, financial advisors, or legal representation provided by attorneys.

3. A grant-in-aid or stipend from the postsecondary educational institution in which a student is enrolled shall not be construed to be compensation for use of the student's name, image, likeness rights, or athletic reputation for purposes of this section, and no grant-in-aid or stipend shall be revoked or reduced as a result of a student earning compensation under this section.

4. (1) No student athlete shall enter into an apparel, equipment, or beverage contract providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic reputation if the contract requires the athlete to display a sponsor's apparel, equipment, or beverage or otherwise advertise for the sponsor during official team activities if such provisions are in conflict with a provision of the postsecondary institution's current licenses or contracts.

(2) (a) Except with the prior written consent of the student athlete's postsecondary educational institution, a student athlete shall not enter into a contract for compensation for the use of such student athlete's name, image, likeness rights, or athletic reputation, if such institution determines that a term of the contract conflicts with a term of a contract to which such institution is a party.

(b) A postsecondary educational institution or any officer, director, or employee of such institution, including but not limited to a coach, member of the coaching staff, or any individual associated with the institutions athletic department, may identify or otherwise assist with opportunities for a student athlete to earn compensation from a third party for the use of the student athlete's name, image, likeness rights, or athletic reputation, provided that such individual shall not:

a. Serve as the athlete's agent;

b. Receive compensation from the student athlete or a third party for facilitating or enabling such opportunities;

c. Attempt to influence an athlete's choice of professional representation related to such opportunities;

d. Attempt to reduce such athlete's opportunities from competing third parties; or

e. Be present at any meeting between a student athlete and a third party who provides for a student athlete's compensation, where the student athlete's name, image, likeness rights, or athletic reputation contract for compensation is negotiated or completed.

(3) Before any contract for compensation for the use of a student athlete's name, image, likeness rights, or athletic reputation is executed, and before any compensation is provided to the student athlete in advance of a contract, the student athlete shall disclose that contract to his or her postsecondary educational institution in a manner prescribed by such institution.

(4) A postsecondary educational institution or any officer, director, or employee of such institution or entity shall not compensate [or cause compensation to be directed to] a student athlete, prospective

student athlete, or the family of such individuals, **or cause compensation to be directed to a prospective student athlete, or the family of a student athlete or the family of a prospective student athlete**, for the use of such student athlete or prospective student athlete's name, image, likeness rights, or athletic reputation.

5. No contract of a postsecondary educational institution's athletic program shall prevent a student athlete from receiving compensation for using the student athlete's name, image, likeness rights, or athletic reputation for a commercial purpose when the athlete is not engaged in official mandatory team activities that are recorded in writing and can be made publicly available upon request.

6. (1) Postsecondary educational institutions that enter into commercial agreements that directly or indirectly require the use of a student athlete's name, image, likeness, or athletic reputation shall conduct a financial development program once per year for their athletes.

(2) The financial development program shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services. **Such program shall, at a minimum, include information concerning financial aid, debt management, and a recommended budget for student athletes based on the current year's cost of attendance. The workshop shall also include information on time management skills necessary for success as a student athlete and available academic resources.**

(3) Postsecondary educational institutions shall help distribute informational materials for such programs as needed.

(4) Postsecondary educational institutions shall inform their athletes of such program meetings and provide appropriate meeting space.

7. Student athlete representation shall be by attorneys or agents licensed by this state.

8. (1) Any student athlete may bring a civil action against third parties that violate this section for appropriate injunctive relief or actual damages, or both. Such action shall be brought in the county where the violation occurred, or is about to occur, and the court shall award damages and court costs to a prevailing plaintiff.

(2) Student athletes bringing an action under this section shall not be deprived of any protections provided under law with respect to a controversy that arises and shall have the right to adjudicate claims that arise under this section.

9. No legal settlement shall conflict with the provisions of this section.

10. This section shall apply only to agreements or contracts entered into, modified, or renewed on or after August 28, 2021. Such agreements or contracts include, but are not limited to, the national letter of intent, an athlete's financial aid agreement, commercial contracts in the athlete group licensing market, and athletic conference or athletic association rules or bylaws."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the motion to dissolve the Conference Committee on **SS** for **HB 2400**, as amended, was adopted. The House has taken up and adopted **SS** for **HB 2400**, as amended, and has passed **SS** for **HB 2400**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HCS** for **HB 1552** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 1552**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS #2** for **SCS** for **SB 968**, entitled:

An Act to repeal sections 8.250, 44.032, 130.029, 135.800, 135.802, 135.805, 135.810, 135.815, 135.825, 143.081, 143.119, 288.132, 311.060, 347.143, 415.415, 493.050, 493.070, 537.528, and 620.1039, RSMo, and to enact in lieu thereof thirty-three new sections relating to business entities, with penalty provisions and with a delayed effective date for certain sections.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4 and House Amendment No. 5.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 968, Page 2, Line 7, by inserting after the word “beverages,” the words “and provided such times are during the hours a licensee is allowed by any ordinance or order of the governing body of the city to sell intoxicating liquor by the drink,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 968, Pages 24-26, Section 311.060, Lines 1-77, by deleting said section and lines from the bill; and

Further amend said bill, Pages 26-27, Section 311.094, Lines 1-32, by deleting said lines and inserting in lieu thereof the following:

“**311.094. 1. As used in this section, the following terms mean:**

(1) “**Common area**”, any area designated as a common area in a development plan for the entertainment district approved by the governing body of the city, any area of a public right-of-way that is adjacent to or within the entertainment district when it is closed to vehicular traffic and any other area identified in the development plan where a physical barrier precludes motor vehicle traffic and limits pedestrian accessibility;

(2) “**Entertainment district**”, any area located in a city with more than twelve thousand five

hundred but fewer than fourteen thousand inhabitants and located in a county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than one thousand but fewer than four thousand inhabitants that:

(a) Is located in the city's central business district and borders the White River; and

(b) Contains a combination of entertainment venues, bars, nightclubs, and restaurants;

(3) "Portable bar", any bar, table, kiosk, cart, or stand that is not a permanent fixture and can be moved from place to place;

(4) "Promotional association", an association, incorporated in the state of Missouri, which is organized or authorized by one or more property owners located within the entertainment district for the purpose of organizing and promoting activities within the entertainment district.

2. Notwithstanding any other provision of this chapter to the contrary, any person acting on behalf of or designated by a promotional association, who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of alcohol and tobacco control may issue, an entertainment district special license to sell intoxicating liquor by the drink for retail for consumption dispensed from one or more portable bars within the common areas of the entertainment district between the hours of 6:00 a.m. to 1:30 a.m. on Mondays through Saturdays and from 6:00 a.m. on Sundays and until 1:30 a.m. on Mondays.

3. An applicant granted an entertainment district special license under this section shall pay a license fee of three hundred dollars per year.

4. Notwithstanding any other provision of this chapter to the contrary, on such days and at such times designated by the promotional association, in its sole discretion, provided such times are during the hours a license is allowed under this chapter to sell alcoholic beverages, the promotional association may allow persons to leave licensed establishments, located in portions of the entertainment district designated by the promotional association with an alcoholic beverage and enter upon and consume the alcoholic beverage within other licensed establishments and common areas located in portions of the entertainment district designated by the promotional association. No person shall take any alcoholic beverage or alcoholic beverages outside the boundaries of the entertainment district or portions of the entertainment district as designated by the promotional association, in its sole discretion. At times when a person is allowed to consume alcoholic beverages dispensed from portable bars and in common areas of all or any portion of the entertainment district designated by the promotional association, the promotional association shall ensure that minors can be easily distinguished from persons of legal age buying alcoholic beverages.

5. Every licensee within the entertainment district shall serve alcoholic beverages in containers that display and contain the licensee's trade name or logo or some other mark that is unique to that license and licensee.

6. The holder of an entertainment district special license is solely responsible for alcohol violations occurring at its portable bar and in any common area."; and

Further amend said bill, Pages 39-41, Section 620.3900, Lines 1-47, by deleting said lines and

inserting in lieu thereof the following:

“620.3900. 1. Sections 620.3900 to 620.3930 shall be known and may be cited as the “Regulatory Sandbox Act”.

2. For the purposes of sections 620.3900 to 620.3930, the following terms shall mean:

(1) “Advisory committee”, the general regulatory sandbox program advisory committee created in section 620.3910;

(2) “Applicable agency”, a department or agency of the state that by law regulates a business activity and persons engaged in such business activity, including the issuance of licenses or other types of authorization, and which the regulatory relief office determines would otherwise regulate a sandbox participant. A participant may fall under multiple applicable agencies if multiple agencies regulate the business activity that is subject to the sandbox program application. “Applicable agency” shall not include the division of professional registration and its boards, commissions, committees and offices;

(3) “Applicant” or “sandbox applicant”, a person or business that applies to participate in the sandbox program;

(4) “Consumer”, a person who purchases or otherwise enters into a transaction or agreement to receive a product or service offered through the sandbox program pursuant to a demonstration by a program participant;

(5) “Demonstrate” or “demonstration”, to temporarily provide an offering of an innovative product or service in accordance with the provisions of the sandbox program;

(6) “Department”, the department of economic development;

(7) “Innovation”, the use or incorporation of a new idea, a new or emerging technology, or a new use of existing technology to address a problem, provide a benefit, or otherwise offer a product, production method, or service;

(8) “Innovative offering”, an offering of a product or service that includes an innovation;

(9) “Product”, a commercially distributed good that is:

(a) Tangible personal property; and

(b) The result of a production process;

(10) “Production”, the method or process of creating or obtaining a good, which may include assembling, breeding, capturing, collecting, extracting, fabricating, farming, fishing, gathering, growing, harvesting, hunting, manufacturing, mining, processing, raising, or trapping a good;

(11) “Regulatory relief office”, the office responsible for administering the sandbox program within the department;

(12) “Sandbox participant” or “participant”, a person or business whose application to participate in the sandbox program is approved in accordance with the provisions of section 620.3915;

(13) “Sandbox program”, the general regulatory sandbox program created in sections

620.3900 to 620.3930 that allows a person to temporarily demonstrate an innovative offering of a product or service under a waiver or suspension of one or more state laws or regulations;

(14) “Sandbox program director”, the director of the regulatory relief office;

(15) “Service”, any commercial activity, duty, or labor performed for another person or business. “Service” shall not include a product or service when its use would impact rates, statutorily authorized service areas, or system safety or reliability of an electrical corporation or gas corporation, as defined in section 386.020, as determined by the public service commission, or of any rural electric cooperative organized or operating under the provisions of chapter 394, or to any corporation organized on a nonprofit or a cooperative basis as described in subsection 1 of section 394.200, or to any electrical corporation operating under a cooperative business plan as described in subsection 2 of section 393.110.”; and

Further amend said bill, Pages 41-43, Section 620.3905, Lines 1-78, by deleting said lines and inserting in lieu thereof the following:

“620.3905. 1. There is hereby created within the department of economic development the “Regulatory Relief Office”, which shall be administered by the sandbox program director. The sandbox program director shall report to the director of the department and may appoint staff, subject to the approval of the director of the department.

2. The regulatory relief office shall:

(1) Administer the sandbox program pursuant to sections 620.3900 to 620.3930;

(2) Act as a liaison between private businesses and applicable agencies that regulate such businesses to identify state laws or regulations that could potentially be waived or suspended under the sandbox program;

(3) Consult with each applicable agency; and

(4) Establish a program to enable a person to obtain monitored access to the market in the state along with legal protections for a product or service related to the laws or regulations that are being waived as a part of participation in the sandbox program, in order to demonstrate an innovative product or service without obtaining a license or other authorization that might otherwise be required.

3. The regulatory relief office shall:

(1) Review state laws and regulations that may unnecessarily inhibit the creation and success of new companies or industries and provide recommendations to the governor and the general assembly on modifying or repealing such state laws and regulations;

(2) Create a framework for analyzing the risk level of the health, safety, and financial well-being of consumers related to permanently removing or temporarily waiving laws and regulations inhibiting the creation or success of new and existing companies or industries;

(3) Propose and enter into reciprocity agreements between states that use or are proposing to use similar regulatory sandbox programs as described in sections 620.3900 to 620.3930, provided that such reciprocity agreement is supported by a two-thirds majority vote of the advisory committee and the regulatory relief office is directed by an order of the governor to pursue such

reciprocity agreement;

(4) Enter into agreements with or adopt best practices of corresponding federal regulatory agencies or other states that are administering similar programs;

(5) Consult with businesses in the state about existing or potential proposals for the sandbox program; and

(6) In accordance with the provisions of chapter 536 and the provisions of sections 620.3900 to 620.3930, make rules regarding the administration of the sandbox program, including making rules regarding the application process and the reporting requirements of sandbox participants. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

4. (1) The regulatory relief office shall create and maintain on the department's website a web page that invites residents and businesses in the state to make suggestions regarding laws and regulations that could be modified or eliminated to reduce the regulatory burden on residents and businesses in the state.

(2) On at least a quarterly basis, the regulatory relief office shall compile the relevant suggestions from the web page created pursuant to subdivision (1) of this subsection and provide a written report to the governor and the general assembly.

(3) In creating the report described in subdivision (2) of this subsection, the regulatory relief office:

(a) Shall provide the identity of residents and businesses that make suggestions on the web page if those residents and businesses wish to comment publicly, and shall ensure that the private information of residents and businesses that make suggestions on the web page is not made public if they do not wish to comment publicly; and

(b) May evaluate the suggestions and provide analysis and suggestions regarding which state laws and regulations could be modified or eliminated to reduce the regulatory burden on residents and businesses in the state while still protecting consumers.

5. (1) By October first of each year, the department shall submit an annual report to the governor, the general assembly, and to each state agency which shall include:

(a) Information regarding each participant in the sandbox program, including industries represented by each participant and the anticipated or actual cost savings that each participant experienced;

(b) The anticipated or actual benefit to consumers created by each demonstration in the sandbox program;

(c) Recommendations regarding any laws or regulations that should be permanently modified

or repealed;

(d) Information regarding any health and safety events related to the activities of a participant in the sandbox program; and

(e) Recommendations for changes to the sandbox program or other duties of the regulatory relief office.

(2) The department may provide an interim report from the sandbox program director to the governor and general assembly on specific, time-sensitive issues for the functioning of the sandbox program, for the health and safety of consumers, for the success of participants in the program, and for other issues of urgent need.”; and

Further amend said bill, Pages 43-44, Section 620.3910, Lines 1-46, by deleting said lines and inserting in lieu thereof the following:

“620.3910. 1. There is hereby created the “General Regulatory Sandbox Program Advisory Committee”, to be composed of the following members:

(1) The director of the department of economic development or his or her designee;

(2) The director of the department of commerce and insurance or his or her designee;

(3) The attorney general or his or her designee;

(4) A member of the public to be appointed by the governor;

(5) A member of the public or of an institution of higher education, to be appointed by the governor;

(6) A member of an institution of higher education, to be appointed by the director of the department of higher education and workforce development;

(7) Two members of the house of representatives, one to be appointed by the speaker of the house of representatives and one to be appointed by the minority leader of the house of representatives;

(8) Two members of the senate, one to be appointed by the president pro tempore of the senate and one to be appointed by the minority leader of the senate; and

(9) An employee of the office of public counsel, to be appointed by the public counsel.

2. (1) Advisory committee members shall be appointed to a four-year term. Members who cease holding elective office shall be replaced by the speaker or minority leader of the house of representatives or the president pro tempore or minority floor leader of the senate, as applicable. The sandbox program director may establish the terms of initial appointments so that approximately half of the advisory committee is appointed every two years.

(2) The sandbox program director shall select a chair of the advisory committee every two years in consultation with the members of the advisory committee.

(3) No appointee of the governor, speaker of the house of representatives, or president pro tempore of the senate may serve more than two complete terms.

3. A majority of the advisory committee shall constitute a quorum for the purpose of conducting business, and the action of a majority of a quorum shall constitute the action of the advisory committee, except as provided in subsection 4 of this section.

4. The advisory committee may, at its own discretion, meet to override a decision of the regulatory relief office on the admission or denial of an applicant to the sandbox program, provided such override is decided with a two-thirds majority vote of the members of the advisory committee, and further provided that such vote shall be taken within fifteen business days of the regulatory relief office's decision.

5. The advisory committee shall advise and make recommendations to the regulatory relief office on whether to approve applications to the sandbox program pursuant to section 620.3915.

6. The regulatory relief office shall provide administrative staff support for the advisory committee.

7. The members of the advisory committee shall serve without compensation, but may be reimbursed for any actual and necessary expenses incurred in the performance of the advisory committee's official duties.

8. Meetings of the advisory committee shall be considered public meetings for the purposes of chapter 610. However, a meeting of the committee shall be a closed meeting if the purpose of the meeting is to discuss an application for participation in the regulatory sandbox and failing to hold a closed meeting would reveal information that constitutes proprietary or confidential trade secrets. Upon approval by a majority vote by members of the advisory committee, the advisory committee shall be allowed to conduct remote meetings, and individual members shall be allowed to attend meetings remotely. The advisory committee shall provide the public the ability to view any such remote meetings.”; and

Further amend said bill, Pages 44-49, Section 620.3915, Lines 1-172, by deleting said lines and inserting in lieu thereof the following:

“620.3915. 1. An applicant for the sandbox program shall provide to the regulatory relief office an application in a form prescribed by the regulatory relief office that:

(1) Confirms the applicant is subject to the jurisdiction of the state;

(2) Confirms the applicant has established physical residence or a virtual location in the state from which the demonstration of an innovative offering will be developed and performed, and where all required records, documents, and data will be maintained;

(3) Contains relevant personal and contact information for the applicant, including legal names, addresses, telephone numbers, email addresses, website addresses, and other information required by the regulatory relief office;

(4) Discloses criminal convictions of the applicant or other participating personnel, if any; and

(5) Contains a description of the innovative offering to be demonstrated, including statements regarding:

(a) How the innovative offering is subject to licensing, legal prohibition, or other authorization requirements outside of the sandbox program;

(b) Each law or regulation that the applicant seeks to have waived or suspended while participating in the sandbox program;

(c) How the innovative offering would benefit consumers;

(d) How the innovative offering is different from other innovative offerings available in the state;

(e) The risks that might exist for consumers who use or purchase the innovative offering;

(f) How participating in the sandbox program would enable a successful demonstration of the innovative offering of an innovative product or service;

(g) A description of the proposed demonstration plan, including estimated time periods for beginning and ending the demonstration;

(h) Recognition that the applicant will be subject to all laws and regulations pertaining to the applicant's innovative offering after the conclusion of the demonstration;

(i) How the applicant will end the demonstration and protect consumers if the demonstration fails;

(j) A list of each applicable agency, if any, that the applicant knows regulates the applicant's business; and

(k) Any other required information as determined by the regulatory relief office.

2. An applicant shall remit to the regulatory relief office an application fee of three hundred dollars per application for each innovative offering. Such application fees shall be used by the regulatory relief office solely for the purpose of implementing the provisions of sections 620.3900 to 620.3930.

3. An applicant shall file a separate application for each innovative offering that the applicant wishes to demonstrate.

4. An applicant for the sandbox program may contact the regulatory relief office to request a consultation regarding the sandbox program before submitting an application. The regulatory relief office may provide assistance to an applicant in preparing an application for submission.

5. (1) After an application is filed, the regulatory relief office shall:

(a) Consult with each applicable agency that regulates the applicant's business regarding whether more information is needed from the applicant; and

(b) Seek additional information from the applicant that the regulatory relief office determines is necessary.

(2) No later than fifteen business days after the day on which a completed application is received by the regulatory relief office, the regulatory relief office shall:

(a) Review the application and refer the application to each applicable agency that regulates the applicant's business; and

(b) Provide to the applicant:

a. An acknowledgment of receipt of the application; and

b. The identity and contact information of each applicable agency to which the application has been referred for review.

(3) No later than forty-five days after the day on which an applicable agency receives a completed application for review, the applicable agency shall provide a written report to the sandbox program director with the applicable agency's findings. Such report shall:

(a) Describe any identifiable, likely, and significant harm to the health, safety, or financial well-being of consumers that the relevant law or regulation protects against; and

(b) Make a recommendation to the regulatory relief office that the applicant either be admitted or denied entrance into the sandbox program.

(4) An applicable agency may request an additional ten business days to deliver the written report required by subdivision (3) of this subsection by providing notice to the sandbox program director, which request shall automatically be granted. An applicable agency may request only one extension per application. The sandbox program director may also provide an additional extension to the applicable agency for cause.

(5) If an applicable agency recommends an applicant under this section be denied entrance into the sandbox program, the written report required by subdivision (3) of this subsection shall include a description of the reasons for such recommendation, including the reason a temporary waiver or suspension of the relevant laws or regulations would potentially significantly harm the health, safety, or financial well-being of consumers or the public and the assessed likelihood of such harm occurring.

(6) If an applicable agency determines that the consumer's or public's health, safety, or financial well-being can be protected through less restrictive means than the existing relevant laws or regulations, the applicable agency shall provide a recommendation of how that can be achieved.

(7) If an applicable agency fails to deliver the written report required by subdivision (3) of this subsection, the sandbox program director shall provide a final notice to the applicable agency for delivery of the written report. If the report is not delivered within five days of such final notice, the sandbox program director shall assume that the applicable agency does not object to the temporary waiver or suspension of the relevant laws or regulations for an applicant seeking to participate in the sandbox program.

6. (1) Notwithstanding any provision of this section to the contrary, an applicable agency may, by written notice to the regulatory relief office:

(a) Reject an application, provided such rejection occurs within forty-five days after the day on which the applicable agency receives a complete application for review, or within fifty days if an extension has been requested by the applicable agency, if the applicable agency determines, in the applicable agency's sole discretion, that the applicant's offering fails to comply with standards or specifications:

a. Required by federal rule or regulation; or

b. Previously approved for use by a federal agency; or

(b) Reject an application preliminarily approved by the regulatory relief office, if the applicable agency:

a. Recommends rejection of the application in the applicable agency's written report submitted pursuant to subdivision (3) of subsection 5 of this section; and

b. Provides in the written report submitted pursuant to subdivision (3) of subsection 5 of this section a description of the applicable agency's reasons approval of the application would create a substantial risk of harm to the health or safety of the public, or create unreasonable expenses for taxpayers in the state.

(2) If any applicable agency rejects an application on a nonpreliminary basis pursuant to subdivision (1) of this subsection, the regulatory relief office shall not approve the application.

7. (1) The sandbox program director shall provide all applications and associated written reports to the advisory committee upon receiving a written report from an applicable agency.

(2) The sandbox program director may call the advisory committee to meet as needed, but not less than once per quarter if applications are available for review.

(3) After receiving and reviewing the application and each associated written report, the advisory committee shall provide to the sandbox program director the advisory committee's recommendation as to whether the applicant should be admitted as a sandbox participant.

(4) As part of the advisory committee's review of each report, the advisory committee shall use criteria used by applicable agencies to evaluate applications.

8. The regulatory relief office shall consult with each applicable agency and the advisory committee before admitting an applicant into the sandbox program. Such consultation may include seeking information about whether:

(1) The applicable agency has previously issued a license or other authorization to the applicant; and

(2) The applicable agency has previously investigated, sanctioned, or pursued legal action against the applicant.

9. In reviewing an application under this section, the regulatory relief office and applicable agencies shall consider whether:

(1) A competitor to the applicant is or has been a sandbox participant and, if so, weigh that as a factor in favor of allowing the applicant to also become a sandbox participant;

(2) The applicant's plan will adequately protect consumers from potential harm identified by an applicable agency in the applicable agency's written report;

(3) The risk of harm to consumers is outweighed by the potential benefits to consumers from the applicant's participation in the sandbox program; and

(4) Certain state laws or regulations that regulate an innovative offering should not be waived or suspended even if the applicant is approved as a sandbox participant, including applicable anti-fraud or disclosure provisions.

10. An applicant shall become a sandbox participant if the regulatory relief office approves the application for the sandbox program and enters into a written agreement with the applicant describing the specific laws and regulations that are waived or suspended as part of participation in the sandbox program. Notwithstanding any other provision of this section to the contrary, the regulatory relief office shall not enter into a written agreement with an applicant that exempts the applicant from any income, property, or sales tax liability unless such applicant otherwise qualifies for an exemption from such tax.

11. (1) The sandbox program director may deny at his or her sole discretion any application submitted under this section for any reason, including if the sandbox program director determines that the preponderance of evidence demonstrates that suspending or waiving enforcement of a law or regulation would cause significant risk of harm to consumers or residents of the state.

(2) If the sandbox program director denies an application submitted under this section, the regulatory relief office shall provide to the applicant a written description of the reasons for not allowing the applicant to become a sandbox participant.

(3) The denial of an application submitted under this section shall not be subject to judicial or administrative review.

(4) The acceptance or denial of an application submitted under this section may be overridden by an affirmative vote of a two-thirds majority of the advisory committee at the discretion of the advisory committee, provided such vote shall take place within fifteen business days of the sandbox program director's decision. Notwithstanding any other provision of this section to the contrary, the advisory committee shall not override a rejection made by an applicable agency.

(5) The sandbox program director shall deny an application for participation in the sandbox program if the applicant or any person who seeks to participate with the applicant in demonstrating an innovative offering has been convicted, entered into a plea of nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance, for any crime involving significant theft, fraud, or dishonesty if the crime bears a significant relationship to the applicant's or other participant's ability to safely and competently participate in the sandbox program.

12. When an applicant is approved for participation in the sandbox program, the sandbox program director may provide notice of the approval to competitors of the applicant and to the general public.

13. Applications to participate in the sandbox program shall be considered public records for the purposes of chapter 610, provided, however, that any information contained in such applications that constitutes proprietary or confidential trade secrets shall not be subject to disclosure pursuant to chapter 610.”; and

Further amend said bill, Pages 49-50, Section 620.3920, Lines 1-41, by deleting said lines and inserting in lieu thereof the following:

“620.3920. 1. If the regulatory relief office approves an application pursuant to section 620.3915, the sandbox participant shall have twenty-four months after the day on which the application was approved to demonstrate the innovative offering described in the sandbox participant's application.

2. An innovative offering that is demonstrated within the sandbox program shall only be available to consumers who are residents of Missouri or of another state. No law or regulation shall be waived or suspended if waiving or suspending such law or regulation would prevent a consumer from seeking restitution in the event that the consumer is harmed.

3. Nothing in sections 620.3900 to 620.3930 shall restrict a sandbox participant that holds a license or other authorization in another jurisdiction from acting in accordance with such license or other authorization in that jurisdiction.

4. A sandbox participant shall be deemed to possess an appropriate license or other authorization under the laws of this state for the purposes of any provision of federal law requiring licensure or other authorization by the state.

5. (1) During the demonstration period, a sandbox participant shall not be subject to the enforcement of state laws or regulations identified in the written agreement between the regulatory relief office and the sandbox participant.

(2) A prosecutor shall not file or pursue charges pertaining to any action related to a law or regulation identified in the written agreement between the regulatory relief office and the sandbox participant that occurs during the demonstration period.

(3) A state agency shall not file or pursue any punitive action against a sandbox participant, including a fine or license suspension or revocation, for the violation of a law or regulation that is identified as being waived or suspended in the written agreement between the regulatory relief office and the sandbox participant that occurs during the demonstration period.

6. Notwithstanding any provision of this section to the contrary, a sandbox participant shall not have immunity related to any criminal offense committed during the sandbox participant's participation in the sandbox program.

7. By written notice, the regulatory relief office may end a sandbox participant's participation in the sandbox program at any time and for any reason, including if the sandbox program director determines that a sandbox participant is not operating in good faith to bring an innovative offering to market; provided, however, that the sandbox program director's decision may be overridden by an affirmative vote of a two-thirds majority of the members of the advisory committee.

8. The regulatory relief office and regulatory relief office's employees shall not be liable for any business losses or the recouping of application expenses or other expenses related to the sandbox program, including for:

(1) Denying an applicant's application to participate in the sandbox program for any reason; or

(2) Ending a sandbox participant's participation in the sandbox program at any time and for any reason.”; and

Further amend said bill, Pages 50-51, Section 620.3925, Lines 1-31, by deleting said lines and inserting in lieu thereof the following:

“620.3925. 1. Before demonstrating an innovative offering to a consumer, a sandbox

participant shall disclose the following information to the consumer:

- (1) The name and contact information of the sandbox participant;
- (2) A statement that the innovative offering is authorized pursuant to the sandbox program and, if applicable, that the sandbox participant does not have a license or other authorization to provide an innovative offering under state laws that regulate offerings outside of the sandbox program;
- (3) A statement that specific laws and regulations have been waived for the sandbox participant for the duration of its demonstration in the sandbox program, with a summary of such waived laws and regulations;
- (4) A statement that the innovative offering is undergoing testing and may not function as intended and may expose the consumer to certain risks as identified by the applicable agency's written report;
- (5) A statement that the provider of the innovative offering is not immune from civil liability for any losses or damages caused by the innovative offering;
- (6) A statement that the provider of the innovative offering is not immune from criminal prosecution for violations of state law or regulations that are not suspended or waived as allowed within the sandbox program;
- (7) A statement that the innovative offering is a temporary demonstration that may be discontinued at the end of the demonstration period;
- (8) The expected end date of the demonstration period; and
- (9) A statement that a consumer may contact the regulatory relief office and file a complaint regarding the innovative offering being demonstrated, providing the regulatory relief office's telephone number, email address, and website address where a complaint may be filed.

2. The disclosures required by subsection 1 of this section shall be provided to a consumer in a clear and conspicuous form and, for an internet- or application-based innovative offering, a consumer shall acknowledge receipt of the disclosure before any transaction may be completed.

3. The regulatory relief office may require that a sandbox participant make additional disclosures to a consumer.”; and

Further amend said bill, Pages 51-53, Section 620.3930, Lines 1-85, by deleting said lines and inserting in lieu thereof the following:

“620.3930. 1. At least forty-five days before the end of the twenty-four-month demonstration period, a sandbox participant shall:

(1) Notify the regulatory relief office that the sandbox participant will exit the sandbox program and discontinue the sandbox participant's demonstration after the day on which the twenty-four-month demonstration period ends; or

(2) Seek an extension pursuant to subsection 4 of this section.

2. If the regulatory relief office does not receive notification as required by subsection 1 of this

section, the demonstration period shall end at the end of the twenty-four-month demonstration period.

3. If a demonstration includes an innovative offering that requires ongoing services or duties beyond the twenty-four-month demonstration period, the sandbox participant may continue to demonstrate the innovative offering but shall be subject to enforcement of the laws or regulations that were waived or suspended as part of the sandbox program.

4. (1) No later than forty-five days before the end of the twenty-four-month demonstration period, a sandbox participant may request an extension of the demonstration period.

(2) The regulatory relief office shall grant or deny a request for an extension by the end of the twenty-four month demonstration period.

(3) The regulatory relief office may grant an extension for not more than twelve months after the end of the demonstration period.

(4) Sandbox participants may apply for additional extensions in accordance with the criteria used to assess their initial application, up to a cumulative maximum of seven years inclusive of the original twenty-four-month demonstration period.

5. (1) A sandbox participant shall retain records, documents, and data produced in the ordinary course of business regarding an innovative offering demonstrated in the sandbox program for twenty-four months after exiting the sandbox program.

(2) The regulatory relief office may request relevant records, documents, and data from a sandbox participant, and, upon the regulatory relief office's request, the sandbox participant shall make such records, documents, and data available for inspection by the regulatory relief office.

6. If a sandbox participant ceases to provide an innovative offering before the end of a demonstration period, the sandbox participant shall notify the regulatory relief office and each applicable agency and report on actions taken by the sandbox participant to ensure consumers have not been harmed as a result.

7. The regulatory relief office shall establish quarterly reporting requirements for each sandbox participant, including information about any consumer complaints.

8. (1) The sandbox participant shall notify the regulatory relief office and each applicable agency of any incidents that result in harm to the health, safety, or financial well-being of a consumer. The parameters for such incidents that shall be reported shall be laid out in the written agreement between the applicant and the regulatory relief office. Any incident reports shall be publicly available on the regulatory sandbox webpage provided, however, that any information contained in such reports that constitutes proprietary or confidential trade secrets shall not be subject to disclosure pursuant to chapter 610.

(2) If a sandbox participant fails to notify the regulatory relief office and each applicable agency of any incidents required to be reported, or the regulatory relief office or an applicable agency has evidence that significant harm to a consumer has occurred, the regulatory relief office may immediately remove the sandbox participant from the sandbox program.

9. No later than thirty days after the day on which a sandbox participant exits the sandbox

program, the sandbox participant shall submit a written report to the regulatory relief office and each applicable agency describing an overview of the sandbox participant’s demonstration. Failure to submit such a report shall result in the sandbox participant and any entity that later employs a member of the leadership team of the sandbox participant being prohibited from future participation in the sandbox program. Such report shall include any:

(1) Incidents of harm to consumers;

(2) Legal action filed against the sandbox participant as a result of the participant’s demonstration; or

(3) Complaint filed with an applicable agency as a result of the sandbox participant’s demonstration.

Any incident reports of harm to consumers, legal actions filed against a sandbox participant, or complaints filed with an applicable agency shall be compiled and made publicly available on the regulatory sandbox webpage provided, however, that any information contained in such reports or complaints that constitutes proprietary or confidential trade secrets shall not be subject to disclosure pursuant to chapter 610.

10. No later than thirty days after the day on which an applicable agency receives the quarterly report required by subsection 7 of this section or a written report from a sandbox participant as required by subsection 9 of this section, the applicable agency shall provide a written report to the regulatory relief office on the demonstration, which describes any statutory or regulatory reform the applicable agency recommends as a result of the demonstration.

11. The regulatory relief office may remove a sandbox participant from the sandbox program at any time if the regulatory relief office determines that a sandbox participant has engaged in, is engaging in, or is about to engage in any practice or transaction that is in violation of sections 620.3900 to 620.3930 or that constitutes a violation of a law or regulation for which suspension or waiver has not been granted pursuant to the sandbox program. Information on any removal of a sandbox participant for engaging in any practice or transaction that constitutes a violation of law or regulation for which suspension or waiver has not been granted pursuant to the sandbox program shall be made publicly available on the regulatory sandbox webpage provided, however, that any information that constitutes proprietary or confidential trade secrets shall not be subject to disclosure pursuant to chapter 610.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 968, Page 35, Section 537.529, Line 114, by inserting after all of said section and line the following:

“620.800. The following additional terms used in sections 620.800 to 620.809 shall mean:

(1) “Agreement”, the agreement between a qualified company, a community college district, and the department concerning a training project. Any such agreement shall comply with the provisions of section 620.017;

(2) **“Application”, a form developed by and submitted to the department by a local education agency on behalf of a qualified company applying for benefits under section 620.806;**

[(2)] (3) “Board of trustees”, the board of trustees of a community college district established under the provisions of chapter 178;

[(3)] “Certificate”, a new or retained jobs training certificate issued under section 620.809;]

(4) “Committee”, the Missouri one start job training joint legislative oversight committee, established under the provisions of section 620.803;

(5) “Department”, the Missouri department of economic development;

(6) “Employee”, a person employed by a qualified company;

[(7)] “Existing Missouri business”, a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely performed job duties within Missouri;

(8) (7) “Full-time employee”, an employee of the qualified company who is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one to whom the qualified company offers health insurance and pays at least fifty percent of such insurance premiums;

[(9)] (8) “Local education agency”, a community college district, two-year state technical college, or technical career education center;

[(10)] (9) “Missouri one start program”, the [training] program established under sections 620.800 to 620.809;

[(11)] (10) “New capital investment”, costs incurred by the qualified company at the project facility for real or personal property, that may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or approval of the **application or** notice of intent;

[(12)] (11) “New job”, the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the **application or** notice of intent shall be deemed a new job. An employee who spends less than fifty percent of his or her work time at the facility is still considered to be located at a facility if he or she receives his or her directions and control from that facility, **if he or she** is on the facility’s payroll, **and if** one hundred percent of the employee’s income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county’s average wage;

[(13)] (12) “New jobs credit”, the credit from withholding remitted by a qualified company provided under subsection [7] 8 of section 620.809;

[(14)] (13) “Notice of intent”, a form developed by and submitted to the department that states the qualified company’s intent to request benefits under [this program] **section 620.809;**

[(15)] (14) “Project facility”, the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located. A project facility may include

separate buildings located within sixty miles of each other such that their purpose and operations are interrelated], provided that, if the buildings making up the project facility are not located within the same county, the average wage of the new payroll must exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located]. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;

[(16)] **(15)** “Project facility base employment”, the greater of the number of full-time employees located at the project facility on the date of the **application or** notice of intent or, for the twelve-month period prior to the date of the **application or** notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the **application or** notice of intent;

[(17)] **(16)** “Qualified company”, a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums. For the purposes of sections 620.800 to 620.809, the term “qualified company” shall not mean:

(a) Gambling establishments (NAICS industry group 7132);

(b) Retail trade establishments (NAICS sectors 44 and 45) **that have consumer-based store fronts**, except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;

(c) Food services and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production; or

(k) Biodiesel production.

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

[(18)] (17) “Recruitment services”, the promotion of workforce opportunities in Missouri;

(18) “Related company”:

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company;
or

(c) Corporations, partnerships, trusts, or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this subdivision, “control of a corporation” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; “control of a partnership or association” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; “control of a trust” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; and “ownership” shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(19) “Related facility”, a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(20) “Related facility base employment”, the greater of the number of full-time employees located at all related facilities on the date of the **application or** notice of intent or, for the twelve-month period prior to the date of the **application or** notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(21) “Relocation costs”, costs paid by a qualified company for a full-time employee who is relocating to Missouri from out of state to work in a new job. “Relocation costs” shall exclude costs for residents relocating from a Kansas border county to a Missouri border county, as those terms are defined in subsection 1 of section 135.1670, so long as subsection 2 of section 135.1670 is in effect. Any reimbursement for relocation costs shall be limited to fifty percent of the amount paid by the employer to cover actual relocation expenses, such as reasonable moving and related travel expenses. An amount paid to a qualified company shall not exceed three thousand five hundred dollars per employee and shall not exceed fifty percent of the total training project award;

[(21)] (22) “Retained jobs”, the average number of full-time employees of a qualified company located at the project facility during each month for the calendar year preceding the year in which the application or notice of intent is submitted;

[(22)] (23) “Retained jobs credit”, the credit from withholding remitted by a qualified company provided under subsection [7] 8 of section 620.809;

[(23)] **(24)** “Targeted industry”, an industry or one of a cluster of industries identified by the department by rule following a strategic planning process as being critical to the state’s economic security and growth;

[(24)]”Training program”, the Missouri one start program established under sections 620.800 to 620.809;]

(25) “Training project”, the project or projects established through the Missouri one start program for the creation or retention of jobs by providing education and training of workers;

(26) “Training project costs”, may include all necessary and incidental costs of providing program services through the [training] **Missouri one start** program, such as:

(a) Training materials and supplies;

(b) Wages and benefits of instructors, who may or may not be employed by the eligible industry, and the cost of training such instructors;

(c) Subcontracted services;

(d) On-the-job training;

(e) Training facilities and equipment;

(f) Skill assessment;

(g) Training project and curriculum development;

(h) Travel directly to the training project, including a coordinated transportation program for training if the training can be more effectively provided outside the community where the jobs are to be located;

(i) Payments to third-party training providers and to the eligible industry;

(j) Teaching and assistance provided by educational institutions in the state of Missouri;

(k) In-plant training analysis, including fees for professionals and necessary travel and expenses;

(l) Assessment and preselection tools;

(m) Publicity;

(n) Instructional services;

(o) Rental of instructional facilities with necessary utilities; [and]

(p) Relocation costs;

[(p)] **(q)** Payment of the principal, premium, and interest on certificates, including capitalized interest, issued to finance a project, and the funding and maintenance of a debt service reserve fund to secure such certificates; **or**

(r) Costs of training project services not otherwise included in this definition of “training project costs”;

(27) “Training project services”, may include, but shall not be limited to, the following:

(a) Job training, which may include, but not be limited to, preemployment training, analysis of the

specified training needs for a qualified company, development of training plans, and provision of training through qualified training staff;

- (b) Adult basic education and job-related instruction;
- (c) Vocational and skill-assessment services and testing;
- (d) Training facilities, equipment, materials, and supplies;
- (e) On-the-job training;
- (f) Administrative expenses at a reasonable amount determined by the department;
- (g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;
- (h) Contracted or professional services; and
- (i) Issuance of certificates, when applicable.

620.803.1. The department shall establish a “Missouri One Start Program” to assist [qualified] companies [in the] **with recruitment services**, training of employees in new jobs, and the retraining or upgrading of skills of full-time employees in retained jobs as provided in sections 620.800 to 620.809. The [training] **Missouri one start** program shall be funded through appropriations to the funds established under sections 620.806 and 620.809. The department shall, to the maximum extent practicable, prioritize funding under the [training] **Missouri one start** program to assist qualified companies in targeted industries.

2. [There is hereby created the “Missouri One Start Job Training Joint Legislative Oversight Committee”. The committee shall consist of three members of the Missouri senate appointed by the president pro tempore of the senate and three members of the house of representatives appointed by the speaker of the house. No more than two of the members of the senate and two of the members of the house of representatives shall be from the same political party. Members of the committee shall report to the governor, the president pro tempore of the senate, and the speaker of the house of representatives on all assistance to qualified companies under the provisions of sections 620.800 to 620.809 provided during the preceding fiscal year. The report of the committee shall be delivered no later than October first of each year. The director of the department shall report to the committee such information as the committee may deem necessary for its annual report. Members of the committee shall receive no compensation in addition to their salary as members of the general assembly but may receive their necessary expenses while attending the meetings of the committee, to be paid out of the joint contingent fund.

3.] The department shall publish guidelines and may promulgate rules and regulations governing the [training] **Missouri one start** program. In establishing such guidelines and promulgating such rules and regulations, the department shall consider such factors as the potential number of new jobs to be created **or number of jobs to be retained**, the potential number of new minority jobs created, the amount of new capital investment in new **or existing** facilities and equipment, the significance of state benefits to the qualified company’s decision to locate or expand in Missouri, the economic need of the affected community, and the importance of the qualified company to the economic development of the state. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the

provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

[4.] **3.** The department shall make **Missouri one start** program applications and guidelines available online.

[5.] **4.** The department may contract with other entities for the purposes of advertising, marketing, or promoting the [training] **Missouri one start** program established in sections 620.800 to 620.809. Any assistance through the [training] **Missouri one start** program shall be provided under an agreement.

[6.] **5.** Prior to the authorization of any application submitted through the [training] **Missouri one start** program, the department shall verify the applicant's tax payment status and offset any delinquencies as provided in section 135.815.

[7.] **6.** Any qualified company that is awarded benefits under sections 620.800 to 620.809 and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., as amended, shall immediately notify the department, shall forfeit such benefits, and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

[8.] **7.** The department may require repayment of all benefits awarded, increased by an additional amount that shall provide the state a reasonable rate of return, to any qualified company under sections 620.800 to 620.809 that fails to maintain the new or retained jobs within five years of approval of the benefits or that leaves the state within five years of approval of the benefits.

[9.] **8.** The department shall be authorized to contract with other entities, including businesses, industries, other state agencies, and political subdivisions of the state for the purpose of implementing a training project **or providing recruitment services** under the provisions of sections 620.800 to 620.809.

620.806. 1. There is hereby created in the state treasury a fund to be known as the "Missouri One Start Job Development Fund", that shall be administered by the department for the purposes of the Missouri one start program. The fund shall consist of all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, or bequests received from federal, private or other sources, including, but not limited to, any block grant or other sources of funding relating to job training, school-to-work transition, welfare reform, vocational and technical training, housing, infrastructure, development, and human resource investment programs which may be provided by the federal government or other sources. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The department may provide financial assistance **for training projects** through the [training] **Missouri one start** program **from the Missouri one start job development fund** to qualified companies that create new jobs which will result in the need for training, or that make new capital

investment relating directly to the retention of jobs in an amount at least five times greater than the amount of any financial assistance. Financial assistance may also be provided to a consortium of a majority of qualified companies organized to provide common training to the consortium members' employees.

3. Funds in the Missouri one start job development fund shall be appropriated, for **recruitment services and to provide financial assistance for training projects** through the [training] **Missouri one start** program, by the general assembly to the department [and]. **Recruitment services shall be administered by the department. Financial assistance for training projects** shall be administered by a local education agency certified by the department for such purpose. [Except for state-sponsored preemployment training, no qualified company shall receive more than fifty percent of its training program costs from the Missouri one start job development fund.] No funds shall be awarded or reimbursed to any qualified company for the training, retraining, or upgrading of skills of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage. Upon approval by the department, training project costs, except the purchase of training equipment and training facilities, shall be eligible for reimbursement with funds from the Missouri one start job development fund. Notwithstanding any provision of law to the contrary, no qualified company within a service industry shall be eligible for **training** assistance under this subsection unless such qualified company provides services in interstate commerce, which shall mean that the qualified company derives a majority of its annual revenues from out of the state.

[3.] 4. Upon appropriation, a local education agency may petition the department to utilize the Missouri one start job development fund in order to create or improve training facilities, training equipment, training staff, training expertise, training programming, and administration. The department shall review all petitions and may award funds from the Missouri one start job development fund for reimbursement of training project costs and training project services as it deems necessary.

[4.] 5. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

620.809. 1. There is hereby established in the state treasury a fund to be known as the "Missouri One Start Community College New Jobs Training Fund", that shall be administered by the department for [the] **training projects in the Missouri one start** program. **Through June 30, 2023**, the department of revenue shall credit to the fund, as received, all new jobs credits. [For existing Missouri businesses creating new jobs, the training project may include retained jobs.] The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. [The department shall have the discretion to determine the appropriate amount of funds to allocate per training project.] **Through June 30, 2023**, the department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for training projects, which funds shall be used to pay training project costs. Such disbursements shall be made to the special

fund for each training project as provided under subsection [5] 6 of this section. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund. **Any unobligated funds in the Missouri one start community college new jobs training fund on July 1, 2023, shall be transferred to the Missouri one start community college training fund authorized under subsection 3 of this section.**

2. There is hereby created in the state treasury a fund to be known as the “Missouri One Start Community College Job Retention Training Fund”, that shall be administered by the department for the Missouri one start program. **Through June 30, 2023**, the department of revenue shall credit to the fund, as received, all retained jobs credits. [For existing Missouri businesses retaining jobs, the training project may include new jobs.] The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. [The department shall have the discretion to determine the appropriate amount of funds to allocate per training project.] **Through June 30, 2023**, the department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for projects, which funds shall be used to pay training [program] **project costs**[, including the principal, premium, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project]. Such disbursements by the department shall be made to the special fund for each project as provided under subsection [5] 6 of this section. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund. **All unobligated funds in the Missouri one start community college job retention training fund on July 1, 2023, shall be transferred to the Missouri one start community college training fund authorized under subsection 3 of this section.**

3. There is hereby created in the state treasury the “Missouri One Start Community College Training Fund”, which shall be administered by the department for training projects in the Missouri one start program. **Beginning July 1, 2023**, the department of revenue shall credit to the fund, as received, all new and retained jobs credits. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. However, the general assembly shall not authorize any transfer of general revenue funds into the fund. **Beginning July 1, 2023**, the department shall disburse moneys in the fund under regular appropriations by the general assembly. The department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for training projects, which funds shall be used to pay training project costs. Such disbursements shall be made to the special fund for each training project as provided under subsection 6 of this section. **All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund.**

[3.] 4. The department of revenue shall develop such forms as are necessary to demonstrate accurately each qualified company’s new jobs credit paid **through June 30, 2023**, into the Missouri one start community college new jobs training fund or retained jobs credit paid **through June 30, 2023**, into the Missouri one start community college job retention training fund. **The department of revenue shall develop such forms as are necessary to demonstrate accurately each qualified company’s new or retained jobs credit, or both, whichever is applicable, paid beginning July 1, 2023, into the Missouri one start community college training fund.** The new or retained jobs credits, **or both, whichever is applicable**, shall be accounted as separate from the normal withholding tax paid to the

department of revenue by the qualified company. **Through June 30, 2023**, reimbursements made by all qualified companies to the Missouri one start community college new jobs training fund and the Missouri one start community college job retention training fund shall be no less than all allocations made by the department to all community college districts for all projects. **Beginning July 1, 2023, reimbursements made by all qualified companies to the Missouri one start community college training fund shall be no less than all allocations made by the department to all community college districts for all projects.** The qualified company shall remit the amount of the new or retained jobs credit, as **or both, whichever is applicable**, to the department of revenue in the same manner as provided in sections 143.191 to 143.265. **A qualified company's training project may include both new jobs and retained jobs.**

[4.] **5.** A community college district, with the approval of the department in consultation with the office of administration, may enter into an agreement to establish a training project and provide training project services to a qualified company. **The department shall have the discretion to determine the appropriate amount of funds to allocate per training project.** As soon as possible after initial contact between a community college district and a potential qualified company regarding the possibility of entering into an agreement, the community college district shall inform the department of the potential training project. The department shall evaluate the proposed training project within the overall job training efforts of the state to ensure that the training project will not duplicate other job training programs. The department shall have fourteen days from receipt of a notice of intent to approve or disapprove a training project. If no response is received by the qualified company within fourteen days, the training project shall be deemed approved. Disapproval of any training project shall be made in writing and state the reasons for such disapproval. If an agreement is entered into, the district and the qualified company shall notify the department of revenue within fifteen calendar days. In addition to any provisions required under subsection [6] **7** of this section for a qualified company applying to receive a new or retained job credit, **or both, whichever is applicable**, an agreement may provide, but shall not be limited to:

(1) Payment of training project costs, which may be paid from one or a combination of the following sources:

(a) **Through June 30, 2023**, funds appropriated by the general assembly to the Missouri one start community college new jobs training program fund or Missouri one start community college job retention training program fund, as applicable, and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

(b) **Beginning July 1, 2023, funds appropriated by the general assembly to the Missouri one start community college jobs training program fund and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;**

[(b)] (c) Funds appropriated by the general assembly from the general revenue fund and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

[(c)] (d) Tuition, student fees, or special charges fixed by the board of trustees to defray training project costs in whole or in part;

(2) Payment of training project costs which shall not be deferred for a period longer than eight years;

(3) Costs of on-the-job training for employees which shall include wages or salaries of participating

employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total wages paid by the qualified company to each participant during the period of training. Payment for on-the-job training may continue for up to six months from the date the training begins;

(4) A provision which fixes the minimum amount of new or retained jobs credits, **or both, whichever is applicable**, general revenue fund appropriations, or tuition and fee payments which shall be paid for training project costs; and

(5) Any payment required to be made by a qualified company. This payment shall constitute a lien upon the qualified company's business property until paid, shall have equal priority with ordinary taxes and shall not be divested by a judicial sale. Property subject to such lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at a tax sale shall obtain the property subject to the remaining payments.

[5.] **6.** (1) For projects that are funded exclusively under paragraph (a) **or (b)** of subdivision (1) of subsection [4] **5** of this section, the department shall disburse such funds to the special fund for each training project in the same proportion as the new jobs or retained jobs credits remitted by the qualified company participating in such project bears to the total new jobs or retained jobs credits from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made.

(2) Subject to appropriation, for projects that are funded through a combination of funds under paragraphs (a) [and], (b), **and (c)** of subdivision (1) of subsection [4] **5** of this section, the department shall disburse funds appropriated under paragraph [(b)] **(c)** of subdivision (1) of subsection [4] **5** of this section to the special fund for each training project upon commencement of the project. The department shall disburse funds appropriated under paragraph (a) **or (b)** of subdivision (1) of subsection [4] **5** of this section to the special fund for each training project in the same proportion as the new jobs or retained jobs credits remitted by the qualified company participating in such project bears to the total new jobs or retained jobs credits from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made, reduced by the amount of funds appropriated under paragraph [(b)] **(c)** of subdivision (1) of subsection [4] **5** of this section.

[6.] **7.** Any qualified company that submits a notice of intent for retained job credits shall enter into an agreement, providing that the qualified company has:

(1) Maintained at least one hundred full-time employees per year at the project facility for the calendar year preceding the year in which the application is made; and

(2) Made or agrees to make a new capital investment of greater than five times the amount of any award under [this training] **the Missouri one start** program at the project facility over a period of two consecutive years, as certified by the qualified company and:

(a) Has made substantial investment in new technology requiring the upgrading of employee skills;
or

(b) Is located in a border county of the state and represents a potential risk of relocation from the state; or

(c) Has been determined to represent a substantial risk of relocation from the state by the director of the department of economic development.

[7.] **8.** If an agreement provides that all or part of the training [program] **project** costs are to be met by receipt of new or retained jobs credit, **or both, whichever is applicable**, such new or retained jobs credit from withholding shall be determined and paid as follows:

(1) New or retained jobs credit shall be based upon the wages paid to the employees in the new or retained jobs;

(2) A portion of the total payments made by the qualified companies under sections 143.191 to 143.265 shall be designated as the new or retained jobs credit, **or both, whichever is applicable**, from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the qualified company for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the qualified company for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the new or retained jobs credit, **or both, whichever is applicable**, from withholding to be less than the amount projected in the agreement for any time period, then other withholding tax paid by the qualified company under sections 143.191 to 143.265 shall be credited to the applicable fund by the amount of such difference. The qualified company shall remit the amount of the new or retained jobs credit, **or both, whichever is applicable**, to the department of revenue in the manner prescribed in sections 143.191 to 143.265. When all training [program] **project** costs have been paid, the new or retained jobs credits, **or both, whichever is applicable**, shall cease;

(3) The community college district participating in a project shall establish a special fund for and in the name of the training project. All funds appropriated by the general assembly from the funds established under [subsections 1 and 2 of] this section and disbursed by the department for the training project and other amounts received by the district for training project costs as required by the agreement shall be deposited in the special fund. Amounts held in the special fund shall be used and disbursed by the district only to pay training project costs for such training project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in the same manner as the district's other funds;

(4) Any disbursement for training project costs received from the department under sections 620.800 to 620.809 and deposited into the training project's special fund may be irrevocably pledged by a community college district for the payment of the principal, premium, and interest on the certificate issued by a community college district to finance or refinance, in whole or in part, such training project;

(5) The qualified company shall certify to the department of revenue that the new or retained jobs credit, **or both, whichever is applicable**, is in accordance with an agreement and shall provide other information the department of revenue may require;

(6) An employee participating in a training project shall receive full credit under section 143.211 for the amount designated as a new or retained jobs credit;

(7) If an agreement provides that all or part of training [program] **project** costs are to be met by receipt of new or retained jobs credit, **or both, whichever is applicable**, the provisions of this subsection shall also apply to any successor to the original qualified company until the principal and interest on the certificates have been paid.

[8.] **9.** To provide funds for the present payment of the training project costs [of new or retained jobs training project] through the [training] **Missouri one start** program **as provided in this section**, a

community college district may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the [Missouri one start community college new jobs training fund or the Missouri one start community college job retention training fund] **funds established under this section**, to the special fund established by the community college district for each **training** project. The total amount of outstanding certificates sold by all community college districts shall not exceed the total amount authorized under law as of January 1, 2013[, unless an increased amount is authorized in writing by a majority of members of the committee]. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170 to the contrary. However, the provisions of chapter 176 shall not apply to the issuance of such certificates. Certificates may be issued with respect to a single **training** project or multiple **training** projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

[9.] **10.** Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section, with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a rate of interest that is higher, lower, or equivalent to that of the certificates being renewed or refunded.

[10.] **11.** Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person with standing may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates shall be final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

[11.] **12.** The board of trustees shall make a finding based on information supplied by the qualified company that revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

[12.] **13.** Certificates issued under this section shall not be deemed to be an indebtedness of the state, the community college district, or any other political subdivision of the state, and the principal and interest on any certificates shall be payable only from the sources provided in subdivision (1) of subsection [4] **5** of this section which are pledged in the agreement.

[13.] **14.** Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under sections 620.800 to 620.809 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and

(2) If such program is reauthorized, the program authorized under sections 620.800 to 620.809 shall automatically sunset twelve years after the effective date of the reauthorization of sections 620.800 to 620.809; and

(3) Sections 620.800 to 620.809 shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under sections 620.800 to 620.809 is sunset.

[14.] **15.** Any agreement or obligation entered into by the department that was made under the provisions of sections 620.800 to 620.809 prior to August 28, 2019, shall remain in effect according to the provisions of such agreement or obligation.”; and

Further amend said bill, Page 39, Section 620.1039, Line 153, by inserting after all of said section and line the following:

“620.2475. 1. As used in this section, the following terms shall mean:

(1) “Aerospace project”, a project undertaken by or for the benefit of a qualified company with a North American Industry Classification System industry classification of 3364 involving the creation of at least two thousand new jobs within ten years following the approval of a notice of intent pursuant to section 620.2020 and for which the department of economic development has provided a proposal for benefits under job creation, worker training, and infrastructure development programs on or before June 10, 2014;

(2) “Job creation, worker training, and infrastructure development programs”, the Missouri works program established under sections 620.2000 to 620.2020, the Missouri business use incentives for large-scale development act established under sections 100.700 to 100.850, the Missouri one start training program established under sections 620.800 to 620.809, and the real property tax increment allocation redevelopment act established under sections 99.800 to 99.865.

2. Provisions of law to the contrary notwithstanding, no benefits authorized under job creation, worker training, and infrastructure development programs for an aerospace project shall be considered in determining compliance with applicable limitations on the aggregate amount of benefits that may be awarded annually or cumulatively under subdivision (3) of subsection 10 of section 99.845, subsection 5 of section 100.850, subsection [8] **9** of section 620.809, and subsection 7 of section 620.2020. No aerospace project shall be authorized for state benefits under job creation, worker training, and infrastructure development programs that exceed, in the aggregate, one hundred fifty million dollars annually under all such programs.

3. For any aerospace project receiving state benefits under this section, the department of economic development shall deliver to the general assembly an annual report providing detailed information on the state benefits received and projected to be received by the aerospace project and shall also denote the number of minorities that have been trained under the Missouri one start training program established under sections 620.800 to 620.809.

4. Any aerospace project receiving benefits under this section shall annually report to the general assembly and the department of economic development its minority and women employment outreach efforts.

5. For aerospace projects receiving benefits under this section, in no event shall disbursements of new state revenues under sections 99.800 to 99.865 be made to satisfy bond obligations incurred for improvements that do not directly benefit such project.

6. For aerospace projects receiving benefits under this section, in the tenth year following the approval of a notice of intent under sections 620.2000 to 620.2020, the department of economic development shall determine the net fiscal benefit to the state resulting from such project and shall take any action necessary to ensure a positive net fiscal benefit to the state by no later than the last year in which the aerospace project receives benefits under this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 968, Page 23, Section 143.436, Line 154, by inserting after all of said section and line the following:

“285.1000. For purposes of sections 285.1000 to 285.1055, the following terms shall mean:

(1) “Administrative fund” or “Missouri workplace retirement savings administrative fund”, the Missouri workplace retirement savings administrative fund described in section 285.1045;

(2) “Association”, any bona fide association of individual members located in Missouri and in continuous existence for at least two years. An association does not include a professional employer organization. An association may also qualify as an eligible employer and may not exceed fifty participants in the program and would have five years to identify a private sector replacement upon exceeding fifty participants. After such five-year period has ended, the association shall immediately cease to qualify as an eligible employer and shall be prohibited from further participation in the plan

(3) “Board”, the Missouri workplace retirement savings board established under section 285.1005;

(4) “Eligible employee”, an individual who is employed by a participating employer, who has wages or other compensation that is allocable to the state, and who is eighteen years of age or older. “Eligible employee” shall not include any of the following:

(a) Any employee covered under the federal Railway Labor Act, 45 U.S.C. Section 151;

(b) Any employee on whose behalf an employer makes contributions to a multiemployer pension trust fund under 29 U.S.C. Section 186; or

(c) Any individual who is an employee of:

a. The federal government;

b. Any state government in the United States; or

c. Any county, municipal corporation, or political subdivision of any state in the United States;

(5) “Eligible employer”, a person or entity engaged in a business, industry, profession, trade,

or other enterprise in the state of Missouri, whether for-profit or not-for-profit, provided that such a person or entity employs no more than fifty employees. A person or entity who qualifies as an eligible employer but who later employs more than fifty employees shall be permitted to remain an eligible employer for a period of five years beginning on the date on which the person or entity first employs more than fifty employees. After such five-year period has ended, the person or entity shall immediately cease to qualify as an eligible employer and shall be prohibited from further participation in the plan. For purposes of this subdivision, an eligible employer shall not include:

(a) The federal government;

(b) The state of Missouri;

(c) Any county, municipal corporation, or political subdivision of the state of Missouri; or

(d) An employer that maintains a specified tax-favored retirement plan for its employees or that has effectively done so in form and operation at any time within the current or two preceding calendar years. If an employer does not maintain a specified tax-favored retirement plan for a portion of a calendar year ending on or after the effective date of sections 285.1000 to 285.1055 and adopts such a plan effective for the remainder of that calendar year, the employer shall not be treated as an eligible employer for that remainder of the year;

(6) "ERISA", the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. Section 1001 et seq.;

(7) "Internal Revenue Code", the Internal Revenue Code of 1986, as amended;

(8) "Participant", an eligible employee or other individual who has a balance credited to his or her account under the plan;

(9) "Participating employer", an eligible employer that is participating in the plan provided for by sections 285.1000 to 285.1055;

(10) "Plan" or "Missouri workplace retirement savings plan", the multiple-employer retirement savings plan established by sections 285.1000 to 285.1055, which shall be treated as a single plan under Title I of ERISA and is described in sections 401(a), 401(k), and 413(c) of the Internal Revenue Code, in which multiple employers may choose to participate regardless of whether any relationship exists between and among the employers other than their participation in the plan. Based on the context, the term "plan" may also refer to multiple plans if multiple plans are established under sections 285.1000 to 285.1055;

(11) "Self-employed individual", an individual who is eighteen years of age or older, is self-employed, and has self-employment income or other compensation from self-employment that is allocable to the state of Missouri;

(12) "Specified tax-favored retirement plan", a retirement plan that is tax-qualified under, or is described in and satisfies the requirements of, section 401(a), 401(k), 403(a), 403(b), 408(k)(Simplified Employee Pension), or 408(p)(SIMPLE-IRA) of the Internal Revenue Code;

(13) "Total fees and expenses", all fees, costs, and expenses including, but not limited to, administrative expenses, investment expenses, investment advice expenses, accounting costs,

actuarial costs, legal costs, marketing expenses, education expenses, trading costs, insurance annuitization costs, and other miscellaneous costs;

(14) “Trust”, the trust in which the assets of the plan are held.

285.1005. 1. The “Missouri Workplace Retirement Savings Board” is hereby established in the office of the state treasurer.

2. The board shall consist of the following members, with the state treasurer, or his or her designee, serving as chair:

(1) The state treasurer, or his or her designee;

(2) An individual who has a favorable reputation for skill, knowledge, and experience in the field of retirement savings and investments, to be appointed by the governor with the advice and consent of the senate;

(3) An individual who has a favorable reputation for skill, knowledge, and experience relating to small business, to be appointed by the governor with the advice and consent of the senate;

(4) An individual who is a representative of an association representing employees or who has a favorable reputation for skill, knowledge, and experience in the interests of employees in retirement savings, to be appointed by the speaker of the house of representatives;

(5) An individual who has a favorable reputation for skill, knowledge, and experience in the interests of employers in retirement savings, to be appointed by the president pro tempore of the senate;

(6) A retired individual to be a representative of the interests of retirees, to be appointed by the speaker of the house of representatives;

(7) An individual who has a favorable reputation for skill, knowledge, and experience in retirement investment products or retirement plan designs, to be appointed by the president pro tempore of the senate;

(8) A member of the house of representatives to be appointed by the speaker of the house of representatives; and

(9) A member of the senate to be appointed by the president pro tempore of the senate.

At least one of the members described in subdivisions (4), (6), and (8) and one of the members described in subdivisions (5), (7), and (9) of this subsection must be a member of the minority party.

3. The governor, the president pro tempore of the senate, and the speaker of the house of representatives shall make the respective initial appointments to the board for terms of office beginning on January 1, 2023.

4. Members of the board appointed by the governor, the president pro tempore of the senate, and the speaker of the house of representatives shall serve at the pleasure of the appointing authority.

5. The term of office of each member of the board shall be four years. Any member is eligible

to be reappointed. If there is a vacancy for any reason, the appropriate appointing authority shall make an appointment, to become immediately effective, for the unexpired term.

6. All members of the board shall serve without compensation and shall be reimbursed from the administrative fund for necessary travel expenses incurred in carrying out the duties of the board.

7. A majority of the voting members of the board shall constitute a quorum for the transaction of business.

285.1010. 1. The board, subject to the authority granted under sections 285.1000 to 285.1055, shall design, develop, and implement the plan, and to that end, may conduct market, legal, and feasibility analyses.

2. The members of the board shall be fiduciaries of the plan under ERISA, and the board shall have the following powers, authorities, and duties:

(1) To establish, implement, and maintain the plan, in each case acting on behalf of the state of Missouri, including, in its discretion, more than one plan;

(2) To cause the plan, trust, and arrangements and accounts established under the plan to be designed, established, and operated:

(a) In accordance with best practices for retirement savings vehicles;

(b) To encourage participation, saving, sound investment practices, and appropriate selection of default investments;

(c) To maximize simplicity and ease of administration for eligible employers;

(d) To minimize costs, including by collective investment and economies of scale; and

(e) To promote portability of benefits;

(3) To arrange for collective, common, and pooled investment of assets of the plan and trust, including investments in conjunction with other funds with which assets are permitted to be collectively invested, to save costs through efficiencies and economies of scale;

(4) To develop and disseminate educational information designed to educate participants and citizens about the benefits of planning and saving for retirement and to help participants and citizens decide the level of participation and savings strategies that may be appropriate, including information in furtherance of financial capability and financial literacy;

(5) To adopt rules and regulations necessary or advisable for the implementation of sections 285.1000 to 285.1055 and the administration and operation of the plan consistent with the Internal Revenue Code and regulations thereunder, including to ensure that the plan satisfies all criteria for favorable federal tax-qualified treatment and complies, to the extent necessary, with ERISA and any other applicable federal or Missouri law. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective

date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void;

(6) To arrange for and facilitate compliance by the plan or arrangements established thereunder with all applicable requirements for the plan under the Internal Revenue Code, ERISA, and any other applicable federal or Missouri law and accounting requirements, and to provide or arrange for assistance to eligible employers, eligible employees, and self-employed individuals in complying with applicable law and tax-related requirements in a cost-effective manner. The board may establish any processes deemed reasonably necessary or advisable to verify whether a person or entity is an eligible employer, including reference to online data and possible use of questions in employer tax filings;

(7) To employ or retain a plan administrator; executive director; staff; trustee; record-keeper; investment managers; investment advisors; and other administrative, professional, and expert advisors and service providers, none of whom shall be members of the board and all of whom shall serve at the pleasure of the board, which shall determine their duties and compensation. The board may authorize the executive director and other officials to oversee requests for proposals or other public competitions and enter into contracts on behalf of the board or conduct any business necessary for the efficient operation of the plan or the board;

(8) To establish procedures for the timely and fair resolution of participant and other disputes related to accounts or program operation and, if necessary, determine the eligibility of an employer, employee, or other individual to participate in the plan;

(9) To develop and implement an investment policy that defines the plan's investment objectives, consistent with the objectives of the plan, and that provides for policies and procedures consistent with those investment objectives;

(10) (a) To designate appropriate default investments that include a mix of asset classes, such as target date and balanced funds;

(b) To seek to minimize participant fees and expenses of investment and administration;

(c) To strive to design and implement investment options available to holders of accounts established as part of the plan and other plan features that are intended to achieve maximum possible income replacement balanced with an appropriate level of risk, consistent with the investment objectives under the investment policy. The investment options may encompass a range of risk and return opportunities and allow for a rate of return commensurate with an appropriate level of risk in view of the investment objectives under the policy. The menu of investment options shall be determined taking into account the nature and objectives of the plan, the desirability of limiting investment choices under the plan to a reasonable number, based on behavioral research findings, and the extensive investment choices available to participants in the event that funds roll over to an individual retirement account (IRA) outside the program; and

(d) In accordance with subdivision (7) of this subsection, the board, to the extent it deems necessary or advisable, in carrying out its responsibilities and exercising its powers under sections 285.1000 to 285.1055, shall employ or retain appropriate entities or personnel to assist or advise it or to whom to delegate the carrying out of such responsibilities and exercising of such powers;

(11) To discharge its duties and see that the members of the board discharge their duties with respect to the plan solely in the interests of the participants as follows:

(a) For the exclusive purpose of providing benefits to participants and defraying reasonable expenses of administering the plan; and

(b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of a like character and with like aims;

(12) To cause expenses incurred to initiate, implement, maintain, and administer the plan to be paid from contributions to, or investment returns or assets of the plan or other moneys collected by or for the plan or pursuant to arrangements established under the plan to the extent permitted under federal and Missouri law;

(13) To collect application, account, or administrative fees and to accept any grants, gifts, legislative appropriations, loans, and other moneys from the state of Missouri; any unit of federal, state, or local government; or any other person, firm, or entity to defray the costs of administering and operating the plan;

(14) To make and enter into competitively procured contracts, agreements, or arrangements with; to collaborate and cooperate with; and to retain, employ, and contract with or for any of the following to the extent necessary or desirable for the effective and efficient design, implementation, and administration of the plan consistent with the purposes set forth in sections 285.1000 to 285.1055 and to maximize outreach to eligible employers and eligible employees:

(a) Services of private and public financial institutions, depositories, consultants, actuaries, counsel, auditors, investment advisors, investment administrators, investment management firms, other investment firms, third-party administrators, other professionals and service providers, and state public retirement systems;

(b) Research, technical, financial, administrative, and other services; and

(c) Services of other state agencies to assist the board in the exercise of its powers and duties;

(15) To develop and implement an outreach plan to gain input and disseminate information regarding the plan and retirement savings in general;

(16) To cause moneys to be held and invested and reinvested under the plan;

(17) To ensure that all contributions under the plan shall be used only to:

(a) Pay benefits to participants under the plan;

(b) Pay the costs of administering the plan; and

(c) Make investments for the benefit of the plan, and ensure that no assets of the plan or trust are transferred to the general revenue fund or to any other fund of the state or are otherwise encumbered or used for any purpose other than those specified in this paragraph or section 285.1045;

(18) To make provisions for the payment of costs of administration and operation of the program and trust;

(19) To evaluate the need for and procure as needed insurance against any and all loss in connection with the property, assets, or activities of the program, including fiduciary liability coverage;

(20) To evaluate the need for and procure as needed pooled private insurance;

(21) To indemnify, including procurement of insurance as needed for this purpose, each member of the board from personal loss or liability resulting from a member's action or inaction as a member of the board and as a fiduciary;

(22) To collaborate with and evaluate the role of financial advisors or other financial professionals, including in assisting and providing guidance for covered employees; and

(23) To carry out the powers and duties of the program under sections 285.1000 to 285.1055 and exercise any and all other powers as are appropriate to effect the purposes, objectives, and provisions of such sections pertaining to the program.

3. A board member, program administrator, or other staff of the board shall not:

(1) Directly or indirectly, have any interest in the making of any investment under the program or in any gains or profits accruing from any such investment;

(2) Borrow any program-related funds or deposits, or use any such funds or deposits in any manner, for himself or herself or as an agent or partner of others; or

(3) Become an endorser, surety, or obligor on investments made under the program.

4. Each board member shall be subject to the provisions of sections 105.452 and 105.454.

285.1015. 1. The board shall, consistent with federal law and regulation, adopt and implement the plan, which shall remain in compliance with federal law and regulations once implemented and shall be called the "Missouri Workplace Retirement Savings Plan".

2. In accordance with terms and conditions specified and regulations promulgated by the board, the plan shall:

(1) Be set forth in documents prescribing the terms and conditions of the plan;

(2) Be available on a voluntary basis to eligible employers and self-employed individuals;

(3) Be available to eligible members of an association who may elect to participate in the plan if the association or its members do not maintain a plan or a specified tax-favored retirement plan;

(4) Allow all eligible employees who choose to participate in the plan after providing appropriate written notice to opt in;

(5) Enroll self-employed individuals who wish to participate;

(6) Provide participants the option to terminate their participation at any time;

(7) Allow voluntary pre-tax or designated Roth 401(k) contributions;

(8) Allow voluntary employer contributions;

(9) Be overseen by the board and its designees;

(10) Be administered and managed by one or more trustees, other fiduciaries, custodians, third-party administrators, investment managers, record-keepers, or other service providers;

(11) An eligible employee may opt-in to contribute a minimum of one percent or any percentage, up to the maximum, in increments of one-half of one percent, of his or her salary or wages to the plan, or may at a later date elect to opt out of the plan or may contribute at a higher or lower rate, expressed as a percentage of salary or wages;

(12) Provide on a uniform basis, if and when the board so determines, in its discretion, for an increase of each participant's contribution rate, by a minimum increment of one-half of one percent of salary or wages per year, for each additional year the participant is employed or is participating in the plan up to the maximum percentage of such participant's salary or wages that may be contributed to the plan under federal law. Any such increases shall apply to participants, as determined by the board, by default or only if initiated by affirmative participant election;

(13) Provide for direct deposit of contributions into investments under the plan. To the extent consistent with ERISA, the investment alternatives under the plan shall be limited to an automatic investment for participants who do not actively and affirmatively elect a particular investment option, which unless the board provides otherwise, shall be a diversified target date fund, including a series of such diversified funds to apply to different participants depending on their choice or their target retirement dates, a principal-protected option, and up to four additional investment alternatives as may be selected by the board in its discretion. To the extent consistent with ERISA, the investment options may, at the discretion of the board, include a principal-protection fund as a temporary "security corridor" option that applies as the sole initial investment before participants may choose other investments or as the initial default investment for a specified period of time or up to a specified dollar amount of contributions or account balance;

(14) Be professionally managed;

(15) Provide for reports on the status of each participant's account to be provided to each participant at least annually and make best efforts to provide participants frequent or continual online access to information on the status of their accounts;

(16) When possible and practicable, use existing employer and public infrastructure to facilitate contributions, record keeping, and outreach and use pooled or collective investment arrangements;

(17) Provide that each account holder owns the contributions to or earnings on amounts contributed to his or her account under the plan and that the state and employers have no proprietary interest in those contributions or earnings;

(18) Be designed and implemented in a manner consistent with federal law to the extent that it applies;

(19) Make provisions for the participation in the plan of individuals who are not employees, if allowed under federal law;

(20) Establish rules and procedures governing the distribution of funds from the plan,

including such distributions as may be permitted or required by the plan and any applicable provisions of ERISA, the tax-qualification rules, and the other tax laws, with the objectives of maximizing financial security in retirement, protecting spousal rights, and assisting participants to effectively manage the decumulation of their savings and to receive payment of their benefits under the plan. The board shall have the authority, in its discretion, to provide for one or more reasonably priced distribution options to provide a source of fixed regular retirement income, including income for life or for the participant's life expectancy, or for joint lives and life expectancies, as applicable;

(21) Establish rules and procedures promoting portability of benefits, including the ability to make tax-free roll-overs or transfers to and from the plan, provided that any roll-over is initiated by participants; and

(22) Encourage choices by employers in the state to adopt a specified tax-favored retirement plan, including the plan.

285.1020. The board shall adopt rules to implement the plan that:

(1) Establish the processes for enrollment and contributions under the plan, including withholding by participating employers of employee payroll deduction contributions from wages and remittance for deposit to the plan; voluntary contributions by others, including self-employed individuals and independent contractors, through payroll deduction or otherwise; the making of default contributions using default investments; and participant selection of alternative contribution rates or amounts and alternative investments from among the options offered under the plan;

(2) Conduct outreach to individuals, employers, other stakeholders, and the public regarding the plan. The rules shall specify the contents, frequency, timing, and means of required disclosures from the plan to eligible employees, participants, and self-employed individuals, eligible employers, participating employers, and other interested parties. These disclosures shall include, but not be limited to:

(a) The benefits associated with tax-favored retirement saving;

(b) The potential advantages and disadvantages associated with participating in the plan;

(c) Instructions for enrolling, making contributions, and opting out of participation;

(d) The potential availability of a saver's tax credit, including the eligibility conditions for the credit and instructions on how to claim it;

(e) A disclaimer that employees seeking tax, investment, or other financial advice should contact appropriate professional advisors, and that participating employers are not in a position to provide such advice and are not liable for decisions individuals make in relation to the plan;

(f) The potential implications of account balances under the plan for the application of asset limits under certain public assistance programs;

(g) A disclaimer that the account owner is solely responsible for investment performance, including market gains and losses, and that plan accounts and rates of return are not guaranteed by any employer, the state, the board, any board member or state official, or the plan;

(h) Any additional information about retirement and saving and other information designed to promote financial literacy and capability, which may take the form of links to, or explanations of how to obtain, such information; and

(i) Instructions on how to obtain additional information about the plan; and

(3) Ensure that the assets of the trust and plan shall at all times be preserved, invested, and expended only for the purposes set forth in sections 285.1000 to 285.1055, and that no property rights therein shall exist in favor of the state, except as provided under section 285.1045.

285.1025. An eligible employer, a participating employer, or other employer is not and shall not be liable for or bear responsibility for:

(1) An employee's decision to participate in or opt out of the plan;

(2) An employee's decision as to which investments to choose;

(3) Participants' or the board's investment decisions;

(4) The administration, investment, investment returns, or investment performance of the plan, including without limitation any interest rate or other rate of return on any contribution or account balance, provided that the eligible employer, participating employer, or other employer is not involved in the administration or investment of the plan;

(5) The plan design or the benefits paid to participants; or

(6) Any loss, failure to realize any gain, or any other adverse consequences, including without limitation any adverse tax consequences or loss of favorable tax treatment, public assistance, or other benefits, incurred by any person as a result of participating in the plan.

285.1030. 1. The state of Missouri; the board; each member of the board; any other state official, state board, commission, and agency; any member, officer, and employee thereof; and the plan:

(1) Shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and

(2) Shall not be liable or responsible for any loss, deficiency, failure to realize any gain, or any other adverse consequences, including without limitation any adverse tax consequences or loss of favorable tax treatment, public assistance, or other benefits, incurred by any person as a result of participating in the plan.

2. The debts, contracts, and obligations of the plan or the board are not the debts, contracts, and obligations of the state, and neither the faith and credit nor the taxing power of the state is pledged directly or indirectly to the payment of the debts, contracts, and obligations of the plan or the board.

3. Nothing in sections 285.1000 to 285.1055 shall be construed to guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance.

285.1035. 1. Individual account information relating to accounts under the plan and relating to individual participants including, but not limited to, names, addresses, telephone numbers, email addresses, personal identification information, investments, contributions, and earnings shall be

confidential and shall be maintained as confidential, provided that such information may be disclosed:

(1) To the extent necessary to administer the plan in a manner consistent with sections 285.1000 to 285.1055, ERISA, the Internal Revenue Code, or any other federal or Missouri law; or

(2) If the individual who provides the information or who is the subject of the information expressly agrees in writing to the disclosure of the information.

2. Information required to be confidential under subsection 1 of this section shall be considered a “closed record” as that term is defined in section 610.010.

285.1040. The board may enter into an intergovernmental agreement or memorandum of understanding with the state of Missouri and any agency thereof to receive outreach, technical assistance, enforcement and compliance services, collection or dissemination of information pertinent to the plan, subject to such obligations of confidentiality as may be agreed or required by law, or other services or assistance. The state of Missouri and any agency thereof that enters into such agreements or memoranda of understanding shall collaborate to provide the outreach, assistance, information, and compliance or other services or assistance to the board. The memoranda of understanding may cover the sharing of costs incurred in gathering and disseminating information and the reimbursement of costs for any enforcement activities or assistance.

285.1045. 1. There is hereby created in the state treasury the “Missouri Workplace Retirement Savings Administrative Fund”, which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Subject to appropriation, moneys in the fund shall be distributed by the state treasurer solely for the administration of sections 285.1000 to 285.1055.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The Missouri workplace retirement savings administrative fund shall consist of:

(1) Moneys appropriated to the administrative fund by the general assembly;

(2) Moneys transferred to the administrative fund from the federal government, other state agencies, or local governments;

(3) Moneys from the payment of application, account, administrative, or other fees and the payment of other moneys due to the board;

(4) Any gifts, donations, or grants made to the state of Missouri for deposit in the administrative fund;

(5) Moneys collected for the administrative fund from contributions to, or investment returns or assets of, the plan or other moneys collected by or for the plan or pursuant to arrangements established under the plan to the extent permitted under federal and Missouri law; and

(6) Earnings on moneys in the administrative fund.

5. To the extent consistent with ERISA, the tax qualification rules, and other federal law; the board shall accept any grants, gifts, appropriations, or other moneys from the state; any unit of federal, state, or local government; or any other person, firm, partnership, corporation, or other entity solely for deposit into the administrative fund, whether for investment or administrative expenses.

6. To enable or facilitate the start-up and continuing operation, maintenance, administration, and management of the program until the plan accumulates sufficient balances and can generate sufficient funding through fees assessed on program accounts for the plan to become financially self-sustaining:

(1) The board may borrow from the state of Missouri; any unit of federal, state, or local government; or any other person, firm, partnership, corporation, or other entity working capital funds and other funds as may be necessary for this purpose, provided that such funds are borrowed in the name of the plan and board only and that any such borrowings shall be payable solely from the revenues of the plan; and

(2) The board may enter into long-term procurement contracts with one or more financial providers that provide a fee structure that would assist the plan in avoiding or minimizing the need to borrow or to rely upon general assets of the state.

7. Subject to appropriation, the state of Missouri may pay administrative costs associated with the creation, maintenance, operation, and management of the plan and trust until sufficient assets are available in the administrative fund for that purpose. Thereafter, all administrative costs of the administrative fund, including any repayment of start-up funds provided by the state of Missouri, shall be repaid only out of moneys on deposit therein. However, private funds or federal funding received in order to implement the program until the administrative fund is self-sustaining shall not be repaid unless those funds were offered contingent upon the promise of such repayment.

8. The board may use the moneys in the administrative fund solely to pay the administrative costs and expenses of the plan and the administrative costs and expenses the board incurs in the performance of its duties under sections 285.1000 to 285.1055.

9. The state treasurer's office shall follow the competitive bids procedure adopted by the office of administration for the following:

(1) The contracting or hiring of a contractor with the relevant skills, knowledge, and expertise determined by the board for managing the program, every five years; and

(2) The contracting or hiring of a contractor who has qualified staff with the relevant skills, knowledge, and expertise as determined by the state treasurer's office when the number of the participants in the plan reaches fifty thousand participants.

The office of administration is authorized to provide the state treasurer's office with the necessary assistance and services as may be needed."

285.1050. 1. The board shall keep an accurate account of all the activities, operations, receipts, and expenditures of the plan, the trust, and the board. Each year, a full audit of the books and

accounts of the board pertaining to those activities, operations, receipts and expenditures, personnel, services, or facilities shall be conducted by a certified public accountant and shall include, but not be limited to, direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees for the administration of the plan. For the purposes of the audit, the auditors shall have access to the properties and records of the plan and board and may prescribe methods of accounting and the rendering of periodic reports in relation to projects undertaken by the plan.

2. By August first of each year, the board shall submit to the governor, the state treasurer, the president pro tempore of the senate, and the speaker of the house of representatives a public report on the operation of the plan and trust and activities of the board, including an audited financial report, prepared in accordance with generally accepted accounting principles, detailing the activities, operations, receipts, and expenditures of the plan and board during the preceding calendar year. The report shall also include a summary of the benefits provided by the plan, the number of participants, the names of the participating employers, the contribution formulas and amounts of contributions made by participants and by each participating employer, the withdrawals, the account balances, investments, investment returns, and fees and expenses associated with the investments and with the administration of the plan, projected activities of the plan for the current calendar year, and any other information regarding the plan and its operations that the board may determine to provide.

285.1055. 1. The board shall establish the plan so that individuals are able to begin contributing under the plan no later than September 1, 2024.

2. The board may, in its discretion, phase in the plan so that the ability to contribute first applies on different dates for different classes of individuals, including employees of employers of different sizes or types and individuals who are not employees; provided that, any such staged or phased-in implementation schedule shall be substantially completed no later than September 1, 2024.”; and

Further amend said bill, Page 28, Section 347.143, Line 23, by inserting after all of said section and line the following:

“361.020. 1. The division of finance shall have charge of the execution of:

(1) The laws relating to banks, trust companies, and the banking business of this state; [credit unions; and of]

(2) The laws relating to persons[, copartnerships and corporations] **or entities** engaged in the small loan **or consumer credit** business in this state;

(3) The laws relating to persons and entities engaged in the mortgage loan business in this state; and

(4) The laws relating to persons and entities engaged in any other financial-services-related business over which the division of finance is granted express authority.

2. The director of finance may institute, in the name of the state of Missouri, and defend suits in the courts of this state and the United States.

361.098. 1. The members of the state banking and savings and loan board shall receive as

compensation for their services the sum of one hundred dollars per day while discharging their duties[,] and shall be entitled to receive their necessary traveling and other expenses incurred while actually engaged in the performance of their duties as such members, **which shall be paid out of the division of finance fund.**

2. [A majority of the] **Three** members of the board shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the board.

3. The board may meet and exercise its powers in any place in this state and shall meet at any time upon the call of its chairman or of the director of the division of finance or of any two members of the board.

4. The board shall have an official seal bearing the inscription, "State Banking and Savings and Loan Board of the State of Missouri", which shall be judicially noticed.

5. The division of finance may provide administrative services to the board to assist the board with fulfilling its statutory responsibilities.

361.106. 1. As used in this section, the following terms mean:

(1) **"Bulletin", an informal written communication to inform or educate individuals or entities licensed, chartered, or regulated by the division of finance and the general public about a regulatory topic or issue. A "bulletin" is informational in nature and is not an evaluation of specific facts and circumstances;**

(2) **"Industry letter", a written communication from the director of finance in response to a specific individual or entity chartered, licensed, or regulated by the division of finance that provides the position of the division of finance on a particular regulatory topic or issue with respect to a specific set of facts and circumstances.**

2. **Notwithstanding any law to the contrary, the director of finance may at his or her discretion issue bulletins addressing the business of the individuals and entities licensed, chartered, or regulated by the division in this state. Bulletins shall not have the force or effect of law and shall not be considered statements of general applicability that would require promulgation by rule.**

3. **Notwithstanding any law to the contrary, the director of finance may at his or her discretion issue industry letters in response to a written request from an individual or entity licensed, chartered, or regulated by the division that seeks the position of the division of finance on the application of law. In addition to any materials or information requested by the division, the written request for an industry letter shall include:**

(1) **A brief summary of the applicable laws and rules that pertain to the request;**

(2) **A detailed statement of facts regarding every relevant aspect of the proposed business activity, transaction, event, or circumstance;**

(3) **A discussion of current statutes, rules, and legal principles relevant to the factual representation;**

(4) **A statement of the requesting person's or entity's opinion and the basis for such opinion;**
and

(5) A statement that the proposed business activity, transaction, event, or circumstance has not commenced or, if it has commenced, the present status of the proposed business activity, transaction, event, or circumstance.

4. With respect to the requesting person or entity, an industry letter is binding on the division. The requesting person or entity shall not be subject to any administrative proceeding or penalty for any acts or omissions done in reliance on an industry letter, so long as no change in any material fact or law has occurred and so long as the requesting person or entity did not misrepresent or omit a material fact.

5. An industry letter request and response shall be confidential, but the director may publish an industry letter with nonidentifying facts and information from the request.

6. After redacting all identifying information, the director may publish industry letters for informational purposes. Because the division may have a different position in response to similar but nonidentical facts and circumstances, published industry letters shall not have the force or effect of law, shall not be binding on the division, and shall not be considered statements of general applicability that would require promulgation by rule.

7. Industry letters issued under this section are distinct from letters issued by the director under subsection 5 of section 362.106, and this section shall not apply to section 362.106.

361.160. 1. The director of finance at least once each year, either personally or by a deputy or examiner appointed by the director, shall visit and examine every bank and trust company organized and doing business under the laws of this state, and every other corporation which is by law required to report to the director; except, for banks or trust companies receiving a Camel/MOECA 1 or Camel/MOECA 2 rating from the division of finance, the director of finance at least once each eighteen calendar months, or for a private trust company at least once each thirty-six months, either personally or by a deputy or examiner appointed by the director, shall visit and examine such bank or trust company, and the director of finance, at the director's discretion, may conduct the director's examination, or any part thereof, on the basis of information contained in examination reports of other states, the Federal Deposit Insurance Corporation or the Federal Reserve Board or in audits performed by certified public accountants. For purposes of this subsection, a private trust company is one that does not engage in trust company business with the general public or otherwise hold itself out as a trustee or fiduciary for hire by advertising, solicitation, or other means and instead operates for the primary benefit of a family, relative of same family, or single family lineage, regardless of whether compensation is received or anticipated. The director shall be afforded prompt and free access to any workpapers upon which a certified public accountant bases an audit. A certified public accountant shall retain workpapers for a minimum of three years after the date of issuance of the certified public accountant's report to the bank or trust company. The director or the director's agent may concentrate the examinations on institutions which the director believes have safety or soundness concerns.

2. The director, or the deputy or examiners designated by the director for that purpose, shall have power to examine any such corporation whenever, in the director's judgment, it may be deemed necessary or expedient, and shall have power to examine every agency located in this state of any foreign banking corporation and every branch in this state of any out-of-state bank, for the purpose of ascertaining whether it has violated any law of this state, and for such other purposes and as to such other matters as the director may prescribe.

3. The director and the director's deputy and examiners shall have power to administer oaths to any person whose testimony may be required in such examination or investigation of any such corporation or agency, and to compel the appearance and attendance of any person for the purpose of any such examination or investigation.

4. On every such examination inquiry shall be made as to the condition and resources of such corporation, the mode of conducting and managing its affairs, the actions of its directors or trustees, the investment of its funds, the safety and prudence of its management, the security afforded to its creditors, and whether the requirements of its charter and of law have been complied with in the administration of its affairs, and as to such other matters as the director may prescribe.

5. The director may also make such special investigations as the director deems necessary to determine whether any individual or corporation has violated any of the provisions of this law.

6. Such examination may be made and such inquiry instituted or continued in the discretion of the director after the director has taken possession of the property and business of any such corporation, until it shall resume business or its affairs shall be finally liquidated in accordance with the provisions of this chapter.

7. The result of each examination shall be certified by the director or the examiner upon the records of the corporation examined [and the result of all examinations during the biennial period shall be embodied in the report to be made by the director of the department of commerce and insurance to the legislature].

8. The director may contract with regulators in other states to provide for the examination of Missouri branches of out-of-state banks and branches of banks whose home state is Missouri. The agreements may provide for the payment by the home state of the cost of examinations conducted by the host state at the request of the home state regulators.

361.260. 1. Whenever the director shall have reason to believe that the capital stock of any corporation subject to the provisions of this chapter is reduced by impairment or otherwise, below the amount required by law, or by its certificates or articles of agreement, he shall issue a notice of charges in respect thereof.

2. Whenever [it shall appear to] the director **has reason to believe**, from any examination or **investigation** made by [him] **the director** or his **or her** examiners, that any corporation subject to the provisions of this chapter, or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation, or any foreign corporation licensed by the director to do business under this chapter or chapter 362 is engaging in[or], has engaged in, or [there is reasonable cause to believe that the corporation or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation] is about to engage in[,]:

(1) An unsafe or unsound practice in conducting the business of such corporation [or is violating or has violated, or there is reasonable cause to believe that the corporation or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation is about to violate];

(2) A **violation of law, rule, or director-imposed written** condition [imposed, in writing, by the director in connection with the granting of any application or other request by the corporation or];

(3) A violation of any written agreement entered into with the director[,]; or

(4) A violation of the corporation's charter, the director may issue and serve upon the corporation or such director, officer, employee, agent, or other person a notice of charges in respect thereof.

3. Whenever it shall appear to the director that any corporation subject to the provisions of this chapter does not keep its books and accounts in such manner as to enable him **or her** readily to ascertain its true condition or that wrong entries or unlawful uses of the funds of the corporation have been made, the director may issue and serve upon the corporation or any appropriate director, officer, employee, agent, or other person a notice of charges in respect thereof.

4. The notice of charges shall contain a statement of the facts constituting the deficiencies, [the] alleged violation or violations, improper use of funds, or [the] unsafe or unsound practice or practices[,] and shall fix a time and place at which a **contested** hearing will be held to determine whether an order to cease and desist therefrom should issue against the corporation or the director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation.

5. In the event the party or parties so served shall fail to appear at the hearing, or shall consent to the cease and desist order, or in the event the director shall find that the fact of any deficiency, violation, unsafe or unsound practice, inadequate recordkeeping, or improper use of funds specified has been established, the director may issue and serve upon the corporation or the director, officer, employee, agent, or other person participating in the conduct of the affairs of the corporation an order to cease and desist from the actions, violations, or practices charged.

6. The cease and desist order:

(1) May require the corporation or its directors, officers, employees, agents, and other persons participating in the conduct of the affairs of such corporation to cease and desist from [same and, further,] **such actions, violations, or practices;**

(2) May require the corporation or its directors, officers, employees, agents, and other persons participating in the conduct of the affairs of such corporation to take affirmative action to correct the conditions resulting from any such actions, violations, or practices[. If the director determines that the capital of the corporation is impaired, the order];

(3) Shall require that, **if the director determines that the capital of the corporation is impaired,** the corporation make good the deficiency forthwith or within a time specified in the order[. If the director determines that the corporation does not keep adequate records, the order];

(4) May, **if the director determines that the corporation does not keep adequate records,** determine and prescribe such books of account as the director, in his **or her** discretion, shall require of the corporation for the purpose of keeping accurate and convenient records of the transactions and accounts[. If the director shall determine that wrong entries or unlawful uses of the funds of the corporation have been made, he]; **and**

(5) Shall, **if the director determines that wrong entries or unlawful uses of the funds of the corporation have been made,** order that the entries shall be corrected, and the sums unlawfully paid out restored by the person or persons responsible for the wrongful or illegal payment thereof.

[6.] **7.** If a notice of charges served under this section specifies, on the basis of particular facts and circumstances, that a corporation's books and records are so incomplete or inaccurate that the director is

unable, through the normal supervisory process, to determine the financial condition of that corporation or the details or purpose of any transaction or transactions that may have a material effect on the financial condition of that corporation, the director may issue a temporary order requiring the cessation of any activity or practice which gave rise, whether in whole or in part, to the incomplete or inaccurate state of the books or records, or affirmative action to restore such books or records to a complete and accurate state, until the completion of the proceedings under this section. Any temporary order issued under this subsection shall become effective upon service and, unless set aside, limited or suspended by a court, shall remain in effect and enforceable until the earlier of the completion of the proceedings initiated under this section or the date on which the director determines by examination or otherwise that the corporation's books and records are accurate and reflect the financial condition of the corporation.

[7.] **8.** Whenever it shall appear to the director that the violation or threatened violation or the unsafe or unsound practice or practices specified in the notice of charges served upon the corporation or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation pursuant to subsection 4 of this section, or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the corporation, or is likely to weaken the condition of the corporation or otherwise prejudice the interests of its depositors prior to the completion of the proceedings conducted pursuant to said subsection, the director may issue a temporary order, effective immediately, requiring the corporation or such director, officer, employee, agent, or other person to cease and desist from any such violation or practice and to take affirmative action to prevent such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the director shall dismiss the charges specified in such notice or if a cease and desist order is issued against the corporation or such director, officer, employee, agent, or other person, until the effective date of such order. The corporation, director, officer, employee, agent, or other person may, within ten days after having been served with a temporary cease and desist order, apply to the circuit court of Cole County for an order setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order.

[8.] **9.** If any corporation, or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation shall fail or refuse to comply with any duly issued order provided for in this chapter and chapter 362, the corporation or such director, officer, employee, agent, or other person shall pay a civil penalty of not more than one thousand dollars per day for each day the failure or refusal shall continue. The penalty shall be assessed and collected by the director of the division. In determining the amount of the penalty, the director shall take into account the appropriateness of the penalty with respect to the size of the financial resources and good faith of the corporation or person charged, the gravity of the violation, the history of previous violations, and such other matters as justice may require. In addition to the penalty, the director may, in his **or her** discretion, report the delinquency to the attorney general, with a request that [he] **the attorney general** proceed as provided in section 361.270, and in the event of such request, the attorney general shall proceed.

361.262. 1. Whenever it shall appear to the director, from any examination **or investigation** made by [him] **the director** or [his] **the director's** examiners, that:

(1) Any director, officer, or any other person participating in the conduct of the affairs of a corporation subject to this chapter has [committed any violation of]:

(a) **Violated a law or regulation** [or of];

(b) Violated a cease and desist order[, or has violated];

(c) Violated any **director-imposed written** condition [imposed in writing by the director] in connection with the grant of any application or other request by such corporation[or];

(d) Violated any written agreement between such corporation and the director[, or has];

(e) Engaged or participated in any unsafe or unsound practice in connection with the corporation[, or has]; **or**

(f) Committed or engaged in any act, omission, or practice [which] **that** constitutes a breach of his **or her** fiduciary duty to the corporation[.]; and

(2) The director determines that:

(a) The corporation has suffered or will probably suffer financial loss or other damage [or that];

(b) The interests of its depositors, **beneficiaries, or other customers** could be prejudiced by reason of such violation or practice or breach of fiduciary duty[, or that]; **or**

(c) The director[or], officer, or other person has received financial gain by reason of [such] **his or her** violation or practice or breach of fiduciary duty[.]; and

(3) The director determines that such violation or practice or breach of fiduciary duty is:

(a) One involving personal dishonesty on the part of such director, officer, or other person[.]; or

(b) One [which] **that** demonstrates a willful or continuing disregard for the safety or soundness of the corporation, the director may serve upon such director, officer, or other person a written notice of [his] **the director's** intention to remove him **or her** from office.

2. [When] **If** it [shall appear] **appears from any examination or investigation** to the director, [from any examination made by him or his examiners] that any director or officer of a corporation subject to this chapter, by conduct or practice with respect to another such corporation or any business [institution which] **that**:

(1) Resulted in financial loss or other damage[, has];

(2) Evidenced either:

(a) His **or her** personal dishonesty; or

(b) A willful or continuing disregard for [its] **the corporation's** safety and soundness; and[, in addition, has]

(3) Evidenced his **or her** unfitness to continue as a director or officer[and whenever it shall appear to the director that any other person participating in the conduct of the affairs of a corporation subject to this chapter, by conduct or practice with respect to such corporation or other corporation or other business institution which resulted in financial loss or other damage, has evidenced either his personal dishonesty or willful or continuing disregard for its safety and soundness and, in addition, has evidenced his unfitness to participate in the conduct of the affairs of such corporation],

the director may serve upon such director[, or officer[, or other person] a written notice of intention to remove him **or her** from office or to prohibit his **or her** further participation in any manner in the

conduct of the affairs of the corporation or from any other banking, savings, or trust institution supervised by the director.

3. If, in the director's discretion, the results of an examination or investigation indicate:

(1) A financial loss or other damage;

(2) A director, officer, or other person participating in the affairs of a corporation subject to this chapter, through his or her conduct or practice with respect to such corporation, other corporation, or other business institution, caused the loss or damage as a result of either:

(a) Personal dishonesty; or

(b) A willful or continuing disregard for safety and sound practices; and

(3) The person is unfit to participate in the affairs of the corporation,

the director may serve upon such person a written notice of intention to remove him or her from office or to prohibit him or her from any further participation in the affairs of the corporation or any other banking, savings, or trust institution supervised by the director.

[3.] **4.** Whenever it shall appear to the director to be necessary for the protection of any corporation or its depositors, [he] **beneficiaries, or other customers, the director** may, by written notice to such effect served upon any director, officer, or other person referred to in subsection 1, **2,** or [2] **3** of this section, suspend him **or her** from office or prohibit him **or her** from further participation in any manner in the conduct of the affairs of the corporation. Such suspension or prohibition shall become effective upon service of such notice and shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under subsection 1, **2,** or [2] **3** of this section and until such time as the director shall dismiss the charges specified in such notice or, if an order of removal or prohibition is issued against the director or officer or other person, until the effective date of any such order. Copies of any such notice shall also be served upon the corporation of which he **or she** is a director or officer or in the conduct of whose affairs he **or she** has participated.

[4.] **5.** Except as provided in subsection [5] **6** of this section, any person who, pursuant to an order issued under this section, has been removed or suspended from office in a corporation or prohibited from participating in the conduct of the affairs of a corporation may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in, the conduct of the affairs of any other corporation subject to the provisions of this chapter.

[5.] **6.** If, on or after the date an order is issued under this section [which] **that** removes or suspends from office any person or prohibits such person from participating in the conduct of the affairs of a corporation, such party receives the written consent of the director, subsection [4] **5** of this section shall, to the extent of such consent, cease to apply to such person with respect to the [corporation] **terms and conditions** described in the written consent and the director shall publicly disclose such consent. Any violation of subsection [4] **5** of this section by any person who is subject to an order described in such subsection shall be treated as a violation of the order.

361.715. 1. Upon the filing of the application, the filing of a certified audit, the payment of the investigation fee and the approval by the director of the necessary bond, the director shall cause, investigate, and determine whether the character, responsibility, and general fitness of the principals of the applicant or any affiliates are such as to command confidence and warrant belief that the business of

the applicant will be conducted honestly and efficiently and that the applicant is in compliance with all other applicable state and federal laws. If satisfied, the director shall issue to the applicant a license pursuant to the provisions of sections 361.700 to 361.727. In processing a renewal license, the director shall require the same information and follow the same procedures described in this subsection.

2. Each licensee shall pay to the director before the issuance of the license, and annually thereafter on or before April fifteenth of each year, a license fee of three hundred **fifty** dollars.

3. The director may assess a reasonable charge, not to exceed three hundred **fifty** dollars, for any application to amend and reissue an existing license.

364.030. 1. No person shall engage in the business of a financing institution in this state without a license therefor as provided in this chapter; except, however, that no bank, trust company, loan and investment company, licensed sales finance company, registrant under the provisions of sections 367.100 to 367.200, or person who makes only occasional purchases of retail time contracts or accounts under retail charge agreements and which purchases are not being made in the course of repeated or successive purchase of retail installment contracts from the same seller, shall be required to obtain a license under this chapter but shall comply with all the laws of this state applicable to the conduct and operation of a financing institution.

2. The application for the license shall be in writing, under oath and in the form prescribed by the director. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers, and other pertinent information as the director may require.

3. The license fee for each calendar year or part thereof shall be the sum of five hundred **fifty** dollars for each place of business of the licensee in this state which shall be paid into the general revenue fund. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

4. Each license shall specify the location of the office or branch and must be conspicuously displayed therein. In case the location is changed, the director shall either endorse the change of location of the license or mail the licensee a certificate to that effect, without charge.

5. Upon the filing of an application, and the payment of the fee, the director shall issue a license to the applicant to engage in the business of a financing institution under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. The license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.

364.105. 1. No person shall engage in the business of a premium finance company in this state without first registering as a premium finance company with the director.

2. The annual registration fee shall be five hundred **fifty** dollars payable to the director as of the first day of July of each year. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

3. Registration shall be made on forms prepared by the director and shall contain the following

information:

- (1) Name, business address and telephone number of the premium finance company;
- (2) Name and business address of corporate officers and directors or principals or partners;
- (3) A sworn statement by an appropriate officer, principal or partner of the premium finance company that:
 - (a) The premium finance company is financially capable to engage in the business of insurance premium financing; and
 - (b) If a corporation, that the corporation is authorized to transact business in this state;
- (4) If any material change occurs in the information contained in the registration form, a revised statement shall be submitted to the director accompanied by an additional fee of three hundred dollars.

365.030. 1. No person shall engage in the business of a sales finance company in this state without a license as provided in this chapter; except, that no bank, trust company, savings and loan association, loan and investment company or registrant under the provisions of sections 367.100 to 367.200 authorized to do business in this state is required to obtain a license under this chapter but shall comply with all of the other provisions of this chapter.

2. The application for the license shall be in writing, under oath and in the form prescribed by the director. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers, and such other pertinent information as the director may require.

3. The license fee for each calendar year or part thereof shall be the sum of five hundred **fifty** dollars for each place of business of the licensee in this state. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

4. Each license shall specify the location of the office or branch and must be conspicuously displayed there. In case the location is changed, the director shall either endorse the change of location on the license or mail the licensee a certificate to that effect, without charge.

5. Upon the filing of the application, and the payment of the fee, the director shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. The license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.

367.140. 1. Every lender shall, at the time of filing application for certificate of registration as provided in section 367.120 hereof, pay the sum of five hundred **fifty** dollars as an annual registration fee for the period ending the thirtieth day of June next following the date of payment and in full payment of all expenses for investigations, examinations and for the administration of sections 367.100 to 367.200, except as provided in section 367.160, and thereafter a like fee shall be paid on or before June thirtieth of each year; provided, that if a lender is supervised by the commissioner of finance under any other law, the charges for examination and supervision required to be paid under said law shall be in

lieu of the annual fee for registration and examination required under this section. The fee shall be made payable to the director of revenue. If the initial registration fee for any certificate of registration is for a period of less than twelve months, the registration fee shall be prorated according to the number of months that said period shall run. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

2. Upon receipt of such fee and application for registration, and provided the bond, if required by the director, has been filed, the director shall issue to the lender a certificate containing the lender's name and address and reciting that such lender is duly and properly registered to conduct the supervised business. The lender shall keep this certificate of registration posted in a conspicuous place at the place of business recited in the registration certificate. Where the lender engages in the supervised business at or from more than one office or place of business, such lender shall obtain a separate certificate of registration for each such office or place of business.

3. Certificates of registration shall not be assignable or transferable except that the lender named in any such certificate may obtain a change of address of the place of business therein set forth. Each certificate of registration shall remain in full force and effect until surrendered, revoked, or suspended as herein provided.”; and

Further amend said bill, Page 28, Section 407.475, Line 12, by inserting after all of said section and line the following:

“407.640. 1. A credit services organization shall file a registration statement with the director of finance before conducting business in this state. The registration statement must contain:

(1) The name and address of the credit services organization; and

(2) The name and address of any person who directly or indirectly owns or controls ten percent or more of the outstanding shares of stock in the credit services organization.

2. The registration statement must also contain either:

(1) A full and complete disclosure of any litigation or unresolved complaint filed by or with a governmental authority of this state relating to the operation of the credit services organization; or

(2) A notarized statement that states that there has been no litigation or unresolved complaint filed by or with a governmental authority of this state relating to the operation of the credit services organization.

3. The credit services organization shall update the statement not later than the ninetieth day after the date on which a change in the information required in the statement occurs.

4. Each credit services organization registering under this section shall maintain a copy of the registration statement in the office of the credit services organization. The credit services organization shall allow a buyer to inspect the registration statement on request.

5. The director of finance may charge each credit services organization that files a registration statement with the director of finance a reasonable fee not to exceed three hundred **fifty** dollars to cover the cost of filing. The director of finance may not require a credit services organization to provide information other than that provided in the registration statement as part of the registration process.

408.500. 1. Lenders, other than banks, trust companies, credit unions, savings banks and savings and

loan companies, in the business of making unsecured loans of five hundred dollars or less shall obtain a license from the director of the division of finance. An annual license fee of five hundred **fifty** dollars per location shall be required. The license year shall commence on January first each year and the license fee may be prorated for expired months. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time. The provisions of this section shall not apply to pawnbroker loans, consumer credit loans as authorized under chapter 367, nor to a check accepted and deposited or cashed by the payee business on the same or the following business day. The disclosures required by the federal Truth in Lending Act and regulation Z shall be provided on any loan, renewal or extension made pursuant to this section and the loan, renewal or extension documents shall be signed by the borrower.

2. Entities making loans pursuant to this section shall contract for and receive simple interest and fees in accordance with sections 408.100 and 408.140. Any contract evidencing any fee or charge of any kind whatsoever, except for bona fide clerical errors, in violation of this section shall be void. Any person, firm or corporation who receives or imposes a fee or charge in violation of this section shall be guilty of a class A misdemeanor.

3. Notwithstanding any other law to the contrary, cost of collection expenses, which include court costs and reasonable attorneys fees, awarded by the court in suit to recover on a bad check or breach of contract shall not be considered as a fee or charge for purposes of this section.

4. Lenders licensed pursuant to this section shall conspicuously post in the lobby of the office, in at least fourteen-point bold type, the maximum annual percentage rates such licensee is currently charging and the statement:

NOTICE:

This lender offers short-term loans. Please read and understand the terms of the loan agreement before signing.

5. The lender shall provide the borrower with a notice in substantially the following form set forth in at least ten-point bold type, and receipt thereof shall be acknowledged by signature of the borrower:

(1) This lender offers short-term loans. Please read and understand the terms of the loan agreement before signing.

(2) You may cancel this loan without costs by returning the full principal balance to the lender by the close of the lender's next full business day.

6. The lender shall renew the loan upon the borrower's written request and the payment of any interest and fees due at the time of such renewal; however, upon the first renewal of the loan agreement, and each subsequent renewal thereafter, the borrower shall reduce the principal amount of the loan by not less than five percent of the original amount of the loan until such loan is paid in full. However, no loan may be renewed more than six times.

7. When making or negotiating loans, a licensee shall consider the financial ability of the borrower to reasonably repay the loan in the time and manner specified in the loan contract. All records shall be retained at least two years.

8. A licensee who ceases business pursuant to this section must notify the director to request an examination of all records within ten business days prior to cessation. All records must be retained at

least two years.

9. Any lender licensed pursuant to this section who fails, refuses or neglects to comply with the provisions of this section, or any laws relating to consumer loans or commits any criminal act may have its license suspended or revoked by the director of finance after a hearing before the director on an order of the director to show cause why such order of suspension or revocation should not be entered specifying the grounds therefor which shall be served on the licensee at least ten days prior to the hearing.

10. Whenever it shall appear to the director that any lender licensed pursuant to this section is failing, refusing or neglecting to make a good faith effort to comply with the provisions of this section, or any laws relating to consumer loans, the director may issue an order to cease and desist which order may be enforceable by a civil penalty of not more than one thousand dollars per day for each day that the neglect, failure or refusal shall continue. The penalty shall be assessed and collected by the director. In determining the amount of the penalty, the director shall take into account the appropriateness of the penalty with respect to the gravity of the violation, the history of previous violations, and such other matters as justice may require.”; and

Further amend said bill, Page 30, Section 415.415, Line 64, by inserting after all of said section and line the following:

“427.300. 1. This section shall be known, and may be cited, as the “Commercial Financing Disclosure Law”.

2. For purposes of this section, the following terms mean:

(1) “Accounts receivable purchase transaction”, any transaction in which the business forwards or otherwise sells to the provider all or a portion of the business’s accounts or payment intangibles at a discount to their expected value;

(2) “Broker”, any person or entity that, for compensation or the expectation of compensation, obtains a commercial financing product or an offer for a commercial financing product from a third party for a business located in this state;

(3) “Business”, an individual or group of individuals, sole proprietorship, corporation, limited liability company, trust, estate, cooperative, association, or limited or general partnership engaged in a business activity;

(4) “Business purpose transaction”, any transaction where the proceeds are provided to a business or are intended to be used to carry on a business and not for personal, family, or household purposes. For purposes of determining whether a transaction is a business purpose transaction, the provider may rely on any written statement of intended purpose signed by the business. The statement may be a separate statement or may be contained in an application, agreement, or other document signed by the business or the business owner or owners;

(5) “Commercial financing product”, any commercial loan, accounts receivable purchase transaction, commercial open-end credit plan or each to the extent the transaction is a business purpose transaction;

(6) “Commercial loan”, a loan to a business, whether secured or unsecured;

(7) “Commercial open-end credit plan”, commercial financing extended by any provider under a plan in which:

(a) The provider reasonably contemplates repeat transactions; and

(b) The amount of financing that may be extended to the business during the term of the plan, up to any limit set by the provider, is generally made available to the extent that any outstanding balance is repaid;

(8) “Depository institution”, any of the following:

(a) A bank, trust company, or industrial loan company doing business under the authority of, or in accordance with, a license, certificate, or charter issued by the United States, this state, or any other state, district, territory, or commonwealth of the United States that is authorized to transact business in this state;

(b) A federally chartered savings and loan association, federal savings bank, or federal credit union that is authorized to transact business in this state; or

(c) A savings and loan association, savings bank, or credit union organized under the laws of this or any other state that is authorized to transact business in this state;

(9) “Provider”, a person or entity that consummates more than five commercial financing products to a business located in this state in any calendar year. “Provider” also includes a person or entity that enters into a written agreement with a depository institution to arrange for the extension of a commercial financing product by the depository institution to a business via an online lending platform administered by the person or entity. The fact that a provider extends a specific offer for a commercial financing product on behalf of a depository institution shall not be construed to mean that the provider engaged in lending or financing or originated that loan or financing.

3. (1) A provider that consummates a commercial financing product shall disclose the terms of the commercial financing product as required by this section. The disclosures shall be provided at or before consummation of the transaction and, in the case of a commercial open-end credit plan, the disclosures shall also be provided for any disbursement of funds after consummation within fifteen days following the last day of the month in which the disbursement of funds occurred under the commercial open-end credit plan.

(2) A provider shall disclose the following in connection with each commercial financing product:

(a) The total amount of funds provided to the business under the terms of the commercial financing product. This disclosure shall be labeled “Total Amount of Funds Provided”;

(b) The total amount of funds disbursed to the business under the terms of the commercial financing product, if less than the total amount of funds provided, as a result of any fees deducted or withheld at disbursement and any amount paid to a third party on behalf of the business. This disclosure shall be labeled “Total Amount of Funds Disbursed”;

(c) The total amount to be paid to the provider pursuant to the commercial financing product agreement. This disclosure shall be labeled “Total of Payments”;

(d) The total dollar cost of the commercial financing product under the terms of the agreement, derived by subtracting the total amount of funds provided from the total of payments. This calculation shall include any fees or charges deducted by the provider from the total amount of funds provided disclosure. This disclosure shall be labeled “Total Dollar Cost of Financing”;

(e) The manner, frequency, and amount of each payment. This disclosure shall be labeled “Payments”. If the payments may vary, the provider shall instead disclose the manner, frequency, and the estimated amount of the initial payment labeled “Estimated Payments” and the commercial financing product agreement shall include a description of the methodology for calculating any variable payment and the circumstances when payments may vary;

(f) A statement of whether there are any costs or discounts associated with prepayment of the commercial financing product including a reference to the paragraph in the agreement that creates the contractual rights of the parties related to prepayment. This disclosure shall be labeled “Prepayment”; and

(g) A statement of whether any amount of the total amount of funds provided described under paragraph (a) of this subdivision are paid to a broker in connection with the commercial financing product and the amount of compensation.

4. This section shall not apply to the following:

(1) A provider that is a depository institution, or a subsidiary or service corporation of a depository institution, that is:

- (a) Owned and controlled by a depository institution; and**
- (b) Regulated by a federal banking agency;**

(2) A provider that is a lender regulated under the Farm Credit Act, 12 U.S.C. Section 2001 et seq.;

(3) A commercial financing product:

- (a) That is secured by real property;**
- (b) That is a lease, as defined under section 400.2A-103; or**
- (c) That is a purchase-money obligation, as defined under section 400.9-103;**

(d) In which the recipient is a motor vehicle dealer or an affiliate of such a dealer or a vehicle rental company or an affiliate of such a company, pursuant to a commercial loan or commercial open-end credit plan of at least fifty thousand dollars;

(e) Offered by a person in connection with the sale of products or services that such person manufactures, licenses, or distributes or whose parent company or any owned and controlled subsidiary thereof manufactures, licenses, or distributes; or

(f) That is a factoring transaction, purchase, sale, advance, or similar transaction of accounts receivables owed to a health care provider because the health care provider treated a patient’s personal injury;

(4) A provider that is licensed as a money transmitter in accordance with a license, certificate,

or charter issued by this state or any other state, district, territory, or commonwealth of the United States; or

(5) A provider that consummates not more than five commercial financing products in this state in a twelve-month period.

5. (1) Any person or entity that violates any provision of this section shall be punished by a fine of five hundred dollars per incident, not to exceed twenty thousand dollars for all aggregated violations arising from the use of the transaction documentation or materials found to be in violation of this section. Any person or entity that violates any provision of this section after receiving written notice of a prior violation from the attorney general shall be punished by a fine of one thousand dollars per incident, not to exceed fifty thousand dollars for all aggregated violations arising from the use of the transaction documentation or materials found to be in violation of this section.

(2) Violation of any provision of this section shall not affect the enforceability or validity of the underlying agreement.

(3) This section shall not create a private right of action against any person or other entity based upon compliance or noncompliance with its provisions.

(4) Authority to enforce compliance with this section is vested exclusively in the attorney general of this state.”; and

Further amend said bill, Page 32, Section 493.070, Line 6, by inserting after all of said section and line the following:

“513.430. 1. The following property shall be exempt from attachment and execution to the extent of any person’s interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract, and up to fifteen thousand dollars of any matured life insurance proceeds for actual funeral, cremation, or burial expenses where the deceased is the spouse, child, or parent of the beneficiary;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmaturing life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) **a.** Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.014, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

[a.] **(i)** Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

[b.] **(ii)** Such payment is on account of age or length of service; and

[c.] **(iii)** Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a), 403(b), 408, 408A or 409)[;].

[except that] **b. Notwithstanding the exemption provided in subparagraph a. of this paragraph,** any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986 (**26 U.S.C. Section 414(p)**), as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any

participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or similar plan, including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986 (**26 U.S.C. 401(a), 403(a), 403(b), 408, 408A, or 409**), as amended, whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its department of social services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986 (**26 U.S.C. Section 414(p)**), as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(12) Firearms, firearm accessories, and ammunition, not to exceed one thousand five hundred dollars in value in the aggregate;

(13) Any moneys accruing to and deposited in individual savings accounts or individual deposit accounts under sections 166.400 to 166.456 or sections 166.500 to 166.529, subject to the following provisions:

(a) This subdivision shall apply to any proceeding that:

a. Is filed on or before January 1, 2022; or

b. Was filed before January 1, 2022, and is pending or on appeal after January 1, 2022;

(b) Except as provided by paragraph (c) of this subdivision, if the designated beneficiary of an individual savings account or individual deposit account established under sections 166.400 to 166.456 or sections 166.500 to 166.529 is a lineal descendant of the account owner, all moneys in the account shall be exempt from any claims of creditors of the account owner or designated beneficiary;

(c) The provisions of paragraph (b) of this subdivision shall not apply to:

a. Claims of any creditor of an account owner as to amounts contributed within a two-year period preceding the date of the filing of a bankruptcy petition under 11 U.S.C. Section 101 et seq., as amended; or

b. Claims of any creditor of an account owner as to amounts contributed within a one-year period preceding an execution on judgment for such claims against the account owner.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid

judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Sections 408 and 408A of the Internal Revenue Code of 1986 (**26 U.S.C. Sections 408 and 408A**), as amended.”; and

Further amend said bill, Page 35, Section 537.529, Line 114, by inserting after all of said section and line the following:

“569.010. As used in this chapter the following terms mean:

(1) “Cave or cavern”, any naturally occurring subterranean cavity enterable by a person including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether or not the opening has a natural entrance;

(2) “Enter unlawfully or remain unlawfully”, a person enters or remains in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public;

(3) “Nuclear power plant”, a power generating facility that produces electricity by means of a nuclear reactor owned by a utility or a consortium utility. Nuclear power plant shall be limited to property within the structure or fenced yard, as defined in section 563.011;

(4) “To tamper”, to interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing;

(5) “Teller machine”, an automated teller machine (ATM) or interactive teller machine (ITM) is a remote computer terminal owned or controlled by a financial institution or a private business that allows individuals to obtain financial services including obtaining cash, transferring or transmitting money or digital currencies, payment of bills, loading money or digital currency to a payment card or other device without physical in-person assistance from another person. “Teller machine” does not include personally owned electronic devices used to access financial services;

[(5)] **(6) “Utility”, an enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated.**

569.100. 1. A person commits the offense of property damage in the first degree if such person:

(1) Knowingly damages property of another to an extent exceeding seven hundred fifty dollars; or

(2) Damages property to an extent exceeding seven hundred fifty dollars for the purpose of defrauding an insurer; [or]

(3) Knowingly damages a motor vehicle of another and the damage occurs while such person is making entry into the motor vehicle for the purpose of committing the crime of stealing therein or the damage occurs while such person is committing the crime of stealing within the motor vehicle; **or**

(4) Knowingly damages, modifies, or destroys a teller machine or otherwise makes it inoperable.

2. The offense of property damage in the first degree committed under subdivision (1) or (2) of subsection 1 of this section is a class E felony, unless the offense of property damage in the first degree was committed under subdivision (1) of subsection 1 of this section and the victim was intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class D felony. The offense of property damage in the first degree committed under subdivision (3) of subsection 1 of this section is a class D felony unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony. **The offense of property damage in the first degree committed under subdivision (4) of subsection 1 of this section is a class D felony unless committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which exceeds seven hundred fifty dollars or the damage to the teller machine exceeds seven hundred fifty dollars in which case it is a class C felony; or unless committed to obtain the personal financial credentials of another person or committed as a second or subsequent violation of subdivision (4) of subsection 1 of this section in which case it is a class B felony.**

570.010. As used in this chapter, the following terms mean:

(1) “Adulterated”, varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage;

(2) “Appropriate”, to take, obtain, use, transfer, conceal, retain or dispose;

(3) “Check”, a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money;

(4) “Coercion”, a threat, however communicated:

(a) To commit any offense; or

(b) To inflict physical injury in the future on the person threatened or another; or

(c) To accuse any person of any offense; or

(d) To expose any person to hatred, contempt or ridicule; or

(e) To harm the credit or business reputation of any person; or

(f) To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or

(g) To inflict any other harm which would not benefit the actor. A threat of accusation, lawsuit or other invocation of official action is justified and not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat;

(5) “Credit device”, a writing, card, code, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer;

(6) “Dealer”, a person in the business of buying and selling goods;

(7) “Debit device”, a writing, card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients;

(8) “Deceit or deceive”, making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind, or concealing a material fact as to the terms of a contract or agreement. The term “deceit” does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor’s intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;

(9) “Deprive”:

(a) To withhold property from the owner permanently; or

(b) To restore property only upon payment of reward or other compensation; or

(c) To use or dispose of property in a manner that makes recovery of the property by the owner unlikely;

(10) “Electronic benefits card” or “EBT card”, a debit card used to access food stamps or cash benefits issued by the department of social services;

(11) “Financial institution”, a bank, trust company, savings and loan association, or credit union;

(12) “Food stamps”, the nutrition assistance program in Missouri that provides food and aid to low-income individuals who are in need of benefits to purchase food operated by the United States Department of Agriculture (USDA) in conjunction with the department of social services;

(13) “Forcibly steals”, a person, in the course of stealing, uses or threatens the immediate use of physical force upon another person for the purpose of:

(a) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or

(b) Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft;

(14) “Internet service”, an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the internet, or any comparable system or service and also includes, but is not limited to, a world wide web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service;

(15) “Means of identification”, anything used by a person as a means to uniquely distinguish himself

or herself;

(16) “Merchant”, a person who deals in goods of the kind or otherwise by his or her occupation holds oneself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his or her employment of an agent or broker or other intermediary who by his or her occupation holds oneself out as having such knowledge or skill;

(17) “Misleading”, varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage; or represented as being another person’s product, though otherwise accurately labeled as to quality and quantity;

(18) “Pharmacy”, any building, warehouse, physician’s office, hospital, pharmaceutical house or other structure used in whole or in part for the sale, storage, or dispensing of any controlled substance as defined in chapter 195;

(19) “Property”, anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument;

(20) “Public assistance benefits”, anything of value, including money, food, EBT cards, food stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and medicine, materials, goods, and any service including institutional care, medical care, dental care, child care, psychiatric and psychological service, rehabilitation instruction, training, transitional assistance, or counseling, received by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services provided or administered by the Missouri department of social services or any of its divisions;

(21) “Services” includes transportation, telephone, electricity, gas, water, or other public service, cable television service, video service, voice over internet protocol service, or internet service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;

(22) “Stealing-related offense”, federal and state violations of criminal statutes against stealing, robbery, or buying or receiving stolen property and shall also include municipal ordinances against the same if the offender was either represented by counsel or knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings;

(23) “Teller machine”, an automated teller machine (ATM) or interactive teller machine (ITM) is a remote computer terminal owned or controlled by a financial institution or a private business that allows individuals to obtain financial services including obtaining cash, transferring or transmitting money or digital currencies, payment of bills, loading money or digital currency to a payment card or other device without physical in-person assistance from another person. “Teller machine” does not include personally owned electronic devices used to access financial services;

[(23)] (24) “Video service”, the provision of video programming provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including internet protocol technology whether provided as part of a tier, on demand, or a per-channel basis. This

definition includes cable service as defined by 47 U.S.C. Section 522(6), but does not include any video programming provided by a commercial mobile service provider as “commercial mobile service” is defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or other services offered over the public internet, and includes microwave television transmission, from a multipoint distribution service not capable of reception by conventional television receivers without the use of special equipment;

~~[(24)]~~ **(25)** “Voice over internet protocol service”, a service that:

- (a) Enables real-time, two-way voice communication;
- (b) Requires a broadband connection from the user’s location;
- (c) Requires internet protocol-compatible customer premises equipment; and

(d) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network;

~~[(25)]~~ **(26)** “Writing” includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

570.030. 1. A person commits the offense of stealing if he or she:

(1) Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;

(2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or

(3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

2. The offense of stealing is a class A felony if the property appropriated consists of any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field tank or field applicator.

3. The offense of stealing is a class B felony if:

(1) The property appropriated or attempted to be appropriated consists of any amount of anhydrous ammonia or liquid nitrogen;

(2) The property consists of any animal considered livestock as the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections;

(3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and that

person has previously been found guilty of two stealing-related offenses committed on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense;

(4) The property appropriated or attempted to be appropriated consists of any animal considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds ten thousand dollars; or

(5) The property appropriated or attempted to be appropriated is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person to deprive the owner or custodian of the property.

4. The offense of stealing is a class C felony if the value of the property or services appropriated is twenty-five thousand dollars or more **or the property is a teller machine or the contents of a teller machine including cash regardless of the value or amount.**

5. The offense of stealing is a class D felony if:

(1) The value of the property or services appropriated is seven hundred fifty dollars or more;

(2) The offender physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft;

(b) Any will or unrecorded deed affecting real property;

(c) Any credit device, debit device or letter of credit;

(d) Any firearms;

(e) Any explosive weapon as defined in section 571.010;

(f) Any United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open;

(g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri;

(h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States;

(i) Any book of registration or list of voters required by chapter 115;

(j) Any animal considered livestock as that term is defined in section 144.010;

(k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;

(l) Any captive wildlife held under permit issued by the conservation commission;

(m) Any controlled substance as defined by section 195.010;

(n) Ammonium nitrate;

(o) Any wire, electrical transformer, or metallic wire associated with transmitting

telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or

(p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues.

6. The offense of stealing is a class E felony if:

(1) The property appropriated is an animal;

(2) The property is a catalytic converter; or

(3) A person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense.

7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.

8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this section.

9. If a violation of this section is subject to enhanced punishment based on prior findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.

10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a separate felony and may be charged in separate counts.

11. The value of property or services appropriated pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitutes a single criminal episode and may be aggregated in determining the grade of the offense, except as set forth in subsection 10 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 968, Pages 5-7, Section 105.1500, Lines 1-62, by deleting said lines and inserting in lieu thereof the following:

“105.1500. 1. This section shall be known and may be cited as “The Personal Privacy Protection Act”.

2. As used in this section, the following terms mean:

(1) “Personal information”, any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended;

(2) “Public agency”, the state and any political subdivision thereof including, but not limited

to, any department, agency, office, commission, board, division, or other entity of state government; any county, city, township, village, school district, community college district; or any other local governmental unit, agency, authority, council, board, commission, state or local court, tribunal or other judicial or quasi-judicial body.

3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions listed under subsection 4 of this section, a public agency shall not:

(a) Require any individual to provide the public agency with personal information or otherwise compel the release of personal information;

(b) Require any entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code to provide the public agency with personal information or otherwise compel the release of personal information;

(c) Release, publicize, or otherwise publicly disclose personal information in possession of a public agency, unless consented to by an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code; or

(d) Request or require a current or prospective contractor or grantee with the public agency to provide the public agency with a list of entities exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, to which it has provided financial or nonfinancial support.

(2) All personal information in the possession of a public agency shall be considered a closed record under chapter 610 and court operating rules.

4. The provisions of this section shall not preclude any individual or entity from being required to comply with any of the following:

(1) Submitting any report or disclosure required by this chapter or chapter 130;

(2) Responding to any lawful request or subpoena for personal information from the Missouri ethics commission or the Missouri state highway patrol as a part of an investigation, or publicly disclosing personal information as a result of an enforcement action from the Missouri state highway patrol or the Missouri ethics commission pursuant to its authority in sections 105.955 to 105.966;

(3) Responding to any lawful warrant for personal information issued by a court of competent jurisdiction;

(4) Responding to any lawful request for discovery of personal information in litigation if:

(a) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and

(b) The requestor obtains a protective order barring disclosure of personal information to any person not named in the litigation;

(5) Applicable court rules or admitting any personal information as relevant evidence before a court of competent jurisdiction. However, a submission of personal information to a court shall be made in a manner that it is not publicly revealed and no court shall publicly reveal personal

information absent a specific finding of good cause;

(6) Any report or disclosure required by state law to be filed with the secretary of state, provided that personal information obtained by the secretary of state is otherwise subject to the requirements of paragraph (c) of subdivision (1) of subsection 3 of this section, unless expressly required to be made public by state law; or

(7) Any request from a public agency for a list of the directors and officers of an entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended.

5. (1) A person or entity alleging a violation of this section may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one of the following, as appropriate:

(a) A sum of moneys not less than two thousand five hundred dollars to compensate for injury or loss caused by each violation of this section; or

(b) For an intentional violation of this section, a sum of moneys not to exceed three times the sum described in paragraph (a) of this subdivision.

(2) A court, in rendering a judgment in an action brought under this section, may award all or a portion of the costs of litigation, including reasonable attorney's fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

(3) A person who knowingly violates this section is guilty of a class B misdemeanor.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 968, Page 27, Section 311.094, Line 32, by inserting after said section and line the following:

“347.020. 1. The name of each limited liability company as set forth in its articles of organization:

(1) Shall contain the words “limited company” or “limited liability company” or the abbreviation “LC”, “LLC”, “L.C.” or “L.L.C.” and shall be the name under which the limited liability company transacts business in this state unless the limited liability company registers another name under which it transacts business as provided under chapter 417 or conspicuously discloses its name as set forth in its articles of organization;

(2) May not contain the word “corporation”, “incorporated”, “limited partnership”, “limited liability partnership”, “limited liability limited partnership”, or “Ltd.” or any abbreviation of one of such words or any word or phrase which indicates or implies that it is organized for any purpose not stated in its articles of organization or that it is a governmental agency; and

(3) Must be distinguishable upon the records of the secretary from the name of any corporation, limited liability company, limited partnership, limited liability partnership, or limited liability limited partnership which is licensed, organized, reserved, or registered under the laws of this state as a domestic or foreign entity, unless:

(a) Such other holder of a reserved or registered name consents to such use in writing and files appropriate documentation to the secretary to change its name to a name that is distinguishable upon the records of the secretary from the name of the applying limited liability company; or

(b) A certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of such name in this state is filed with the secretary.

2. The name of a limited liability company that has been dissolved or cancelled shall not be available for use by others for a period of one year from the effective date of the dissolution or cancellation.

347.044. 1. Each limited liability company organized under this chapter and each foreign limited liability company registered in this state shall file an information statement with the secretary of state.

2. The information statement shall include:

(1) The name of the limited liability company or foreign limited liability company;

(2) The company charter number assigned by the secretary of state;

(3) The address of the principal place of business;

(4) The address, including street and number, if any, of the registered office and the name of the registered agent at such office; and

(5) If a foreign limited liability company, the state or other jurisdiction under whose law the company is formed.

3. The information statement shall be current as of the date the statement is filed with the secretary of state.

4. The limited liability company or foreign limited liability company shall file an information statement every five years, and the information statement shall be due on the fifteenth day of the month in which the anniversary of the date the limited liability company or foreign limited liability company organized or registered in Missouri occurs. For limited liability companies and foreign limited liability companies that organized or registered in an odd-numbered year before January 1, 2022, the first information statement shall be due in 2025. For limited liability companies and foreign limited liability companies that organized or registered in an even-numbered year before January 1, 2023, the first information statement shall be due in 2026.

5. The information statement shall be signed by an authorized person.

6. If the information statement does not contain the information required under this section, the secretary of state shall promptly notify the limited liability company or foreign limited liability company and return the information statement for completion. The entity shall return the completed information statement to the secretary within sixty days of the issuance of the notice.

7. Ninety days before the statement is due, the secretary of state shall send notice to each limited liability company or foreign limited liability company that the information statement is due. The notice shall be directed to the limited liability company's registered office as stated in the company's most recent filing with the secretary of state."; and

Further amend said bill, Page 28, Section 347.143, Line 23, by inserting after said section and line the following:

“347.179. 1. The secretary shall charge and collect:

(1) For filing the original articles of organization, a fee of [one hundred] **ninety-five** dollars;

(2) For filing the original articles of organization online, in an electronic format prescribed by the secretary of state, a fee of [forty-five] **twenty-five** dollars;

(3) Applications for registration of foreign limited liability companies and issuance of a certificate of registration to transact business in this state, a fee of one hundred dollars;

(4) Amendments to and restatements of articles of limited liability companies to application for registration of a foreign limited liability company or any other filing otherwise provided for, a fee of twenty dollars **or, if filed online in an electronic format prescribed by the secretary, a fee of ten dollars;**

(5) Articles of termination of limited liability companies or cancellation of registration of foreign limited liability companies, a fee of twenty dollars **or, if filed online in an electronic format prescribed by the secretary, a fee of ten dollars;**

(6) For filing notice of merger or consolidation, a fee of twenty dollars;

(7) For filing a notice of winding up, a fee of twenty dollars **or, if filed online in an electronic format prescribed by the secretary, a fee of ten dollars;**

(8) For issuing a certificate of good standing, a fee of five dollars;

(9) For a notice of the abandonment of merger or consolidation, a fee of twenty dollars;

(10) For furnishing a copy of any document or instrument, a fee of fifty cents per page;

(11) For accepting an application for reservation of a name, or for filing a notice of the transfer or cancellation of any name reservation, a fee of twenty dollars;

(12) For filing a statement of change of address of registered office or registered agent, or both, a fee of five dollars;

(13) For any service of notice, demand, or process upon the secretary as resident agent of a limited liability company, a fee of twenty dollars, which amount may be recovered as taxable costs by the party instituting such suit, action, or proceeding causing such service to be made if such party prevails therein;

(14) For filing an amended certificate of registration a fee of twenty dollars **or, if filed online in an electronic format prescribed by the secretary, a fee of ten dollars;** [and]

(15) For filing a statement of correction a fee of five dollars;

(16) For filing an information statement for a domestic or foreign limited liability company, a fee of fifteen dollars or, if filing online in an electronic format prescribed by the secretary, a fee of five dollars;

(17) For filing a withdrawal of an erroneously or accidentally filed notice of winding up or articles of termination, a fee of ninety-five dollars;

(18) For a filing relating to a limited liability series, an additional fee of ten dollars for each series effected or, if filing online in an electronic format prescribed by the secretary, a fee of five dollars for each series effected; and

(19) For filing an application for reinstatement, a fee of ninety-five dollars or, if filed online in an electronic format prescribed by the secretary, a fee of forty-five dollars.

2. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section and for application for reservation of a name in subdivision (11) of subsection 1 of this section shall be waived if an organizer who is listed as a member in the operating agreement of the limited liability company is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and provides proof of such service to the secretary of state.

347.183. In addition to the other powers of the secretary established in sections 347.010 to 347.187, the secretary shall, as is reasonably necessary to enable the secretary to administer sections 347.010 to 347.187 efficiently and to perform the secretary's duties, have the following powers including, but not limited to:

(1) The power to examine the books and records of any limited liability company to which sections 347.010 to 347.187 apply, and it shall be the duty of any manager, member or agent of such limited liability company having possession or control of such books and records to produce such books and records for examination on demand of the secretary or [his] **the secretary's** designated employee; except that no person shall be subject to any criminal prosecution on account of any matter or thing which may be disclosed by examination of any limited liability company books and records, which they may produce or exhibit for examination; or on account of any other matter or thing concerning which they may make any voluntary and truthful statement in writing to the secretary or [his] **the secretary's** designated employee. All facts obtained in the examination of the books and records of any limited liability company, or through the voluntary sworn statement of any manager, member, agent or employee of any limited liability company, shall be treated as confidential, except insofar as official duty may require the disclosure of same, or when such facts are material to any issue in any legal proceeding in which the secretary or [his] **the secretary's** designated employee may be a party or called as witness, and, if the secretary or [his] **the secretary's** designated employee shall, except as provided in this subdivision, disclose any information relative to the private accounts, affairs, and transactions of any such limited liability company, he **or she** shall be guilty of a class C misdemeanor. If any manager, member or registered agent in possession or control of such books and records of any such limited liability company shall refuse a demand of the secretary or [his] **the secretary's** designated employee, to exhibit the books and records of such limited liability company for examination, such person shall be guilty of a class B misdemeanor;

(2) The power to cancel or disapprove any articles of organization or other filing required under sections 347.010 to 347.187, if the limited liability company fails to comply with the provisions of sections 347.010 to 347.187 by failing to file required documents under sections 347.010 to 347.187, by failing to maintain a registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting any filing, by filing a required document containing a false statement, or by violating any section or sections of the criminal laws of Missouri, the federal government or any other state of the United States. Thirty days before such cancellation shall take effect, the secretary shall notify the limited liability company with written notice, either personally or by certified mail, deposited in the United States mail in a sealed envelope addressed to such limited liability company's last

registered agent in office, or to one of the limited liability company's members or managers. Written notice of the secretary's proposed cancellation to the limited liability company, domestic or foreign, shall specify the reasons for such action. The limited liability company may appeal this notice of proposed cancellation to the circuit court of the county in which the registered office of such limited liability company is or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy of the articles of organization or other relevant documents and a copy of the proposed written cancellation thereof by the secretary, such petition to be filed within thirty days after notice of such cancellation shall have been given, and the matter shall be tried by the court, and the court shall either sustain the action of the secretary or direct [him] **the secretary** to take such action as the court may deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action. The limited liability company may provide information to the secretary that would allow the secretary to withdraw the notice of proposed cancellation. This information may consist of, but need not be limited to, corrected statements and documents, new filings, affidavits and certified copies of other filed documents;

(3) The power to rescind cancellation provided for in subdivision (2) of this section upon compliance with either of the following:

(a) The affected limited liability company provides the necessary documents and affidavits indicating the limited liability company has corrected the conditions causing the proposed cancellation or the cancellation; or

(b) The limited liability company provides the correct statements or documentation that the limited liability company is not in violation of any section of the criminal code; [and]

(4) The power to charge late filing fees for any filing fee required under sections 347.010 to 347.187 and the power to impose civil penalties as provided in section 347.053. Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency;

(5) (a) The power to administratively cancel [an]:

a. Articles of organization if the limited liability company's period of duration stated in the articles of organization expires or if the limited liability company fails to timely file its information statement; or

b. The registration of a foreign limited liability company if the foreign limited liability company fails to timely file its information statement.

(b) Not less than thirty days before such administrative cancellation shall take effect, the secretary shall notify the **domestic or foreign** limited liability company with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent and office or to one of the limited liability company's managers or members.

(c) If the limited liability company does not timely file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number of years or perpetual, or demonstrate to the reasonable satisfaction of the secretary that the period of duration determined by the secretary is incorrect, within sixty days after service of the notice is perfected by posting with the United States Postal Service, then the secretary shall cancel the articles of organization by signing an administrative cancellation that recites the grounds for cancellation and its

effective date. The secretary shall file the original of the administrative cancellation and serve a copy on the limited liability company as provided in section 347.051.

(d) A limited liability company whose articles of organization has been administratively cancelled continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 347.147 and notify claimants under section 347.141.

(e) The administrative cancellation of an articles of organization does not terminate the authority of its registered agent.

(f) If a limited liability company does not timely file an information statement in accordance with section 347.044 within sixty days after service of the notice is perfected by posting with the United States Postal Service or fails to demonstrate to the reasonable satisfaction of the secretary that the information statement was timely filed, the secretary shall cancel the articles of organization by signing an administrative cancellation that states the grounds for cancellation and the effective date of the cancellation. The secretary shall file the original administrative cancellation and serve a copy on the limited liability company as provided under section 347.051.

(g) If a foreign limited liability company does not timely file an information statement in accordance with section 347.044 within sixty days after service of the notice is perfected by posting with the United States Postal Service or fails to demonstrate to the reasonable satisfaction of the secretary that the information statement was timely filed, the secretary shall cancel the registration of the foreign limited liability company by signing an administrative cancellation that states the grounds for cancellation and the effective date of the cancellation. The secretary shall file the original administrative cancellation and serve a copy on the foreign limited liability company as provided in section 347.051. A foreign limited liability company whose registration has been administratively cancelled may continue its existence but shall not conduct any business in this state except to wind up and liquidate its business and affairs in this state;

(6) (a) The power to rescind an administrative cancellation and reinstate the articles of organization.

(b) Except as otherwise provided in the operating agreement, a limited liability company whose articles of organization has been administratively cancelled under subdivision **(2) or (5)** of this section may file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number **of years** or perpetual.

(c) A limited liability company whose articles of organization has been administratively cancelled under subdivision (5) of this section may apply to the secretary for reinstatement. The [applicant] **application** shall:

a. Recite the name of the limited liability company and the effective date of its administrative cancellation;

b. State that the grounds for cancellation either did not exist or have been eliminated, as applicable, and be accompanied by documentation satisfactory to the secretary evidencing the same;

c. State that the limited liability company's name satisfies the requirements of section 347.020;

d. Be accompanied by a reinstatement fee in the amount [of one hundred dollars] **specified in subdivision (19) of subsection 1 of section 347.179**, or such greater amount as required by state regulation, plus any delinquent fees, penalties, and other charges as determined by the secretary to then

be due.

(d) If the secretary determines that the application contains the information and is accompanied by the fees required in paragraph (c) of this subdivision and that the information and fees are correct, the secretary shall rescind the cancellation and prepare a certificate of reinstatement that recites his or her determination and the effective date of reinstatement, file the original articles of organization, and serve a copy on the limited liability company as provided in section 347.051.

(e) When the reinstatement is effective, it shall relate back to and take effect as of the effective date of the administrative cancellation of the articles of organization and the limited liability company may continue carrying on its business as if the administrative cancellation had never occurred.

(f) In the event the name of the limited liability company was reissued by the secretary to another entity prior to the time application for reinstatement was filed, the limited liability company applying for reinstatement may elect to reinstate using a new name that complies with the requirements of section 347.020 and that has been approved by appropriate action of the limited liability company for changing the name thereof.

(g) If the secretary denies a limited liability company's application for reinstatement following administrative cancellation of the articles of organization, he or she shall serve the limited liability company as provided in section 347.051 with a written notice that explains the reason or reasons for denial.

(h) The limited liability company may appeal a denial of reinstatement as provided for in subdivision (2) of this section.

[(7)] (i) **This** subdivision [(6) of this section] shall apply to any limited liability company whose articles of organization was cancelled because such limited liability company's period of duration stated in the articles of organization expired on or after August 28, 2003;

(7) The power to rescind an administrative cancellation and reinstate the registration of a foreign limited liability company. The following procedures apply:

(a) A foreign limited liability company whose registration was administratively cancelled under subdivision (2) or (5) of this section may apply to the secretary for reinstatement. The application shall:

a. State the name of the foreign limited liability company and the date of the administrative cancellation;

b. State that the grounds for cancellation either did not exist or have been eliminated, with supporting documentation satisfactory to the secretary;

c. State that the foreign limited liability company's name satisfies the requirements of section 347.020; and

d. Include a reinstatement fee in the amount specified in subdivision (19) of subsection 1 of section 347.179, or a higher amount if required by state regulation, and any delinquent fees, penalties, or other charges as the secretary determines are due;

(b) If the secretary determines that the application satisfies the requirements under paragraph (a) of this subdivision, the secretary shall rescind the cancellation and prepare a certificate of

reinstatement that includes the effective date of reinstatement and deliver a copy to the limited liability company as provided under section 347.051;

(c) If reinstatement is granted, the administrative cancellation shall be retroactively voided, and the foreign limited liability company may conduct its business as if the administrative cancellation never occurred;

(d) If the name of the foreign limited liability company was issued to another entity before the application for reinstatement was filed, the foreign limited liability company applying for reinstatement may elect to reinstate using a new name that complies with the requirements under section 347.020 and is approved by appropriate action of the foreign limited liability company for changing its name;

(e) If the secretary denies a foreign limited liability company's application for reinstatement, the secretary shall serve the limited liability company with a written notice as provided under section 347.051 that explains the reason for denial; and

(f) The foreign limited liability company may appeal a denial of reinstatement by using the procedure under subdivision (2) of this section; and

(8) The power to reinstate a limited liability company that erroneously or accidentally filed a notice of winding up or notice of termination. The following procedures apply:

(a) A limited liability company whose articles of organization were terminated due to an erroneously or accidentally filed notice of winding up or notice of termination may apply to the secretary for reinstatement by filing a withdrawal of notice of winding up or withdrawal of notice of termination. The application shall:

a. State the name of the limited liability company and the filing date of the erroneous or accidental notice;

b. State the grounds for erroneously or accidentally filing the notice, with supporting documentation satisfactory to the secretary;

c. State that the limited liability company's name satisfies the requirements under section 347.020; and

d. Include a reinstatement fee in the amount specified in subdivision (19) of subsection 1 of section 347.179, or a higher amount if required by state regulation, and any delinquent fees, penalties, or other charges as the secretary determines are due;

(b) If the secretary determines that the application satisfies the requirements under paragraph (a) of this subdivision, the secretary shall rescind the notice of winding up or notice of termination and prepare a certificate of reinstatement that includes the effective date of reinstatement and deliver a copy to the limited liability company as provided under section 347.051;

(c) If reinstatement is granted, the termination of the articles of organization shall be retroactively voided, and the limited liability company may conduct its business as if the notice of winding up or notice of termination never occurred;

(d) If the name of the limited liability company was issued to another entity before the application for reinstatement was filed, the limited liability company applying for the

reinstatement may elect to reinstate using a new name that complies with the requirements under section 347.020 and is approved by appropriate action of the limited liability company for changing its name;

(e) If the secretary of state denies a limited liability company's application for reinstatement, the secretary shall serve the limited liability company with a written notice as provided under section 347.051 that explains the reason for denial; and

(f) The limited liability company may appeal a denial of reinstatement by using the procedure under subdivision (2) of this section.

347.186. 1. An operating agreement may establish or provide for the establishment of a designated series of members, managers, or limited liability company interests having separate rights, powers, or duties with respect to specified property or obligations of the limited liability company or profits and losses associated with specified property or obligations. To the extent provided in the operating agreement, any such series may have a separate business purpose or investment objective.

2. (1) Notwithstanding any other provisions of law to the contrary, the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series shall be enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof. Such particular series shall be deemed to have possession, custody, and control only of the books, records, information, and documentation related to such series and not of the books, records, information, and documentation related to the limited liability company as a whole or any other series thereof if all of the following apply:

(a) The operating agreement creates one or more series;

(b) Separate and distinct records are maintained for or on behalf of any such series;

(c) The assets associated with any such series, whether held directly or indirectly, including through a nominee or otherwise, are accounted for separately from the other assets of the limited liability company or of any other series;

(d) The operating agreement provides for the limitations on liabilities of a series described in this subdivision;

(e) Notice of the limitation on liabilities of a series described in this subdivision is included in the limited liability company's articles of organization; and

(f) The limited liability company has filed articles of organization that separately identify each series which is to have limited liability under this section.

(2) With respect to a particular series, unless otherwise provided in the operating agreement, none of the debts, liabilities, obligations, and expenses incurred, contracted for or otherwise existing with respect to a limited liability company generally, or any other series thereof, shall be enforceable against the assets of such series, subject to the provisions of subdivision (1) of this subsection.

(3) Compliance with paragraphs (e) and (f) of subdivision (1) of this subsection shall constitute notice of such limitation of liability of a series.

(4) A series with limited liability shall be treated as a separate entity to the extent set forth in the articles of organization. Each series with limited liability may, in its own name, contract, hold title to

assets, grant security interests, sue and be sued, and otherwise conduct business and exercise the powers of a limited liability company under this chapter. The limited liability company and any of its series may elect to consolidate its operations as a single taxpayer to the extent permitted under applicable law, elect to work cooperatively, elect to contract jointly, or elect to be treated as a single business for the purposes of qualification or authorization to do business in this or any other state. Such elections shall not affect the limitation of liability set forth in this section except to the extent that the series have specifically accepted joint liability by contract.

3. Except in the case of a foreign limited liability company that has adopted a name that is not the name under which it is registered in its jurisdiction of organization, as permitted under sections 347.153 and 347.157, the name of the series with limited liability is required to contain the entire name of the limited liability company and be distinguishable from the names of the other series set forth in the articles of organization. In the case of a foreign limited liability company that has adopted a name that is not the name under which it is registered in its jurisdiction of organization, as permitted under sections 347.153 and 347.157, the name of the series with limited liability must contain the entire name under which the foreign limited liability company has been admitted to transact business in this state.

4. (1) (a) Upon filing of articles of organization setting forth the name of each series with limited liability, in compliance with section 347.037 or amendments under section 347.041, the series' existence shall begin.

(b) Each copy of the articles of organization stamped "Filed" and marked with the filing date shall be conclusive evidence that all required conditions have been met and that the series has been or shall be legally organized and formed under this section and is notice for all purposes of all other facts required to be set forth therein.

(c) The name of a series with limited liability under this section may be changed by filing articles of amendment with the secretary of state pursuant to section 347.041, identifying the series whose name is being changed and the new name of such series. If not the same as the limited liability company, the names of the members of a member-managed series or of the managers of a manager-managed series may be changed by an amendment to the articles of organization with the secretary of state.

(d) A series with limited liability under this section may be dissolved by filing with the secretary of state articles of amendment pursuant to section 347.041 identifying the series being dissolved or by the dissolution of the limited liability company as provided in section 347.045. Except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the limited liability company. The dissolution of a series established in accordance with subsection 2 of this section shall not affect the limitation on liabilities of such series provided by subsection 2 of this section. A series is terminated and its affairs shall be wound up upon the dissolution of the limited liability company under section 347.045.

(e) Articles of organization, amendment, or termination described under this subdivision may be executed by the limited liability company or any manager, person, or entity designated in the operating agreement for the limited liability company.

(f) Notwithstanding paragraph (d) of this subdivision, the maximum number of designated series that may be effected by any one filing shall be limited to fifty.

(2) If different from the limited liability company, the articles of organization shall list the names of

the members for each series if the series is member-managed or the names of the managers if the series is manager-managed.

(3) A series of a limited liability company shall be deemed to be in good standing as long as the limited liability company is in good standing.

(4) The registered agent and registered office for the limited liability company appointed under section 347.033 shall serve as the agent and office for service of process for each series in this state.

5. (1) An operating agreement may provide for classes or groups of members or managers associated with a series having such relative rights, powers, and duties as an operating agreement may provide and may make provision for the future creation of additional classes or groups of members or managers associated with the series having such relative rights, powers, and duties as may from time to time be established, including rights, powers, and duties senior and subordinate to or different from existing classes and groups of members or managers associated with the series.

(2) A series may be managed either by the member or members associated with the series or by the manager or managers chosen by the members of such series, as provided in the operating agreement. Unless otherwise provided in an operating agreement, the management of a series shall be vested in the members associated with such series.

(3) An operating agreement may grant to all or certain identified members or managers, or to a specified class or group of the members or managers associated with a series, the right to vote separately or with all or any class or group of the members or managers associated with the series, on any matter. An operating agreement may provide that any member or class or group of members associated with a series shall have no voting rights or ability to otherwise participate in the management or governance of such series, but any such member or class or group of members are owners of the series.

(4) Except as modified in this section, the provisions of this chapter which are generally applicable to limited liability companies and their managers, members, and transferees shall be applicable to each particular series with respect to the operation of such series.

(5) Except as otherwise provided in an operating agreement, any event specified in this chapter or in an operating agreement that causes a manager to cease to be a manager with respect to a series shall not, in itself, cause such manager to cease to be a manager of the limited liability company or with respect to any other series thereof.

(6) Except as otherwise provided in an operating agreement, any event specified in this chapter or in an operating agreement that causes a member to cease to be associated with a series shall not, in itself, cause such member to cease to be associated with any other series, terminate the continued membership of a member in the limited liability company, or cause the termination of the series, regardless of whether such member was the last remaining member associated with such series.

(7) An operating agreement may impose restrictions, duties, and obligations on members of the limited liability company or any series thereof as a matter of internal governance, including, without limitation, those with regard to:

- (a) Choice of law, forum selection, or consent to personal jurisdiction;
- (b) Capital contributions;

(c) Restrictions on, or terms and conditions of, the transfer of membership interests;

(d) Restrictive covenants, including noncompetition, nonsolicitation, and confidentiality provisions;

(e) Fiduciary duties; and

(f) Restrictions, duties, or obligations to or for the benefit of the limited liability company, other series thereof, or their affiliates.

6. (1) If a limited liability company with the ability to establish series does not register to do business in a foreign jurisdiction for itself and its series, a series of a limited liability company may itself register to do business as a limited liability company in the foreign jurisdiction in accordance with the laws of the foreign jurisdiction.

(2) If a foreign limited liability company, as permitted in the jurisdiction of its organization, has established a series having separate rights, powers, or duties and has limited the liabilities of such series so that the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series are enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, or so that the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to the limited liability company generally or any other series thereof are not enforceable against the assets of such series, then the limited liability company, on behalf of itself or any of its series, or any of its series on its own behalf may register to do business in this state in accordance with this chapter. The limitation of liability shall also be stated on the application for registration. As required under section 347.153, the registration application filed shall identify each series being registered to do business in the state by the limited liability company. Unless otherwise provided in the operating agreement, the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series of such a foreign limited liability company shall be enforceable against the assets of such series only and not against the assets of the foreign limited liability company generally or any other series thereof, and none of the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to such a foreign limited liability company generally or any other series thereof shall be enforceable against the assets of such series.

7. Nothing in sections 347.039, 347.153, or 347.186 shall be construed to alter existing Missouri statute or common law providing any cause of action for fraudulent conveyance, including but not limited to chapter 428, or any relief available under existing law that permits a challenge to limited liability.

358.460. 1. The exclusive right to the use of a name of a registered limited liability partnership or foreign registered limited liability partnership may be reserved by:

(1) Any person intending to become a registered limited liability partnership or foreign registered limited liability partnership under this chapter and to adopt that name; and

(2) Any registered limited liability partnership or foreign registered limited liability partnership which proposes to change its name.

2. The reservation of a specified name shall be made by filing with the secretary of state an application, executed by the applicant, specifying the name to be reserved and the name and address of the applicant. If the secretary of state finds that the name is available for use by a registered limited

liability partnership or foreign registered limited liability partnership, the secretary of state shall reserve the name for the exclusive use of the applicant for a period of sixty days. A name reservation shall not exceed a period of one hundred eighty days from the date of the first name reservation application. Upon the one hundred eighty-first day the name shall cease reserve status and shall not be placed back in such status. The right to the exclusive use of a reserved name may be transferred to any other person by filing in the office of the secretary of state a notice of the transfer, executed by the applicant for whom the name was reserved, specifying the name to be transferred and the name and address of the transferee. The reservation of a specified name may be cancelled by filing with the secretary of state a notice of cancellation, executed by the applicant or transferee, specifying the name reservation to be cancelled and the name and address of the applicant or transferee.

3. A fee in the amount of [twenty-five] **twenty** dollars shall be paid to the secretary of state upon receipt for filing of an application for reservation of name, an application for renewal of reservation or a notice of transfer or cancellation pursuant to this section. All moneys from the payment of this fee shall be deposited into the general revenue fund.

358.470. 1. Each registered limited liability partnership and each foreign registered limited liability partnership shall have and maintain in the state of Missouri:

(1) A registered office, which may, but need not be, a place of its business in the state of Missouri; and

(2) A registered agent for service of process on the registered limited liability partnership or foreign registered limited liability partnership, which agent may be either an individual resident of the state of Missouri whose business office is identical with the registered limited liability partnership's or foreign registered limited liability partnership's registered office, or a domestic corporation, or a foreign corporation authorized to do business in the state of Missouri, having a business office identical with such registered office or the registered limited liability partnership or foreign registered limited liability partnership itself.

2. A registered agent may change the address of the registered office of the registered limited liability partnerships or foreign registered limited liability partnerships for which the agent is the registered agent to another address in the state of Missouri by paying a fee in the amount of [ten] **five** dollars[, and a further fee in the amount of two dollars] for each registered limited liability partnership or foreign registered limited liability partnership affected thereby, to the secretary of state and filing with the secretary of state a certificate, executed by such registered agent, setting forth the names of all the registered limited liability partnerships or foreign registered limited liability partnerships represented by such registered agent, and the address at which such registered agent has maintained the registered office for each of such registered limited liability partnerships or foreign registered limited liability partnerships, and further certifying to the new address to which such registered office will be changed on a given day, and at which new address such registered agent will thereafter maintain the registered office for each of the registered limited liability partnerships or foreign registered limited liability partnerships recited in the certificate. Upon the filing of such certificate, the secretary of state shall furnish to the registered agent a certified copy of the same under the secretary of state's hand and seal of office, and thereafter, or until further change of address, as authorized by law, the registered office in the state of Missouri of each of the registered limited liability partnerships or foreign registered limited liability partnerships recited in the certificate shall be located at the new address of the registered agent thereof as given in the certificate. In the event of a change of name of any person acting as a registered

agent of a registered limited liability partnership or foreign registered limited liability partnership, such registered agent shall file with the secretary of state a certificate, executed by such registered agent, setting forth the new name of such registered agent, the name of such registered agent before it was changed, the names of all the registered limited liability partnerships or foreign registered limited liability partnerships represented by such registered agent, and the address at which such registered agent has maintained the registered office for each of such registered limited liability partnerships or foreign registered limited liability partnerships, and shall pay a fee in the amount of [twenty-five] **five** dollars[, and a further fee in the amount of two dollars] for each registered limited liability partnership or foreign registered limited liability partnership affected thereby, to the secretary of state. Upon the filing of such certificate, the secretary of state shall furnish to the registered agent a certified copy of the same under the secretary of state's hand and seal of office. Filing a certificate under this section shall be deemed to be an amendment of the application, renewal application or notice filed pursuant to subsection 19 of section 358.440, as the case may be, of each registered limited liability partnership or foreign registered limited liability partnership affected thereby, and each such registered limited liability partnership or foreign registered limited liability partnership shall not be required to take any further action with respect thereto to amend its application, renewal application or notice filed, as the case may be, pursuant to section 358.440. Any registered agent filing a certificate under this section shall promptly, upon such filing, deliver a copy of any such certificate to each registered limited liability partnership or foreign registered limited liability partnership affected thereby.

3. The registered agent of one or more registered limited liability partnerships or foreign registered limited liability partnerships may resign and appoint a successor registered agent by paying a fee in the amount of [fifty] **five** dollars[, and a further fee in the amount of two dollars] for each registered limited liability partnership or foreign registered limited liability partnership affected thereby, to the secretary of state and filing a certificate with the secretary of state, stating that it resigns and the name and address of the successor registered agent. There shall be attached to such certificate a statement executed by each affected registered limited liability partnership or foreign registered limited liability partnership ratifying and approving such change of registered agent. Upon such filing, the successor registered agent shall become the registered agent of such registered limited liability partnerships or foreign registered limited liability partnerships as have ratified and approved such substitution and the successor registered agent's address, as stated in such certificate, shall become the address of each such registered limited liability partnership's or foreign registered limited liability partnership's registered office in the state of Missouri. The secretary of state shall furnish to the successor registered agent a certified copy of the certificate of resignation. Filing of such certificate of resignation shall be deemed to be an amendment of the application, renewal application or notice filed pursuant to subsection 19 of section 358.440, as the case may be, of each registered limited liability partnership or foreign registered limited liability partnership affected thereby, and each such registered limited liability partnership or foreign registered limited liability partnership shall not be required to take any further action with respect thereto, to amend its application, renewal application or notice filed pursuant to subsection 19 of section 358.440, as the case may be, pursuant to section 358.440.

4. The registered agent of a registered limited liability partnership or foreign registered limited liability partnership may resign without appointing a successor registered agent by paying a fee in the amount of [ten] **five** dollars to the secretary of state and filing a certificate with the secretary of state stating that it resigns as registered agent for the registered limited liability partnership or foreign registered limited liability partnership identified in the certificate, but such resignation shall not become

effective until one hundred twenty days after the certificate is filed. There shall be attached to such certificate an affidavit of such registered agent, if an individual, or the president, a vice president or the secretary thereof if a corporation, that at least thirty days prior to and on or about the date of the filing of the certificate, notices were sent by certified or registered mail to the registered limited liability partnership or foreign registered limited liability partnership for which such registered agent is resigning as registered agent, at the principal office thereof within or outside the state of Missouri, if known to such registered agent or, if not, to the last known address of the attorney or other individual at whose request such registered agent was appointed for such registered limited liability partnership or foreign registered limited liability partnership, of the resignation of such registered agent. After receipt of the notice of the resignation of its registered agent, the registered limited liability partnership or foreign registered limited liability partnership for which such registered agent was acting shall obtain and designate a new registered agent, to take the place of the registered agent so resigning. If such registered limited liability partnership or foreign registered limited liability partnership fails to obtain and designate a new registered agent prior to the expiration of the period of one hundred twenty days after the filing by the registered agent of the certificate of resignation, the application, renewal application or notice filed pursuant to subsection 19 of section 358.440 of such registered limited liability partnership or foreign registered limited liability partnership shall be deemed to be cancelled.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 908**, entitled:

An Act to repeal sections 67.457, 67.461, 67.1305, 67.1421, 67.1431, 67.1471, 92.105, 92.111, 92.115, 99.825, 99.830, 99.865, 137.073, 137.115, 238.212, and 238.222, RSMo, and to enact in lieu thereof twenty new sections relating to taxation, with an emergency clause for a certain section.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, and House Amendment No. 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 908, Page 14, Section 67.1421, Line 125, by inserting after the word “**district**” the words “**or the governing body of such district**”; and

Further amend said bill and section, Page 15, Line 132, by deleting the word “**terminated**” and inserting in lieu thereof the words “**to expire unless sooner terminated**”; and

Further amend said bill, page, and section, Line 133, by deleting the words “**the municipality or county establishing**”; and

Further amend said bill, page, and section, Line 134, by inserting after the word “**district**” the word “**established**”; and

Further amend said bill, page, and section, Line 136, by deleting the words “**such governing body**”

has submitted”; and

Further amend said bill, page, and section, Line 137, by inserting after the word “**subsection**” the words “**has been submitted**”; and

Further amend said bill, Page 41, Section 238.222, Line 29, by inserting after the word “**district**” the words “**or the governing body of such district**”; and

Further amend said bill, page, and section, Line 36, by deleting the word “**terminated**” and inserting in lieu thereof the words “**to expire unless sooner terminated**”; and

Further amend said bill and section, Page 42, Line 37, by deleting the words “**the local transportation authority establishing**”; and

Further amend said bill, page, and section, Line 38, by inserting after the word “**district**” the word “**established**”; and

Further amend said bill, page, and section, Line 39, by deleting the words “**such governing body has submitted**”; and

Further amend said bill, page, and section, Line 40, by inserting after the word “**subsection**” the words “**has been submitted**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 908, Page 4, Lines 9-12, by deleting said lines and inserting in lieu thereof the following:

“9. **Notwithstanding any other law to the contrary, for the purposes of this subsection, on or before the first day of October each year, the office of administration, with recommendation by the state tax commission, shall choose a published guide or schedule of motor vehicle values that shall be used by** the assessor of each county and each city not within a county [shall use the trade-in value published in the October issue of the National Automobile Dealers’ Association Official Used Car Guide, or its successor publication, as the recommended guide of information] for determining the true value of motor vehicles described in such publication. **The**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 908, Pages 32-38, Section 137.115, Lines 1-210, by deleting all of said section and lines from the bill and inserting in lieu thereof the following:

“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor’s deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor’s city, county, town or district. Except as otherwise provided in

subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

- (1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and
- (2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:
 - (a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than two hundred hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (7) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(a) For real property in subclass (1), nineteen percent;

(b) For real property in subclass (2), twelve percent; and

(c) For real property in subclass (3), thirty-two percent.

(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units

shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is deemed to be real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is deemed to be real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the **current or two previous years** October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. **The assessor may assign any value that the assessor deems to be the true value, provided that such value is not greater than the current October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, and such value is not less than the lowest value in the current or two previous years of such publication.** The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. **For the purposes of this section, in the absence of a listing for a particular motor vehicle, recreational vehicle, or agricultural equipment in such publication, excluding tangible personal property as described in section 137.122, section 137.123, chapter 151, chapter 153, and chapter 155, the assessor [shall] may use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle, recreational vehicle, or agricultural equipment in the current year or two previous years. If an assessor used a publication other than the current October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, the assessor may assign any value that the assessor deems to be the true value, provided that such value is not greater than the current publication's value, and such value is not less than the lowest value in the current or two previous years of such publication.**

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real

property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

14. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

15. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that

has exercised its authority to opt out under subsection 14 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city’s tax rate ceiling.

16. Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer or taxpayer’s mine property. For purposes of this subsection, “mine property” shall mean all real property that is in use or readily available as a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444.

17. The true value of a taxpayer’s personal property assessed under subsection 9 of this section shall not increase more than the consumer price index established in subsection 4 of section 137.073. The provisions of this subsection shall become effective January 1, 2023.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 908, Page 38, Section 137.115, Line 210, by inserting after all of said section and line the following:

“143.011. 1. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$1,000.00	1 1/2% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000

Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of this section may be reduced over a period of years. Each reduction in the top rate of tax shall be by one-tenth of a percent [and no more than one reduction shall occur in a calendar year. No more than seven reductions shall be made under this subsection]. Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) A reduction in the rate of tax shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

(3) Any modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection. The bracket for income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced to five and one-half percent, and the top remaining rate of tax shall apply to all income in excess of the income in the second highest remaining income bracket.

(5) Notwithstanding the provisions of subdivision (1) of this subsection to the contrary, there shall be no reduction under this subsection in the 2024 calendar year. However, such reductions shall continue after the 2024 calendar year for subsequent calendar years.

(6) Beginning January 1, 2023, and for all subsequent tax years, more than one reduction may be made per year, with no limits on the number of reductions made under this subsection.

3. (1) In addition to the rate reductions under subsection 2 of this section, beginning with the 2019 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by four-tenths of one percent. Such reduction in the rate of tax shall take effect on January first of the 2019 calendar year.

(2) The modification of tax rates under this subsection shall only apply to tax years that begin on or after the date the modification takes effect.

(3) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

4. (1) In addition to the rate reductions under subsections 2 and 3 of this section, beginning with the

2024 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by one-tenth of one percent.

(2) The modification of tax rates under this subsection shall apply only to tax years that begin on or after the date the modification takes effect.

(3) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

5. Beginning with the 2017 calendar year, the brackets of Missouri taxable income identified in subsection 1 of this section shall be adjusted annually by the percent increase in inflation. The director shall publish such brackets annually beginning on or after October 1, 2016. Modifications to the brackets shall take effect on January first of each calendar year and shall apply to tax years beginning on or after the effective date of the new brackets.

6. As used in this section, the following terms mean:

(1) “CPI”, the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index;

(2) “CPI for the preceding calendar year”, the average of the CPI as of the close of the twelve month period ending on August thirty-first of such calendar year;

(3) “Net general revenue collected”, all revenue deposited into the general revenue fund, less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;

(4) “Percent increase in inflation”, the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending August 31, 2015.”; and

Further amend said bill, Page 43, Section B, Line 5, by inserting after all of said section and line the following:

“Section C. The repeal and reenactment of section 143.011 of this act shall become effective on January 1, 2023.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Hegeman moved that the conference committee be dissolved on **SS** for **SCS** for **SB 724**, with **HCS**, as amended, and request the House to recede from its position on **HCS**, as amended, and take up and pass **SS** for **SCS** for **SB 724**, which motion prevailed.

Senator Washington moved that **SB 718**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 718, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 718

An Act to repeal sections 160.545, 167.903, 170.018, 173.1200, 173.2500, 173.2505, and 513.430, RSMo, and to enact in lieu thereof twelve new sections relating to higher education.

Was taken up.

Senator Washington moved that **HCS for SB 718**, as amended, be adopted.

Senator Moon offered a substitute motion that the Senate refuse to concur in HCS for Senate Bill 718, as amended, and request the House to grant the Senate a conference thereon and that the conferees be allowed to exceed the differences by adding section 167.780 to enact the “Save Women’s Sports Act” relating to college athletics.

Senator Moon moved that the above substitute motion be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Burlison, Eigel, and Hoskins.

Senator Rowden assumed the Chair.

Senator Hough assumed the Chair.

The substitute motion failed of adoption by the following vote:

YEAS—Senators

Brattin	Burlison	Crawford	Eigel	Hegeman	Hoskins	Koenig
Moon	O’Laughlin	Onder	Wieland—11			

NAYS—Senators

Arthur	Beck	Gannon	Hough	May	Mosley	Razer
Riddle	Rizzo	Roberts	Rowden	Schupp	Thompson Rehder	Washington
White	Williams—16					

Absent—Senators

Bean	Bernskoetter	Brown	Cierpiot	Eslinger	Luetkemeyer	Schatz—7
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Absent with leave—Senators—None

Vacancies—None

Senator Washington moved that **HCS for SB 718**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Beck	Bernskoetter	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer	Riddle
Rizzo	Roberts	Rowden	Schatz	Schupp	Thompson Rehder	Washington
White	Wieland	Williams—31				

NAYS—Senator Moon—1

Absent—Senators

Bean Brattin—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Washington, **HCS for SB 718**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	Thompson Rehder
Washington	White	Wieland	Williams—32			

NAYS—Senator Moon—1

Absent—Senator Brattin—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Washington, title to the bill was agreed to.

Senator Washington moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS for SCS for HCS for HB 1606**, as amended, and has taken up and passed **CCS for SS for SCS for HCS for HB 1606**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House recedes from its position on HA 1, HA 1 to HA 2 and HA 2, as amended, to **SB 652** and has taken up and passed **SB 652**.

HOUSE BILLS ON THIRD READING

HB 2331, with **SCS**, introduced by Representative Baker, entitled:

An Act to repeal sections 191.500, 191.515, 191.520, 191.525, 191.743, 192.2225, 194.210, 194.255, 194.265, 194.285, 194.290, 194.297, 194.299, 194.300, 194.304, 196.866, 196.868, 197.100, 197.256, 197.258, 197.400, 197.405, 197.415, 197.445, 198.006, 198.022, 198.026, 198.036, 198.525, 198.526, 198.545, 251.070, 301.020, 302.171, 334.100, 334.104, 334.506, 334.613, 335.011, 335.016, 335.036, 335.046, 335.051, 335.056, 335.061, 335.066, 335.071, 335.076, 335.081, 335.086, 335.175, 335.221, 335.230, 335.257, 338.010, 338.165, and 660.010, RSMo, and to enact in lieu thereof fifty-seven new sections relating to public health, with an emergency clause for certain sections.

Was taken up by Senator White.

SCS for **HB 2331**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2331

An Act to repeal sections 172.800, 191.116, 191.500, 191.515, 191.520, 191.525, 191.743, 192.005, 192.2225, 194.210, 194.255, 194.265, 194.285, 194.290, 194.297, 194.299, 194.304, 195.815, 196.866, 196.868, 197.100, 197.256, 197.258, 197.400, 197.415, 197.445, 198.006, 198.022, 198.026, 198.036, 198.525, 198.526, 198.545, 251.070, 301.020, 302.171, 334.530, 334.655, 335.230, 335.257, 345.015, 345.050, 376.1800, and 660.010, RSMo, and to enact in lieu thereof forty-seven new sections relating to health care, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator White moved that **SCS** for **HB 2331** be adopted.

Senator White offered **SS** for **SCS** for **HB 2331**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2331

An Act to repeal sections 172.800, 191.116, 191.500, 191.515, 191.520, 191.525, 191.743, 192.005, 192.2225, 194.210, 194.255, 194.265, 194.285, 194.290, 194.297, 194.299, 194.304, 195.206, 195.815, 196.866, 196.868, 197.100, 197.256, 197.258, 197.400, 197.415, 197.445, 198.006, 198.022, 198.026, 198.036, 198.525, 198.526, 198.545, 251.070, 301.020, 302.171, 335.230, 335.257, and 660.010, RSMo, and to enact in lieu thereof thirty-seven new sections relating to programs administered by the department of health and senior services, with penalty provisions.

Senator White moved that **SS** for **SCS** for **HB 2331** be adopted.

Senator Hegeman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2331, Page 1, Section A, Line 14, by inserting after all of said line the following:

“135.690. 1. As used in this section, the following terms mean:

(1) “Community-based faculty preceptor”, a physician or physician assistant who is licensed in Missouri and provides preceptorships to Missouri medical students or physician assistant students without direct compensation for the work of precepting;

(2) “Department”, the Missouri department of health and senior services;

(3) “Division”, the division of professional registration of the department of commerce and insurance;

(4) “Federally Qualified Health Center (FQHC)”, a reimbursement designation from the Bureau of Primary Health Care and the Centers for Medicare and Medicaid services of the United States Department of Health and Human Services;

(5) “Medical student”, an individual enrolled in a Missouri medical college approved and accredited as reputable by the American Medical Association or the Liaison Committee on Medical Education or enrolled in a Missouri osteopathic college approved and accredited as reputable by the Commission on Osteopathic College Accreditation;

(6) “Medical student core preceptorship” or “physician assistant student core preceptorship”, a preceptorship for a medical student or physician assistant student that provides a minimum of one hundred twenty hours of community-based instruction in family medicine, internal medicine, pediatrics, psychiatry, or obstetrics and gynecology under the guidance of a community-based faculty preceptor. A community-based faculty preceptor may add together the amounts of preceptorship instruction time separately provided to multiple students in determining whether he or she has reached the minimum hours required under this subdivision, but the total preceptorship instruction time provided shall equal at least one hundred twenty hours in order for such preceptor to be eligible for the tax credit authorized under this section;

(7) “Physician assistant student”, an individual participating in a Missouri physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its successor organization;

(8) “Taxpayer”, any individual, firm, partner in a firm, corporation, or shareholder in an S corporation doing business in this state and subject to the state income tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

2. (1) Beginning January 1, 2023, any community-based faculty preceptor who serves as the community-based faculty preceptor for a medical student core preceptorship or a physician assistant student core preceptorship shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, in an amount equal to one thousand dollars for each preceptorship, up to a maximum of three thousand dollars per tax year, if he or she completes up to three preceptorship rotations during the tax year and did not receive any direct compensation for the preceptorships.

(2) To receive the credit allowed by this section, a community-based faculty preceptor shall claim such credit on his or her return for the tax year in which he or she completes the preceptorship rotations and shall submit supporting documentation as prescribed by the division and the department.

(3) In no event shall the total amount of a tax credit authorized under this section exceed a

taxpayer's income tax liability for the tax year for which such credit is claimed. No tax credit authorized under this section shall be allowed a taxpayer against his or her tax liability for any prior or succeeding tax year.

(4) No more than two hundred preceptorship tax credits shall be authorized under this section for any one calendar year. The tax credits shall be awarded on a first-come, first-served basis. The division and the department shall jointly promulgate rules for determining the manner in which taxpayers who have obtained certification under this section are able to claim the tax credit. The cumulative amount of tax credits awarded under this section shall not exceed two hundred thousand dollars per year.

(5) Notwithstanding the provisions of subdivision (4) of this subsection, the department is authorized to exceed the two hundred thousand dollars per year tax credit program cap in any amount not to exceed the amount of funds remaining in the medical preceptor fund, as established under subsection 3 of this section, as of the end of the most recent tax year, after any required transfers to the general revenue fund have taken place in accordance with the provisions of subsection 3 of this section.

3. (1) Funding for the tax credit program authorized under this section shall be generated by the division from a license fee increase of seven dollars per license for physicians and surgeons and from a license fee increase of three dollars per license for physician assistants. The license fee increases shall take effect beginning January 1, 2023, based on the underlying license fee rates prevailing on that date. The underlying license fee rates shall be determined under section 334.090 and all other applicable provisions of chapter 334.

(2) (a) There is hereby created in the state treasury the "Medical Preceptor Fund", which shall consist of moneys collected under this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by the department for the administration of the tax credit program authorized under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the medical preceptor fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(b) Notwithstanding any provision of this chapter or any other provision of law to the contrary, all revenue from the license fee increases described under subdivision (1) of this subsection shall be deposited in the medical preceptor fund. After the end of every tax year, an amount equal to the total dollar amount of all tax credits claimed under this section shall be transferred from the medical preceptor fund to the state's general revenue fund established under section 33.543. Any excess moneys in the medical preceptor fund shall remain in the fund and shall not be transferred to the general revenue fund.

4. (1) The department shall administer the tax credit program authorized under this section. Each taxpayer claiming a tax credit under this section shall file an application with the department verifying the number of hours of instruction and the amount of the tax credit claimed. The hours claimed on the application shall be verified by the college or university department

head or the program director on the application. The certification by the department affirming the taxpayer’s eligibility for the tax credit provided to the taxpayer shall be filed with the taxpayer’s income tax return.

(2) No amount of any tax credit allowed under this section shall be refundable. No tax credit allowed under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive the tax credit authorized under this section if such taxpayer employs persons who are not authorized to work in the United States under federal law.

5. The department of commerce and insurance and the department of health and senior services shall jointly promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Onder offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2331, Page 2, Section 172.800, Line 24, by inserting after all of said line the following:

“190.100. As used in sections 190.001 to 190.245 **and section 190.257**, the following words and terms mean:

(1) “Advanced emergency medical technician” or “AEMT”, a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;

(2) “Advanced life support (ALS)”, an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(3) “Ambulance”, any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(4) “Ambulance service”, a person or entity that provides emergency or nonemergency ambulance

transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

(5) “Ambulance service area”, a specific geographic area in which an ambulance service has been authorized to operate;

(6) “Basic life support (BLS)”, a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(7) “Council”, the state advisory council on emergency medical services;

(8) “Department”, the department of health and senior services, state of Missouri;

(9) “Director”, the director of the department of health and senior services or the director’s duly authorized representative;

(10) “Dispatch agency”, any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(11) “Emergency”, the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person’s health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(12) “Emergency medical dispatcher”, a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(13) “Emergency medical responder”, a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the U.S. Department of Transportation and any modifications to such curricula specified by the department through rules adopted under sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(14) “Emergency medical response agency”, any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(15) “Emergency medical services for children (EMS-C) system”, the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(16) “Emergency medical services (EMS) system”, the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(17) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

(18) “Emergency medical technician-basic” or “EMT-B”, a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(19) “Emergency medical technician-community paramedic”, “community paramedic”, or “EMT-CP”, a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;

(20) “Emergency medical technician-paramedic” or “EMT-P”, a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(21) “Emergency services”, health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital’s emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

(22) “Health care facility”, a hospital, nursing home, physician’s office or other fixed location at which medical and health care services are performed;

(23) “Hospital”, an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

(24) “Medical control”, supervision provided by or under the direction of physicians, or their designated registered nurse, including both online medical control, instructions by radio, telephone, or other means of direct communications, and offline medical control through supervision by treatment protocols, case review, training, and standing orders for treatment;

(25) “Medical direction”, medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

(26) “Medical director”, a physician licensed pursuant to chapter 334 designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

(27) “Memorandum of understanding”, an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(28) “Patient”, an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or

helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

(29) “Person”, as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

(30) “Physician”, a person licensed as a physician pursuant to chapter 334;

(31) “Political subdivision”, any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

(32) “Professional organization”, any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B’s, nurses, EMT-P’s, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

(33) “Proof of financial responsibility”, proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

(34) “Protocol”, a predetermined, written medical care guideline, which may include standing orders;

(35) “Regional EMS advisory committee”, a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

(36) “Specialty care transportation”, the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

(37) “Stabilize”, with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual’s medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

(38) “State advisory council on emergency medical services”, a committee formed to advise the

department on policy affecting emergency medical service throughout the state;

(39) “State EMS medical directors advisory committee”, a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

(40) “STEMI” or “ST-elevation myocardial infarction”, a type of heart attack in which impaired blood flow to the patient’s heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

(41) “STEMI care”, includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

(42) “STEMI center”, a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

(43) “Stroke”, a condition of impaired blood flow to a patient’s brain as defined by the department;

(44) “Stroke care”, includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

(45) “Stroke center”, a hospital that is currently designated as such by the department;

(46) “Time-critical diagnosis”, trauma care, stroke care, and STEMI care occurring either outside of a hospital or in a center designated under section 190.241;

(47) “Time-critical diagnosis advisory committee”, a committee formed under section 190.257 to advise the department on policies impacting trauma, stroke, and STEMI center designations; regulations on trauma care, stroke care, and STEMI care; and the transport of trauma, stroke, and STEMI patients;

(48) “Trauma”, an injury to human tissues and organs resulting from the transfer of energy from the environment;

[(47)] **(49)** “Trauma care” includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

[(48)] **(50)** “Trauma center”, a hospital that is currently designated as such by the department.

190.101. 1. There is hereby established a “State Advisory Council on Emergency Medical Services” which shall consist of sixteen members, one of which shall be a resident of a city not within a county. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.

2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. The state EMS medical director, as described under section 190.103, shall serve as an ex officio member of the council.

5. The members of the council and subcommittees shall serve without compensation except that members of the council shall, subject to appropriations, be reimbursed for reasonable travel expenses and meeting expenses related to the functions of the council.

[5.] 6. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.

[6.] 7. (1) There is hereby established a standing subcommittee of the council to monitor the implementation of the recognition of the EMS personnel licensure interstate compact under sections 190.900 to 190.939, the interstate commission for EMS personnel practice, and the involvement of the state of Missouri. The subcommittee shall meet at least biannually and receive reports from the Missouri delegate to the interstate commission for EMS personnel practice. The subcommittee shall consist of at least seven members appointed by the chair of the council, to include at least two members as recommended by the Missouri state council of firefighters and one member as recommended by the Missouri Association of Fire Chiefs. The subcommittee may submit reports and recommendations to the council, the department of health and senior services, the general assembly, and the governor regarding the participation of Missouri with the recognition of the EMS personnel licensure interstate compact.

(2) The subcommittee shall formally request a public hearing for any rule proposed by the interstate commission for EMS personnel practice in accordance with subsection 7 of section 190.930. The hearing request shall include the request that the hearing be presented live through the internet. The Missouri delegate to the interstate commission for EMS personnel practice shall be responsible for ensuring that all hearings, notices of, and related rulemaking communications as required by the compact be communicated to the council and emergency medical services personnel under the provisions of subsections 4, 5, 6, and 8 of section 190.930.

(3) The department of health and senior services shall not establish or increase fees for Missouri emergency medical services personnel licensure in accordance with this chapter for the purpose of creating the funds necessary for payment of an annual assessment under subdivision (3) of subsection 5 of section 190.924.

8. The council shall consult with the time-critical diagnosis advisory committee, as described under section 190.257, regarding time-critical diagnosis.

190.103. 1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory

committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years. The state EMS medical director shall be the chair of the state EMS medical director's advisory committee, and shall be elected by the members of the regional EMS medical director's advisory committee, shall serve a term of four years, and shall seek to coordinate EMS services between the EMS regions, promote educational efforts for agency medical directors, represent Missouri EMS nationally in the role of the state EMS medical director, and seek to incorporate the EMS system into the health care system serving Missouri.

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders. Emergency medical technicians shall only perform those medical procedures as directed by treatment protocols approved by the local medical director or when authorized through direct communication with online medical control.

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

5. Regional EMS medical directors and the state EMS medical director elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.

6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035.

7. Regional EMS medical directors may act to provide online telecommunication medical direction to AEMTs, EMT-Bs, EMT-Ps, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including AEMTs, EMT-Bs, EMT-Ps, and community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.

8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments. Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending arrival of the special needs patient, the condition of the patient, and the treatment instituted.

9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.

10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for patients, such activity shall not be construed as having usurped local medical direction authority in any manner.

11. The state EMS medical directors advisory committee shall review and make recommendations regarding all proposed community and regional time-critical diagnosis plans.

12. Notwithstanding any other provision of law to the contrary, when regional EMS medical directors are providing either online telecommunication medical direction to AEMTs, EMT-Bs, EMT-Ps, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications.

190.176. 1. The department shall develop and administer a uniform data collection system on all ambulance runs and injured patients, pursuant to rules promulgated by the department for the purpose of injury etiology, patient care outcome, injury and disease prevention and research purposes. The department shall not require disclosure by hospitals of data elements pursuant to this section unless those data elements are required by a federal agency or were submitted to the department as of January 1, 1998, pursuant to:

(1) Departmental regulation of trauma centers; or

(2) [The Missouri brain and spinal cord injury registry established by sections 192.735 to 192.745; or

(3)] Abstracts of inpatient hospital data; or

[(4)] **(3)** If such data elements are requested by a lawful subpoena or subpoena duces tecum.

2. All information and documents in any civil action, otherwise discoverable, may be obtained from any person or entity providing information pursuant to the provisions of sections 190.001 to 190.245.

190.200. 1. The department of health and senior services in cooperation with **hospitals and** local and regional EMS systems and agencies may provide public and professional information and education programs related to emergency medical services systems including trauma, STEMI, and stroke systems and emergency medical care and treatment. The department of health and senior services may also provide public information and education programs for informing residents of and visitors to the state of the availability and proper use of emergency medical services, **of the designation a hospital may receive as a trauma center, STEMI center, or stroke center,** of the value and nature of programs to

involve citizens in the administering of prehospital emergency care, including cardiopulmonary resuscitation, and of the availability of training programs in emergency care for members of the general public.

2. The department shall, for **trauma care**, STEMI care, and stroke care, respectively:

(1) Compile [and], assess, **and make publicly available** peer-reviewed and evidence-based clinical research and guidelines that provide or support recommended treatment standards **and that have been recommended by the time-critical diagnosis advisory committee**;

(2) Assess the capacity of the emergency medical services system and hospitals to deliver recommended treatments in a timely fashion;

(3) Use the research, guidelines, and assessment to promulgate rules establishing protocols for transporting **trauma patients to a trauma center**, STEMI patients to a STEMI center, or stroke patients to a stroke center. Such transport protocols shall direct patients to **trauma centers**, STEMI centers, and stroke centers under section 190.243 based on the centers' capacities to deliver recommended acute care treatments within time limits suggested by clinical research;

(4) Define regions within the state for purposes of coordinating the delivery of **trauma care**, STEMI care, and stroke care, respectively;

(5) Promote the development of regional or community-based plans for transporting **trauma**, STEMI, or stroke patients via ground or air ambulance to **trauma centers**, STEMI centers, or stroke centers, respectively, in accordance with section 190.243; and

(6) Establish procedures for the submission of community-based or regional plans for department approval.

3. A community-based or regional plan **for the transport of trauma, STEMI, and stroke patients** shall be submitted to the department for approval. Such plan shall be based on the clinical research and guidelines and assessment of capacity described in subsection [1] **2** of this section and shall include a mechanism for evaluating its effect on medical outcomes. Upon approval of a plan, the department shall waive the requirements of rules promulgated under sections 190.100 to 190.245 that are inconsistent with the community-based or regional plan. A community-based or regional plan shall be developed by [or in consultation with] the representatives of hospitals, physicians, and emergency medical services providers in the community or region.

190.241. 1. **Except as provided for in subsection 4 of this section**, the department shall designate a hospital as an adult, pediatric or adult and pediatric trauma center when a hospital, upon proper application submitted by the hospital and site review, has been found by the department to meet the applicable level of trauma center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185. **Site review may occur on-site or by any reasonable means of communication, or by any combination thereof.** Such rules shall include designation as a trauma center without site review if such hospital is verified by a national verifying or designating body at the level which corresponds to a level approved in rule. **In developing trauma center designation criteria, the department shall use, as it deems practicable, peer-reviewed and evidence-based clinical research and guidelines including, but not limited to, the most recent guidelines of the American College of Surgeons.**

2. Except as provided for in subsection [5] 4 of this section, the department shall designate a hospital as a STEMI or stroke center when such hospital, upon proper application and site review, has been found by the department to meet the applicable level of STEMI or stroke center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185. **Site review may occur on-site or by any reasonable means of communication, or by any combination thereof.** In developing STEMI center and stroke center designation criteria, the department shall use, as it deems practicable, [appropriate] peer-reviewed [or] **and** evidence-based **clinical** research [on such topics] **and guidelines** including, but not limited to, the most recent guidelines of the American College of Cardiology [and], **the** American Heart Association [for STEMI centers, or the Joint Commission's Primary Stroke Center Certification program criteria for stroke centers, or Primary and Comprehensive Stroke Center Recommendations as published by], **or** the American Stroke Association. Such rules shall include designation as a STEMI center **or stroke center** without site review if such hospital is certified by a national body.

3. The department of health and senior services shall, not less than once every [five] **three** years, conduct [an on-site] **a site** review of every trauma, STEMI, and stroke center through appropriate department personnel or a qualified contractor, with the exception of **trauma centers, STEMI centers, and** stroke centers designated pursuant to subsection [5] 4 of this section; however, this provision is not intended to limit the department's ability to conduct a complaint investigation pursuant to subdivision (3) of subsection 2 of section 197.080 of any trauma, STEMI, or stroke center. [On-site] **Site** reviews shall be coordinated for the different types of centers to the extent practicable with hospital licensure inspections conducted under chapter 197. No person shall be a qualified contractor for purposes of this subsection who has a substantial conflict of interest in the operation of any trauma, STEMI, or stroke center under review. The department may deny, place on probation, suspend or revoke such designation in any case in which it has [reasonable cause to believe that] **determined** there has been a substantial failure to comply with the provisions of this chapter or any rules or regulations promulgated pursuant to this chapter. **Centers that are placed on probationary status shall be required to demonstrate compliance with the provisions of this chapter and any rules or regulations promulgated under this chapter within twelve months of the date of the receipt of the notice of probationary status, unless otherwise provided by a settlement agreement with a duration of a maximum of eighteen months between the department and the designated center.** If the department of health and senior services has [reasonable cause to believe] **determined** that a hospital is not in compliance with such provisions or regulations, it may conduct additional announced or unannounced site reviews of the hospital to verify compliance. If a trauma, STEMI, or stroke center fails two consecutive [on-site] **site** reviews because of substantial noncompliance with standards prescribed by sections 190.001 to 190.245 or rules adopted by the department pursuant to sections 190.001 to 190.245, its center designation shall be revoked.

4. **(1)** Instead of applying for **trauma, STEMI, or stroke** center designation under subsection **1 or 2** of this section, a hospital may apply for **trauma, STEMI, or stroke** center designation under this subsection. Upon receipt of an application [from a hospital] on a form prescribed by the department, the department shall designate such hospital[:

(1) A level I STEMI center if such hospital has been certified as a Joint Commission comprehensive cardiac center or another department-approved nationally recognized organization that provides comparable STEMI center accreditation; or

(2) A level II STEMI center if such hospital has been accredited as a Mission: Lifeline STEMI receiving center by the American Heart Association accreditation process or another department-approved nationally recognized organization that provides STEMI receiving center accreditation.

5. Instead of applying for stroke center designation pursuant to the provisions of subsection 2 of this section, a hospital may apply for stroke center designation pursuant to this subsection. Upon receipt of an application from a hospital on a form prescribed by the department, the department shall designate such hospital:

(1) A level I stroke center if such hospital has been certified as a comprehensive stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines;

(2) A level II stroke center if such hospital has been certified as a primary stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines; or

(3) A level III stroke center if such hospital has been certified as an acute stroke-ready hospital by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines] **at a state level that corresponds to a similar national designation as set forth in rules promulgated by the department. The rules shall be based on standards of nationally recognized organizations and the recommendations of the time-critical diagnosis advisory committee.**

(2) Except as provided by subsection [6] 5 of this section, the department shall not require compliance with any additional standards for establishing or renewing **trauma, STEMI, or** stroke designations **under this subsection**. The designation shall continue if such hospital remains certified **or verified**. The department may remove a hospital's designation as a **trauma center, STEMI center, or** stroke center if the hospital requests removal of the designation or the department determines that the certificate [recognizing] **or verification that qualified** the hospital [as a stroke center] **for the designation under this subsection** has been suspended or revoked. Any decision made by the department to withdraw its designation of a [stroke] center pursuant to this subsection that is based on the revocation or suspension of a certification **or verification** by a certifying **or verifying** organization shall not be subject to judicial review. The department shall report to the certifying **or verifying** organization any complaint it receives related to the [stroke] center [certification of a stroke center] designated pursuant to this subsection. The department shall also advise the complainant which organization certified **or verified** the [stroke] center and provide the necessary contact information should the complainant wish to pursue a complaint with the certifying **or verifying** organization.

[6.] 5. Any hospital receiving designation as a **trauma center, STEMI center, or** stroke center pursuant to subsection [5] 4 of this section shall:

(1) [Annually and] Within thirty days of any changes **or receipt of a certificate or verification**, submit to the department proof of [stroke] certification **or verification** and the names and contact information of the **center's** medical director and the program manager [of the stroke center]; **and**

(2) [Submit to the department a copy of the certifying organization's final stroke certification survey results within thirty days of receiving such results;

(3) Submit every four years an application on a form prescribed by the department for stroke center review and designation;

(4) Participate in the emergency medical services regional system of stroke care in its respective emergency medical services region as defined in rules promulgated by the department;

(5) Participate in local and regional emergency medical services systems [by reviewing and sharing outcome data and] **for purposes of** providing training [and], **sharing** clinical educational resources, **and collaborating on improving patient outcomes.**

Any hospital receiving designation as a level III stroke center pursuant to subsection [5] 4 of this section shall have a formal agreement with a level I or level II stroke center for physician consultative services for evaluation of stroke patients for thrombolytic therapy and the care of the patient post-thrombolytic therapy.

[7.] **6.** Hospitals designated as a **trauma center, STEMI center,** or stroke center by the department[, including those designated pursuant to subsection 5 of this section,] shall submit data [to meet the data submission requirements specified by rules promulgated by the department. Such submission of data may be done] by **one of** the following methods:

(1) Entering hospital data [directly] into a state registry [by direct data entry]; **or**

(2) [Downloading hospital data from a nationally recognized registry or data bank and importing the data files into a state registry; or

(3) Authorizing a nationally recognized registry or data bank to disclose or grant access to the department facility-specific data held by the] **Entering hospital data into a national** registry or data bank. A hospital submitting data pursuant to **this** subdivision [(2) or (3) of this subsection] shall not be required to collect and submit any additional **trauma, STEMI,** or stroke center data elements. **No hospital submitting data to a national data registry or data bank under this subdivision shall withhold authorization for the department to access such data through such national data registry or data bank. Nothing in this subdivision shall be construed as requiring duplicative data entry by a hospital that is otherwise complying with the provisions of this subsection. Failure of the department to obtain access to data submitted to a national data registry or data bank shall not be construed as hospital noncompliance under this subsection.**

[8.] **7.** When collecting and analyzing data pursuant to the provisions of this section, the department shall comply with the following requirements:

(1) Names of any health care professionals, as defined in section 376.1350, shall not be subject to disclosure;

(2) The data shall not be disclosed in a manner that permits the identification of an individual patient or encounter;

(3) The data shall be used for the evaluation and improvement of hospital and emergency medical services' trauma, stroke, and STEMI care; **and**

(4) [The data collection system shall be capable of accepting file transfers of data entered into any national recognized trauma, stroke, or STEMI registry or data bank to fulfill trauma, stroke, or STEMI certification reporting requirements; and

(5)] **Trauma**, STEMI, and stroke center data elements shall conform to [nationally recognized performance measures, such as the American Heart Association’s Get With the Guidelines] **national registry or data bank data elements**, and include published detailed measure specifications, data coding instructions, and patient population inclusion and exclusion criteria to ensure data reliability and validity.

[9. The board of registration for the healing arts shall have sole authority to establish education requirements for physicians who practice in an emergency department of a facility designated as a trauma, STEMI, or stroke center by the department under this section. The department shall deem such education requirements promulgated by the board of registration for the healing arts sufficient to meet the standards for designations under this section.

10.] **8. The department shall not have authority to establish additional education requirements for physicians who are emergency medicine board certified or board eligible through the American Board of Emergency Medicine (ABEM) or the American Osteopathic Board of Emergency Medicine (AOBEM) and who are practicing in the emergency department of a facility designated as a trauma center, STEMI center, or stroke center by the department under this section. The department shall deem the education requirements promulgated by ABEM or AOBEM to meet the standards for designations under this section. Education requirements for non-ABEM or non-AOBEM certified physicians, nurses, and other providers who provide care at a facility designated as a trauma center, STEMI center, or stroke center by the department under this section shall mirror but not exceed those established by national designating or verifying bodies of trauma centers, STEMI centers, or stroke centers.**

9. The department of health and senior services may establish appropriate fees to offset **only** the costs of trauma, STEMI, and stroke center [reviews] **surveys**.

[11.] **10.** No hospital shall hold itself out to the public as a STEMI center, stroke center, adult trauma center, pediatric trauma center, or an adult and pediatric trauma center unless it is designated as such by the department of health and senior services.

[12.] **11.** Any person aggrieved by an action of the department of health and senior services affecting the trauma, STEMI, or stroke center designation pursuant to this chapter, including the revocation, the suspension, or the granting of, refusal to grant, or failure to renew a designation, may seek a determination thereon by the administrative hearing commission under chapter 621. It shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department.

190.243. 1. Severely injured patients shall be transported to a trauma center. Patients who suffer a STEMI, as defined in section 190.100, shall be transported to a STEMI center. Patients who suffer a stroke, as defined in section 190.100, shall be transported to a stroke center.

2. A physician, **physician assistant**, or registered nurse authorized by a physician who has established verbal communication with ambulance personnel shall instruct the ambulance personnel to transport a severely ill or injured patient to the closest hospital or designated trauma, STEMI, or stroke center, as determined according to estimated transport time whether by ground ambulance or air ambulance, in accordance with transport protocol approved by the medical director and the department of health and senior services, even when the hospital is located outside of the ambulance service’s primary service area. When initial transport from the scene of illness or injury to a trauma, STEMI, or

stroke center would be prolonged, the STEMI, stroke, or severely injured patient may be transported to the nearest appropriate facility for stabilization prior to transport to a trauma, STEMI, or stroke center.

3. Transport of the STEMI, stroke, or severely injured patient shall be governed by principles of timely and medically appropriate care; consideration of reimbursement mechanisms shall not supersede those principles.

4. Patients who do not meet the criteria for direct transport to a trauma, STEMI, or stroke center shall be transported to and cared for at the hospital of their choice so long as such ambulance service is not in violation of local protocols.

190.245. [The department shall require hospitals, as defined by chapter 197, designated as trauma, STEMI, or stroke centers to provide for a peer review system, approved by the department, for trauma, STEMI, and stroke cases, respective to their designations, under section 537.035. For purposes of sections 190.241 to 190.245, the department of health and senior services shall have the same powers and authority of a health care licensing board pursuant to subsection 6 of section 537.035.] Failure of a hospital to provide all medical records **and quality improvement documentation** necessary for the department to implement provisions of sections 190.241 to 190.245 shall result in the revocation of the hospital's designation as a trauma **center**, STEMI **center**, or stroke center. Any medical records obtained by the department [or peer review committees] shall be used only for purposes of implementing the provisions of sections 190.241 to 190.245 and the names of hospitals, physicians and patients shall not be released by the department or members of review [committees] **teams**.

190.257. 1. There is hereby established the "Time-Critical Diagnosis Advisory Committee", to be designated by the director for the purpose of advising and making recommendations to the department on:

- (1) Improvement of public and professional education related to time-critical diagnosis;**
- (2) Engagement in cooperative research endeavors;**
- (3) Development of standards, protocols, and policies related to time-critical diagnosis, including recommendations for state regulations; and**
- (4) Evaluation of community and regional time-critical diagnosis plans, including recommendations for changes.**

2. The members of the committee shall serve without compensation, except that the department shall budget for reasonable travel expenses and meeting expenses related to the functions of the committee.

3. The director shall appoint sixteen members to the committee from applications submitted for appointment, with the membership to be composed of the following:

(1) Six members, one from each EMS region, who are active participants providing emergency medical services, with at least:

- (a) One member who is a physician serving as a regional EMS medical director;**
- (b) One member who serves on an air ambulance service;**
- (c) One member who resides in an urban area; and**

(d) One member who resides in a rural area; and

(2) Ten members who represent hospitals, with at least:

(a) One member who is employed by a level I or level II trauma center;

(b) One member who is employed by a level I or level II STEMI center;

(c) One member who is employed by a level I or level II stroke center;

(d) One member who is employed by a rural or critical access hospital; and

(e) Three physicians, with one physician certified by the American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM) and two physicians employed in time-critical diagnosis specialties at a level I or level II trauma center, STEMI center, or stroke center.

4. In addition to the sixteen appointees, the state EMS medical director shall serve as an ex officio member of the committee.

5. The director shall make a reasonable effort to ensure that the members representing hospitals have geographical representation from each district of the state designated by a statewide nonprofit membership association of hospitals.

6. Members appointed by the director shall be appointed for three-year terms. Initial appointments shall include extended terms in order to establish a rotation to ensure that only approximately one-third of the appointees will have their term expire in any given year. An appointee wishing to continue in his or her role on the committee shall resubmit an application as required by this section.

7. The committee shall consult with the state advisory council on emergency medical services, as described in section 190.101, regarding issues involving emergency medical services.”; and

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator White moved that SS for SCS for **HB 2331**, as amended, be adopted, which motion prevailed.

On motion of Senator White, SS for SCS for **HB 2331**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Mosley	Onder	Razer	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Thompson Rehder	Washington	White
Wieland	Williams—30					

NAYS—Senators

Burlison Moon—2

Absent—Senators

Brattin O’Laughlin—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator White, title to the bill was agreed to.

Senator White moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

President Pro Tem Schatz assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 3015**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Hough assumed the Chair.

PRIVILEGED MOTIONS

Senator Eslinger, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1606**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1606

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1606, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 1 to Senate Amendment No. 3, Senate Amendment No. 3, as amended, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 14, Senate Amendment No. 17, Senate Amendment No. 18, Senate Amendment No. 19, Senate Amendment No. 21, and Senate Amendment No. 23, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for

House Committee Substitute for House Bill No. 1606, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 1606;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1606, as amended, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Peggy McGaugh

/s/ Travis Fitzwater

/s/ Michael A. O'Donnell

/s/ Joe Adams

/s/ Donna Baringer

FOR THE SENATE:

/s/ Karla Eslinger

/s/ Sandy Crawford

/s/ Holly Thompson Rehder

/s/ Doug Beck

/s/ Greg Razer

Senator Eslinger moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	Mosley	O'Laughlin	Onder	Razer	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Thompson Rehder	Washington	White
Wieland	Williams—30					

NAYS—Senators

May Moon—2

Absent—Senators

Brattin Eigel—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Eslinger, **CCS** for **SS** for **SCS** for **HCS** for **HB 1606**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 1606

An Act to repeal sections 50.327, 50.800, 50.810, 50.815, 50.820, 55.160, 57.317, 58.095, 58.200, 59.310, 67.457, 67.461, 67.1421, 67.1431, 67.1471, 70.631, 92.720, 92.740, 92.750, 92.760, 92.765, 92.770, 92.775, 92.810, 92.815, 92.825, 92.835, 92.840, 92.852, 92.855, 99.825, 99.830, 99.865, 105.145, 140.170, 140.190, 238.212, 238.222, 304.022, 442.130, 473.742, and 523.061, RSMo, and to enact in lieu thereof fifty new sections relating to political subdivisions, with a delayed effective date for a certain section and with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	Mosley	O’Laughlin	Onder	Razer	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Thompson Rehder	Washington	White
Wieland	Williams—30					

NAYS—Senators

May Moon—2

Absent—Senators

Brattin Eigel—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Eslinger, title to the bill was agreed to.

Senator Eslinger moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Burlison moved that the Senate refuse to concur in **SS No. 2** for **SCS** for **SB 968**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Rowden offered the following:

ORDER TO RELIEVE

Pursuant to Article III, Section 22 of the Constitution of the State of Missouri and Rule 50 of the Senate of the State of Missouri, we, the undersigned twelve senators elected, representing one-third of the senators elected, do hereby relieve the Select Committee on Redistricting of the Senate from any further consideration of House Committee Substitute for House Bill 2909 relating to the composition of congressional districts and direct and order that said HCS/HB 2909 be considered for third reading and final passage by the Senate. All in accordance with the Constitution of the State of Missouri and the Rules of the Senate of the State of Missouri.

/s/ Mike Bernskoetter

/s/ Elaine Gannon

/s/ Caleb Rowden

/s/ Jeanie Riddle

/s/ Dave Schatz

/s/ Mike Cierpiot

/s/ Lincoln Hough

/s/ Justin D. Brown

/s/ Daniel J. Hegeman

/s/ Sandy Crawford

/s/ Bill White

/s/ Holly Thompson Rehder

Senator Onder raised the point of order that pursuant to Senate Rule 52, bills reported out of committee shall lie on the table one day before being taken up for 3rd reading.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Onder appealed the ruling of the Chair, which motion failed on a standing division vote.

HCS for HB 2909, entitled:

An Act to repeal sections 128.345, 128.346, and 128.348, RSMo, and to enact in lieu thereof twelve new sections relating to the composition of congressional districts, with an emergency clause.

Was taken up by Senator Bernskoetter.

On motion of Senator Bernskoetter, **HCS for HB 2909**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brown	Crawford	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Razer
Riddle	Rizzo	Roberts	Rowden	Schatz	Thompson Rehder	Washington

White—22

NAYS—Senators

Arthur	Beck	Burlison	Cierpiot	Eigel	Eslinger	Moon
Onder	Schupp	Wieland	Williams—11			

Absent—Senator Brattin—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Mosley	O’Laughlin	Razer	Riddle	Rizzo	Roberts
Rowden	Schatz	Schupp	Thompson Rehder	Washington	White	Wieland

Williams—29

NAYS—Senators

Burlison	Eigel	Moon	Onder—4
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Absent—Senator Brattin—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Bernskoetter, title to the bill was agreed to.

Senator Bernskoetter moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS #2** for **SCS** for **HCS** for **HB 1472** and has taken up and passed **SS #2** for **SCS** for **HCS** for **HB 1472**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report #2 on **HCS** for **SS** for **SCS** for **SBs 681 & 662**, as amended, and has taken up and passed **CCS #2** for **HCS** for **SS** for **SCS** for **SBs 681 & 662**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS #3** for **SCS** for **SB 758**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SBs 775, 751 & 640**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SBs 775, 751 & 640**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HB 1878**, as amended, and has taken up and passed **SS** for **SCS** for **HB 1878**, as amended.

RESOLUTIONS

Senator Roberts offered Senate Resolution No. 924, regarding Sal Martinez, St. Louis, which was adopted.

Senator Roberts offered Senate Resolution No. 925, regarding Kevin Wilson, St. Louis, which was adopted.

Senator Roberts offered Senate Resolution No. 926, regarding Jill Nowak, St. Louis, which was adopted.

Senator Roberts offered Senate Resolution No. 927, regarding Catherine Smith-Morgan, St. Louis, which was adopted.

Senator Roberts offered Senate Resolution No. 928, regarding Diana Gualdoni, which was adopted.

Senator Moon offered Senate Resolution No. 929, regarding the Seventy-Fifth Anniversary of the

Mt. Vernon Church of Christ, Mt. Vernon, which was adopted.

Senator Cierpiot offered Senate Resolution No. 930, regarding former Missouri State Senator Robert Thane “Bob” Johnson, Lee’s Summit, which was adopted.

Senator Crawford offered Senate Resolution No. 931, regarding Eagle Scout Analyce Hayley, Warsaw, which was adopted.

Senator Arthur offered Senate Resolution No. 932, regarding Hannah Shupert, Springfield, which was adopted.

On motion of Senator Rowden, the Senate adjourned until 10:00 a.m., Wednesday, May 18, 2022.

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