

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 186, Page 1, Section A, Line 6, by
2 inserting after said section and line the following:
3

4 "37.725. 1. Any files maintained by the advocate program shall be disclosed only at the
5 discretion of the child advocate; except that the identity of any complainant or recipient shall not be
6 disclosed by the office unless:

7 (1) The complainant or recipient, or the complainant's or recipient's legal representative,
8 consents in writing to such disclosure; ~~[or]~~

9 (2) Such disclosure is required by court order; or

10 (3) The disclosure is at the request of law enforcement as part of an investigation.

11 2. Any statement or communication made by the office relevant to a complaint received by,
12 proceedings before, or activities of the office and any complaint or information made or provided in
13 good faith by any person shall be absolutely privileged and such person shall be immune from suit.

14 3. Any representative of the office conducting or participating in any examination of a
15 complaint who knowingly and willfully discloses to any person other than the office, or those
16 persons authorized by the office to receive it, the name of any witness examined or any information
17 obtained or given during such examination is guilty of a class A misdemeanor. However, the office
18 conducting or participating in any examination of a complaint shall disclose the final result of the
19 examination with the consent of the recipient.

20 4. The office shall not be required to testify in any court with respect to matters held to be
21 confidential in this section except as the court may deem necessary to enforce the provisions of
22 sections 37.700 to 37.730, or where otherwise required by court order.

23 42.312. 1. There is hereby created within the state adjutant general's office the "Operation
24 Enduring Freedom, Operation Freedom's Sentinel, and Operation Allies Refuge Program". Every
25 veteran who honorably served on active duty in the United States military service at any time
26 beginning October 7, 2001, and ending August 30, 2021, shall be entitled to receive an Operation
27 Enduring Freedom, Operation Freedom's Sentinel, and Operation Allies Refuge medallion, medal,
28 and certificate of appreciation under this section, provided that:

29 (1) Such veteran is a legal resident of this state or was a legal resident of this state at the
30 time he or she entered or was discharged from military service or at the time of his or her death or

Action Taken _____ Date _____

1 such veteran served in a unit of the Missouri National Guard regardless of whether such veteran is
 2 or ever was a legal resident of this state; and

3 (2) Such veteran was honorably separated or discharged from military service, is still in
 4 active service in an honorable status, or was in active service in an honorable status at the time of
 5 his or her death.

6 2. The Operation Enduring Freedom, Operation Freedom's Sentinel, and Operation Allies
 7 Refuge medallion, medal, and certificate shall be awarded regardless of whether such veteran served
 8 within the United States or in a foreign country. The medallion, medal, and certificate shall be
 9 awarded regardless of whether such veteran was under eighteen years of age at the time of
 10 enlistment. For purposes of this section, "veteran" means any person defined as a veteran by the
 11 United States Department of Veterans Affairs or its successor agency.

12 43.253. 1. Notwithstanding any other provision of law to the contrary, a minimum fee of six
 13 dollars may be charged by the Missouri state highway patrol for a records request for a Missouri
 14 Uniform Crash Report or Marine Accident Investigation Report where there are allowable fees of
 15 less than six dollars under this chapter or chapter 610. Such six-dollar fee shall be in place of any
 16 allowable fee of less than six dollars.

17 2. The superintendent of the Missouri state highway patrol may increase the minimum fee
 18 described in this section by no more than one dollar every other year beginning August 28, 2024;
 19 however, the minimum fee described in this section shall not exceed ten dollars.

20 43.539. 1. As used in this section, the following terms mean:

21 (1) "Applicant", a person who:

- 22 (a) Is actively employed by or seeks employment with a qualified entity;
- 23 (b) Is actively licensed or seeks licensure with a qualified entity;
- 24 (c) Actively volunteers or seeks to volunteer with a qualified entity;
- 25 (d) Is actively contracted with or seeks to contract with a qualified entity; or
- 26 (e) Owns or operates a qualified entity;

27 (2) "Care", the provision of care, treatment, education, training, instruction, supervision, or
 28 recreation to children, the elderly, or disabled persons;

29 (3) "Missouri criminal record review", a review of criminal history records and sex offender
 30 registration records under sections 589.400 to 589.425 maintained by the Missouri state highway
 31 patrol in the Missouri criminal records repository;

32 (4) "Missouri Rap Back program", any type of automatic notification made by the Missouri
 33 state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or
 34 otherwise under the purview of that entity has been arrested for a reported criminal offense in
 35 Missouri as required under section 43.506;

36 (5) "National criminal record review", a review of the criminal history records maintained
 37 by the Federal Bureau of Investigation;

38 (6) "National Rap Back program", any type of automatic notification made by the Federal
 39 Bureau of Investigation through the Missouri state highway patrol to a qualified entity indicating
 40 that an applicant who is employed, licensed, or otherwise under the purview of that entity has been

1 arrested for a reported criminal offense outside the state of Missouri and the fingerprints for that
2 arrest were forwarded to the Federal Bureau of Investigation by the arresting agency;

3 (7) "Patient or resident", a person who by reason of age, illness, disease, or physical or
4 mental infirmity receives or requires care or services furnished by an applicant, as defined in this
5 section, or who resides or boards in, or is otherwise kept, cared for, treated, or accommodated in a
6 facility as defined in section 198.006, for a period exceeding twenty-four consecutive hours;

7 (8) "Qualified entity", a person, business, or organization that provides care, care placement,
8 or educational services for children, the elderly, or persons with disabilities as patients or residents,
9 including a business or organization that licenses or certifies others to provide care or care
10 placement services;

11 (9) "Youth services agency", any agency, school, or association that provides programs,
12 care, or treatment for or exercises supervision over minors.

13 2. The central repository shall have the authority to submit applicant fingerprints to the
14 National Rap Back program to be retained for the purpose of being searched against future
15 submissions to the National Rap Back program, including latent fingerprint searches. Qualified
16 entities may conduct Missouri and national criminal record reviews on applicants and participate in
17 Missouri and National Rap Back programs for the purpose of determining suitability or fitness for a
18 permit, license, or employment, and shall abide by the following requirements:

19 (1) The qualified entity shall register with the Missouri state highway patrol prior to
20 submitting a request for screening under this section. As part of the registration, the qualified entity
21 shall indicate if it chooses to enroll applicants in the Missouri and National Rap Back programs;

22 (2) Qualified entities shall notify applicants subject to a criminal record review under this
23 section that the applicant's fingerprints shall be retained by the state central repository and the
24 Federal Bureau of Investigation and shall be searched against other fingerprints on file, including
25 latent fingerprints;

26 (3) Qualified entities shall notify applicants subject to enrollment in the National Rap Back
27 program that the applicant's fingerprints, while retained, may continue to be compared against other
28 fingerprints submitted or retained by the Federal Bureau of Investigation, including latent
29 fingerprints;

30 (4) The criminal record review and Rap Back process described in this section shall be
31 voluntary and conform to the requirements established in the National Child Protection Act of 1993,
32 as amended, and other applicable state or federal law. As a part of the registration, the qualified
33 entity shall agree to comply with state and federal law and shall indicate so by signing an agreement
34 approved by the Missouri state highway patrol. The Missouri state highway patrol may periodically
35 audit qualified entities to ensure compliance with federal law and this section;

36 (5) A qualified entity shall submit to the Missouri state highway patrol a request for
37 screening on applicants covered under this section using a completed fingerprint card;

38 (6) Each request shall be accompanied by a reasonable fee, as provided in section 43.530,
39 plus the amount required, if any, by the Federal Bureau of Investigation for the national criminal

1 record review and enrollment in the National Rap Back program in compliance with the National
2 Child Protection Act of 1993, as amended, and other applicable state or federal laws;

3 (7) The Missouri state highway patrol shall provide, directly to the qualified entity, the
4 applicant's state criminal history records that are not exempt from disclosure under chapter 610 or
5 otherwise confidential under law;

6 (8) The national criminal history data shall be available to qualified entities to use only for
7 the purpose of screening applicants as described under this section. The Missouri state highway
8 patrol shall provide the applicant's national criminal history record information directly to the
9 qualified entity;

10 (9) The determination whether the criminal history record shows that the applicant has been
11 convicted of or has a pending charge for any crime that bears upon the fitness of the applicant to
12 have responsibility for the safety and well-being of children, the elderly, or disabled persons shall be
13 made solely by the qualified entity. This section shall not require the Missouri state highway patrol
14 to make such a determination on behalf of any qualified entity;

15 (10) The qualified entity shall notify the applicant, in writing, of his or her right to obtain a
16 copy of any criminal record review, including the criminal history records, if any, contained in the
17 report and of the applicant's right to challenge the accuracy and completeness of any information
18 contained in any such report and obtain a determination as to the validity of such challenge before a
19 final determination regarding the applicant is made by the qualified entity reviewing the criminal
20 history information. A qualified entity that is required by law to apply screening criteria, including
21 any right to contest or request an exemption from disqualification, shall apply such screening
22 criteria to the state and national criminal history record information received from the Missouri state
23 highway patrol for those applicants subject to the required screening; and

24 (11) Failure to obtain the information authorized under this section, with respect to an
25 applicant, shall not be used as evidence in any negligence action against a qualified entity. The
26 state, any political subdivision of the state, or any agency, officer, or employee of the state or a
27 political subdivision shall not be liable for damages for providing the information requested under
28 this section.

29 3. The criminal record review shall include the submission of fingerprints to the Missouri
30 state highway patrol, who shall conduct a Missouri criminal record review, including closed record
31 information under section 610.120. The Missouri state highway patrol shall also forward a copy of
32 the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal record
33 review.

34 4. The applicant subject to a criminal record review shall provide the following information
35 to the qualified entity:

36 (1) Consent to obtain the applicant's fingerprints, conduct the criminal record review, and
37 participate in the Missouri and National Rap Back programs;

38 (2) Consent to obtain the identifying information required to conduct the criminal record
39 review, which may include, but not be limited to:

- (a) Name;
- (b) Date of birth;
- (c) Height;
- (d) Weight;
- (e) Eye color;
- (f) Hair color;
- (g) Gender;
- (h) Race;
- (i) Place of birth;
- (j) Social Security number; and
- (k) The applicant's photo.

5. Any information received by an authorized state agency or a qualified entity under the provisions of this section shall be used solely for internal purposes in determining the suitability of an applicant. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall be confidential, and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. A qualified entity enrolled in either the Missouri or National Rap Back program shall be notified by the Missouri state highway patrol that a new arrest has been reported on an applicant who is employed, licensed, or otherwise under the purview of the qualified entity. Upon receiving the Rap Back notification, if the qualified entity deems that the applicant is still serving in an active capacity, the entity may request and receive the individual's updated criminal history record. This process shall only occur if:

(1) The entity has abided by all procedures and rules promulgated by the Missouri state highway patrol and Federal Bureau of Investigation regarding the Missouri and National Rap Back programs;

(2) The individual upon whom the Rap Back notification is being made has previously had a Missouri and national criminal record review completed for the qualified entity under this section ~~[within the previous six years]~~; and

(3) The individual upon whom the Rap Back notification is being made is a current employee, licensee, or otherwise still actively under the purview of the qualified entity.

7. The Missouri state highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section.

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

- (1) "Applicant", a person who:
 - (a) Is actively employed by or seeks employment with a qualified entity;
 - (b) Is actively licensed or seeks licensure with a qualified entity;
 - (c) Actively volunteers or seeks to volunteer with a qualified entity; or
 - (d) Is actively contracted with or seeks to contract with a qualified entity;

1 (2) "Missouri criminal record review", a review of criminal history records and sex offender
2 registration records pursuant to sections 589.400 to 589.425 maintained by the Missouri state
3 highway patrol in the Missouri criminal records repository;

4 (3) "Missouri Rap Back program", shall include any type of automatic notification made by
5 the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed,
6 licensed, or otherwise under the purview of that entity has been arrested for a reported criminal
7 offense in Missouri as required under section 43.506;

8 (4) "National criminal record review", a review of the criminal history records maintained
9 by the Federal Bureau of Investigation;

10 (5) "National Rap Back program", shall include any type of automatic notification made by
11 the Federal Bureau of Investigation through the Missouri state highway patrol to a qualified entity
12 indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity
13 has been arrested for a reported criminal offense outside the state of Missouri and the fingerprints
14 for that arrest were forwarded to the Federal Bureau of Investigation by the arresting agency;

15 (6) "Qualified entity", an entity that is:

16 (a) An office or division of state, county, or municipal government, including a political
17 subdivision or a board or commission designated by statute or approved local ordinance, to issue or
18 renew a license, permit, certification, or registration of authority;

19 (b) An office or division of state, county, or municipal government, including a political
20 subdivision or a board or commission designated by statute or approved local ordinance, to make
21 fitness determinations on applications for state, county, or municipal government employment; or

22 (c) Any entity that is authorized to obtain criminal history record information under 28 CFR
23 20.33.

24 2. The central repository shall have the authority to submit applicant fingerprints to the
25 National Rap Back program to be retained for the purpose of being searched against future
26 submissions to the National Rap Back program, including latent fingerprint searches. Qualified
27 entities may conduct Missouri and national criminal record reviews on applicants and participate in
28 Missouri and National Rap Back programs for the purpose of determining suitability or fitness for a
29 permit, license, or employment, and shall abide by the following requirements:

30 (1) The qualified entity shall register with the Missouri state highway patrol prior to
31 submitting a request for screening under this section. As part of such registration, the qualified
32 entity shall indicate if it chooses to enroll their applicants in the Missouri and National Rap Back
33 programs;

34 (2) Qualified entities shall notify applicants subject to a criminal record review under this
35 section that the applicant's fingerprints shall be retained by the state central repository and the
36 Federal Bureau of Investigation and shall be searched against other fingerprints on file, including
37 latent fingerprints;

38 (3) Qualified entities shall notify applicants subject to enrollment in the National Rap Back
39 program that the applicant's fingerprints, while retained, may continue to be compared against other

1 fingerprints submitted or retained by the Federal Bureau of Investigation, including latent
2 fingerprints;

3 (4) The criminal record review and Rap Back process described in this section shall be
4 voluntary and conform to the requirements established in Pub. L. 92-544 and other applicable state
5 or federal law. As a part of the registration, the qualified entity shall agree to comply with state and
6 federal law and shall indicate so by signing an agreement approved by the Missouri state highway
7 patrol. The Missouri state highway patrol may periodically audit qualified entities to ensure
8 compliance with federal law and this section;

9 (5) A qualified entity shall submit to the Missouri state highway patrol a request for
10 screening on applicants covered under this section using a completed fingerprint card;

11 (6) Each request shall be accompanied by a reasonable fee, as provided in section 43.530,
12 plus the amount required, if any, by the Federal Bureau of Investigation for the national criminal
13 record review and enrollment in the National Rap Back program in compliance with applicable state
14 or federal laws;

15 (7) The Missouri state highway patrol shall provide, directly to the qualified entity, the
16 applicant's state criminal history records that are not exempt from disclosure under chapter 610 or
17 are otherwise confidential under law;

18 (8) The national criminal history data shall be available to qualified entities to use only for
19 the purpose of screening applicants as described under this section. The Missouri state highway
20 patrol shall provide the applicant's national criminal history record information directly to the
21 qualified entity;

22 (9) This section shall not require the Missouri state highway patrol to make an eligibility
23 determination on behalf of any qualified entity;

24 (10) The qualified entity shall notify the applicant, in writing, of his or her right to obtain a
25 copy of any criminal record review, including the criminal history records, if any, contained in the
26 report, and of the applicant's right to challenge the accuracy and completeness of any information
27 contained in any such report and to obtain a determination as to the validity of such challenge before
28 a final determination regarding the applicant is made by the qualified entity reviewing the criminal
29 history information. A qualified entity that is required by law to apply screening criteria, including
30 any right to contest or request an exemption from disqualification, shall apply such screening
31 criteria to the state and national criminal history record information received from the Missouri state
32 highway patrol for those applicants subject to the required screening; and

33 (11) Failure to obtain the information authorized under this section with respect to an
34 applicant shall not be used as evidence in any negligence action against a qualified entity. The state,
35 any political subdivision of the state, or any agency, officer, or employee of the state or a political
36 subdivision shall not be liable for damages for providing the information requested under this
37 section.

38 3. The criminal record review shall include the submission of fingerprints to the Missouri
39 state highway patrol, who shall conduct a Missouri criminal record review, including closed record

1 information under section 610.120. The Missouri state highway patrol shall also forward a copy of
 2 the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal record
 3 review.

4 4. The applicant subject to a criminal record review shall provide the following information
 5 to the qualified entity:

6 (1) Consent to obtain the applicant's fingerprints, conduct the criminal record review, and
 7 participate in the Missouri and National Rap Back programs;

8 (2) Consent to obtain the identifying information required to conduct the criminal record
 9 review, which may include, but not be limited to:

10 (a) Name;

11 (b) Date of birth;

12 (c) Height;

13 (d) Weight;

14 (e) Eye color;

15 (f) Hair color;

16 (g) Gender;

17 (h) Race;

18 (i) Place of birth;

19 (j) Social Security number; and

20 (k) The applicant's photo.

21 5. Any information received by an authorized state agency or a qualified entity pursuant to
 22 the provisions of this section shall be used solely for internal purposes in determining the suitability
 23 of an applicant. The dissemination of criminal history information from the Federal Bureau of
 24 Investigation beyond the authorized state agency or related governmental entity is prohibited. All
 25 criminal record check information shall be confidential and any person who discloses the
 26 information beyond the scope allowed is guilty of a class A misdemeanor.

27 6. A qualified entity enrolled in either the Missouri or National Rap Back programs shall be
 28 notified by the Missouri state highway patrol that a new arrest has been reported on an applicant
 29 who is employed, licensed, or otherwise under the purview of the qualified entity. Upon receiving
 30 the Rap Back notification, if the qualified entity deems that the applicant is still serving in an active
 31 capacity, the entity may request and receive the individual's updated criminal history record. This
 32 process shall only occur if:

33 (1) The agency has abided by all procedures and rules promulgated by the Missouri state
 34 highway patrol and Federal Bureau of Investigation regarding the Missouri and National Rap Back
 35 programs;

36 (2) The individual upon whom the Rap Back notification is being made has previously had a
 37 Missouri and national criminal record review completed for the qualified entity under this section
 38 [~~within the previous six years~~]; and

1 (3) The individual upon whom the Rap Back notification is being made is a current
2 employee, licensee, or otherwise still actively under the purview of the qualified entity.

3 7. The highway patrol shall make available or approve the necessary forms, procedures, and
4 agreements necessary to implement the provisions of this section."; and

5
6 Further amend said bill, Page 3, Section 56.601, Line 50, by inserting after said section and line the
7 following:

8
9 "168.133. 1. As used in this section, "screened volunteer" shall mean any person who
10 assists a school by providing uncompensated service and who may periodically be left alone with
11 students. The school district shall ensure that a criminal background check is conducted for all
12 screened volunteers, who shall complete the criminal background check prior to being left alone
13 with a student. ~~[Screened volunteers include, but are not limited to, persons who regularly assist in~~
14 ~~the office or library, mentor or tutor students, coach or supervise a school-sponsored activity before~~
15 ~~or after school, or chaperone students on an overnight trip.]~~ Screened volunteers may only access
16 student education records when necessary to assist the district and while supervised by staff
17 members. Volunteers that are not screened shall not be left alone with a student or have access to
18 student records.

19 2. Beginning on January 1, 2005, the school district shall ensure that a criminal background
20 check is conducted on any ~~[person employed after January 1, 2005,]~~ applicant, as defined in section
21 43.540, for employment authorized to have contact with pupils ~~[and]~~. The criminal background
22 check must be conducted prior to the [individual] applicant for employment having contact with any
23 pupil. [Such persons include, but are not limited to, administrators, teachers, aides,
24 paraprofessionals, assistants, secretaries, custodians, cooks, screened volunteers, and nurses.] The
25 school district shall also ensure that a criminal background check is conducted for school bus
26 drivers. The district may allow such drivers to operate buses pending the result of the criminal
27 background check. For bus drivers, the school district shall be responsible for conducting the
28 criminal background check on drivers employed by the school district. For drivers employed by a
29 pupil transportation company under contract with the school district, the criminal background check
30 shall be conducted pursuant to section ~~[43.540]~~ 43.539 and conform to the requirements established
31 in the National Child Protection Act of 1993, as amended by the Volunteers for Children Act.
32 Personnel who have successfully undergone a criminal background check and a check of the family
33 care safety registry as part of the professional license application process under section 168.021 and
34 who have received clearance on the checks within one prior year of employment shall be considered
35 to have completed the background check requirement. A criminal background check under this
36 section shall include a search of any information publicly available in an electronic format through a
37 public index or single case display.

38 3. In order to facilitate the criminal history background check, the applicant shall submit a
39 set of fingerprints collected pursuant to standards determined by the Missouri highway patrol. The
40 fingerprints shall be used by the highway patrol to search the criminal history repository and shall be
41 forwarded to the Federal Bureau of Investigation for searching the federal criminal history files
42 under section 43.540.

43 4. The applicant shall pay the fee for the state criminal history record information pursuant
44 to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee determined by the
45 Federal Bureau of Investigation for the federal criminal history record when he or she applies for a
46 position authorized to have contact with pupils pursuant to this section. The department shall
47 distribute the fees collected for the state and federal criminal histories to the Missouri highway

1 patrol.

2 5. The department of elementary and secondary education shall facilitate an annual check of
3 employed persons holding current active certificates under section 168.021 against criminal history
4 records in the central repository under section 43.530, the sexual offender registry under sections
5 589.400 to 589.426, and child abuse central registry under sections 210.109 to 210.183. The
6 department of elementary and secondary education shall facilitate procedures for school districts to
7 submit personnel information annually for persons employed by the school districts who do not hold
8 a current valid certificate who are required by subsection 1 of this section to undergo a criminal
9 background check, sexual offender registry check, and child abuse central registry check. The
10 Missouri state highway patrol shall provide ongoing electronic updates to criminal history
11 background checks of those persons previously submitted, both those who have an active certificate
12 and those who do not have an active certificate, by the department of elementary and secondary
13 education. This shall fulfill the annual check against the criminal history records in the central
14 repository under section 43.530.

15 6. The school district may adopt a policy to provide for reimbursement of expenses incurred
16 by an employee for state and federal criminal history information pursuant to section 43.530.

17 7. If, as a result of the criminal history background check mandated by this section, it is
18 determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo
19 contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar crime
20 or offense committed in another state, the United States, or any other country, regardless of
21 imposition of sentence, such information shall be reported to the department of elementary and
22 secondary education.

23 8. Any school official making a report to the department of elementary and secondary
24 education in conformity with this section shall not be subject to civil liability for such action.

25 9. For any teacher who is employed by a school district on a substitute or part-time basis
26 within one year of such teacher's retirement from a Missouri school, the state of Missouri shall not
27 require such teacher to be subject to any additional background checks prior to having contact with
28 pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting a school
29 district from requiring additional background checks for such teachers employed by the school
30 district.

31 10. A criminal background check and fingerprint collection conducted under subsections 1
32 to 3 of this section shall be valid for at least a period of one year and transferrable from one school
33 district to another district. A school district may, in its discretion, conduct a new criminal
34 background check and fingerprint collection under subsections 1 to 3 for a newly hired employee at
35 the district's expense. A teacher's change in type of certification shall have no effect on the
36 transferability or validity of such records.

37 11. Nothing in this section shall be construed to alter the standards for suspension, denial, or
38 revocation of a certificate issued pursuant to this chapter.

39 12. The state board of education may promulgate rules for criminal history background
40 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section
41 536.010, that is created under the authority delegated in this section shall become effective only if it
42 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
43 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
44 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
45 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
46 rule proposed or adopted after January 1, 2005, shall be invalid and void.

47 195.780. 1. For purposes of this section, the following terms mean:

48 (1) "Contractor", a person who spends more than fourteen days per year performing work or

1 service of any kind for a marijuana facility in accordance with a contract with that facility;

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

3 (3) "Marijuana facility", an entity licensed or certified by the department of health and
 4 senior services to cultivate, manufacture, test, transport, dispense, or conduct research on marijuana
 5 or marijuana products;

6 (4) "Owner", an individual who has a financial or voting interest in ten percent or greater of
 7 a marijuana facility.

8 2. The department shall require all employees, contractors, owners, and volunteers of
 9 marijuana facilities to submit fingerprints to the Missouri state highway patrol for the purpose of
 10 conducting a state and federal fingerprint-based criminal background check.

11 3. The department may require that such fingerprint submissions be made as part of a
 12 marijuana facility application, a marijuana facility renewal application, and an individual's
 13 application for a license or permit authorizing that individual to be an employee, contractor, owner,
 14 or volunteer of a marijuana facility.

15 4. Fingerprint cards and any required fees shall be sent to the Missouri state highway
 16 patrol's central repository. The fingerprints shall be used for searching the state criminal records
 17 repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal
 18 records search under section 43.540. The Missouri state highway patrol shall notify the department
 19 of any criminal history record information or lack of criminal history record information discovered
 20 on the individual. Notwithstanding the provisions of section 610.120 to the contrary, all records
 21 related to any criminal history information discovered shall be accessible and available to the
 22 department."; and

23
 24 Further amend said bill, Page 5, Section 211.031, Line 93, by inserting after said section and line the
 25 following:

26
 27 "292.606. 1. Fees shall be collected [~~for a period of six years from~~] through August 28,
 28 [2018] 2029.

29 2. (1) Any employer required to report under subsection 1 of section 292.605, except local
 30 governments and family-owned farm operations, shall submit an annual fee to the commission of
 31 one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities
 32 shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation
 33 selling, delivering or transporting petroleum or petroleum products and whose primary business
 34 deals with petroleum products or who is covered by the provisions of chapter 323, if such person,
 35 firm or corporation is paying fees under the provisions of the federal hazardous materials
 36 transportation registration and fee assessment program, shall deduct such federal fees from those
 37 fees owed to the state under the provisions of this subsection. If the federal fees exceed or are equal
 38 to what would otherwise be owed under this subsection, such employer shall not be liable for state
 39 fees under this subsection. In relation to petroleum products "primary business" shall mean that the
 40 person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from
 41 the sale, delivery or transport of petroleum products. For the purpose of calculating fees, all grades
 42 of gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes,
 43 naphthas, aviation turbine fuel, and all other heavy distillate products except for grades of gasoline
 44 are considered to be one product, and all varieties of motor lubricating oil are considered to be one
 45 product. For the purposes of this section "facility" shall mean all buildings, equipment, structures

1 and other stationary items that are located on a single site or on contiguous or adjacent sites and
2 which are owned or operated by the same person. If more than three hazardous substances or
3 mixtures are reported on the Tier II form, the employer shall submit an additional twenty-dollar fee
4 for each hazardous substance or mixture. Fees collected under this subdivision shall be for each
5 hazardous chemical on hand at any one time in excess of ten thousand pounds or for extremely
6 hazardous substances on hand at any one time in excess of five hundred pounds or the threshold
7 planning quantity, whichever is less, or for explosives or blasting agents on hand at any one time in
8 excess of one hundred pounds. However, no employer shall pay more than ten thousand dollars per
9 year in fees. Moneys acquired through litigation and any administrative fees paid pursuant to
10 subsection 3 of this section shall not be applied toward this cap.

11 (2) Employers engaged in transporting hazardous materials by pipeline except local gas
12 distribution companies regulated by the Missouri public service commission shall pay to the
13 commission a fee of two hundred fifty dollars for each county in which they operate.

14 (3) Payment of fees is due each year by March first. A late fee of ten percent of the total
15 owed, plus one percent per month of the total, may be assessed by the commission.

16 (4) If, on March first of each year, fees collected under this section and natural resources
17 damages made available pursuant to section 640.235 exceed one million dollars, any excess over
18 one million dollars shall be proportionately credited to fees payable in the succeeding year by each
19 employer who was required to pay a fee and who did pay a fee in the year in which the excess
20 occurred. The limit of one million dollars contained herein shall be reviewed by the commission
21 concurrent with the review of fees as required in subsection 1 of this section.

22 3. Beginning January 1, 2013, any employer filing its Tier II form pursuant to subsection 1
23 of section 292.605 may request that the commission distribute that employer's Tier II report to the
24 local emergency planning committees and fire departments listed in its Tier II report. Any employer
25 opting to have the commission distribute its Tier II report shall pay an additional fee of ten dollars
26 for each facility listed in the report at the time of filing to recoup the commission's distribution
27 costs. Fees shall be deposited in the chemical emergency preparedness fund established under
28 section 292.607. An employer who pays the additional fee and whose Tier II report includes all
29 local emergency planning committees and fire departments required to be notified under subsection
30 1 of section 292.605 shall satisfy the reporting requirements of subsection 1 of section 292.605. The
31 commission shall develop a mechanism for an employer to exercise its option to have the
32 commission distribute its Tier II report.

33 4. Local emergency planning committees receiving funds under section 292.604 shall
34 coordinate with the commission and the department in chemical emergency planning, training,
35 preparedness, and response activities. Local emergency planning committees receiving funds under
36 this section, section 260.394, sections 292.602, 292.604, 292.605, 292.615 and section 640.235 shall
37 provide to the commission an annual report of expenditures and activities.

38 5. Fees collected by the department and all funds provided to local emergency planning
39 committees shall be used for chemical emergency preparedness purposes as outlined in sections
40 292.600 to 292.625 and the federal act, including contingency planning for chemical releases;
41 exercising, evaluating, and distributing plans, providing training related to chemical emergency
42 preparedness and prevention of chemical accidents; identifying facilities required to report;
43 processing the information submitted by facilities and making it available to the public; receiving
44 and handling emergency notifications of chemical releases; operating a local emergency planning
45 committee; and providing public notice of chemical preparedness activities. Local emergency
46 planning committees receiving funds under this section may combine such funds with other local
47 emergency planning committees to further the purposes of sections 292.600 to 292.625, or the
48 federal act.

49 6. The commission shall establish criteria and guidance on how funds received by local

1 emergency planning committees may be used."; and

2
3 Further amend said bill, Page 6, Section 301.3175, Line 32, by inserting after said section and line
4 the following:

5
6 "307.173. 1. Any person may operate a motor vehicle with front sidewing vents or windows
7 located immediately to the left and right of the driver that have a sun-screening device, in
8 conjunction with safety glazing material, that has a light transmission of thirty-five percent or more
9 plus or minus three percent and a luminous reflectance of thirty-five percent or less plus or minus
10 three percent. Except as provided in subsection 5 of this section, any sun-screening device applied
11 to front sidewing vents or windows located immediately to the left and right of the driver in excess
12 of the requirements of this section shall be prohibited without a permit pursuant to a physician's
13 prescription as described below. A permit to operate a motor vehicle with front sidewing vents or
14 windows located immediately to the left and right of the driver that have a sun-screening device, in
15 conjunction with safety glazing material, which permits less light transmission and luminous
16 reflectance than allowed under the requirements of this subsection, may be issued by the department
17 of public safety to a person having a serious medical condition which requires the use of a sun-
18 screening device if the permittee's physician prescribes its use. The director of the department of
19 public safety shall promulgate rules and regulations for the issuance of the permit. The permit shall
20 allow operation of the vehicle by any titleholder or relative within the second degree by
21 consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother, sister, niece,
22 nephew, aunt, uncle, child, and grandchild of a person, who resides in the household. Except as
23 provided in subsection 2 of this section, all sun-screening devices applied to the windshield of a
24 motor vehicle are prohibited.

25 2. This section shall not prohibit labels, stickers, decalcomania, or informational signs on
26 motor vehicles or the application of tinted or solar screening material to recreational vehicles as
27 defined in section 700.010, provided that such material does not interfere with the driver's normal
28 view of the road. This section shall not prohibit factory-installed tinted glass, the equivalent
29 replacement thereof or tinting material applied to the upper portion of the motor vehicle's
30 windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

31 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
32 under the authority delegated in this section shall become effective only if it complies with and is
33 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
34 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
35 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently
36 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
37 August 28, 2001, shall be invalid and void.

38 4. Any person who violates the provisions of this section is guilty of a class [C] D
39 misdemeanor.

40 5. Any vehicle licensed with a historical license plate shall be exempt from the requirements

1 of this section.

2 307.179. 1. As used in this section, the following terms shall mean:

3 (1) "Child booster seat", a seating system which meets the Federal Motor Vehicle Safety
4 Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly
5 sit in a federally approved safety belt system;

6 (2) "Child passenger restraint system", a seating system which meets the Federal Motor
7 Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either
8 permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal
9 attachment system;

10 (3) "Driver", a person who is in actual physical control of a motor vehicle.

11 2. Every driver transporting a child under the age of sixteen years shall be responsible, when
12 transporting such child in a motor vehicle operated by that driver on the streets or highways of this
13 state, for providing for the protection of such child as follows:

14 (1) Children shall be secured in a rear-facing child passenger restraint system until the child
15 reaches two years of age, except that a child under two years of age may be secured in a forward
16 facing system when the child reaches the highest rear-facing weight or height allowed by the
17 manufacturer of the particular car safety seat;

18 (2) Children less than four years of age, regardless of weight, shall be secured in a child
19 passenger restraint system appropriate for that child;

20 ~~[(2)]~~ (3) Children weighing less than forty pounds, regardless of age, shall be secured in a
21 child passenger restraint system appropriate for that child;

22 ~~[(3)]~~ (4) Children at least four years of age but less than eight years of age, who also weigh
23 at least forty pounds ~~[but less than eighty pounds, and who are also less than four feet, nine inches~~
24 ~~tall]~~, shall be secured in a child passenger restraint system or booster seat appropriate for that child;

25 ~~[(4)]~~ (5) Children at least eighty pounds ~~[or children]~~ and more than four feet, nine inches in
26 height, or at least eight years of age, shall be secured by a vehicle safety belt ~~[or booster seat~~
27 ~~appropriate for that child]~~ according to section 307.178; and

28 ~~[(5)]~~ (6) A child who otherwise would be required to be secured in a booster seat may be
29 transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the
30 motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation[;

31 ~~(6) When transporting children in the immediate family when there are more children than~~
32 ~~there are seating positions in the enclosed area of a motor vehicle, the children who are not able to~~
33 ~~be restrained by a child safety restraint device appropriate for the child shall sit in the area behind~~
34 ~~the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area.~~
35 ~~The driver transporting children referred to in this subsection is not in violation of this section].~~

36
37 This subsection shall only apply to the use of a child passenger restraint system or vehicle safety
38 belt for children less than sixteen years of age being transported in a motor vehicle.

39 3. Any driver who violates ~~[subdivision (1), (2), or (3) of subsection 2 of]~~ this section is

1 guilty of an infraction and, upon conviction, may be punished by a fine of not more than fifty dollars
 2 and court costs. ~~[Any driver who violates subdivision (4) of subsection 2 of this section shall be~~
 3 ~~subject to the penalty in subsection 6 of section 307.178. If a driver receives a citation for violating~~
 4 ~~subdivision (1), (2), or (3) of subsection 2 of this section, the charges shall be dismissed or~~
 5 ~~withdrawn if the driver prior to or at his or her hearing provides evidence of acquisition of a child~~
 6 ~~passenger restraint system or child booster seat which is satisfactory to the court or the party~~
 7 ~~responsible for prosecuting the driver's citation.]~~

8 4. The provisions of this section shall not apply to any public carrier for hire. The
 9 provisions of this section shall not apply to students four years of age or older who are passengers
 10 on a school bus designed for carrying eleven passengers or more and which is manufactured or
 11 equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in
 12 section 301.010.

13 5. The highways and transportation commission shall initiate and develop a program of
 14 public information to develop understanding of, and ensure compliance with, the provisions of this
 15 section.

16 307.380. 1. Every vehicle of the type required to be inspected upon having been involved in
 17 an accident and when so directed by a police officer must be inspected and an official certificate of
 18 inspection and approval, sticker, seal or other device be obtained for such vehicle before it is again
 19 operated on the highways of this state.

20 2. At the seller's expense every used motor vehicle of the type required to be inspected by
 21 section 307.350 shall immediately prior to sale be fully inspected regardless of any current
 22 certificate of inspection and approval, and an appropriate new certificate of inspection and approval,
 23 sticker, seal or other device shall be obtained no more than sixty days prior to the date of sale. Such
 24 inspection shall not be required for a motor vehicle having less than forty thousand miles for the
 25 three-year period following the model year of manufacture. The seller shall present the certificate
 26 of inspection and approval to the buyer at the point of sale and the buyer shall be required to submit
 27 the certificate of inspection when applying for registration of the vehicle.

28 ~~[2-]~~ 3. Nothing contained in the provisions of this section shall be construed to prohibit a
 29 dealer or any other person from selling a vehicle without a certificate of inspection and approval if
 30 the vehicle is sold for junk, salvage, or for rebuilding, or for vehicles sold at public auction or from
 31 dealer to dealer. The purchaser of any vehicle which is purchased for junk, salvage, or for
 32 rebuilding shall give to the seller an affidavit, on a form prescribed by the superintendent of the
 33 Missouri state highway patrol, stating that the vehicle is being purchased for one of the reasons
 34 stated herein. No vehicle of the type required to be inspected by section 307.350 which is purchased
 35 as junk, salvage, or for rebuilding shall again be registered in this state until the owner has submitted
 36 the vehicle for inspection and obtained an official certificate of inspection and approval, sticker, seal
 37 or other device for such vehicle.

38 ~~[3-]~~ 4. Notwithstanding the provisions of section 307.390, violation of this section shall be
 39 deemed an infraction."; and

1
2 Further amend said bill, Page 30, Section 590.1075, Line 11, by inserting after said section and line
3 the following:
4

5 "610.021. Except to the extent disclosure is otherwise required by law, a public
6 governmental body is authorized to close meetings, records and votes, to the extent they relate to the
7 following:

8 (1) Legal actions, causes of action or litigation involving a public governmental body and
9 any confidential or privileged communications between a public governmental body or its
10 representatives and its attorneys. However, any minutes, vote or settlement agreement relating to
11 legal actions, causes of action or litigation involving a public governmental body or any agent or
12 entity representing its interests or acting on its behalf or with its authority, including any insurance
13 company acting on behalf of a public government body as its insured, shall be made public upon
14 final disposition of the matter voted upon or upon the signing by the parties of the settlement
15 agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court
16 after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly
17 outweighs the public policy considerations of section 610.011, however, the amount of any moneys
18 paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in
19 matters involving the exercise of the power of eminent domain, the vote shall be announced or
20 become public immediately following the action on the motion to authorize institution of such a
21 legal action. Legal work product shall be considered a closed record;

22 (2) Leasing, purchase or sale of real estate by a public governmental body where public
23 knowledge of the transaction might adversely affect the legal consideration therefor. However, any
24 minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real
25 estate by a public governmental body shall be made public upon execution of the lease, purchase or
26 sale of the real estate;

27 (3) Hiring, firing, disciplining or promoting of particular employees by a public
28 governmental body when personal information about the employee is discussed or recorded.
29 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,
30 promote or discipline an employee of a public governmental body shall be made available with a
31 record of how each member voted to the public within seventy-two hours of the close of the meeting
32 where such action occurs; provided, however, that any employee so affected shall be entitled to
33 prompt notice of such decision during the seventy-two-hour period before such decision is made
34 available to the public. As used in this subdivision, the term "personal information" means
35 information relating to the performance or merit of individual employees;

36 (4) The state militia or national guard or any part thereof;

37 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,
38 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or
39 treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) (a) Security measures, global positioning system (GPS) data, investigative information, or investigative or surveillance techniques of any public agency responsible for law enforcement or public safety that, if disclosed, has the potential to endanger the health or safety of an individual or the public.

(b) Any information or data provided to a tip line for the purpose of safety or security at an educational institution that, if disclosed, has the potential to endanger the health or safety of an individual or the public.

(c) Any information contained in any suspicious activity report provided to law enforcement that, if disclosed, has the potential to endanger the health or safety of an individual or the public.

1 (d) Operational guidelines, policies and specific response plans developed, adopted, or
2 maintained by any public agency responsible for law enforcement, public safety, first response, or
3 public health for use in responding to or preventing any critical incident which is or appears to be
4 terrorist in nature and which has the potential to endanger individual or public safety or health.
5 Financial records related to the procurement of or expenditures relating to operational guidelines,
6 policies or plans purchased with public funds shall be open. When seeking to close information
7 pursuant to this exception, the public governmental body shall affirmatively state in writing that
8 disclosure would impair the public governmental body's ability to protect the security or safety of
9 persons or real property, and shall in the same writing state that the public interest in nondisclosure
10 outweighs the public interest in disclosure of the records;

11 (19) Existing or proposed security systems and structural plans of real property owned or
12 leased by a public governmental body, and information that is voluntarily submitted by a nonpublic
13 entity owning or operating an infrastructure to any public governmental body for use by that body to
14 devise plans for protection of that infrastructure, the public disclosure of which would threaten
15 public safety:

16 (a) Records related to the procurement of or expenditures relating to security systems
17 purchased with public funds shall be open;

18 (b) When seeking to close information pursuant to this exception, the public governmental
19 body shall affirmatively state in writing that disclosure would impair the public governmental body's
20 ability to protect the security or safety of persons or real property, and shall in the same writing state
21 that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

22 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the
23 receiving agency within ninety days of submission to determine if retention of the document is
24 necessary in furtherance of a state security interest. If retention is not necessary, the documents
25 shall be returned to the nonpublic governmental body or destroyed;

26 (20) The portion of a record that identifies security systems or access codes or authorization
27 codes for security systems of real property;

28 (21) Records that identify the configuration of components or the operation of a computer,
29 computer system, computer network, or telecommunications network, and would allow
30 unauthorized access to or unlawful disruption of a computer, computer system, computer network,
31 or telecommunications network of a public governmental body. This exception shall not be used to
32 limit or deny access to otherwise public records in a file, document, data file or database containing
33 public records. Records related to the procurement of or expenditures relating to such computer,
34 computer system, computer network, or telecommunications network, including the amount of
35 moneys paid by, or on behalf of, a public governmental body for such computer, computer system,
36 computer network, or telecommunications network shall be open;

37 (22) Credit card numbers, personal identification numbers, digital certificates, physical and
38 virtual keys, access codes or authorization codes that are used to protect the security of electronic
39 transactions between a public governmental body and a person or entity doing business with a

1 public governmental body. Nothing in this section shall be deemed to close the record of a person
2 or entity using a credit card held in the name of a public governmental body or any record of a
3 transaction made by a person using a credit card or other method of payment for which
4 reimbursement is made by a public governmental body;

5 (23) Records submitted by an individual, corporation, or other business entity to a public
6 institution of higher education in connection with a proposal to license intellectual property or
7 perform sponsored research and which contains sales projections or other business plan information
8 the disclosure of which may endanger the competitiveness of a business;

9 (24) Records relating to foster home or kinship placements of children in foster care under
10 section 210.498; and

11 (25) Individually identifiable customer usage and billing records for customers of a
12 municipally owned utility, unless the records are requested by the customer or authorized for release
13 by the customer, except that a municipally owned utility shall make available to the public the
14 customer's name, billing address, location of service, and dates of service provided for any
15 commercial service account."; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.