

HOUSE AMENDMENT NO. \_\_\_\_  
TO  
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Offered By

AMEND House Amendment No. \_\_\_\_ to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the number "26," the following:

"Page 1, Section A, Line 3, by inserting after said section and line the following:

"27.010. The attorney general for the state of Missouri shall be elected at each general election at which a governor and other state officers are elected, and his term shall begin at 12:00 noon on the second Monday in January next succeeding his election, and shall continue for four years, or until his successor is elected and qualified. The attorney general shall not be required to reside at the seat of government ~~[and]~~ but shall keep his office in the supreme court building[;] and receive an annual salary of sixty-five thousand dollars plus any salary adjustment provided pursuant to section 105.005, payable out of the state treasury. The salary shall constitute the total compensation for all duties to be performed by him and there shall be no further payments made to or accepted by him for the performance of any duty now required of him under any existing law. The attorney general shall devote his full time to his office, and, except in the performance of his official duties, shall not engage in the practice of law."; and

Further amend said bill and page, Section 67.030, Line 14, by inserting after 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

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1 section 91.450, managed by the board; and

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

4  
 5 Further amend said bill,"; and

6  
 7 Further amend said amendment and page, Line 13, by inserting after said line the following:

8  
 9 "285.575. 1. This section shall be known and may be cited as the "Whistleblower's  
 10 Protection Act".

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

12 (1) "Because" or "because of", as it relates to the adverse decision or action, the person's  
 13 status as a protected person was the motivating factor;

14 (2) "Employer", an entity that has six or more employees for each working day in each of  
 15 twenty or more calendar weeks in the current or preceding calendar year. "Employer" shall not  
 16 include the state of Missouri or its agencies, instrumentalities, or political subdivisions, including  
 17 but not limited to any public institution of higher education, a corporation wholly owned by the state  
 18 of Missouri, an individual employed by an employer, or corporations and associations owned or  
 19 operated by religious or sectarian organizations; except that, "employer" shall include law  
 20 enforcement agencies;

21 (3) "Proper authorities", a governmental or law enforcement agency, an officer of an  
 22 employee's employer, the employee's supervisor employed by the employer, or the employee's  
 23 human resources representative employed by the employer;

24 (4) "Protected person", an employee of an employer who has reported to the proper  
 25 authorities an unlawful act of his or her employer; an employee of an employer who reports to his or  
 26 her employer serious misconduct of the employer that violates a clear mandate of public policy as  
 27 articulated in a constitutional provision, statute, or regulation promulgated under statute; or an  
 28 employee of an employer who has refused to carry out a directive issued by his or her employer that  
 29 if completed would be a violation of the law[~~—An employee of an employer is not a protected~~  
 30 ~~person if:~~

31 ~~——(a) The employee is a supervisory, managerial, or executive employee or an officer of his or~~  
 32 ~~her employer and the unlawful act or serious misconduct reported concerns matters upon which the~~  
 33 ~~employee is employed to report or provide professional opinion; or~~

34 ~~——(b) The proper authority or person to whom the employee makes his or her report is the~~  
 35 ~~person whom the employee claims to have committed the unlawful act or violation of a clear~~  
 36 ~~mandate of public policy];~~

37 (5) "The motivating factor", the employee's protected classification actually played a role in  
 38 the adverse decision or action and had a determinative influence on the adverse decision or action.

39 3. This section is intended to codify the existing common law exceptions to the at-will  
 40 employment doctrine and to limit their future expansion by the courts. This section, in addition to  
 41 chapter 213 and chapter 287, shall provide the exclusive remedy for any and all claims of unlawful  
 42 employment practices.

43 4. It shall be an unlawful employment practice for an employer to discharge an individual  
 44 defined as a protected person in this section because of that person's status as a protected person.

45 5. A protected person aggrieved by a violation of this section shall have a private right of  
 46 action for actual damages for violations of this section but not for punitive damages. [~~However, if a~~  
 47 ~~private right of action for damages exists under another statutory or regulatory scheme, whether~~  
 48 ~~under state or federal law, no private right of action shall exist under this statute.]~~

49 6. Any party to any action initiated under this section may demand a trial by jury.

1           7. A protected person aggrieved by a violation of this section shall have a private right of  
2 action that may be filed in a court of competent jurisdiction. The only remedies available in such an  
3 action shall be:

- 4           (1) Back pay;  
5           (2) Reimbursement of medical bills directly related to a violation of this section; and  
6           (3) Additionally, if a protected person proves, by clear and convincing evidence, that the  
7 conduct of the employer was outrageous because of the employer's evil motive or reckless  
8 indifference to the rights of others, then, such person may receive double the amount awarded under  
9 subdivisions (1) and (2) of this subsection, as liquidated damages. In applying this subdivision, the  
10 provisions of section 510.263 shall be applied as though liquidated damages were punitive damages  
11 and as though the amounts referenced in subdivisions (1) and (2) of this subsection were  
12 compensatory damages.

13           8. The court, in addition to the damages set forth in subsection 7 of this section, may award  
14 the prevailing party court costs and reasonable attorney fees; except that a prevailing respondent  
15 may be awarded reasonable attorney fees only upon a showing that the case was without  
16 foundation."; and

17  
18 Further amend said amendment, Page 2, Line 18, by inserting after said line the following:

19  
20 "Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after said section and line  
21 the following:

22  
23           ~~"[285.040. 1. As used in this section, "public safety employee" shall mean a~~  
24 ~~person trained or authorized by law or rule to render emergency medical~~  
25 ~~assistance or treatment, including, but not limited to, firefighters, ambulance~~  
26 ~~attendants and attendant drivers, emergency medical technicians, emergency~~  
27 ~~medical technician paramedics, dispatchers, registered nurses, physicians, and~~  
28 ~~sheriffs and deputy sheriffs.~~

29           ~~2. No public safety employee of a city not within a county who is hired prior~~  
30 ~~to September 1, 2023, shall be subject to a residency requirement of retaining~~  
31 ~~a primary residence in a city not within a county but may be required to~~  
32 ~~maintain a primary residence located within a one-hour response time.~~

33           ~~3. Public safety employees of a city not within a county who are hired after~~  
34 ~~August 31, 2023, may be subject to a residency rule no more restrictive than a~~  
35 ~~requirement of retaining a primary residence in a city not within a county for~~  
36 ~~a total of seven years and of then allowing the public safety employee to~~  
37 ~~maintain a primary residence outside the city not within a county so long as~~  
38 ~~the primary residence is located within a one-hour response time.]; and~~

39  
40 Further amend said bill by amending the title, enacting clause, and intersectional references  
41 accordingly.

42  
43 THIS AMENDMENT AMENDS 0828H05.69H.