

JOURNAL OF THE HOUSE

First Regular Session, 102nd GENERAL ASSEMBLY

SIXTY-FIRST DAY, WEDNESDAY, APRIL 26, 2023

The House met pursuant to adjournment.

Speaker Pro Tem Henderson in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicki, Chaplain.

“Let the people praise Thee, O God; let all the people praise Thee.” (Psalm 67:3)

Blessed are You, O Lord, our God, who turns the shadow of night into the light of the morning and gives to us the glory of another day in the People’s House; we lift our hearts to You in praise and thanksgiving.

Thanks be to You for the revelation of Yourself in the light of Your word, in the beauty of nature, in the orderliness of the universe, and in the splendor of the triumphant spirits. Thanks be to You for the revelation of Yourself in our own hearts, for moments when Your presence has been real, and we have known You are with us and we are with You on this long day.

Grateful for another day of session, send us out to do our work as best we can, touching the lives of our fellow citizens for the better. Help us to look at the others with caring eyes and endeavor to meet the needs of our people with sympathetic hearts and understanding minds. May we be people of goodness in a world of doubt, to the glory of Your name, for the welfare of our state, and for the well-being of all our citizens.

And the House says, “Amen!”

The Pledge of Allegiance to the flag was recited.

The Journal of the sixtieth day was approved as printed by the following vote:

AYES: 141

Allen	Amato	Anderson	Appelbaum	Atchison
Aune	Baker	Banderman	Bangert	Baringer
Barnes	Billington	Black	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Brown 27	Buchheit-Courtway
Burger	Burton	Busick	Byrnes	Casteel
Chappell	Christ	Christofanelli	Clemens	Collins
Cook	Copeland	Crossley	Davidson	Davis
Deaton	Diehl	Dinkins	Ealy	Evans
Falkner	Farnan	Fogle	Fountain Henderson	Francis
Gallick	Gragg	Gray	Gregory	Griffith
Haden	Haffner	Haley	Hardwick	Hausman
Hein	Henderson	Hicks	Hinman	Houx
Hudson	Hurlbert	Johnson 12	Johnson 23	Jones
Justus	Kalberloh	Keathley	Kelley 127	Knight
Lavender	Lewis 25	Lewis 6	Lonsdale	Lovasco

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Mackey	Mann	Marquart	Matthiesen	Mayhew
McGaugh	McGill	McMullen	Merideth	Morse
Murphy	Myers	Nickson-Clark	Nurrenbern	O'Donnell
Oehlerking	Owen	Parker	Patterson	Perkins
Peters	Plank	Pollitt	Pouche	Quade
Reedy	Reuter	Richey	Riggs	Riley
Roberts	Sander	Sassmann	Sauls	Schnelting
Schulte	Schwadron	Seitz	Sharpe 4	Shields
Smith 155	Smith 163	Smith 46	Sparks	Stacy
Steinhoff	Stinnett	Strickler	Taylor 48	Terry
Thomas	Thompson	Titus	Toalson Reisch	Van Schoiack
Veit	Voss	Waller	Walsh Moore	Weber
West	Wilson	Woods	Wright	Young
Mr. Speaker				

NOES: 000

PRESENT: 003

Adams	Phifer	Unsicker
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ABSENT WITH LEAVE: 018

Bland Manlove	Boggs	Bosley	Brown 87	Burnett
Butz	Coleman	Cupps	Doll	Hovis
Ingle	Kelly 141	Mosley	Proudie	Sharp 37
Stephens	Taylor 84	Windham		

VACANCIES: 001

SECOND READING OF SENATE BILLS

The following Senate Bill was read the second time:

SS SB 80, relating to statewide mechanical contractor licenses, with penalty provisions.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Houx reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 643**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Baringer, Fogle, Houx, Hudson, Kelly (141) and Pollitt

Noes (0)

Absent (1): Owen

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 186**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (4): Houx, Hudson, Kelly (141) and Pollitt

Noes (2): Baringer and Fogle

Absent (1): Owen

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 187**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Baringer, Fogle, Houx, Hudson, Kelly (141) and Pollitt

Noes (0)

Absent (1): Owen

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 247**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (4): Houx, Hudson, Kelly (141) and Pollitt

Noes (2): Baringer and Fogle

Absent (1): Owen

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 2** entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 3** entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and Workforce Development, the several divisions and programs thereof, and institutions of higher education to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 4** entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 5** entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 6** entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2023, and ending June 30, 2024.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 7** entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Commerce and Insurance, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 8** entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and Department of National Guard and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 9** entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2023, and ending June 30, 2024.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 10** entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 11** entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 12** entitled:

An act to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2023 and ending June 30, 2024.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 13** entitled:

An act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 15** entitled:

An act to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2023.

In which the concurrence of the House is respectfully requested.

PERFECTION OF HOUSE BILLS

HB 392, relating to reemployment rights of Missouri Task Force One members, was taken up by Representative Toalson Reisch.

On motion of Representative Toalson Reisch, the title of **HB 392** was agreed to.

On motion of Representative Toalson Reisch, **HB 392** was ordered perfected and printed.

HB 152, relating to boating safety identification cards, was placed on the Informal Calendar.

HB 369, relating to "Back the Blue" license plates, was placed on the Informal Calendar.

PERFECTION OF HOUSE BILLS - INFORMAL

HB 1044, relating to the members of the public service commission, was taken up by Representative Haffner.

Representative Haffner moved that the title of **HB 1044** be agreed to.

Representative Black offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 1044, Page 1, In the Title, Line 3, by deleting the words "members of the"; and

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

On motion of Representative Black, **House Amendment No. 1** was adopted.

Representative Black offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 1044, Page 1, Section 386.050, Line 16, by inserting after all of said section and line the following:

"386.370. 1. The commission shall, prior to the beginning of each fiscal year beginning with the fiscal year commencing on July 1, 1947, make an estimate of the expenses to be incurred by it during such fiscal year reasonably attributable to the regulation of public utilities as provided in chapters 386, 392 and 393 and shall also separately estimate the amount of such expenses directly attributable to such regulation of each of the following groups of public utilities: electrical corporations, gas corporations, water corporations, heating companies and telephone corporations, telegraph corporations, sewer corporations, and any other public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to any such group. For purposes of this section, water corporations and sewer corporations will be combined and considered one group of public utilities.

2. The commission shall allocate to each such group of public utilities the estimated expenses directly attributable to the regulation of such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the preceding calendar year bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission, as aforesaid, during such calendar year. The commission shall then assess the amount so allocated to each group of public utilities, subject to reduction as herein provided, to the public utilities in such group in proportion to their respective gross intrastate operating revenues during the preceding calendar year, except that the total amount so assessed to all such public utilities shall not exceed three hundred fifteen thousandths of one percent of the total gross intrastate operating revenues of all utilities subject to the jurisdiction of the commission.

Beginning January 1, 2024, the total amount assessed on the total gross intrastate operating revenues of all utilities subject to the jurisdiction of the commission shall not exceed three hundred fifty thousandths of one percent and shall increase every two years thereafter by one hundredth of one percent until such time as the maximum amount available to be assessed is equal to one-half of one percent. All corporations subject to the jurisdiction of the commission shall defer to an asset or liability account any difference in the assessment actually incurred and those on which the revenue requirement used to set rates in the corporation's most recently completed general rate proceeding was based. The asset or liability account balances shall be included in the revenue requirement used to set rates through an amortization over a reasonable period of time in such corporation's subsequent general rate proceedings. The commission shall also adjust the rate base used to establish the revenue requirement of the utility to reflect the unamortized asset or liability account balances in such general rate proceedings.

3. The commission shall render a statement of such assessment to each such public utility on or before July first and the amount so assessed to each such public utility shall be paid by it to the director of revenue in full on or before July fifteenth next following the rendition of such statement, except that any such public utility may at its election pay such assessment in four equal installments not later than the following dates next following the rendition of said statement, to wit: July fifteenth, October fifteenth, January fifteenth and April fifteenth. The director of revenue shall remit such payments to the state treasurer.

4. The state treasurer shall credit such payments to a special fund, which is hereby created, to be known as "The Public Service Commission Fund", which fund, or its successor fund created pursuant to section 33.571, shall be devoted solely to the payment of expenditures actually incurred by the commission and attributable to the regulation of such public utilities subject to the jurisdiction of the commission, as aforesaid. Any amount remaining in such special fund or its successor fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of such expenditures of the commission in the succeeding fiscal year and shall be applied by the commission to the reduction of the amount to be assessed to such public utilities in such succeeding fiscal year, such reduction to be allocated to each group of public utilities in proportion to the respective gross intrastate operating revenues of the respective groups during the preceding calendar year.

5. In order to enable the commission to make the allocations and assessments herein provided for, each public utility subject to the jurisdiction of the commission as aforesaid shall file with the commission, within ten days after August 28, 1996, and thereafter on or before March thirty-first of each year, a statement under oath showing its gross intrastate operating revenues for the preceding calendar year, and if any public utility shall fail to file such statement within the time aforesaid the commission shall estimate such revenue which estimate shall be binding on such public utility for the purpose of this section.

393.135. **Except as provided in section 393.1250**, any charge made or demanded by an electrical corporation for service, or in connection therewith, which is based on the costs of construction **work** in progress upon any existing or new ~~[facility of the]~~ electrical corporation **facility**, or any other cost associated with owning, operating, maintaining, or financing any property before it is fully operational and used for service, ~~[is unjust and unreasonable, and]~~ is prohibited.

393.1250. 1. This section shall be known and may be cited as the "Missouri Nuclear Clean Power Act", the purpose of which is to enable the construction of clean baseload electric generating plants. This section shall not apply to clean baseload electric generating plants that are in commercial operation before August 28, 2023.

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

(1) "Clean baseload generating plant", a new nuclear-fueled electric generating facility located in this state that is designed to be operated at three hundred megawatts or less and is intended in whole or in part to serve retail customers of an electrical corporation in Missouri;

(2) "Construction work in progress", the electrical corporation's share of all capital costs associated with a clean baseload generating plant, which have been incurred but have not been included in the electrical corporation's plant in service, and are recorded in the Federal Energy Regulatory Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act, Balance Sheet Chart Accounts, as construction work in progress for electric plants in 18 CFR Part 101, or any other account established in the Uniform System of Accounts for the recording of construction work in progress.

3. The provisions of section 393.135 shall not apply to a clean baseload generating plant if the plant is rated at three hundred megawatts or less. Before any such construction work begins, an electrical corporation seeking to include construction work in progress in rates shall file with the commission a plan detailing the projected costs of the project and the plan to recover those costs through rates. Costs recovered by an electrical corporation under the provisions of this section are subject to inclusion or exclusion from rates in a ratemaking proceeding pursuant to the commission's authority to determine just and reasonable rates. If the commission determines a project was not completed within a reasonable amount of time, the commission shall reduce rates in an amount equal to all amounts recovered in advance by the electrical corporation from ratepayers under the provisions of this section plus interest at the same rate as the rate of interest for delinquent taxes determined by the director of revenue in accordance with section 32.065, in the next ratemaking proceeding for that electrical corporation.

4. The commission may promulgate rules to assist in the implementation 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, 2023, shall be invalid and void."; and

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

Speaker Plocher assumed the Chair.

Representative Burger moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Amato	Atchison	Baker	Banderman	Billington
Black	Boggs	Bonacker	Boyd	Bromley
Brown 149	Brown 16	Buchheit-Courtway	Burger	Busick
Byrnes	Casteel	Chappell	Christ	Christofanelli
Coleman	Cook	Copeland	Cupps	Davidson
Davis	Deaton	Diehl	Dinkins	Evans
Falkner	Farnan	Francis	Gallick	Gragg
Gregory	Griffith	Haden	Haffner	Haley
Hardwick	Henderson	Hicks	Hinman	Houx
Hovis	Hudson	Hurlbert	Jones	Justus
Kalberloh	Keathley	Kelley 127	Kelly 141	Knight
Lewis 6	Lonsdale	Lovasco	Marquart	Matthiesen
Mayhew	McGaugh	McGill	McMullen	Morse
Murphy	Myers	O'Donnell	Oehlerking	Owen
Parker	Patterson	Perkins	Peters	Pollitt
Pouche	Reedy	Reuter	Richey	Riggs
Riley	Roberts	Sander	Sassmann	Schnelting
Schulte	Schwadron	Seitz	Sharpe 4	Shields
Smith 155	Sparks	Stacy	Stephens	Stinnett
Taylor 48	Thomas	Thompson	Titus	Toalson Reisch
Van Schoiack	Veit	Voss	Waller	West
Wilson	Wright	Mr. Speaker		

NOES: 044

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bland Manlove	Brown 27	Brown 87
Burnett	Burton	Clemens	Collins	Crossley
Fogle	Fountain Henderson	Gray	Hein	Johnson 12
Johnson 23	Lavender	Lewis 25	Mackey	Mann
Merideth	Mosley	Nickson-Clark	Nurrenbern	Phifer
Plank	Proudie	Quade	Sauls	Smith 46
Steinhoff	Strickler	Taylor 84	Terry	Walsh Moore
Weber	Windham	Woods	Young	

PRESENT: 000

ABSENT WITH LEAVE: 010

Allen	Bosley	Butz	Doll	Ealy
Hausman	Ingle	Sharp 37	Smith 163	Unsicker

VACANCIES: 001

On motion of Representative Black, **House Amendment No. 2** was adopted.

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

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AYES: 103

Allen	Amato	Baker	Banderman	Billington
Black	Boggs	Bonacker	Boyd	Bromley
Brown 149	Brown 16	Buchheit-Courtway	Burger	Busick
Byrnes	Casteel	Chappell	Christ	Christofanelli
Coleman	Cook	Copeland	Davidson	Davis
Deaton	Diehl	Dinkins	Evans	Falkner
Farnan	Francis	Gallick	Gragg	Gregory
Griffith	Haden	Haffner	Haley	Hardwick
Henderson	Hicks	Hinman	Hovis	Hudson
Hurlbert	Jones	Justus	Kalberloh	Keathley
Kelley 127	Kelly 141	Knight	Lewis 6	Lonsdale
Lovasco	Marquart	Matthiesen	Mayhew	McGaugh
McGill	McMullen	Morse	Murphy	Myers
O'Donnell	Oehlerking	Owen	Parker	Patterson
Perkins	Peters	Pollitt	Reedy	Reuter
Richey	Riggs	Riley	Roberts	Sander
Sassmann	Schnelting	Schulte	Schwadron	Sharpe 4
Shields	Smith 155	Stacy	Stephens	Stinnett
Taylor 48	Thomas	Thompson	Titus	Toalson Reisch
Van Schoiack	Veit	Voss	Waller	West
Wilson	Wright	Mr. Speaker		

NOES: 044

Adams	Anderson	Appelbaum	Atchison	Aune
Bangert	Baringer	Barnes	Brown 27	Brown 87
Burnett	Burton	Clemens	Collins	Crossley
Cupps	Fogle	Fountain Henderson	Hein	Ingle
Johnson 12	Johnson 23	Lavender	Lewis 25	Mackey
Mann	Merideth	Mosley	Nickson-Clark	Nurrenbern
Phifer	Plank	Proudie	Quade	Sauls
Smith 46	Steinhoff	Strickler	Taylor 84	Terry
Walsh Moore	Weber	Woods	Young	

PRESENT: 000

ABSENT WITH LEAVE: 015

Bland Manlove	Bosley	Butz	Doll	Ealy
Gray	Hausman	Houx	Pouche	Seitz
Sharp 37	Smith 163	Sparks	Unsicker	Windham

VACANCIES: 001

On motion of Representative Haffner, **HB 1044, as amended**, was ordered perfected and printed.

THIRD READING OF SENATE BILLS

HCS SB 186, relating to public safety, was placed on the Informal Calendar.

HCS SCS SB 187, relating to financial affairs, was taken up by Representative Owen.

On motion of Representative Owen, the title of **HCS SCS SB 187** was agreed to.

Representative Owen offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 187, Page 46, Section 361.715, Line 14, by inserting after all of the said section and line the following:

"362.245. 1. The affairs and business of the corporation shall be managed by a board of directors, consisting of not less than five nor more than thirty-five stockholders who shall be elected annually; except, that trust companies in existence on October 13, 1967, may continue to divide the directors into three classes of equal number, as near as may be, and to elect one class each year for three-year terms. Notwithstanding any provision of this chapter to the contrary, a director who is not a stockholder shall have all the rights, privileges, and duties of a director who is a stockholder.

2. Each director shall be a citizen of the United States, and **except for a private trust company as described under section 361.160**, at least a majority of the directors must be residents of this state at the time of their election and during their continuance in office; provided, however, that if a director actually resides within a radius of one hundred miles of the banking house of said bank or trust company, even though his or her residence be in another state adjoining and contiguous to the state of Missouri, he or she shall for the purposes of this section be considered as a resident of this state and in the event such director shall be a nonresident of the state of Missouri he or she shall upon his or her election as a director file with the president of the banking house or such other chief executive ~~[office]~~ **officer** as otherwise permitted by this chapter written consent to service of legal process upon him in his or her capacity as a director by service of the legal process upon the president as though the same were personally served upon the director in Missouri.

3. If at a time when not more than a majority of the directors are residents of this state, **except for a private trust company as described under section 361.160**, any director shall cease to be a resident of this state or adjoining state as ~~[defined]~~ **described** in subsection 2 of this section, he or she shall forthwith cease to be a director of the bank or trust company and his or her office shall be vacant.

4. No person shall be a director in any bank or trust company against whom such bank or trust company shall hold a judgment.

5. Cumulative voting shall only be permitted at any meeting of the members or stockholders in electing directors when it is provided for in the articles of incorporation or bylaws."; and

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

On motion of Representative Owen, **House Amendment No. 1** was adopted.

Representative Knight offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 187, Page 49, Section 367.140, Line 26, by inserting after said section and line the following:

"379.1850. 1. Sections 379.1850 to 379.1869 shall apply to insurers and insurance producers engaged in any transaction involving lender-placed insurance, as defined in section 379.1851.

2. All lender-placed insurance written in connection with mortgaged real property, including manufactured homes and modular units, as defined in section 700.010, is subject to the provisions of sections 379.1850 to 379.1869, except:

(1) Transactions involving extensions of credit primarily for business, commercial, or agricultural purposes;

(2) Insurance offered by the lender or servicer and elected by the mortgagor at the mortgagor's option;

(3) Insurance purchased by a lender or servicer on real estate owned property;

(4) Insurance for which no specific charge is made to the mortgagor or the mortgagor's account. 379.1851. As used in sections 379.1850 to 379.1869, the following terms shall mean:

(1) "Affiliate", a person who directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, the person specified;

(2) "Individual lender-placed insurance", coverage for individual real property evidenced by a certificate of coverage under a master lender-placed insurance policy or a lender-placed insurance policy for individual real property;

(3) "Insurance producer", a person or entity, or its affiliates, required to be licensed under the laws of this state to sell, solicit, or negotiate insurance;

(4) "Insurer", an insurance company, association, or exchange, or its affiliates, authorized to issue lender-placed insurance in this state;

(5) "Investor", a person or entity, or its affiliates, holding a beneficial interest in loans secured by real property;

(6) "Lapse", the moment in time in which a mortgagor has failed to secure or maintain valid or sufficient insurance upon mortgaged real property as required by a mortgage agreement;

(7) "Lender", a person or entity, or its affiliates, making loans secured by an interest in real property;

(8) "Lender-placed insurance", insurance obtained by a lender or servicer when a mortgagor does not maintain valid or sufficient insurance upon mortgaged real property as required by the terms of the mortgage agreement. Such term shall include insurance purchased unilaterally by the lender or servicer, who is the named insured, subsequent to the date of the credit transaction, providing coverage against loss, expense, or damage to collateralized property as a result of fire, theft, collision, or other risks of loss that would either impair a lender, servicer, or investor's interest, or adversely affect the value of collateral covered by limited dual interest insurance. Such term is limited to insurance purchased according to the terms of a mortgage agreement as a result of the mortgagor's failure to provide evidence of required insurance;

(9) "Loss ratio", the ratio of incurred losses to earned premium;

(10) "Master lender-placed policy", a group policy issued to a lender or servicer providing coverage for all loans in the lender or servicer's loan portfolio as needed;

(11) "Mortgage agreement", the written document that sets forth an obligation or liability of any kind secured by a lien on real property and due from, owing, or incurred by a mortgagor to a lender on account of a mortgage loan, including a security agreement, deed of trust, or any other document of similar effect, and any other documents incorporated by reference;

(12) "Mortgage loan", a loan, advance, guarantee, or other extension of credit from a lender to a mortgagor;

(13) "Mortgage transaction", a transaction by the terms of which the repayment of money loaned or payment of real property sold is to be made at a future date or dates;

(14) "Mortgagee", the person who holds mortgaged real property as security for repayment of a mortgage agreement;

(15) "Mortgagor", the person who is obligated on a mortgage loan pursuant to a mortgage agreement;

(16) "Person", an individual or entity;

(17) "Real estate owned property", property owned or held by a lender or servicer following foreclosure under the related mortgage agreement or the acceptance of a deed in lieu of foreclosure;

(18) "Replacement cost value" or "RCV", the estimated cost to replace covered property at the time of the loss or damage without deduction for depreciation. Replacement cost value is not market value, but it is instead the cost to replace covered property to its pre-loss condition, as best determined under section 379.1855;

(19) "Servicer", a person or entity, or its affiliates, contractually obligated to service one or more mortgage loans for a lender or investor. Such term shall include entities involved in subservicing arrangements.

379.1853. 1. Lender-placed insurance shall become effective no earlier than the date of lapse of insurance upon mortgaged real property subject to the terms of a mortgage agreement or any other state or federal law requiring the same.

2. Individual lender-placed insurance shall terminate on the earliest of the following dates:

(1) The date insurance that is acceptable under the mortgage agreement becomes effective, subject to the mortgagor providing sufficient evidence of such acceptable insurance;

(2) The date the applicable real property no longer serves as collateral for a mortgage loan pursuant to a mortgage agreement;

(3) Such other date as specified by the individual policy or certificate of insurance;

(4) Such other date as specified by the lender or servicer; or

(5) The termination date of the policy.

3. An insurance charge shall not be made to a mortgagor for lender-placed insurance for a term longer than the scheduled term of the lender-placed insurance, nor shall an insurance charge be made to the mortgagor for lender-placed insurance before the effective date of the lender-placed insurance.

379.1855. 1. Any lender-placed insurance coverage, and subsequent calculation of premium, should be based upon the replacement cost value of the property. Replacement cost value of the property shall be determined as follows:

(1) The dwelling coverage amount set forth in the most recent evidence of insurance coverage provided by the mortgagee ("last known coverage amount" or "LKCA"), if known to the lender or servicer;

(2) The insurer shall inquire of the insured at least once as to the LKCA, and if it is not able to obtain the LKCA from the insured or in another manner, the replacement cost value may be determined as set forth in subdivision (3) or (4) of this subsection;

(3) If the LKCA is unknown and cannot be obtained from the insured or in another manner, the replacement cost of the property serving as collateral as calculated by the insurer, unless the use of replacement cost for this purpose is prohibited by other law;

(4) If the LKCA is unknown and cannot be obtained from the insured or in another manner, and the replacement cost is not available or its use is prohibited, the unpaid principal balance of the mortgage loan.

2. In the event of a covered loss, any replacement cost coverage provided by an insurer in excess of the unpaid principal balance of the mortgage loan shall be paid to the mortgagor.

3. No insurer shall write lender-placed insurance for which the premium rate differs from that determined by the schedules of the insurer on file with the department of commerce and insurance as of the effective date of the policy.

379.1857. 1. No insurer or insurance producer shall issue lender-placed insurance on mortgaged property if the insurer or insurance producer, or an affiliate of the insurer or insurance producer, owns, performs the servicing for, or owns the servicing right to, the mortgaged property.

2. No insurer or insurance producer shall compensate a lender, insurer, investor, or servicer, including through the payment of commissions, for lender-placed insurance policies issued by the insurer.

3. No insurer or insurance producer shall share lender-placed insurance premium or risk with the lender, investor, or servicer that obtained the lender-placed insurance.

4. No insurer or insurance producer shall offer contingent commissions, profit sharing, or other payments dependent on profitability or loss ratios to any person affiliated with a servicer or the insurer in connection with lender-placed insurance.

5. No insurer shall provide free or below-cost outsourced services to lenders, investors, or servicers, and no insurer shall outsource its own functions to lenders, insurance producers, investors, or servicers on an above-cost basis.

6. No insurer or insurance producer shall make any payments, including but not limited to the payment of expenses to a lender, insurer, investor, or servicer, for the purpose of securing lender-placed insurance business or related outsourced services.

379.1859. Nothing in sections 379.1850 to 379.1869 shall be construed to allow an insurance producer or an insurer solely underwriting lender-placed insurance to circumvent the requirements set forth within those sections. Any part of any requirements, limitations, or exclusions provided in sections 379.1850 to 379.1869 shall apply in any part to any insurer or insurance producer involved in lender-placed insurance.

379.1861. Lender-placed insurance shall be set forth in an individual policy or certificate of insurance. A copy of the individual policy, certificate of insurance, or other evidence of insurance coverage shall be mailed, first class mailed, or delivered in person to the last known address of the mortgagor, or delivered in accordance with sections 432.200 to 432.295. In addition to any information otherwise required by law, the individual policy or certificate of insurance coverage shall include the following information:

(1) The address and identification of the insured property;

(2) The coverage amount, or amounts if multiple coverages are provided;

(3) The effective date of the coverage;

- (4) The term of coverage;
- (5) The premium charge for the coverage;
- (6) Contact information for filing a claim; and
- (7) A complete description of the coverage provided.

379.1863. 1. All policy forms and certificates of insurance to be delivered or issued for delivery in this state, and the schedules of premium rates pertaining thereto, shall be filed with the department of commerce and insurance.

2. The department of commerce and insurance shall review the rates to determine whether the rates are excessive, inadequate, or unfairly discriminatory. This analysis shall include a determination as to whether expenses included by the insurer in the rate are appropriate.

3. All insurers shall re-file lender-placed insurance rates at least once every four years.

4. All insurers writing lender-placed insurance shall have separate rates for lender-placed insurance and voluntary insurance obtained by a mortgage servicer on real estate owned property.

5. Upon the introduction of a new lender-placed insurance program, the insurer shall reference its experience in existing programs in the associated filings. Nothing in sections 379.1850 to 379.1869 shall limit an insurer's discretion, as actuarially appropriate, to distinguish different terms, conditions, exclusions, eligibility criteria, or other unique or different characteristics. Moreover, an insurer may, where actuarially acceptable, rely upon models or, in the case of flood filings where applicable experience is not credible, on Federal Emergency Management Agency National Flood Insurance Program data.

6. (1) No later than April first of each year, each insurer with at least one hundred thousand dollars in direct written premium for lender-placed insurance in this state during the prior calendar year shall report to the department of commerce and insurance the following information for the prior calendar year:

- (a) Actual loss ratio;
- (b) Earned premium;
- (c) Any aggregate schedule rating debit or credit to earned premium;
- (d) Itemized expenses;
- (e) Paid losses;
- (f) Loss reserves, including case reserves and reserves for incurred but not reported losses.

(2) The report under subdivision (1) of this subsection shall be separately produced for each lender-placed program and presented on both an individual-jurisdiction and countrywide basis.

7. If an insurer experiences an annual loss ratio of less than thirty five percent in any lender-placed program for two consecutive years, it shall submit a rate filing, either adjusting its rates or supporting their continuance, to the department of commerce and insurance no more than ninety days after the submission of the data required in subsection 6 of this section. This subsection shall not apply with regard to lender-placed flood insurance.

8. Except as otherwise specifically set forth in this section, rates and forms shall be filed as required under the insurance laws of this state.

379.1865. 1. (1) The director of the department of commerce and insurance shall have authority to enforce the provisions of sections 379.1850 to 379.1869 as specified in chapter 374.

(2) A final order of the director enforcing sections 379.1850 to 379.1869 shall be subject to judicial review in accordance with the provisions of chapter 536 in the circuit court of Cole County.

(3) No order of the director enforcing sections 379.1850 to 379.1869 or order of a court to enforce the same shall in any way relieve or absolve any person affected by such order from any liability under any other laws of this state.

2. Nothing in sections 379.1850 to 379.1869 shall be construed to create or imply a private cause of action for violations of sections 379.1850 to 379.1869.

3. Nothing in sections 379.1850 to 379.1869 shall be construed to extinguish any mortgagor rights otherwise available under state, federal, or common law.

379.1867. An insurer that violates an order of the director while the order is in effect may, after notice and hearing and upon order of the director, be subject at the discretion of the director to either or both of the following:

(1) Payment of a monetary penalty of not more than one thousand dollars per violation, not to exceed an aggregate penalty of one hundred thousand dollars, unless the violation was committed flagrantly in a conscious disregard of sections 379.1850 to 379.1869, in which case the penalty shall not be more than twenty-five thousand dollars for each violation, not to exceed an aggregate penalty of two hundred fifty thousand dollars; or

(2) Suspension or revocation of the insurer's license.

379.1869. The department of commerce and insurance may promulgate rules as necessary for the implementation of sections 379.1850 to 379.1869. 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, 2023, shall be invalid and void."; and

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

On motion of Representative Knight, **House Amendment No. 2** was adopted.

Representative Hardwick offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 187, Page 58, Section 427.300, Line 214, by inserting after said section and 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 said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hardwick, **House Amendment No. 3** was adopted.

Representative Henderson offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 187, Page 50, Section 407.640, Line 24, by inserting after all of said section and line the following:

"407.2020. For purposes of sections 407.2020 to 407.2090, the following terms mean:

(1) "Commercial transaction", a transaction involving a motor vehicle in which the motor vehicle will primarily be used for business purposes rather than personal purposes;

(2) "Consumer", an individual purchaser of a motor vehicle or a borrower under a finance agreement. The term "consumer" includes any borrower, as defined in section 407.2030, or contract holder, as defined in section 407.2060, as applicable;

(3) "Finance agreement", a loan, retail installment sales contract, or lease for the purchase, refinancing, or lease of a motor vehicle;

(4) "Free-look period", a period of time from the effective date of the motor vehicle financial protection product until the date the motor vehicle financial protection product may be cancelled without penalty, fees, or costs. This period of time shall not be shorter than thirty days;

(5) "Insurer", an insurance company licensed, registered, or otherwise authorized to issue contractual liability insurance under the insurance laws of this state;

(6) "Motor vehicle", any self-propelled or towed vehicle designed for personal or commercial use including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, all-terrain vehicles, snowmobiles, campers, boats, personal watercraft, and related trailers;

(7) "Motor vehicle financial protection product", an agreement that protects a consumer's financial interest in his or her current or future motor vehicle. The term "motor vehicle financial protection product" includes any debt waiver, as defined in section 407.2030, and any vehicle value protection agreement, as defined in section 407.2060;

(8) "Person", an individual, company, association, organization, partnership, business trust, or corporation, and every form of legal entity.

407.2025. 1. Motor vehicle financial protection products may be offered, sold, or given to consumers in this state in compliance with sections 407.2020 to 407.2090.

2. Any amount charged or financed for a motor vehicle financial protection product shall be separately stated and shall not be considered a finance charge or interest.

3. Any extension of credit, terms of credit, or terms of the related motor vehicle sale or lease shall not be conditioned upon the consumer's payment for or financing of any charge for a motor vehicle financial protection product, except that motor vehicle financial protection products may be discounted or given at no charge in connection with the purchase of other non-credit-related goods or services.

407.2030. For purposes of sections 407.2030 to 407.2055, the following terms mean:

(1) "Administrator", any person, other than an insurer or creditor, who performs administrative or operational functions for debt waiver programs;

(2) "Borrower", a debtor or retail buyer or lessee under a finance agreement;

(3) "Creditor":

(a) The lender in a loan or credit transaction;

(b) The lessor in a lease transaction;

(c) Any retail seller of motor vehicles;

(d) The seller in commercial retail installment transactions; or

(e) The assignee of any person described in paragraphs (a) to (d) of this subdivision to whom the credit obligation is payable;

(4) "Debt waiver", any guaranteed asset protection waiver or excess wear and use waiver;

(5) "Excess wear and use waiver", a contractual agreement in which a creditor agrees, with or without a separate charge, to cancel or waive all or part of amounts that may become due under a borrower's lease agreement as a result of excessive wear and use of a motor vehicle, which agreement shall be part of, or a separate addendum to, the lease agreement. Excess wear and use waivers may also cancel or waive amounts due for excess mileage;

(6) "Guaranteed asset protection waiver", a contractual agreement in which a creditor agrees, with or without a separate charge, to cancel or waive all or part of amounts due on a borrower's finance agreement in the event of a total physical damage loss or unrecovered theft of the motor vehicle, which agreement shall be part of, or a separate addendum to, the finance agreement. A guaranteed asset protection waiver may also provide, with or without a separate charge, a benefit that waives an amount, or provides a borrower with a credit, toward the purchase of a replacement motor vehicle.

407.2035. 1. (1) A retail seller of motor vehicles shall insure its debt waiver obligations under a contractual liability or other insurance policy issued by an insurer. A creditor, other than a retail seller, may insure its debt waiver obligations under a contractual liability policy or other such policy issued by an insurer. Any such insurance policy may be directly obtained by a creditor or retail seller or may be procured by an administrator to cover a creditor's or retail seller's obligations.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, retail sellers who are lessors on motor vehicles shall not be required to insure obligations related to debt waivers on such leased motor vehicles.

2. The debt waiver remains a part of the finance agreement upon the assignment, sale, or transfer of such finance agreement by the creditor.

3. Any creditor who offers a debt waiver shall report the sale of, and forward funds due to, the designated party or parties.

4. Funds received or held by a creditor or administrator and belonging to an insurer, creditor, or administrator shall be held by such creditor or administrator in a fiduciary capacity.

407.2040. 1. Contractual liability or other insurance policies insuring debt waivers shall state the obligation of the insurer to reimburse or pay to the creditor any sums the creditor is legally obligated to waive under a debt waiver.

2. Coverage under a contractual liability or other insurance policy insuring a debt waiver shall also cover any subsequent assignee upon the assignment, sale, or transfer of the finance agreement.

3. Coverage under a contractual liability or other insurance policy insuring a debt waiver shall remain in effect unless cancelled or terminated in compliance with applicable insurance laws of this state.

4. The cancellation or termination of a contractual liability or other insurance policy shall not reduce the insurer's responsibility for debt waivers issued by the creditor before the date of cancellation or termination and for which premium has been received by the insurer.

407.2045. Debt waivers shall disclose in writing and in clear, understandable language that is easy to read the following:

(1) The name and address of the initial creditor and the borrower at the time of sale, and the identity of any administrator if different from the creditor;

(2) The purchase price, if any, and the terms of the debt waiver including, but not limited to, the requirements for protection, conditions, or exclusions associated with the debt waiver;

(3) A statement that the borrower may cancel the debt waiver within a free-look period as specified in the debt waiver and, if so cancelled, shall be entitled to a full refund of the purchase price paid by the borrower, if any, so long as no benefits have been provided;

(4) The procedure the borrower is required to follow, if any, to obtain debt waiver benefits under the terms and conditions of the debt waiver, including, if applicable, a telephone number or website and address where the borrower may apply for debt waiver benefits;

(5) The terms and conditions governing cancellation consistent with all applicable Missouri laws; and

(6) A statement that any extension of credit, terms of the credit, or terms of the related motor vehicle sale or lease shall not be conditioned upon the borrower's purchase of a debt waiver.

407.2050. 1. Debt waivers shall provide that if a borrower cancels a debt waiver within the free-look period, the borrower shall be entitled to a full refund of the amount the borrower paid, if any, so long as no benefits have been provided.

2. If, after the debt waiver has been in effect beyond the free-look period, the borrower cancels the debt waiver or there is an early termination of the finance agreement, the borrower may be entitled to a refund of the amount the borrower paid of the unearned portion of the purchase price, if any, less a cancellation fee up to seventy-five dollars, if no benefit has been or will be provided.

3. If the cancellation of a debt waiver occurs as a result of a default under the finance agreement, the repossession of the motor vehicle associated with the finance agreement, or any other termination of the finance agreement, any refund due may be paid directly to the creditor or administrator and applied as a reduction of the amount owed under the finance agreement unless the borrower can show that the finance agreement has been paid in full.

407.2055. 1. Debt waivers offered by state or federal banks or credit unions in compliance with applicable state or federal law shall be exempt from the provisions of sections 407.2020 to 407.2090.

2. The provisions of sections 407.2045 and 407.2080 shall not apply to debt waivers offered in connection with commercial transactions.

407.2060. For purposes of sections 407.2060 to 407.2075, the following terms mean:

(1) "Administrator", any person who is responsible for the administrative or operational functions of vehicle value protection agreements including, but not limited to, the adjudication of claims or benefit requests by contract holders;

(2) "Contract holder", a person who is the purchaser or holder of a vehicle value protection agreement;

(3) "Provider", a person who is obligated to provide a benefit under a vehicle value protection agreement. A provider may perform as an administrator or retain the services of a third-party administrator;

(4) "Vehicle value protection agreement", a contractual agreement that:

(a) Provides a benefit toward the reduction of some or all of the contract holder's current finance agreement deficiency balance or toward the purchase or lease of a replacement motor vehicle or motor vehicle services upon the occurrence of an adverse event to the motor vehicle including, but not limited to, loss, theft, damage, obsolescence, diminished value, or depreciation;

(b) Does not include debt waivers; and

(c) May include agreements such as, but not limited to, trade-in-credit agreements, diminished value agreements, depreciation benefit agreements, or other similarly named agreements.

407.2065. 1. A provider may, but is not required to, use an administrator or other designee to be responsible for any and all of the administration of vehicle value protection agreements in compliance with the provisions of sections 407.2020 to 407.2090.

2. Vehicle value protection agreements shall not be sold unless the contract holder has been or will be provided access to a copy of the vehicle value protection agreement within a reasonable time.

3. In order to assure the faithful performance of the provider's obligations to its contract holders, each provider shall comply with subdivision (1) or (2) of this subsection, as follows:

(1) In order to satisfy the requirements of this subsection under this subdivision, the provider shall insure all its vehicle value protection agreements under an insurance policy that pays or reimburses in the event the provider fails to perform its obligations under the vehicle value protection agreement and that is issued by an insurer who is licensed, registered, or otherwise authorized to do business in this state and who:

(a) Maintains surplus as to policyholders and paid-in capital of at least fifteen million dollars; or

(b) Maintains:

a. Surplus as to policyholders and paid-in capital of less than fifteen million dollars but at least equal to ten million dollars; and

b. A ratio of net written premiums, wherever written, to surplus as to policyholders and paid-in capital of not greater than three to one; or

(2) In order to satisfy the requirements of this subsection under this subdivision, the provider shall:

(a) Maintain, or together with its parent company maintain, a net worth or stockholders' equity of one hundred million dollars; and

(b) Upon request, provide the attorney general with a copy of the provider's or the provider's parent company's most recent Form 10-K or Form 20-F filed with the Securities and Exchange Commission (SEC) within the last calendar year or, if the company does not file with the SEC, a copy of the company's audited financial statements, which show a net worth of the provider or its parent company of at least one hundred million dollars. If the provider's parent company's Form 10-K, Form 20-F, or financial statements are filed to meet the provider's financial security requirement, the parent company shall agree to guarantee the obligations of the provider relating to vehicle value protection agreements sold by the provider in this state.

4. Except for the requirements specified in subsection 3 of this section, no other financial security requirements shall be required for vehicle value protection agreement providers.

407.2070. Vehicle value protection agreements shall disclose in writing and in clear, understandable language that is easy to read the following:

- (1) The name and address of the provider, contract holder, and administrator, if any;
 - (2) The terms of the vehicle value protection agreement including, but not limited to, the purchase price to be paid by the contract holder, if any, the requirements for eligibility, the conditions of coverage, and any exclusions;
 - (3) A statement that the vehicle value protection agreement may be cancelled by the contract holder within a free-look period as specified in the vehicle value protection agreement and that in such event the contract holder shall be entitled to a full refund of the purchase price paid by the contract holder, if any, so long as no benefits have been provided;
 - (4) The procedure the contract holder shall follow, if any, to obtain a benefit under the terms and conditions of the vehicle value protection agreement, including, if applicable, a telephone number or website and address where the contract holder may apply for a benefit;
 - (5) A statement that indicates whether the vehicle value protection agreement may be cancelled after the free-look period and the conditions under which it may be cancelled, including the procedures for requesting any refund of the unearned purchase price paid by the contract holder;
 - (6) If the vehicle value protection agreement is cancellable after the free-look period, a statement that any refund of the unearned purchase price of the vehicle value protection agreement shall be calculated on a pro rata basis;
 - (7) A statement that any extension of credit, terms of the credit, or terms of the related motor vehicle sale or lease shall not be conditioned upon the purchase of the vehicle value protection agreement;
 - (8) The terms, restrictions, or conditions governing cancellation of the vehicle value protection agreement before the termination or expiration date of the vehicle value protection agreement by either the provider or the contract holder. The provider of the vehicle value protection agreement shall mail a written notice to the contract holder at the last known address of the contract holder contained in the records of the provider at least five days before cancellation by the provider. Prior notice shall not be required if the reason for cancellation is nonpayment of the provider fee, a material misrepresentation by the contract holder to the provider or administrator, or a substantial breach of duties by the contract holder relating to the covered product or its use. The notice shall state the effective date of the cancellation and the reason for the cancellation. If a vehicle value protection agreement is cancelled by the provider for a reason other than nonpayment of the provider fee, the provider shall refund to the contract holder one hundred percent of the unearned pro rata provider fee paid by the contract holder, if any. If coverage under the vehicle value protection agreement continues after a claim, any refund may deduct claims paid. A reasonable administrative fee may be charged by the provider up to seventy-five dollars; and
 - (9) A statement that the agreement is not an insurance contract.
- 407.2075. The provisions of sections 407.2070 and 407.2080 shall not apply to vehicle value protection agreements offered in connection with a commercial transaction.
- 407.2080. The attorney general may take action that is necessary or appropriate to enforce the provisions of sections 407.2020 to 407.2090 and to protect motor vehicle financial protection product consumers in this state. After proper notice and opportunity for hearing, the attorney general may:
- (1) Order the creditor, provider, administrator, or any other person not in compliance with the provisions of sections 407.2020 to 407.2090 to cease and desist from product-related operations that are in violation of the provisions of sections 407.2020 to 407.2090; and
 - (2) Impose a penalty of not more than five hundred dollars for each violation of the provisions of sections 407.2020 to 407.2090 and not more than ten thousand dollars in the aggregate for all violations of a similar nature. A violation shall be considered of a similar nature to another violation if the violation consists of the same or similar course of conduct, action, or practice, irrespective of the number of times the action, conduct, or practice that is determined to be a violation of the provisions of sections 407.2020 to 407.2090 occurred.
- 407.2085. Notwithstanding the provisions of section 407.2090, all motor vehicle financial protection products issued before and on and after August 28, 2023, shall not be considered insurance.
- 407.2090. The provisions of sections 407.2020 to 407.2090 shall apply to all motor vehicle financial protection products that become effective after February 23, 2024."; and

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

On motion of Representative Henderson, **House Amendment No. 4** was adopted.

Representative Reedy offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 187, Page 58, Section 427.300, Line 214, by inserting after said section and line the following:

"475.040. If it appears to the court, acting on the petition of the guardian, the conservator, the respondent or of a ward over the age of fourteen, or on its own motion, at any time before the termination of the guardianship or conservatorship, that the proceeding was commenced in the wrong county, or that the domicile ~~[or residence]~~ of the ward or protectee has ~~[been]~~ changed to another county, or in case of conservatorship of the estate that it would be for the best interest of the ward or disabled person and his estate, the court may order the proceeding with all papers, files and a transcript of the proceedings transferred to the probate division of the circuit court of another county. The court to which the transfer is made shall take jurisdiction of the case, place the transcript of record and proceed to the final settlement of the case as if the appointment originally had been made by it.

475.275. 1. The conservator, at the time of filing any settlement with the court, shall exhibit all securities or investments held by him to an officer of the bank or other depository wherein the securities or investments are held for safekeeping or to an authorized representative of the corporation which is surety on his bond, or to the judge or clerk of a court of record in this state, or upon request of the conservator or other interested party, to any other reputable person designated by the court, who shall certify in writing that he has examined the securities or investments and identified them with those described in the account and shall note any omission or discrepancies. If the depository is the conservator, the certifying officer shall not be the officer verifying the account. The conservator may exhibit the securities or investments to the judge of the court, who shall endorse on the account and copy thereof, a certificate that the securities or investments shown therein as held by the conservator were each in fact exhibited to him and that those exhibited to him were the same as those in the account and noting any omission or discrepancy. The certificate, and the certificate of an official of the bank in which are deposited any funds for which the conservator is accountable, showing the amount on deposit, shall be prepared and signed in duplicate and one of each shall be filed by the conservator with his account.

2. (1) As used in and pursuant to this section, a "pooled account" is an account within the meaning of this section and means any account maintained by a fiduciary for more than one principal and is established for the purpose of managing and investing and to manage and invest the funds of such principals. No fiduciary shall or may place funds into a pooled account unless the account meets the following criteria:

- (a) The pooled account is maintained at a bank or savings and loan institution;
- (b) The pooled account is titled in such a way as to reflect that the account is being held by a fiduciary in a custodial capacity;
- (c) The fiduciary maintains, or causes to be maintained, records containing information as to the name and ownership interest of each principal in the pooled account;
- (d) The fiduciary's records contain a statement of all accretions and disbursements; and
- (e) The fiduciary's records are maintained in the ordinary course of business and in good faith.

(2) The public administrator of any county ~~[with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants]~~ serving as a conservator **or personal representative** and using and utilizing pooled accounts for the investing~~[-investment,]~~ and management of ~~[conservatorship] estate~~ funds shall have any such accounts ~~[audited]~~ **examined** on at least an annual basis ~~[and no less than one time per year]~~ by an independent certified public accountant. ~~[The audit provided shall review the records of the receipts and disbursements of each estate account. Upon completion of the investigation, the certified public accountant shall render a report to the judge of record in this state showing the receipts, disbursements, and account balances as to each estate and as well as the total assets on deposit in the pooled account on the last calendar day of each year.]~~ **The examination shall:**

- (a) Compare the pooled account's year-end bank statement and obtain the reconciliation of the pooled account from the bank statement to the fiduciary's general ledger balance on the same day;
- (b) Reconcile the total of individual accounts in the fiduciary's records to the reconciled pooled account's balance and note any difference;

(c) Confirm if collateral is pledged to secure amounts on deposit in the pooled account in excess of Federal Deposit Insurance Corporation coverage; and

(d) Confirm the account balance with the financial institution.

(3) A public administrator using and utilizing pooled accounts as provided by this section shall certify by affidavit that he or she has met the conditions for establishing a pooled account as set forth in subdivision (2) of this subsection.

(4) The county shall provide for the expense of ~~[such audit]~~ the report. If and where the public administrator has provided the judge with ~~[the audit]~~ the report pursuant to and required by this subsection and section, the public administrator shall not be required to obtain the written ~~[certification]~~ verification of an officer of a bank or other depository on any estate asset maintained within the pooled account as otherwise required in and under subsection 1 of this section."; and

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

On motion of Representative Reedy, **House Amendment No. 5** was adopted.

Representative Deaton offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 187, Page 1, Section A, Line 8, by inserting after all of said section and line the following:

"30.266. The state treasurer may keep in the custody of the state treasury an amount of gold and silver greater than or equal to one percent of all state funds. Nothing in this section shall require the state treasurer to invest any state funds in a manner inconsistent with Article IV, Section 15 of the Missouri Constitution."; and

Further amend said bill, Page 22, Section 130.041, Line 115, by inserting after all of said section and line the following:

"137.100. The following subjects are exempt from taxation for state, county or local purposes:

- (1) Lands and other property belonging to this state;
- (2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;
- (3) Nonprofit cemeteries;
- (4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;
- (5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;
- (6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;
- (7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes;
- (8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430 or sections 238.010 to 238.100 to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or

other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

- (a) The right of the interstate compact agency to use, control, and possess the property is terminated;
- (b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property;

and

- (c) There are no provisions for reverter of the property within the limitation period for reverters;
- (9) All property, real and personal, belonging to veterans' organizations. As used in this section, "veterans' organization" means any organization of veterans with a congressional charter, that is incorporated in this state, and that is exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986, as amended;

- (10) Solar energy systems not held for resale; **and**

- (11) **Virtual currencies. As used in this section, "virtual currency" means any type of digital representation of value that:**

- (a) Is used as a medium of exchange, unit of account, or store of value; and**

- (b) Is not recognized as legal tender by the United States government.**

143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

- (1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit. The amount added pursuant to this subdivision shall not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability pursuant to Public Law 116-136 or 116-260, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, and deducted from Missouri adjusted gross income pursuant to section 143.171. The amount added under this subdivision shall also not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability under any other federal law that provides direct economic impact payments to taxpayers to mitigate financial challenges related to the COVID-19 pandemic, and deducted from Missouri adjusted gross income under section 143.171;

- (2) Interest on certain governmental obligations excluded from federal gross income by 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of 26 U.S.C. Section 265 of the Internal Revenue Code, as amended. The reduction shall only be made if it is at least five hundred dollars;

- (3) The amount of any deduction that is included in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

- (4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

- (5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia;

- (6) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section 163, as amended, in the current taxable

year by reason of the carryforward of disallowed business interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest received on deposits held at a federal reserve bank or interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection;

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

- (a) Livestock Forage Disaster Program;
- (b) Livestock Indemnity Program;
- (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;

- (d) Emergency Conservation Program;
- (e) Noninsured Crop Disaster Assistance Program;
- (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- (g) Annual Forage Pilot Program;
- (h) Livestock Risk Protection Insurance Plan;
- (i) Livestock Gross Margin Insurance Plan;

(11) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in the current taxable year, but not deducted as a result of the limitation imposed under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist; ~~and~~

(12) One hundred percent of any retirement benefits received by any taxpayer as a result of the taxpayer's service in the Armed Forces of the United States, including reserve components and the National Guard of this state, as defined in 32 U.S.C. Sections 101(3) and 109, and any other military force organized under the laws of this state; **and**

(13) For all tax years beginning on or after January 1, 2024, the portion of capital gain on the sale or exchange of gold and silver that are otherwise included in the taxpayer's federal adjusted gross income.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020."; and

Further amend said bill, Page 50, Section 407.640, Line 24, by inserting after all of said section and line the following:

"408.010. [~~The silver coins of the United States are hereby declared a legal tender, at their par value, fixed by the laws of the United States, and shall be receivable in payment of all debts, public or private, hereafter contracted in the state of Missouri; provided, however, that no person shall have the right to pay, upon any one debt, dimes and half dimes to an amount exceeding ten dollars, or of twenty and twenty five cent pieces exceeding twenty dollars.~~] 1. The state of Missouri shall accept gold and silver coinage as legal tender, at spot price plus market premium, for payment of any debt, tax, fee, or obligation owed. Costs incurred in the course of verification of the weight and purity of any gold or silver coinage during any such transaction shall be borne by the receiving entity.

2. No person or entity shall be required to use gold or silver coinage in the payment of any debt.

3. Nothing in this section shall prohibit the use of federal reserve notes in the payment of any debt.

4. Except as otherwise provided in section 513.607, under no circumstance shall the state of Missouri or any department, agency, political subdivision, or instrumentality thereof seize from any person any gold or silver that is owned by such person. Any person who has his or her gold or silver seized in violation of this section shall have a cause of action in a court of competent jurisdiction. Any successful cause of action shall result in an award of attorney's fees.

408.012. 1. The state of Missouri shall not require payment in the form of any digital currency.

2. For purposes of this section, "digital currency" means any currency or money that is primarily stored, managed, or transferred by electronic means."; and

Further amend said bill, Page 52, Section 408.500, Line 62, by inserting after all of said section and line the following:

"408.900. 1. For purposes of this section, the following terms shall mean:

(1) "Blockchain network", a group of computers working together to run a consensus mechanism to agree upon and verify data in a digital record;

(2) "Digital asset", any cryptocurrencies, natively electronic assets, including stable coins, nonfungible tokens, and other digital-only assets that confer economic, proprietary, or access rights or powers;

(3) "Digital asset mining", using electricity to power a computer for the purpose of securing a blockchain network;

(4) "Digital asset mining business", a group of computers working at a single site that consumes more than one megawatt of energy for the purpose of generating digital assets by securing a blockchain network;

(5) "Discriminatory rates", electricity rates substantially different from other industrial uses of electricity in similar geographic areas;

(6) "Home digital asset mining", mining digital assets in areas zoned for residential use;

(7) "Money transmitter", any person, as that term is defined in section 361.700, that is subject to sections 361.700 to 361.727;

(8) "Node", a computational device that contains a copy of a blockchain ledger.

2. (1) Any person may run a node or a series of nodes in Missouri for the purpose of home digital asset mining at the person's private residence.

(2) A person or entity may have a digital asset mining business in any area in this state that is zoned for industrial use.

(3) Any person engaged in home digital asset mining or digital asset mining business shall not be considered a money transmitter.

3. A political subdivision shall not:

(1) Limit the sound decibels generated from home digital asset mining other than limits set for sound pollution generally;

(2) Impose any requirement on a digital asset mining business that is not also a requirement for data centers in such political subdivision; or

(3) Rezone the area in which a digital asset mining business is located without complying with applicable state and local zoning laws or rezone any area with the intent or effect of discriminating against a digital asset mining business.

4. A digital asset mining business may appeal a change in zoning pursuant to any applicable state or local zoning laws.

5. The public service commission may set rates reflective of cost to serve, but shall not establish a rate schedule for digital asset mining that creates discriminatory rates for digital asset mining businesses.";
and

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

Representative Christofanelli offered **House Amendment No. 1 to House Amendment No. 6.**

House Amendment No. 1
to
House Amendment No. 6

AMEND House Amendment No. 6 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 187, Page 6, Line 35, by inserting after all of said section and line the following:

"Further amend said bill, Page 46, Section 361.715, Line 14, by inserting after all of said section and line the following:

"361.749. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Commissioner", the commissioner of the division of finance;
- (2) "Consumer", any individual;
- (3) "Consumer-directed wage access services", the business of offering or providing earned wage access services directly to a consumer based on the consumer's representation and the provider's reasonable determination of the consumer's earned but unpaid income;
- (4) "Division", the Missouri division of finance within the department of commerce and insurance;
- (5) "Earned but unpaid income", salary, wages, compensation, or other income that a consumer or an employer has represented, and that a provider has reasonably determined, has been earned or has accrued to the benefit of the consumer in exchange for the consumer's provision of services to the employer or on behalf of the employer, including on an hourly, project-based, piecework, or other basis and including where the consumer is acting as an independent contractor of the employer, but has not, at the time of the payment of proceeds, been paid to the consumer by the employer;
- (6) "Earned wage access services", the business of providing consumer-directed wage access services, employer-integrated wage access services, or both;
- (7) "Employer":
 - (a) A person who employs a consumer; or
 - (b) Any other person who is contractually obligated to pay a consumer earned but unpaid income in exchange for a consumer's provision of services to the employer or on behalf of the employer, including on an hourly, project-based, piecework, or other basis and including where the consumer is acting as an independent contractor with respect to the employer.

"Employer" does not include a customer of an employer or any other person whose obligation to make a payment of salary, wages, compensation, or other income to a consumer is not based on the provision of services by that consumer for or on behalf of such person;

(8) "Employer-integrated wage access services", the business of delivering to consumers access to earned but unpaid income that is based on employment, income, and attendance data obtained directly or indirectly from an employer;

- (9) "Fee":
 - (a) A fee imposed by a provider for delivery or expedited delivery of proceeds to a consumer;
 - (b) A subscription or membership fee imposed by a provider for a bona fide group of services that includes earned wage access services; or
 - (c) An amount paid by an employer to a provider on a consumer's behalf, which entitles the consumer to receive proceeds at reduced or no cost to the consumer.

A voluntary tip, gratuity, or donation shall not be deemed a fee;

(10) "Outstanding proceeds", a payment of proceeds to a consumer by a provider that has not yet been repaid to that provider;

(11) "Person", a partnership, corporation, association, sole proprietorship, limited liability company, or nonprofit or governmental entity;

(12) "Proceeds", a payment of funds to a consumer by a provider that is based on earned but unpaid income;

(13) "Provider", a person who is in the business of offering and providing earned wage access services to consumers.

2. (1) No person shall engage in the business of earned wage access services in this state without first registering as an earned wage access services provider with the division.

(2) The annual registration fee shall be one thousand dollars payable to the division as of the first day of July of each year. The division may establish a biennial registration arrangement, but in no case shall the registration fee be payable for more than one year at a time.

(3) Registration shall be made on forms prepared by the commissioner and shall contain the following information:

(a) Name, business address, and telephone number of the earned wage access services provider;

(b) Name and business address of corporate officers and directors or principals or partners;

(c) A sworn statement by an appropriate officer, principal, or partner of the earned wage access services provider that:

a. The provider is financially capable of engaging in the business of earned wage access services; and

b. If a corporation, that the corporation is authorized to transact business in this state.

If any material change occurs in the information contained in the registration form, a revised statement shall be submitted to the commissioner.

(4) A certificate of registration shall be issued by the commissioner within thirty calendar days after the date on which all registration materials have been received by the commissioner and shall not be assignable or transferable, except as approved by the commissioner.

(5) Each certificate of registration shall remain in full force and effect until surrendered, revoked, or suspended.

3. This section shall not apply to:

(1) A bank or savings and loan association whose deposits or accounts are eligible for insurance by the Federal Deposit Insurance Corporation, or a subsidiary of such a bank or savings and loan association;

(2) A credit union doing business in this state; or

(3) A person authorized to make loans or extensions of credit under the laws of this state or the United States, who is subject to regulation and supervision by this state or the United States.

4. Each provider shall:

(1) Develop and implement policies and procedures to respond to questions raised by consumers and address complaints from consumers in an expedient manner;

(2) Before entering into an agreement with a consumer for the provision of earned wage access services, provide a consumer with a written paper or electronic document, which can be included as part of the contract to provide earned wage access services and which meets all of the following requirements:

(a) Informs the consumer of his or her rights under the agreement; and

(b) Fully and clearly discloses all fees associated with the earned wage access services;

(3) Inform the consumer of the fact of any material changes to the terms and conditions of the earned wage access services before implementing those changes for that consumer;

(4) Provide proceeds to a consumer by any means mutually agreed upon by the consumer and provider;

(5) Comply with all local, state, and federal privacy and information security laws;

(6) In any case in which the provider will seek repayment of outstanding proceeds, fees, or other payments, including voluntary tips, gratuities, or other donations from a consumer's account at a depository institution and including via electronic funds transfer:

(a) Comply with applicable provisions of the federal Electronic Funds Transfer Act and its implementing regulations; and

(b) Reimburse the consumer for the full amount of any overdraft or nonsufficient funds fees imposed on a consumer by the consumer's depository institution that were caused by the provider attempting to seek payment of any outstanding proceeds, fees, voluntary tips, gratuities, or other donations on a date before, or in an incorrect amount from, the date or amount disclosed to the consumer.

The provisions of this subdivision shall not apply with respect to payments of outstanding proceeds, fees, tips, gratuities, or other donations incurred by a consumer through fraudulent or other means; and

(7) If a provider solicits, charges, or receives a tip, gratuity, or donation from a consumer:

(a) Clearly and conspicuously disclose to the consumer immediately prior to each transaction that a tip, gratuity, or donation amount may be zero and is voluntary;

(b) Clearly and conspicuously disclose in its service contract with the consumer and elsewhere that tips, gratuities, or donations are voluntary and that the offering of earned wage access services, including the amount of the proceeds a consumer is eligible to request and the frequency with which proceeds are provided to a consumer, is not contingent on whether the consumer pays any tip, gratuity, or donation or on the size of any tip, gratuity, or donation;

(c) Refrain from misleading or deceiving consumers about the voluntary nature of such tips, gratuities, or donations; and

(d) Refrain from making representations that tips or gratuities will benefit any specific, individual person.

5. A provider shall not:

(1) Share with an employer any fees, voluntary tips, gratuities, or other donations that were received from or charged to a consumer for earned wage access services;

(2) Charge interest for failure to repay outstanding proceeds, fees, voluntary tips, gratuities, or other donations;

(3) Report any information about the consumer regarding the inability of the provider to be repaid outstanding proceeds, fees, voluntary tips, gratuities, or other donations to a consumer credit reporting agency or a debt collector;

(4) Require a consumer's credit report or credit score to determine a consumer's eligibility for earned wage access services;

(5) Accept payment from a consumer of outstanding proceeds, fees, voluntary tips, gratuities, or other donations via credit card or charge card; or

(6) Compel or attempt to compel repayment by a consumer of outstanding proceeds, fees, voluntary tips, gratuities, or other donations through any of the following means:

(a) A suit against the consumer in a court of competent jurisdiction;

(b) Use of a third party to pursue collection from the consumer on the provider's behalf; or

(c) Sale of outstanding amounts to a third-party collector or debt buyer for collection from the consumer.

The provisions of this subdivision shall not apply to payments of outstanding proceeds, fees, tips, gratuities, or other donations incurred by a consumer through fraudulent or other means or preclude a provider from pursuing an employer for breach of its contractual obligations to the provider.

6. For purposes of the laws of this state:

(1) Earned wage access services offered and provided by a registered provider shall not be considered to be any of the following:

(a) A violation of or noncompliance with the laws governing the sale or assignment of or an order for earned but unpaid income;

(b) A loan or other form of credit, and the provider shall not be considered a creditor or a lender;

(c) Money transmission, and the provider shall not be considered a money transmitter;

(2) Fees, voluntary tips, gratuities, or other donations shall not be considered interest or finance charges.

7. The commissioner, or his or her duly authorized representative, may make such investigation as is deemed necessary and, to the extent necessary for this purpose, may examine the registrant or any other person having personal knowledge of the matters under investigation, and shall have the power to compel the production of all relevant books, records, accounts, and documents by registrants.

8. (1) An earned wage access services provider shall maintain records of its earned wage access services transactions and shall preserve its records for at least two years after the final date on which it provides proceeds to a consumer.

(2) Records required by this section may be maintained electronically.

9. The division may promulgate rules as may be necessary for the administration 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, 2023, shall be invalid and void.

10. (1) Any provider registered pursuant to this section who fails, refuses, or neglects to comply with the provisions of this section or commits any criminal act may have its registration suspended or revoked by the commissioner, after a hearing before the commissioner on an order of the commissioner to show cause why such order of suspension or revocation should not be entered specifying the grounds therefor, which shall be served on the registrant at least ten days prior to the hearing.

(2) Whenever it shall appear to the commissioner that any provider registered pursuant to this section is failing, refusing, or neglecting to make a good faith effort to comply with the provisions of this section, the commissioner 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 commissioner. In determining the amount of the penalty, the commissioner 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.

11. All revenues collected by or paid to the commissioner pursuant to this section shall be forwarded immediately to the director of revenue, who shall deposit them in the division of finance fund.

12. Any earned wage access services provider knowingly and willfully violating the provisions of this section shall be guilty of a class A misdemeanor.

13. If there is a conflict between the provisions of this section and any other state statute, the provisions of this section shall control."; and"; and

Further amend said amendment, Page 8, Line 23, by inserting after all of said line the following:

"Further amend said bill, Page 58, Section 427.300, Line 214, by inserting after all of said section and line the following:

"436.550. Sections 436.550 to 436.572 shall be known and may be cited as the "Consumer Legal Funding Act".

436.552. As used in sections 436.550 to 436.572, the following terms mean:

(1) "Advertise", publishing or disseminating any written, electronic, or printed communication or any communication by means of recorded telephone messages or transmitted on radio, television, the internet, or similar communications media, including film strips, motion pictures, and videos, published, disseminated, circulated, or placed before the public, directly or indirectly, for the purpose of inducing a consumer to enter into a consumer legal funding contract;

(2) "Affiliate", as defined in section 515.505;

(3) "Charges", the amount of moneys to be paid to the consumer legal funding company by or on behalf of the consumer above the funded amount provided by or on behalf of the company to a consumer under sections 436.550 to 436.572. Charges include all administrative, origination, underwriting, or other fees, no matter how denominated;

(4) "Commissioner", the commissioner of the division of finance within the department of commerce and insurance;

(5) "Consumer", a natural person who has a legal claim and resides or is domiciled in Missouri;

(6) "Consumer legal funding company" or "company", a person or entity that enters into a consumer legal funding contract with a consumer for an amount less than five hundred thousand dollars. The term shall not include:

(a) An immediate family member of the consumer;

(b) A bank, lender, financing entity, or other special purpose entity:

a. That provides financing to a consumer legal funding company; or

b. To which a consumer legal funding company grants a security interest or transfers any rights or interest in a consumer legal funding; or

(c) An attorney or accountant who provides services to a consumer;

(7) "Consumer legal funding contract", a nonrecourse contractual transaction in which a consumer legal funding company purchases and a consumer assigns to the company a contingent right to receive an amount of the potential proceeds of a settlement, judgment, award, or verdict obtained in the consumer's legal claim, so long as all of the following apply:

(a) The consumer, at their sole discretion, shall use the funds to address personal needs or household expenses;

(b) The consumer shall not use the funds to pay for attorneys' fees, legal filings, legal marketing, legal document preparation or drafting, appeals, expert testimony, or other litigation-related expenses;

(8) "Division", the division of finance within the department of commerce and insurance;

(9) "Funded amount", the amount of moneys provided to or on behalf of the consumer in the consumer legal funding contract. "Funded amount" shall not include charges;

(10) "Funding date", the date on which the funded amount is transferred to the consumer by the consumer legal funding company either by personal delivery, via wire, automated clearing house transfer, or other electronic means, or by insured, certified, or registered United States mail;

(11) "Immediate family member", a parent; sibling; child by blood, adoption, or marriage; spouse; grandparent; or grandchild;

(12) "Legal claim", a bona fide civil claim or cause of action;

(13) "Medical provider", any person or business providing medical services of any kind to a consumer including, but not limited to, physicians, nurse practitioners, hospitals, physical therapists, chiropractors, or radiologists as well as any of their employees or contractors or any practice groups, partnerships, or incorporations of the same;

(14) "Resolution date", the date the amount funded to the consumer, plus the agreed-upon charges, is delivered to the consumer legal funding company.

436.554. 1. All consumer legal funding contracts shall meet the following requirements:

(1) The contract shall be completely filled in when presented to the consumer for signature;

(2) The contract shall contain, in bold and boxed type, a right of rescission allowing the consumer to cancel the contract without penalty or further obligation if, within ten business days after the funding date, the consumer either:

(a) Returns the full amount of the disbursed funds to the consumer legal funding company by delivering the company's uncashed check to the company's office in person; or

(b) Mails a notice of cancellation by insured, certified, or registered United States mail to the address specified in the contract and includes a return of the full amount of disbursed funds in such mailing in the form of the company's uncashed check or a registered or certified check or money order;

(3) The contract shall contain the initials of the consumer on each page; and

(4) The contract shall require the consumer to give nonrevocable written direction to the consumer's attorney requiring the attorney to notify the consumer legal funding company when the legal claim has been resolved. Once the consumer legal funding company confirms in writing the amount due under the contract, the consumer's attorney shall pay, from the proceeds of the resolution of the legal claim, the consumer legal funding company the amount due within ten business days.

2. The consumer legal funding company shall provide the consumer's attorney with a written notification of the consumer legal funding contract provided to the consumer within three business days of the funding date by way of postal mail, courier service, facsimile, or other means of proof of delivery method.

3. A consumer legal funding contract shall be entered into only if the contract involves an existing legal claim in which the consumer is represented by an attorney.

436.556. No consumer legal funding company shall:

(1) Pay or offer to pay commissions, referral fees, or other forms of consideration to any attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees for referring a consumer to the company;

(2) Accept any commissions, referral fees, rebates, or other forms of consideration from an attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees;

(3) Intentionally advertise materially false or misleading information regarding its products or services;

(4) Refer, in furtherance of an initial legal funding, a customer or potential customer to a specific attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees. However, the company may refer the customer to a local or state bar association referral service if a customer needs legal representation;

(5) Fail to promptly supply a copy of the executed contract to the consumer's attorney;

(6) Knowingly provide funding to a consumer who has previously assigned or sold a portion of the right to proceeds from the consumer's legal claim unless the consumer legal funding company pays or purchases the entire unsatisfied funded amount and contracted charges from the prior consumer legal funding company or the two companies agree to a lesser amount in writing. However, multiple companies may agree to contemporaneously provide funding to a consumer, provided that the consumer and the consumer's attorney consent to the arrangement in writing;

(7) Receive any right to or make any decisions with respect to the conduct of the underlying legal claim or any settlement or resolution thereof. The right to make such decisions shall remain solely with the consumer and the attorney in the legal claim;

(8) Knowingly pay or offer to pay for court costs, filing fees, or attorney's fees either during or after the resolution of the legal claim by using funds from the consumer legal funding contract. The consumer legal funding contract shall include a provision advising the consumer that the funding shall not be used for such costs or fees; or

(9) Sell a consumer litigation funding contract in whole or in part to a third party. However, if the consumer legal funding company retains responsibility for collecting payment, administering, and otherwise enforcing the consumer legal funding contract, the provisions of this subdivision shall not apply to any of the following:

(a) An assignment to a wholly owned subsidiary of the consumer legal funding company;

(b) An assignment to an affiliate of the consumer legal funding company that is under common control;

(c) The granting of a security interest under Article 9 of the Uniform Commercial Code, or as otherwise permitted by law.

436.558. 1. The contracted amount to be paid to the consumer legal funding company shall be set as a predetermined amount based upon intervals of time from the funding date to the resolution date and shall not be determined as a percentage of the recovery from the legal claim.

2. No consumer legal funding contract shall be valid if its terms exceed a period of forty-eight months. No consumer legal funding contract shall be automatically renewed.

436.560. All consumer legal funding contracts shall contain the disclosures specified in this section, which shall constitute material terms of the contract. Unless otherwise specified, the disclosures shall be typed in at least twelve-point bold-type font and be placed clearly and conspicuously within the contract, as follows:

(1) On the front page under appropriate headings, language specifying:

(a) The funded amount to be paid to the consumer by the consumer legal funding company;

(b) An itemization of one-time charges;

(c) The total amount to be assigned by the consumer to the company, including the funded amount and all charges; and

(d) A payment schedule to include the funded amount and charges, listing all dates and the amount due at the end of each six-month period from the funding date until the date the maximum amount due to the company by the consumer to satisfy the amount due pursuant to the contract;

(2) Within the body of the contract, in accordance with the provisions under subdivision (2) of subsection 1 of section 436.554: "Consumer's Right to Cancellation: You may cancel this contract without penalty or further obligation within ten business days after the funding date if you either:

(a) Return the full amount of the disbursed funds to the consumer legal funding company by delivering the company's uncashed check to the company's office in person; or

(b) Mail a notice of cancellation by insured, certified, or registered United States mail to the company at the address specified in the contract and include a return of the full amount of disbursed funds in such mailing in the form of the company's uncashed check or a registered or certified check or money order.";

(3) Within the body of the contract, a statement that the company has no influence over any aspect of the consumer's legal claim or any settlement or resolution of the consumer's legal claim and that all decisions related to the consumer's legal claim remain solely with the consumer and the consumer's attorney;

(4) Within the body of the contract, in all capital letters and in at least twelve-point bold-type font contained within a box: "THE FUNDED AMOUNT AND AGREED-UPON CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL CLAIM AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. IF THERE IS NO RECOVERY OF ANY DAMAGES FROM YOUR LEGAL CLAIM OR IF THERE IS NOT ENOUGH MONEY TO PAY BACK THE CONSUMER LEGAL FUNDING COMPANY IN FULL, YOU WILL NOT BE OBLIGATED TO PAY THE CONSUMER LEGAL FUNDING COMPANY ANYTHING IN EXCESS OF YOUR RECOVERY UNLESS YOU HAVE VIOLATED THIS CONTRACT. YOU WILL NOT OWE (INSERT NAME OF THE CONSUMER LEGAL FUNDING COMPANY) ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM UNLESS YOU OR YOUR ATTORNEY HAVE VIOLATED ANY MATERIAL TERM OF THIS CONTRACT OR UNLESS YOU HAVE COMMITTED FRAUD AGAINST THE CONSUMER LEGAL FUNDING COMPANY."; and

(5) Located immediately above the place on the contract where the consumer's signature is required, in twelve-point font: "Do not sign this contract before you read it completely or if it contains any blank spaces. You are entitled to a completely filled-in copy of the contract. Before you sign this contract, you should obtain the advice of an attorney. Depending on the circumstances, you may want to consult a tax, public or private benefits planning, or financial professional. You acknowledge that your attorney in the legal claim has provided no tax, public or private benefit planning, or financial advice regarding this transaction."

436.562. 1. Nothing in sections 436.550 to 436.572 shall be construed to restrict the exercise of powers or the performance of the duties of the state attorney general that he or she is authorized to exercise or perform by law.

2. If a court of competent jurisdiction determines that a consumer legal funding company has intentionally violated the provisions of sections 436.550 to 436.572 in a consumer legal funding contract, the consumer legal funding contract shall be voided.

436.564. 1. The contingent right to receive an amount of the potential proceeds of a legal claim is assignable.

2. Nothing contained in sections 436.550 to 436.572 shall be construed to cause any consumer legal funding contract conforming to sections 436.550 to 436.572 to be deemed a loan or to be subject to any of the provisions governing loans. A consumer legal funding contract that complies with sections 436.550 to 436.572 is not subject to any other statutory or regulatory provisions governing loans or investment contracts. To the extent that sections 436.550 to 436.572 conflict with any other law, such sections shall supersede the other law for the purposes of regulating consumer legal funding in this state.

3. Only attorney's liens related to the legal claim, Medicare, or other statutory liens related to the legal claim shall take priority over claims to proceeds from the consumer legal funding company. All other liens and claims shall take priority by normal operation of law.

4. No consumer legal funding company shall report a consumer to a credit reporting agency if insufficient funds remain from the net proceeds to repay the company.

436.566. An attorney or law firm retained by the consumer in the legal claim shall not have a financial interest in the consumer legal funding company offering consumer legal funding to that consumer. Additionally, any practicing attorney who has referred the consumer to his or her retained attorney shall not have a financial interest in the consumer legal funding company offering consumer legal funding to that consumer.

436.568. No communication between the consumer's attorney in the legal claim and the consumer legal funding company necessary to ascertain the status of a legal claim or a legal claim's expected value shall be discoverable by a party with whom the claim is filed or against whom the claim is asserted. This section does not limit, waive, or abrogate the scope or nature of any statutory or common-law privilege, including the work-product doctrine and attorney-client privilege.

436.570. 1. A consumer legal funding company shall not engage in the business of consumer legal funding in this state unless it has first obtained a license from the division of finance.

2. A consumer legal funding company's initial or renewal license application shall be in writing, made under oath, and on a form provided by the commissioner.

3. Every consumer legal funding company, at the time of filing a license application, shall pay the sum of five hundred fifty dollars for the period ending the thirtieth day of June next following the date of

payment; thereafter, a like fee shall be paid on or before June thirtieth of each year and shall be credited to the division of finance fund established under section 361.170.

4. A consumer legal funding license shall not be issued unless the division of finance, upon investigation, finds that the character and fitness of the applicant company, and of the officers and directors thereof, are such as to warrant belief that the business shall operate honestly and fairly within the purposes of sections 436.550 to 436.572.

5. Every applicant shall also, at the time of filing such application, file a bond satisfactory to the division of finance in an amount not to exceed fifty thousand dollars. The bond shall provide that the applicant shall faithfully conform to and abide by the provisions of sections 436.550 to 436.572, to all rules lawfully made by the commissioner under sections 436.550 to 436.572, and the bond shall act as a surety for any person or the state for any and all amount of moneys that may become due or owing from the applicant under and by virtue of sections 436.550 to 436.572, which shall include the result of any action that occurred while the bond was in place for the applicable period of limitations under statute and so long as the bond is not exhausted by valid claims.

6. If an action is commenced on a licensee's bond, the commissioner may require the filing of a new bond. Immediately upon any recovery on the bond, the licensee shall file a new bond.

7. To ensure the effective supervision and enforcement of sections 436.550 to 436.572, the commissioner may, under chapter 536:

(1) Deny, suspend, revoke, condition, or decline to renew a license for a violation of sections 436.550 to 436.572, rules issued under sections 436.550 to 436.572, or order or directive entered under sections 436.550 to 436.572;

(2) Deny, suspend, revoke, condition, or decline to renew a license if an applicant or licensee fails at any time to meet the requirements of sections 436.550 to 436.572, or withholds information or makes a material misstatement in an application for a license or renewal of a license;

(3) Order restitution against persons subject to sections 436.550 to 436.572 for violations of sections 436.550 to 436.572; and

(4) Order or direct such other affirmative action as the commissioner deems necessary.

8. Any letter issued by the commissioner and declaring grounds for denying or declining to grant or renew a license may be appealed to the circuit court of Cole County. All other matters presenting a contested case involving a licensee may be heard by the commissioner under chapter 536.

9. Notwithstanding the prior approval requirement of subsection 1 of this section, a consumer legal funding company that has applied with the division of finance between the effective date of sections 436.550 to 436.572, or when the division of finance has made applications available to the public, whichever is later, and six months thereafter may engage in consumer legal funding while the license application of the company or an affiliate of the company is awaiting approval by the division of finance and until such time as the applicant has pursued all appellate remedies and procedures for any denial of such application. All funding contracts in effect prior to the effective date of sections 436.550 to 436.572 are not subject to the terms of sections 436.550 to 436.572.

10. If it appears to the commissioner that any consumer legal funding company is failing, refusing, or neglecting to make a good faith effort to comply with the provisions of sections 436.550 to 436.572, or any laws or rules relating to consumer legal funding, the commissioner may issue an order to cease and desist, which 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 continues. The penalty shall be assessed and collected by the commissioner. In determining the amount of the penalty, the commissioner shall take into account the appropriateness of the penalty with respect to the gravity of the violation, any history of previous violations, and any other matters justice may require.

11. If any consumer legal funding company fails, refuses, or neglects to comply with the provisions of sections 436.550 to 436.572, or of any laws or rules relating to consumer legal funding, its license may be suspended or revoked by order of the commissioner after a hearing before said commissioner on any order to show cause why such order of suspension or revocation should not be entered and that specifies the grounds therefor. Such an order shall be served on the particular consumer legal funding company at least ten days prior to the hearing. Any order made and entered by the commissioner may be appealed to the circuit court of Cole County.

12. (1) The division shall conduct an examination of each consumer funding company at least once every twenty-four months and at such other times as the commissioner may determine.

(2) For any such investigation or examination, the commissioner and his or her representatives shall have free and immediate access to the place or places of business and the books and records, and shall have the authority to place under oath all persons whose testimony may be required relative to the affairs and business of the consumer legal funding company.

(3) The commissioner may also make such special investigations or examination as the commissioner deems necessary to determine whether any consumer legal funding company has violated any of the provisions of sections 436.550 to 436.572 or rules promulgated thereunder, and the commissioner may assess the reasonable costs of any investigation or examination incurred by the division to the company.

13. The division of finance shall have the authority to promulgate rules to carry out the provisions of sections 436.550 to 436.572. 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, 2023, shall be invalid and void.

436.572. A consumer legal funding contract is a fact subject to the usual rules of discovery."; and"; and

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

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Burger	Busick
Byrnes	Casteel	Chappell	Christ	Christofanelli
Coleman	Cook	Copeland	Cupps	Davidson
Davis	Deaton	Diehl	Dinkins	Evans
Falkner	Farnan	Francis	Gragg	Gregory
Griffith	Haffner	Haley	Hardwick	Henderson
Hicks	Hinman	Hovis	Hudson	Hurlbert
Jones	Justus	Kalberloh	Keathley	Kelley 127
Kelly 141	Knight	Lonsdale	Lovasco	Marquart
Mayhew	McGaugh	McGirl	McMullen	Morse
Murphy	Myers	O'Donnell	Oehlerking	Owen
Parker	Patterson	Perkins	Peters	Pollitt
Pouche	Reedy	Reuter	Richey	Riggs
Riley	Roberts	Sander	Sassmann	Schnelting
Schulte	Schwadron	Seitz	Sharpe 4	Shields
Smith 155	Smith 163	Sparks	Stacy	Stephens
Stinnett	Taylor 48	Thomas	Thompson	Titus
Toalson Reisch	Van Schoiack	Veit	Voss	Waller
West	Wilson	Wright	Mr. Speaker	

NOES: 044

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bosley	Brown 27	Brown 87
Burnett	Burton	Clemens	Crossley	Ealy
Fogle	Fountain Henderson	Gray	Hein	Ingle

Johnson 12	Johnson 23	Lavender	Lewis 25	Mackey
Mann	Merideth	Mosley	Nurrenbern	Phifer
Plank	Proudie	Sauls	Sharp 37	Smith 46
Steinhoff	Strickler	Taylor 84	Terry	Unsicker
Walsh Moore	Weber	Woods	Young	

PRESENT: 000

ABSENT WITH LEAVE: 014

Bland Manlove	Buchheit-Courtway	Butz	Collins	Doll
Gallick	Haden	Hausman	Houx	Lewis 6
Matthiesen	Nickson-Clark	Quade	Windham	

VACANCIES: 001

On motion of Representative Christofanelli, **House Amendment No. 1 to House Amendment No. 6** was adopted.

HCS SCS SB 187, as amended, with House Amendment No. 6, as amended, pending, was laid over.

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS HB 15, to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2023, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 15** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SS SCS HCS HB 2, to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SS SCS HCS HB 2** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 3, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and Workforce Development, the several divisions and programs thereof, and institutions of higher education to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 3** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 4, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 4** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SS SCS HCS HB 5, to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SS SCS HCS HB 5** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 6, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2023, and ending June 30, 2024, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 6** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 7, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Commerce and Insurance, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 7** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SS SCS HCS HB 8, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and Department of National Guard and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SS SCS HCS HB 8** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 9, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2023, and ending June 30, 2024, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 9** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 10, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 10** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 11, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 11** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SS SCS HCS HB 12, to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2023 and ending June 30, 2024, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SS SCS HCS HB 12** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 13, to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 13** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

On motion of Representative Patterson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Plocher.

Representative Patterson suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 029

Anderson	Atchison	Banderman	Barnes	Billington
Bonacker	Brown 16	Brown 27	Busick	Cupps
Davis	Fountain Henderson	Haffner	Hardwick	Justus
Kelley 127	Lonsdale	Lovasco	McGirt	Morse
Owen	Roberts	Sander	Seitz	Smith 155
Steinhoff	Stinnett	Titus	Veit	

NOES: 001

Windham

PRESENT: 056

Allen	Amato	Baker	Black	Boyd
Bromley	Burger	Burnett	Casteel	Chappell
Christofanelli	Coleman	Collins	Copeland	Deaton
Ealy	Falkner	Farnan	Francis	Gregory
Griffith	Hausman	Hein	Henderson	Hicks
Hovis	Hudson	Hurlbert	Knight	Lewis 6
Mann	McGaugh	Murphy	Myers	O'Donnell
Oehlerking	Patterson	Perkins	Plank	Pollitt
Proudie	Reedy	Schulte	Sharpe 4	Smith 46
Stacy	Stephens	Strickler	Thompson	Voss
Waller	Weber	Wilson	Wright	Young

Mr. Speaker

ABSENT WITH LEAVE: 076

Adams	Appelbaum	Aune	Bangert	Baringer
Bland Manlove	Boggs	Bosley	Brown 149	Brown 87
Buchheit-Courtway	Burton	Butz	Byrnes	Christ
Clemens	Cook	Crossley	Davidson	Diehl
Dinkins	Doll	Evans	Fogle	Gallick
Gragg	Gray	Haden	Haley	Hinman
Houx	Ingle	Johnson 12	Johnson 23	Jones
Kalberloh	Keathley	Kelly 141	Lavender	Lewis 25
Mackey	Marquart	Matthiesen	Mayhew	McMullen
Merideth	Mosley	Nickson-Clark	Nurrenbern	Parker
Peters	Phifer	Pouche	Quade	Reuter
Richey	Riggs	Riley	Sassmann	Sauls
Schnelting	Schwadron	Sharp 37	Shields	Smith 163
Sparks	Taylor 48	Taylor 84	Terry	Thomas
Toalson Reisch	Unsicker	Van Schoiack	Walsh Moore	West

Woods

VACANCIES: 001

Representative O'Donnell assumed the Chair.

THIRD READING OF SENATE BILLS

HCS SCS SB 187, as amended, with House Amendment No. 6, as amended, pending, relating to financial affairs, was again taken up by Representative Owen.

On motion of Representative Deaton, **House Amendment No. 6, as amended,** was adopted.

Representative Perkins offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 187, Page 46, Section 361.715, Line 14, by inserting after all of said section and line the following:

"362.034. 1. Any entity that operates as a facility licensed or certified under Article XIV of the Constitution of Missouri may request in writing that a state or local licensing authority or agency, including, but not limited to, the department of health and senior services or department of revenue, share the entity's application, license, or other regulatory and financial information with a banking institution. A state or local licensing authority or agency may also share such information with the banking institution's state and federal supervisory agencies.

2. In order to ensure the state or local licensing authority or agency is properly maintaining the confidentiality of individualized data, information, or records, an entity shall include in the written request a waiver giving authorization for the transfer of the individualized data, information, or records and waiving any confidentiality or privilege that applies to that individualized data, information, or records.

3. This section shall only apply to the disclosure of information by a state or local licensing authority or agency reasonably necessary to facilitate the provision of financial services by a banking institution to the entity making a request pursuant to this section.

4. The recipient of any information pursuant to this section shall treat such information as confidential and use it only for the purposes described in this section.

5. Nothing in this section shall be construed to authorize the disclosure of confidential or privileged information, nor waive an entity's rights to assert confidentiality or privilege, except as reasonably necessary to facilitate the provision of financial services for the entity making the request.

6. An entity that has provided a waiver pursuant to this section may withdraw the waiver with thirty days' notice in writing.

7. Nothing in this section shall be construed to modify the requirements of chapter 610.

8. For purposes of this section, the following terms mean:

- (1) "Banking institution", the same meaning as in Article IV, Section 15 of the Missouri Constitution;**
- (2) "Entity", the same meaning as in Article XIV of the Missouri Constitution."; and**

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

Representative Thompson offered **House Amendment No. 1 to House Amendment No. 7.**

House Amendment No. 1 to House Amendment No. 7

AMEND House Amendment No. 7 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 187, Page 1, Line 1, by inserting after the number "187," the following:

"Page 23, Section 170.281, Line 31, by inserting after all of said section and line the following:

"214.330. 1. (1) The endowed care trust fund required by sections 214.270 to 214.410 shall be permanently set aside in trust or in accordance with the provisions of subsection 2 of this section. The trustee of the endowed care trust shall be a state or federally chartered financial institution authorized to exercise trust powers in Missouri. The contact information for a trust officer or duly appointed representative of the trustee with knowledge and access to the trust fund accounting and trust fund records must be disclosed to the office or its duly authorized representative upon request.

(2) The trust fund records, including all trust fund accounting records, shall be maintained in the state of Missouri at all times or shall be electronically stored so that the records may be made available in the state of Missouri within fifteen business days of receipt of a written request. The operator of an endowed care cemetery shall maintain a current name and address of the trustee and the records custodian for the endowed care trust fund and shall supply such information to the office, or its representative, upon request.

(3) Missouri law shall control all endowed care trust funds and the Missouri courts shall have jurisdiction over endowed care trusts regardless of where records may be kept or various administrative tasks may be performed.

2. An endowed care trust fund shall be administered in accordance with Missouri law governing trusts, including but not limited to the applicable provisions of chapters 456 and 469, except as specifically provided in this subsection or where the provisions of sections 214.270 to 214.410 provide differently, provided that a cemetery operator shall not in any circumstances be authorized to restrict, enlarge, change, or modify the requirements of this section or the provisions of chapters 456 and 469 by agreement or otherwise.

(1) Income and principal of an endowed care trust fund shall be determined under the provisions of law applicable to trusts, except that the ~~provisions of section 469.405 shall not apply~~ **trustee shall have:**

(a) No power of adjustment under section 469.405;

(b) No power of conversion either from an income trust to a unitrust or from a unitrust to an income trust under section 469.475;

(c) No power or discretion to determine or modify the unitrust rate, as established in the terms of the endowed care trust agreement; and

(d) No discretion to determine applicable value for purposes of computing the unitrust amount beyond that granted by law and exercised solely for reasons of administrative convenience and not to affect the size of distributions.

In determining applicable value under section 469.473, values over a three-year period if available, or the duration of the trust if shorter, shall be used.

(2) No principal shall be distributed from an endowed care trust fund except to the extent that a unitrust ~~[election is in effect with respect to such trust under the provisions of section 469.411]~~ **amount is required by the terms of the endowed care trust fund agreement under subdivision (6) of this subsection.**

(3) No right to transfer jurisdiction from Missouri under section 456.1-108 shall exist for endowed care trusts.

(4) All endowed care trusts shall be irrevocable.

(5) No trustee shall have the power to terminate an endowed care trust fund under the provisions of section 456.4-414.

(6) A unitrust ~~[election made in accordance with the provisions of chapter 469 shall be made by the cemetery operator in the terms of the endowed care trust fund agreement itself, not by the trustee]~~ **definition of income under sections 469.471 to 469.487 shall be established by the cemetery operator in the terms of the endowed care trust fund agreement itself, not by the trustee, and shall not provide for a unitrust rate exceeding five percent per annum. The unitrust rate shall be changed only by amendment to the agreement as provided in this section.**

(7) No contract of insurance shall be deemed a suitable investment for an endowed care trust fund.

(8) The income from the endowed care fund may be distributed to the cemetery operator at least annually on a date designated by the cemetery operator **by record**, but no later than sixty days following the end of the ~~[trust fund]~~ **trust's fiscal year**. Any income not distributed within sixty days following the end of the trust's fiscal year shall be added to and held as part of the principal of the trust fund. **The cemetery operator may instruct by record the trustee to distribute less than all the income distributable for the year if the cemetery operator determines that the money is not needed.**

3. The cemetery operator shall have the duty and responsibility to apply the income distributed to provide care and maintenance only for that part of the cemetery designated as an endowed care section and not for any other purpose.

4. In addition to any other duty, obligation, or requirement imposed by sections 214.270 to 214.410 or the endowed care trust agreement, the trustee's duties shall be the maintenance of records related to the trust and the accounting for and investment of moneys deposited by the operator to the endowed care trust fund.

(1) For the purposes of sections 214.270 to 214.410, the trustee shall not be deemed responsible for the care, the maintenance, or the operation of the cemetery, or for any other matter relating to the cemetery, or the proper expenditure of funds distributed by the trustee to the cemetery operator, including, but not limited to, compliance with environmental laws and regulations.

(2) With respect to cemetery property maintained by endowed care funds, the cemetery operator shall be responsible for the performance of the care and maintenance of the cemetery property.

5. If the endowed care cemetery fund is not permanently set aside in a trust fund as required by subsection 1 of this section, then the funds shall be permanently set aside in an escrow account in the state of Missouri. Funds in an escrow account shall be placed in an endowed care trust fund under subsection 1 if the funds in the escrow account exceed three hundred fifty thousand dollars, unless otherwise approved by the division for good cause. The account shall be insured by the Federal Deposit Insurance Corporation or comparable deposit insurance and held in a state or federally chartered financial institution authorized to do business in Missouri and located in this state.

(1) The interest from the escrow account may be distributed to the cemetery operator at least in annual or semiannual installments, but not later than six months following the calendar year. Any interest not distributed within six months following the end of the calendar year shall be added to and held as part of the principal of the account.

(2) The cemetery operator shall have the duty and responsibility to apply the interest to provide care and maintenance only for that part of the cemetery in which burial space shall have been sold and with respect to which sales the escrow account shall have been established and not for any other purpose. The principal of such funds shall be kept intact. The cemetery operator's duties shall be the maintenance of records and the accounting for an investment of moneys deposited by the operator to the escrow account. For purposes of sections 214.270 to 214.410, the administrator of the office of endowed care cemeteries shall not be deemed to be responsible for the care, maintenance, or operation of the cemetery. With respect to cemetery property maintained by cemetery care funds, the cemetery operator shall be responsible for the performance of the care and maintenance of the cemetery property owned by the cemetery operator.

(3) The division may approve an escrow agent if the escrow agent demonstrates the knowledge, skill, and ability to handle escrow funds and financial transactions and is of good moral character.

6. The cemetery operator shall be accountable to the owners of burial space in the cemetery for compliance with sections 214.270 to 214.410.

7. Excluding funds held in an escrow account, all endowed care trust funds shall be administered in accordance with an endowed care trust fund agreement, which shall be submitted to the office by the cemetery operator for review and approval. The endowed care cemetery shall be notified in writing by the office of endowed care cemeteries regarding the approval or disapproval of the endowed care trust fund agreement and regarding any changes required to be made for compliance with sections 214.270 to 214.410 and the rules and regulations promulgated thereunder.

8. All endowed care cemeteries shall be under a continuing duty to file with the office of endowed care cemeteries and to submit for prior approval any and all changes, amendments, or revisions of the endowed care trust fund agreement at least thirty days before the effective date of such change, amendment, or revision.

9. If the endowed care trust fund agreement, or any changes, amendments, or revisions filed with the office, are not disapproved by the office within thirty days after submission by the cemetery operator, the endowed care trust fund agreement, or the related change, amendment, or revision, shall be deemed approved and may be used by the cemetery operator and the trustee. Notwithstanding any other provision of this section, the office may review and disapprove an endowed care trust fund agreement, or any submitted change, amendment, or revision, after the thirty days provided herein or at any other time if the agreement is not in compliance with sections 214.270 to 214.410 or the rules promulgated thereunder. Notice of disapproval by the office shall be in writing and delivered to the cemetery operator and the trustee within ten days of disapproval.

10. Funds in an endowed care trust fund or escrow account may be commingled with endowed care funds for other endowed care cemeteries, provided that the cemetery operator and the trustee shall maintain adequate accounting records of the disbursements, contributions, and income allocated for each cemetery.

11. By accepting the trusteeship of an endowed care trust or accepting funds as an escrow agent pursuant to sections 214.270 to 214.410, the trustee or escrow agent submits personally to the jurisdiction of the courts of this

state and the office of endowed care cemeteries regarding the administration of the trust or escrow account. A trustee or escrow agent shall consent in writing to the jurisdiction of the state of Missouri and the office in regards to the trusteeship or the operation of the escrow account and to the appointment of the office of secretary of state as its agent for service of process regarding any administrative or legal actions relating to the trust or the escrow account, if it has no designated agent for service of process located in this state. Such consent shall be filed with the office prior to accepting funds pursuant to sections 214.270 to 214.410 as trustee or as an escrow agent on a form provided by the office by rule."; and

Further amend said bill,"; and

Further amend said amendment and page, Line 30, by inserting after all of said line the following:

"Further amend said bill, Page 58, Section 427.300, Line 214, by inserting after all of said section and line the following:

"469.399. Sections 469.399 to 469.487 shall be known and may be cited as the "Missouri Uniform Fiduciary Income and Principal Act".

469.401. As used in sections ~~[469.401]~~ **469.399** to ~~[469.467]~~ **469.487**, the following terms mean:

(1) "Accounting period", a calendar year unless ~~[another twelve-month period is selected by]~~ a fiduciary **selects another period of twelve calendar months or approximately twelve calendar months.** The term includes a ~~[portion]~~ **part** of a calendar year or ~~[other twelve-month]~~ **another period [that] of twelve calendar months or approximately twelve calendar months** that begins when an income interest begins or ends when an income interest ends;

(2) "Asset-backed security", a security that is serviced primarily by the cash flows of a discrete pool of fixed or revolving receivables or other financial assets that by their terms convert into cash within a finite time. The term includes rights or other assets that ensure the servicing or timely distribution of proceeds to the holder of the asset-backed security. The term does not include an asset to which section 469.423, 469.437, or 469.447 applies;

(3) "Beneficiary"~~[-]~~ includes:

(a) For a trust:

a. A current beneficiary, including a current income beneficiary and a beneficiary that may receive only principal;

b. A remainder beneficiary; and

c. Any other successor beneficiary;

(b) For an estate, an heir, legatee, and devisee ~~[of a decedent's estate, and an income beneficiary and a remainder beneficiary of a trust, including any type of entity that has a beneficial interest in either an estate or a trust];~~ and

(c) For a life estate or term interest, a person that holds a life estate, term interest, or remainder or other interest following a life estate or term interest;

(4) "Court", any court in this state having jurisdiction relating to a trust, estate, life estate, or other term interest described in subdivision (2) of subsection 1 of section 469.402;

(5) "Current income beneficiary", a beneficiary to which a fiduciary may distribute net income, whether or not the fiduciary also may distribute principal to the beneficiary;

(6) "Distribution", a payment or transfer by a fiduciary to a beneficiary in the beneficiary's capacity as a beneficiary, made under the terms of the trust, without consideration other than the beneficiary's right to receive the payment or transfer under the terms of the trust. "Distribute", "distributed", and "distributee" have corresponding meanings;

(7) "Estate", a decedent's estate. The term includes the property of the decedent as the estate is originally constituted and the property of the estate as it exists at any time during administration;

~~[(3)]~~ (8) "Fiduciary"~~[-]~~ includes a trustee, trust protector determined under section 456.8-808, personal representative, ~~[trustee, executor, administrator, successor personal representative, special administrator and any other person performing substantially the same function]~~ life tenant, holder of a term interest, and person acting under a delegation from a fiduciary. The term includes a person that holds property for a successor beneficiary whose interest may be affected by an allocation of receipts and expenditures between income and

principal. If there are two or more co-fiduciaries, the term includes all co-fiduciaries acting under the terms of the trust and applicable law;

~~[(4)]~~ (9) "Income", money or **other** property ~~[that]~~ a fiduciary receives as current return from ~~[a]~~ principal ~~[asset, including a portion]~~. **The term includes a part of receipts from a sale, exchange, or liquidation of a principal asset, [as] to the extent provided in sections 469.423 to 469.449** **469.450;**

~~[(5)]~~ "Income beneficiary", a person to whom net income of a trust is or may be payable;

~~[(6)]~~ (10) "Income interest", the right of ~~[an]~~ **a current** income beneficiary to receive all or part of net income, whether the terms of the trust require ~~[it]~~ **the net income** to be distributed or authorize ~~[it]~~ **the net income** to be distributed in the ~~[trustee's]~~ **fiduciary's** discretion. **The term includes the right of a current beneficiary to use property held by a fiduciary;**

(11) "Independent person", a person that is not:

(a) For a trust:

a. A qualified beneficiary as defined under section 456.1-103;

b. A settlor of the trust; or

c. An individual whose legal obligation to support a beneficiary may be satisfied by a distribution from the trust;

(b) For an estate, a beneficiary;

(c) A spouse, parent, brother, sister, or issue of an individual described in paragraph (a) or (b) of this subdivision;

(d) A corporation, partnership, limited liability company, or other entity in which persons described in paragraphs (a) to (c) of this subdivision, in the aggregate, have voting control; or

(e) An employee of a person described in paragraph (a), (b), (c), or (d) of this subdivision;

~~[(7)]~~ (12) "Mandatory income interest", the right of ~~[an]~~ **a current** income beneficiary to receive net income that the terms of the trust require the fiduciary to distribute;

~~[(8)]~~ (13) "Net income", ~~[if section 469.411 applies to the trust, the unitrust amount, or if section 469.411 does not apply to the trust,]~~ the total ~~[receipts allocated to income]~~ **allocations** during an accounting period **to income under the terms of a trust and sections 469.399 to 469.487** minus the disbursements ~~[made from income during the same period, plus or minus transfers pursuant to sections 469.401 to 469.467 to or from income during the same period]~~ during the period, other than distributions, allocated to income under the terms of the trust and sections 469.399 to 469.487. To the extent the trust is a unitrust under sections 469.471 to 469.487, "net income" means the unitrust amount determined thereunder. "Net income" includes an adjustment from principal to income under section 469.405. The term does not include an adjustment from income to principal under section 469.405;

~~[(9)]~~ (14) "Person", an individual, ~~[corporation, business trust,]~~ estate, trust, ~~[partnership, limited liability company, association, joint venture]~~ **business or nonprofit entity, public corporation,** government~~[,]~~ or governmental subdivision, agency, or instrumentality, ~~[public corporation]~~ or ~~[any]~~ other legal ~~[or commercial]~~ entity;

(15) "Personal representative", an executor, administrator, successor personal representative, special administrator, or person that performs substantially the same function with respect to an estate under the law governing the person's status;

~~[(40)]~~ (16) "Principal", property held in trust for distribution to ~~[a remainder]~~, **production of income for, or use by a current or successor beneficiary** ~~[when the trust terminates];~~

~~[(11)]~~ "Qualified beneficiary", a beneficiary defined in section 456.1-103;

~~[(12)]~~ "Remainder beneficiary", a person entitled to receive principal when an income interest ends;

~~[(13)]~~ (17) "Record", information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(18) "Settlor", a person, including a testator, that creates or contributes property to a trust. If more than one person creates or contributes property to a trust, the term includes each person, to the extent of the trust property attributable to that person's contribution, except to the extent another person has the power to revoke or withdraw that portion;

(19) "Special tax benefit":

(a) Exclusion of a transfer to a trust from gifts described in 26 U.S.C. Section 2503(b), as amended, because of the qualification of an income interest in the trust as a present interest in property;

(b) Status as a qualified subchapter S trust described in 26 U.S.C. Section 1361(d)(3), as amended, at a time the trust holds stock of an S corporation described in 26 U.S.C. Section 1361(a)(1), as amended;

(c) An estate or gift tax marital deduction for a transfer to a trust under 26 U.S.C. Section 2056 or 2523, as amended, which depends or depended in whole or in part on the right of the settlor's spouse to receive the net income of the trust;

(d) Exemption in whole or in part of a trust from the federal generation-skipping transfer tax imposed by 26 U.S.C. Section 2601, as amended, because the trust was irrevocable on September 25, 1985, if there is any possibility that:

a. A taxable distribution, as defined in 26 U.S.C. Section 2612(b), as amended, could be made from the trust; or

b. A taxable termination, as defined in 26 U.S.C. Section 2612(a), as amended, could occur with respect to the trust; or

(e) An inclusion ratio, as defined in 26 U.S.C. Section 2642(a), as amended, of the trust which is less than one, if there is any possibility that:

a. A taxable distribution, as defined in 26 U.S.C. Section 2612(b), as amended, could be made from the trust; or

b. A taxable termination, as defined in 26 U.S.C. Section 2612(a), as amended, could occur with respect to the trust;

(20) "Successive interest", the interest of a successor beneficiary;

(21) "Successor beneficiary", a person entitled to receive income or principal or to use property when an income interest or other current interest ends;

(22) "Terms of a trust":

(a) Except as otherwise provided in paragraph (b) of this subdivision, the manifestation of the settlor's [or decedent's] intent regarding a trust's provisions as:

a. Expressed in [a manner which is] the trust instrument; or

b. Established by other evidence that would be admissible [as proof] in a judicial proceeding[; whether by written or spoken words or by conduct];

(b) The trust's provisions as established, determined, or amended by:

a. A trustee or trust director in accordance with applicable law;

b. Court order; or

c. A nonjudicial settlement agreement under section 456.1-111;

(c) For an estate, a will; or

(d) For a life estate or term interest, the corresponding manifestation of the rights of the beneficiaries;

(23) "Trust":

(a) Includes:

a. An express trust, private or charitable, with additions to the trust, wherever and however created; and

b. A trust created or determined by judgment or decree under which the trust is to be administered in the manner of an express trust; and

(b) Does not include:

a. A constructive trust;

b. A resulting trust, conservatorship, guardianship, multi-party account, custodial arrangement for a minor, business trust, voting trust, security arrangement, liquidation trust, or trust for the primary purpose of paying debts, dividends, interest, salaries, wages, profits, pensions, retirement benefits, or employee benefits of any kind; or

c. An arrangement under which a person is a nominee, escrowee, or agent for another;

[(14)] (24) "Trustee", a person, other than a personal representative, that owns or holds property for the benefit of a beneficiary. The term includes an original, additional, or successor trustee, whether or not appointed or confirmed by a court;

[(15)] "Unitrust amount", net income as defined by section 469.411 [(25) "Will", any testamentary instrument recognized by applicable law that makes a legally effective disposition of an individual's property, effective at the individual's death. The term includes a codicil or other amendment to a testamentary instrument.

469.402. [The provisions of sections 456.3 301 to 456.3 305 shall apply to sections 469.401 to 469.467 for all purposes.] 1. Except as otherwise provided in the terms of a trust or sections 469.399 to 469.487, sections 469.399 to 469.487 apply to:

(1) A trust or estate; and
 (2) A life estate or other term interest in which the interest of one or more persons will be succeeded by the interest of one or more other persons.

2. Except as otherwise provided in the terms of a trust or sections 469.399 to 469.487, sections 469.399 to 469.487 apply when this state is the principal place of administration of a trust or estate or the situs of property that is not held in a trust or estate and is subject to a life estate or other term interest described in subdivision (2) of subsection 1 of this section. By accepting the trusteeship of a trust having its principal place of administration in this state or by moving the principal place of administration of a trust to this state, the trustee submits to the application of sections 469.399 to 469.487 to any matter within the scope of sections 469.399 to 469.487 involving the trust.

469.403. 1. ~~[In allocating receipts and disbursements to or between principal and income, and with respect to any matter within the scope of]~~ **In making an allocation or determination or exercising discretion under sections 469.413 to 469.421, a fiduciary shall:**

- (1) ~~[Shall]~~ **Act in good faith, based on what is fair and reasonable to all beneficiaries;**
- (2) Administer a trust or estate ~~[under]~~ **impartially, except to the extent the terms of the trust manifest an intent that the fiduciary shall or [the will] may favor one or more beneficiaries;**
- (3) **Administer the trust or estate in accordance with the terms of the trust, even if there is a different provision in sections [469.401] 469.399 to [469.467] 469.487; and**
- ~~[(2) May]~~ (4) **Administer [a] the trust or estate [by exercising] in accordance with sections 469.399 to 469.487, except to the extent the terms of the trust provide otherwise or authorize the fiduciary to determine otherwise.**

2. A fiduciary's allocation, determination, or exercise of discretion under sections 469.399 to 409.487 is presumed to be fair and reasonable to all beneficiaries. A fiduciary may exercise a discretionary power of administration given to the fiduciary by the terms of the trust ~~[or the will, even if the]~~ , and an exercise of the power that produces a result different from a result required or permitted by sections ~~[469.401] 469.399 to [469.467];~~ **469.487 does not create an inference that the fiduciary abused the fiduciary's discretion.**

~~[(3) Shall administer a trust or estate pursuant]~~ **3. A fiduciary shall:**

(1) **Add a receipt to [sections 469.401 to 469.467 if] principal, to the extent neither the terms of the trust [or the will do not contain a different provision or do not give] nor sections 469.399 to 469.487 allocate the [fiduciary a discretionary power of administration] receipt between income and principal; and**

~~[(4) Shall add a receipt or]~~ (2) **Charge a disbursement to principal, to the extent [that the terms of the trust and sections 469.401 to 469.467 do not provide a rule for allocating the receipt or disbursement to or between principal and income.**

~~2. In exercising the power to adjust pursuant to section 469.405 or a discretionary power of administration regarding a matter within the scope of sections 469.401 to 469.467, whether granted by the terms of a trust, a will, or sections 469.401 to 469.467, a fiduciary shall administer a trust or estate impartially, based on what is fair and reasonable to all of the beneficiaries, except to the extent that the terms of the trust or the will clearly manifest an intent that the fiduciary shall or may favor one or more of the beneficiaries. A determination in accordance with sections 469.401 to 469.467 is presumed to be fair and reasonable to all of the beneficiaries] neither the terms of the trust nor sections 469.399 to 469.487 allocate the disbursement between income and principal.~~

4. A fiduciary may exercise the power to adjust under section 469.405, convert an income trust to a unitrust under subdivision (1) of subsection 1 of section 469.475, change the percentage or method used to calculate a unitrust amount under subdivision (2) of subsection 1 of section 469.475, or convert a unitrust to an income trust under subdivision (3) of subsection 1 of section 469.475, if the fiduciary determines the exercise of the power will assist the fiduciary to administer the trust or estate impartially.

5. Factors the fiduciary shall consider in making the determination under subsection 4 of this section include:

- (1) The terms of the trust;
- (2) The nature, distribution standards, and expected duration of the trust;
- (3) The effect of the allocation rules, including specific adjustments between income and principal, under sections 407.413 to 407.461;
- (4) The desirability of liquidity and regularity of income;
- (5) The desirability of the preservation and appreciation of principal;
- (6) The extent to which an asset is used or may be used by a beneficiary;
- (7) The increase or decrease in the value of principal assets, reasonably determined by the fiduciary;

(8) Whether and to what extent the terms of the trust give the fiduciary power to accumulate income or invade principal or prohibit the fiduciary from accumulating income or invading principal;

(9) The extent to which the fiduciary has accumulated income or invaded principal in preceding accounting periods;

(10) The effect of current and reasonably expected economic conditions; and

(11) The reasonably expected tax consequences of the exercise of the power.

469.404. 1. In this section, "fiduciary decision" means:

(1) A fiduciary's allocation between income and principal or other determination regarding income and principal required or authorized by the terms of the trust or sections 469.399 to 469.487;

(2) The fiduciary's exercise or nonexercise of a discretionary power regarding income and principal granted by the terms of the trust or sections 469.399 to 469.487, including the power to adjust under section 469.405, convert an income trust to a unitrust under subdivision (1) of subsection 1 of section 469.475, change the percentage or method used to calculate a unitrust amount under subdivision (2) of subsection 1 of section 469.475, or convert a unitrust to an income trust under subdivision (3) of subsection 1 section 469.475; or

(3) The fiduciary's implementation of a decision described in subdivision (1) or (2) of this subsection.

2. The court shall not order a fiduciary to change a fiduciary decision unless the court determines that the fiduciary decision was an abuse of the fiduciary's discretion.

3. If the court determines that a fiduciary decision was an abuse of the fiduciary's discretion, the court may order a remedy authorized by law, including under section 456.10-1001. To place the beneficiaries in the positions the beneficiaries would have occupied if there had not been an abuse of the fiduciary's discretion, the court may order:

(1) The fiduciary to exercise or refrain from exercising the power to adjust under section 469.405;

(2) The fiduciary to exercise or refrain from exercising the power to convert an income trust to a unitrust under subdivision (1) of subsection 1 of section 469.475, change the percentage or method used to calculate a unitrust amount under subdivision (2) of subsection 1 of section 469.475, or convert a unitrust to an income trust under subdivision (3) of subsection 1 of section 469.475;

(3) The fiduciary to distribute an amount to a beneficiary;

(4) A beneficiary to return some or all of a distribution; or

(5) The fiduciary to withhold an amount from one or more future distributions to a beneficiary.

4. On petition by a fiduciary for instruction, the court may determine whether a proposed fiduciary decision will result in an abuse of the fiduciary's discretion. If the petition describes the proposed decision, contains sufficient information to inform the beneficiary of the reasons for making the proposed decision and the facts on which the fiduciary relies, and explains how the beneficiary will be affected by the proposed decision, a beneficiary that opposes the proposed decision has the burden to establish that it will result in an abuse of the fiduciary's discretion.

469.405. 1. ~~[A trustee may adjust between principal and income to the extent the trustee considers necessary if the trustee invests and manages trust assets as a prudent investor, the terms of the trust describe the amount that may or shall be distributed to a beneficiary by referring to the trust's income, and the trustee determines, after applying subsection 1 of section 469.403, that the trustee is unable to comply with subsection 2 of section 469.403.]~~ Except as otherwise provided in the terms of a trust or this section, a fiduciary, in a record, without court approval, may adjust between income and principal if the fiduciary determines the exercise of the power to adjust will assist the fiduciary to administer the trust or estate impartially.

2. This section does not create a duty to exercise or consider the power to adjust under subsection 1 of this section or to inform a beneficiary about the applicability of this section.

3. A fiduciary that in good faith exercises or fails to exercise the power to adjust under subsection 1 of this section is not liable to a person affected by the exercise or failure to exercise.

~~[2-]~~ 4. In deciding whether and to what extent to exercise the power ~~[conferred by]~~ to adjust under subsection 1 ~~[of this section, a trustee]~~, a fiduciary shall consider all factors ~~the fiduciary considers~~ relevant ~~[to the trust and its beneficiaries]~~, including ~~[the following]~~ relevant factors ~~[to the extent relevant:]~~ in subsection 5 of section 469.403 and the application of sections 469.423, 469.435, and 469.445.

~~[(1) The nature, purpose and expected duration of the trust;~~

~~(2) The intent of the settlor;~~

~~(3) The identity and circumstances of the beneficiaries;~~

~~(4) The needs for liquidity, regularity of income, and preservation and appreciation of capital;~~

~~(5) The assets held in the trust, including the extent to which such assets consist of financial assets, interests in closely held enterprises, tangible and intangible personal property, or real property, and the extent to which such assets are used by a beneficiary, and whether such assets were purchased by the trustee or received from the settlor;~~

~~(6) The net amount allocated to income pursuant to sections 469.401 to 469.467, other than this section, and the increase or decrease in the value of the principal assets, which the trustee may estimate as to assets for which market values are not readily available;~~

~~(7) Whether and to what extent the terms of the trust give the trustee the power to invade principal or accumulate income, or prohibit the trustee from invading principal or accumulating income, and the extent to which the trustee has exercised a power from time to time to invade principal or accumulate income;~~

~~(8) The actual and anticipated effect of economic conditions on principal and income and effects of inflation and deflation; and~~

~~(9) The anticipated tax consequences of an adjustment.~~

3.] 5. A [trustee may] fiduciary shall not exercise the power under subsection 1 of this section to make an adjustment or under section 469.435 to make a determination that an allocation is insubstantial if:

(1) [That diminishes the income interest in a trust which requires all of the income to be paid at least annually to a spouse and for which an estate tax or gift tax marital deduction would be allowed, in whole or in part, if the trustee did not have the power to make the adjustment;

(2) That reduces the actuarial value of the income interest in a trust to which a person transfers property with the intent to qualify for a gift tax exclusion;

(3) That changes] The adjustment or determination would reduce the amount payable to a [beneficiary] current income beneficiary from a trust that qualifies for a special tax benefit, except to the extent the adjustment is made to provide for a reasonable apportionment of the total return of the trust between the current income beneficiary and successor beneficiaries;

(2) The adjustment or determination would change the amount payable to a beneficiary, as a fixed annuity or a fixed fraction of the value of the trust assets, under the terms of the trust;

[(4) From any] (3) The adjustment or determination would reduce an amount that is permanently set aside for a charitable [purposes] purpose under [a will or] the terms of [a] the trust [to the extent that the existence of the power to adjust would change the character of the amount] , unless both income and principal are set aside for [federal income, gift or estate tax purposes] the charitable purpose;

[(5) If] (4) Possessing or exercising the power [to make an adjustment causes an individual] would cause a person to be treated as the owner of all or part of the trust for [income tax purposes, and the individual would not be treated as the owner if the trustee did not possess the power to make an adjustment] federal income tax purposes;

[(6) If] (5) Possessing or exercising the power [to make an adjustment causes] would cause all or part of the value of the trust assets to be included [for estate tax purposes] in the gross estate of an individual [who has] for federal estate tax purposes;

(6) Possessing or exercising the power [to remove or appoint a trustee, or both,] would cause an individual to be treated as making a gift for federal gift tax purposes;

(7) The fiduciary is not an independent person;

(8) The trust is irrevocable and [the assets would not be included in the estate of the individual if the trustee did not possess] provides for income to be paid to the settlor and possessing or exercising the power [to make an adjustment] would cause the adjusted principal or income to be considered an available resource or available income under a public-benefit program; or

[(7) If the trustee is a beneficiary of the trust; or

(8) If the trustee is not a beneficiary, but the adjustment would benefit the trustee directly or indirectly] (9) The trust is a unitrust under sections 469.471 to 469.487.

[4.] 6. If [subdivision (5), (6), (7) or (8) of] subsection [3] 5 of this section applies to a [trustee and there is more than one trustee, a cotrustee to whom the provision does] fiduciary:

(1) A co-fiduciary to which subdivisions (4) to (7) of subsection 5 of this section do not apply may [make] exercise the [adjustment] power to adjust unless the exercise of the power by the remaining [trustee or trustees] co-fiduciary or co-fiduciaries is not permitted by the terms of the trust or law other than sections 469.399 to 469.487; and

(2) If there is no co-fiduciary to which subdivisions (4) to (7) of subsection 5 of this section do not apply, the fiduciary may appoint a co-fiduciary to which subdivisions (4) to (7) of subsection 5 of this section do not apply, which may be a special fiduciary with limited powers, and the appointed co-fiduciary may

exercise the power to adjust under subsection 1 of this section, unless the appointment of a co-fiduciary or the exercise of the power by a co-fiduciary is not permitted by the terms of the trust or law other than under sections 469.399 to 469.487.

~~[5-]~~ 7. A ~~[trustee]~~ fiduciary may release ~~[the entire power conferred by subsection 1 of this section, or may release only the power to adjust from income to principal or the power to adjust from principal to income if the trustee is uncertain about whether possessing or exercising the power will]~~ or delegate to a co-fiduciary the power to adjust under subsection 1 of this section if the fiduciary determines that the fiduciary's possession or exercise of the power will or may:

(1) Cause a result described in subdivisions (1) to (6) or subdivision (8) of subsection ~~[3]~~ 5 of this section ~~[-]; or [if the trustee determines that possessing or exercising the power will or may]~~

(2) Deprive the trust of a tax benefit or impose a tax burden not described in subdivisions (1) to (6) of subsection ~~[3]~~ 5 of this section.

8. A fiduciary's release or delegation to a co-fiduciary under subsection 7 of this section of the power to adjust under subsection 1 of this section:

(1) Shall be in a record;

(2) Applies to the entire power, unless the release or delegation provides a limitation, which may be a limitation to the power to adjust:

(a) From income to principal;

(b) From principal to income;

(c) For specified property; or

(d) In specified circumstances;

(3) For a delegation, may be modified by a re-delegation under this subsection by the co-fiduciary to which the delegation is made; and

(4) Subject to subdivision (3) of this subsection, is ~~[may be]~~ permanent ~~[or for]~~ unless the release or delegation provides a specified period, including a period measured by the life of an individual or the lives of more than one individual.

~~[6-]~~ 9. Terms of a trust that deny or limit the power ~~[of a trustee]~~ to ~~[make an adjustment]~~ adjust between income and principal ~~[and income]~~ do not affect the application of this section unless ~~[it is clear from]~~ the terms of the trust ~~[that the terms are intended to]~~ expressly deny ~~[the trustee]~~ or limit the power ~~[of adjustment conferred by]~~ to adjust under subsection 1 of this section.

10. The exercise of the power to adjust under subsection 1 of this section in any accounting period may apply to the current period, the immediately preceding period, and one or more subsequent periods.

11. A description of the exercise of the power to adjust under subsection 1 of this section shall be:

(1) Included in a report, if any, sent to beneficiaries under subsection 3 of section 456.8-813; or

(2) Communicated at least annually to the qualified beneficiaries defined under section 456.1-103 other than all beneficiaries that receive or are entitled to receive income from the trust or would be entitled to receive a distribution of principal if the trust were terminated at the time the notice is sent, assuming no power of appointment is exercised.

469.413. ~~[After a decedent dies, in the case]~~ 1. This section applies when:

(1) The death of an individual results in the creation of an estate~~[-, or after]~~ or trust; or

(2) An income interest in a trust ~~[ends, the following rules apply:]~~ terminates, whether the trust continues or is distributed.

~~[(4)]~~ 2. A fiduciary of an estate or ~~[of a terminating]~~ trust with an income interest that terminates shall determine, under subsection 7 of this section and sections 469.417 to 469.462, the amount of net income and net principal receipts received from property specifically given to a beneficiary ~~[pursuant to the rules in sections 469.417 to 469.461 which apply to trustees and the rules in subdivision (5) of this section]~~. The fiduciary shall distribute the net income and net principal receipts to the beneficiary ~~[who]~~ that is to receive the specific property~~[-]~~.

~~[(2)]~~ 3. A fiduciary shall determine the ~~[remaining]~~ income and net income of ~~[a decedent's]~~ an estate or ~~[a terminating]~~ income interest ~~[pursuant to the rules in]~~ in a trust that terminates, other than the amount of net income determined under subsection 2 of this section, under sections 469.417 to ~~[469.461 which apply to trustees]~~ 469.462 and by:

~~[(a)]~~ (1) Including in net income all income from property used or sold to discharge liabilities;

~~[(b)]~~ (2) Paying from income or principal, in the fiduciary's discretion, fees of attorneys, accountants, and fiduciaries; court costs and other expenses of administration; and interest on ~~[death]~~ **estate and inheritance taxes and other taxes imposed because of the decedent's death**, but the fiduciary may pay ~~[those]~~ the expenses from income of property passing to a trust for which the fiduciary claims ~~[an]~~ **a federal estate tax marital or charitable deduction only to the extent [that]:**

(a) The payment of ~~[those]~~ **the** expenses from income will not cause the reduction or loss of the deduction; ~~[and] or~~

(b) The fiduciary makes an adjustment under subsection 2 of section 469.462; and

~~[(c)]~~ (3) Paying from principal ~~[all]~~ other disbursements made or incurred in connection with the settlement of ~~[a decedent's]~~ **the** estate or the winding up of ~~[a terminating]~~ **an** income interest~~[-]~~ **that terminates**, including:

(a) **To the extent authorized by the decedent's will, the terms of the trust, or applicable law**, debts, funeral expenses, disposition of remains, family allowances, ~~[and death taxes]~~ **estate and inheritance taxes, and other taxes imposed because of the decedent's death; and**

(b) Related penalties that are apportioned, **by the decedent's will, the terms of the trust, or applicable law**, to the estate or ~~[terminating]~~ income interest ~~[by the will, the terms of the trust, or applicable law;]~~ **that terminates.**

~~[(3)]~~ A fiduciary shall distribute to a beneficiary who receives a pecuniary amount outright the interest or any other amount provided by the will, the terms of the trust, or in the absence of any such provisions, the provisions of section 473.633, from net income determined pursuant to subdivision (2) of this section or from principal to the extent that net income is insufficient. **4. If a decedent's will, the terms of a trust, or applicable law provides for the payment of interest or the equivalent of interest to a beneficiary that receives a pecuniary amount outright, the fiduciary shall make the payment from net income determined under subsection 3 of this section or from principal to the extent net income is insufficient.**

5. If a beneficiary is to receive a pecuniary amount outright from a trust after an income interest ends because of an income beneficiary's death, and no payment of interest or [other amount] the equivalent of interest is provided for by the terms of the trust or applicable law, the fiduciary shall [distribute] pay the interest or [other amount] the equivalent of interest to which the beneficiary would be entitled under applicable law if the pecuniary amount were required to be paid under a will[-].

~~[(4)]~~ **6. A fiduciary shall distribute [the] net income remaining after [distributions] payments required by [subdivision (3)] subsections 4 and 5 of this section in the manner described in section 469.415 to all other beneficiaries, including a beneficiary [who] that receives a pecuniary amount in trust, even if the beneficiary holds an unqualified power to withdraw assets from the trust or other presently exercisable general power of appointment over the trust[-].**

~~[(5)]~~ **7. A fiduciary [may] shall not reduce principal or income receipts from property described in [subdivision (1)] subsection 2 of this section because of a payment described in sections 469.451 and 469.453 to the extent [that] the decedent's will, the terms of the trust, or applicable law requires the fiduciary to make the payment from assets other than the property or to the extent [that] the fiduciary recovers or expects to recover the payment from a third party. The net income and principal receipts from the property [are] shall be determined by including [all of] the amounts the fiduciary receives or pays [with respect to] regarding the property, whether [those amounts] the amount accrued or became due before, on, or after the date of [a decedent's] the decedent's death or an income interest's terminating event, and [by] making a reasonable provision for [amounts that the fiduciary believes] an amount the estate or [terminating] income interest may become obligated to pay after the property is distributed.**

469.415. 1. [Each] Except to the extent sections 469.471 to 469.487 apply for a beneficiary that is a trust, each beneficiary described in subdivision ~~[(4)]~~ (6) of section 469.413 is entitled to receive a ~~[portion]~~ **share** of the net income equal to the beneficiary's fractional interest in undistributed principal assets, using values as of the distribution date. If a fiduciary makes more than one distribution of assets to beneficiaries to ~~[whom]~~ **which** this section applies, each beneficiary, including ~~[one who]~~ **a beneficiary that** does not receive part of the distribution, is entitled, as of each distribution date, to **a share of** the net income the fiduciary ~~[has]~~ received after the ~~[date of]~~ **decedent's death [or], an income interest's other terminating event, or [earlier] the preceding distribution [date- but has not distributed as of the current distribution date] by the fiduciary.**

2. In determining a beneficiary's share of net income under subsection 1 of this section, the following rules apply:

(1) The beneficiary is entitled to receive a ~~[portion]~~ **share** of the net income equal to the beneficiary's fractional interest in the undistributed principal assets immediately before the distribution date~~[-, including assets that later may be sold to meet principal obligations];~~

(2) The beneficiary's fractional interest ~~[in the undistributed principal assets shall]~~ **under subdivision (1) shall be calculated [without regard to property specifically given to a beneficiary and property required to pay pecuniary amounts not in trust;**

~~(3) The beneficiary's fractional interest in the undistributed principal assets shall be calculated] :~~

(a) On the ~~[basis of the]~~ aggregate value of ~~[those]~~ the assets as of the distribution date without reducing the value by any unpaid principal obligation; **and**

(b) Without regard to:

a. Property specifically given to a beneficiary under the decedent's will or the terms of the trust; and

b. Property required to pay pecuniary amounts not in trust; and

~~[(4)] (3)~~ The distribution date ~~[for purposes of this section]~~ **under subdivision (1) of this subsection** may be the date as of which the fiduciary calculates the value of the assets if that date is reasonably near the date on which the assets are ~~[actually]~~ distributed.

3. ~~[(4)]~~ **To the extent** a fiduciary does not distribute **under this section** all ~~[of]~~ the collected but undistributed net income to each ~~[person]~~ **beneficiary** as of a distribution date, the fiduciary shall maintain ~~[appropriate]~~ records showing the interest of each beneficiary in ~~[that]~~ the net income.

4. **If this section applies to income from an asset,** a fiduciary may apply the rules in this section~~[- to the extent that the fiduciary considers it appropriate,]~~ to net gain or loss realized **from the disposition of the asset** after the ~~[date of death or]~~ **decedent's death, an income interest's** terminating event, or ~~[earlier]~~ **the preceding** distribution ~~[date from the disposition of a principal asset if this section applies to the income from the asset]~~ **by the fiduciary.**

469.417. 1. An income beneficiary is entitled to net income **in accordance with the terms of the trust** from the date ~~[on which the]~~ **an** income interest begins. ~~[An]~~ **The** income interest begins on the date specified in the terms of the trust or, if no date is specified, on the date an asset becomes subject to ~~[a trust or successive income interest] :~~

(1) The trust for the current income beneficiary; or

(2) A successive interest for a successor beneficiary.

2. An asset becomes subject to a trust **under subdivision (1) of subsection 1 of this section:**

(1) ~~[On the date it is transferred to the trust in the case of]~~ **For** an asset that is transferred to ~~[a]~~ **the** trust during the ~~[transferor's]~~ **settlor's life, on the date the asset is transferred;**

(2) ~~[On the date of a testator's death in the case of]~~ **For** an asset that becomes subject to ~~[a]~~ **the** trust ~~[by reason]~~ **because of a [will] decedent's death, on the date of the decedent's death,** even if there is an intervening period of administration of the ~~[testator's]~~ **decedent's** estate; or

(3) ~~[On the date of an individual's death in the case of]~~ **For** an asset that is transferred to a fiduciary by a third party because of ~~[the individual's]~~ **a decedent's death, on the date of the decedent's death.**

3. An asset becomes subject to a successive ~~[income]~~ interest **under subdivision (2) of subsection 1 of this section** on the day after the preceding income interest ends, as determined ~~[pursuant to]~~ **under** subsection 4 of this section, even if there is an intervening period of administration to wind up the preceding income interest.

4. An income interest ends on the day before an income beneficiary dies or another terminating event occurs~~[-]~~ or on the last day of a period during which there is no beneficiary to ~~[whom]~~ **which a [trustee] fiduciary** may **or shall** distribute income.

469.419. 1. A ~~[trustee]~~ **fiduciary** shall allocate an income receipt or disbursement, other than ~~[one]~~ **a receipt** to which ~~[subdivision (4)]~~ **subsection 2** of section 469.413 applies, to principal if its due date occurs before ~~[a decedent dies in the case of]~~ **the date on which:**

(1) For an estate, the decedent died; or [before]

(2) For a trust or successive interest, an income interest begins ~~[in the case of a trust or successive income interest].~~

2. ~~[A trustee shall allocate an income receipt or disbursement to income if its]~~ **If the due date of a periodic income receipt or disbursement** occurs on or after the date on which a decedent ~~[dies]~~ **died** or an income interest ~~[begins and it is a periodic due date. An income]~~ **began, a fiduciary shall allocate the receipt or disbursement to income.**

3. **If an income receipt or disbursement is not periodic or has no due date, a fiduciary shall [be treated]** **treat the receipt or disbursement under this section** as accruing from day to day ~~[if its due date is not periodic or it has no due date].~~ The **fiduciary shall allocate to principal** the portion of the receipt or disbursement accruing before the date on which a decedent ~~[dies]~~ **died** or an income interest ~~[begins shall be allocated to principal]~~ **began, and to income** the balance ~~[shall be allocated to income].~~

~~[3-]~~ 4. A receipt or disbursement is periodic under subsections 2 and 3 of this section if:

(1) The receipt or disbursement shall be paid at regular intervals under an obligation to make payments; or

(2) The payer customarily makes payments at regular intervals.

5. An item of income or ~~[an]~~ obligation is due **under this section** on the date ~~[a payment]~~ the payer is required to make a payment. If a payment date is not stated, there is no due date ~~[for the purposes of sections 469.401 to 469.467].~~

6. Distributions to shareholders or other owners from an entity to which section 469.423 applies are ~~[deemed to be]~~ due:

(1) On the date fixed by **or on behalf of** the entity for determining ~~[who is]~~ the persons entitled to receive the distribution ~~[or];~~

(2) If no date is fixed, on the ~~[declaration]~~ date ~~[for]~~ of the decision by **or on behalf of the entity to make** the distribution~~].—A due date is periodic for receipts or disbursements that shall be paid at regular intervals under a lease or an obligation to pay interest or if an entity customarily makes distributions at regular intervals]; or~~

(3) **If no date is fixed and the fiduciary does not know the date of the decision by or on behalf of the entity to make the distribution, on the date the fiduciary learns of the decision.**

469.421. 1. ~~[For purposes of]~~ In this section, ~~[the phrase]~~ "undistributed income" means net income received **on or** before the date on which an income interest ends. The ~~[phrase]~~ term does not include an item of income or expense that is due or accrued~~];~~ or net income that has been added or is required to be added to principal under the terms of the trust.

2. **Except as otherwise provided in subsection 3 of this section,** when a mandatory income interest of a beneficiary ends, the ~~[trustee]~~ fiduciary shall pay ~~[to a mandatory income beneficiary who survives that date, or the estate of a deceased mandatory income beneficiary whose death causes the interest to end,]~~ the beneficiary's share of the undistributed income that is not disposed of under the terms of the trust ~~[unless the]~~ to the beneficiary or, if the beneficiary does not survive the date the interest ends, to the beneficiary's estate.

3. If a beneficiary has an unqualified power to ~~[revoke]~~ withdraw more than five percent of the value of a trust immediately before ~~[the]~~ an income interest ends~~].—In the latter case,];~~

(1) **The fiduciary shall allocate to principal** the undistributed income from the portion of the trust that may be ~~[revoked shall be added to principal]~~ withdrawn; and

(2) **Subsection 2 of this section applies only to the balance of the undistributed income.**

~~[3-]~~ 4. When a ~~[trustee's]~~ fiduciary's obligation to pay a fixed annuity or a fixed fraction of the value of ~~[the trust's]~~ assets ends, the ~~[trustee]~~ fiduciary shall prorate the final payment ~~[if and to the extent]~~ as required ~~[by applicable law to accomplish a purpose of the trust or its settlor relating]~~ to preserve an income tax, gift tax, estate tax, or other tax ~~[requirements]~~ benefit.

469.423. 1. ~~[For purposes of]~~ In this section~~],—the term];~~

(1) "Capital distribution" means an entity distribution of money that is a:

(a) Return of capital; or

(b) Distribution in total or partial liquidation of the entity;

(2) "Entity":

(a) Means a corporation, partnership, limited liability company, regulated investment company, real estate investment trust, common trust fund, or any other organization ~~[in which a trustee has an interest, other than a trust or estate to which section 469.425 applies, a business or activity to which section 469.427 applies, or an asset-backed security to which section 469.449 applies.]~~ or arrangement in which a fiduciary owns or holds an interest, whether or not the entity is a taxpayer for federal income tax purposes; and

(b) Does not include:

a. A trust or estate to which section 469.425 applies;

b. A business or other activity to which section 469.427 applies that is not conducted by an entity described in paragraph (a) of this subdivision;

c. An asset-backed security; or

d. An instrument or arrangement to which section 469.450 applies;

(3) "Entity distribution" means a payment or transfer by an entity made to a person in the person's capacity as an owner or holder of an interest in the entity.

2. In this section, an attribute or action of an entity includes an attribute or action of any other entity in which the entity owns or holds an interest, including an interest owned or held indirectly through another entity.

~~[2-]~~ 3. Except as otherwise provided in ~~[this section]~~ subdivisions (2) to (4) of subsection 4 of this section, a ~~[trustee]~~ fiduciary shall allocate to income:

- (1) Money received ~~[from]~~ in an entity[-
3. A trustee shall allocate the following receipts from an entity to principal:
 - (1) Property other than money;
 - (2) Money received in one distribution or a series of related distributions in exchange for part or all of a trust's interest in the entity;
 - (3) Money received in total or partial liquidation of the entity; and
 - (4) Money received from an entity that is] distribution; and
 - (2) Tangible personal property of nominal value received from the entity.
4. A fiduciary shall allocate to principal:
 - (1) Property received in an entity distribution that is not:
 - (a) Money; or
 - (b) Tangible personal property of nominal value;
 - (2) Money received in an entity distribution in an exchange for part or all of the fiduciary's interest in the entity, to the extent the entity distribution reduces the fiduciary's interest in the entity relative to the interests of other persons that own or hold interests in the entity;
 - (3) Money received in an entity distribution that the fiduciary determines or estimates is a capital distribution; and
 - (4) Money received in an entity distribution from an entity that is:
 - (a) A regulated investment company or [a] real estate investment trust if the money [distributed] received is a capital gain dividend for federal income tax purposes[-
 4. Money is received in partial liquidation:
 - (1) To the extent that the entity, at or near the time of a distribution, indicates that such money is a distribution in partial liquidation; or
 - (2) If; or
 - (b) Treated for federal income tax purposes comparably to the treatment described in paragraph (a) of this subdivision.
5. A fiduciary may determine or estimate that money received in an entity distribution is a capital distribution:
 - (1) By relying, without inquiry or investigation, on a characterization of the entity distribution provided by or on behalf of the entity unless the fiduciary:
 - (a) Determines, on the basis of information known to the fiduciary, that the characterization is or may be incorrect; or
 - (b) Owns or holds more than fifty percent of the voting interest in the entity;
 - (2) By determining or estimating, on the basis of information known to the fiduciary or provided to the fiduciary by or on behalf of the entity, that the total amount of money and property received by the fiduciary in [a] the entity distribution or a series of related entity distributions is or will be greater than twenty percent of the [entity's gross assets, as shown by the entity's year-end financial statements immediately preceding the initial receipt.
5. Money is not received in partial liquidation, nor may it be taken into account pursuant to subdivision (2) of subsection 4 of this section, to the extent that such money does not exceed the amount of income tax that a trustee or beneficiary shall pay on taxable income of the entity that distributes the money.
6. A trustee may rely upon a statement made by an entity about the source or character of a distribution if the statement is made at or near the time of distribution by the entity's board of directors or other person or group of persons authorized to exercise powers to pay money or transfer property comparable to those of a corporation's board of directors.] fair market value of the fiduciary's interest in the entity; or
- (3) If neither subdivision (1) nor (2) of this subsection applies, by considering the factors in subsection 6 of this section and the information known to the fiduciary or provided to the fiduciary by or on behalf of the entity.
6. In making a determination or estimate under subdivision (3) of subsection 5 of this section, a fiduciary may consider:
 - (1) A characterization of an entity distribution provided by or on behalf of the entity;
 - (2) The amount of money or property received in:
 - (a) The entity distribution; or
 - (b) What the fiduciary determines is or will be a series of related entity distributions;

(3) The amount described in subdivision (2) of this subsection compared to the amount the fiduciary determines or estimates is, during the current or preceding accounting periods:

- (a) The entity's operating income;
- (b) The proceeds of the entity's sale or other disposition of:
 - a. All or part of the business or other activity conducted by the entity;
 - b. One or more business assets that are not sold to customers in the ordinary course of the business or other activity conducted by the entity; or
 - c. One or more assets other than business assets, unless the entity's primary activity is to invest in assets to realize gain on the disposition of all or some of the assets;
- (c) If the entity's primary activity is to invest in assets to realize gain on the disposition of all or some of the assets, the gain realized on the disposition;
- (d) The entity's regular, periodic entity distributions;
- (e) The amount of money the entity has accumulated;
- (f) The amount of money the entity has borrowed;
- (g) The amount of money the entity has received from the sources described in sections 469.433, 469.439, 469.441, and 469.443; and
- (h) The amount of money the entity has received from a source not otherwise described in this paragraph; and

(4) Any other factor the fiduciary determines is relevant.

7. If, after applying subsections 3 to 6 of this section, a fiduciary determines that a part of an entity distribution is a capital distribution but is in doubt about the amount of the entity distribution that is a capital distribution, the fiduciary shall allocate to principal the amount of the entity distribution that is in doubt.

8. If a fiduciary receives additional information about the application of this section to an entity distribution before the fiduciary has paid part of the entity distribution to a beneficiary, the fiduciary may consider the additional information before making the payment to the beneficiary and may change a decision to make the payment to the beneficiary.

9. If a fiduciary receives additional information about the application of this section to an entity distribution after the fiduciary has paid part of the entity distribution to a beneficiary, the fiduciary is not required to change or recover the payment to the beneficiary but may consider that information in determining whether to exercise the power to adjust under section 469.405.

469.425. A ~~[trustee]~~ fiduciary shall allocate to income an amount received as a distribution of income, including a unitrust distribution under sections 469.471 to 469.487, from a trust or ~~[an]~~ estate in which the ~~[trust]~~ fiduciary has an interest, other than ~~[a]~~ an interest the fiduciary purchased ~~[interest]~~ in a trust that is an investment entity, and shall allocate to principal an amount received as a distribution of principal from ~~[such a]~~ the trust or estate. If a ~~[trustee]~~ fiduciary purchases, or receives from a settlor, an interest in a trust that is an investment entity, ~~[or a decedent or donor transfers an interest in such a trust to a trustee,]~~ section 469.423 ~~[or]~~, 469.449 ~~[shall apply]~~, or 469.450 applies to a receipt from the trust.

469.427. 1. ~~[If a trustee who conducts]~~ This section applies to a business or other activity conducted by a fiduciary if the fiduciary determines that it is in the ~~[best interest]~~ interests of ~~[all]~~ the beneficiaries to account separately for the business or other activity instead of:

(1) Accounting for ~~[#]~~ the business or other activity as part of the ~~[trust's]~~ fiduciary's general accounting records~~[-]~~; or

(2) Conducting the ~~[trustee]~~ business or other activity through an entity described in paragraph (a) of subdivision (2) of subsection 1 of section 469.423.

2. A fiduciary may ~~[maintain separate accounting records]~~ account separately under this section for ~~[its]~~ the transactions of a business or other activity, whether or not ~~[its]~~ assets of the business or other activity are segregated from other ~~[trust]~~ assets held by the fiduciary.

~~[2-]~~ 3. A ~~[trustee who]~~ fiduciary that accounts separately under this section for a business or other activity:

(1) May determine:

- (a) The extent to which the net cash receipts ~~[shall]~~ of the business or other activity shall be retained for:
 - a. Working capital~~[-]~~;
 - b. The acquisition or replacement of fixed assets~~[-]~~; and
 - c. Other reasonably foreseeable needs of the business or other activity~~[-]~~; and
- (b) The extent to which the remaining net cash receipts are accounted for as principal or income in the

~~[trust's]~~ fiduciary's general accounting records~~[-]~~. ~~If a trustee sells assets of the business or other activity, other than in the ordinary course of the business or activity, the trustee]~~ for the trust;

(2) May make a determination under subdivision (1) of this subsection separately and differently from the fiduciary's decisions concerning distributions of income or principal; and

(3) Shall account for the net amount received from the sale of an asset of the business or other activity, other than a sale in the ordinary course of the business or other activity, as principal in the [trust's] fiduciary's general accounting records for the trust, to the extent the [trustee] fiduciary determines that the net amount received is no longer required in the conduct of the business or other activity.

[3-] 4. Activities for which a [trustee may maintain separate accounting records] fiduciary may account separately under this section include:

- (1) Retail, manufacturing, service, and other traditional business activities;
- (2) Farming;
- (3) Raising and selling livestock and other animals;
- (4) [Management of] Managing rental properties;
- (5) [Extraction of] Extracting minerals, water, and other natural resources;
- (6) Growing and cutting timber [operations]; [and]
- (7) [Activities] An activity to which section 469.447, 469.449, or 469.450 applies[-]; and
- (8) Any other business conducted by the fiduciary.

469.429. A [trustee] fiduciary shall allocate to principal:

(1) To the extent not allocated to income [pursuant to] under sections [469.401] 469.399 to [469.467] 469.487, [assets] an asset received from [a transferor]:

- (a) An individual during the [transferor's] individual's lifetime[-, a decedent's];
- (b) An estate[-];
- (c) A trust [with a terminating] on termination of an income interest[-]; or
- (d) A payer under a contract naming the [trust or its trustee] fiduciary as beneficiary;

(2) Except as otherwise provided in sections 469.423 to 469.450, money or other property received from the sale, exchange, liquidation, or change in form of a principal asset[-, including realized profit, subject to sections 469.423 to 469.467];

(3) [Amounts] An amount recovered from a third [parties] party to reimburse the [trust] fiduciary because of [disbursements] a disbursement described in [subdivision (7) of] subsection 1 of section 469.453 or for [other reasons] another reason to the extent not based on [the] loss of income;

(4) Proceeds of property taken by eminent domain, [but a separate award made] except that proceeds awarded for [the] loss of income [with respect to] in an accounting period [during which] are income if a current income beneficiary had a mandatory income interest [is income] during the period;

(5) Net income received in an accounting period during which there is no beneficiary to [whom] which a [trustee] fiduciary may or shall distribute income; and

(6) Other receipts as provided in sections 469.435 to [469.449] 469.450.

469.431. To the extent [that a trustee accounts] a fiduciary does not account for [receipts from] the management of rental property [pursuant to this section] as a business under section 469.427, the [trustee] fiduciary shall allocate to income an amount received as rent of real or personal property, including an amount received for cancellation or renewal of a lease. An amount received as a refundable deposit, including a security deposit or a deposit that is to be applied as rent for future periods[-, shall be added to principal and held subject to the terms of the lease and is not available for distribution to a beneficiary until the trustee's contractual obligations have been satisfied with respect to that amount.];

(1) Shall be added to principal and held subject to the terms of the lease, except as otherwise provided by law other than sections 469.399 to 469.487; and

(2) Is not allocated to income or available for distribution to a beneficiary until the fiduciary's contractual obligations have been satisfied with respect to that amount.

469.432. 1. This section does not apply to an obligation to which section 469.437, 469.439, 469.441, 469.443, 469.447, 469.449, or 469.450 applies.

2. A fiduciary shall allocate to income, without provision for amortization of premium, an amount received as interest[-, whether determined at a fixed, variable or floating rate,] on an obligation to pay money to the [trustee] fiduciary, including an amount received as consideration for prepaying principal[-, shall be allocated to income without any provision for amortization of premium].

[2-] 3. A [trustee] fiduciary shall allocate to principal an amount received from the sale, redemption, or other disposition of an obligation to pay money to the [trustee more than one year after it is purchased or acquired by

the trustee, including an obligation whose purchase price or value when it is acquired is less than its value at maturity. If the obligation matures within one year after it is purchased or acquired by the trustee, an amount received in excess of its purchase price or its value when acquired by the trust shall be allocated to income] **fiduciary. A fiduciary shall allocate to income the increment in value of a bond or other obligation for the payment of money bearing no stated interest but payable or redeemable, at maturity or another future time, in an amount that exceeds the amount in consideration of which it was issued.**

~~[3. This section does not apply to an obligation to which section 469.437, 469.439, 469.441, 469.443, 469.447 or 469.449 applies.]~~

469.433. 1. **This section does not apply to a contract to which section 469.437 applies.**

2. Except as otherwise provided in subsection ~~[2]~~ **3** of this section, a ~~[trustee]~~ **fiduciary** shall allocate to principal the proceeds of a life insurance policy or other contract ~~[in which the trust or its trustee is named]~~ **received by the fiduciary** as beneficiary, including a contract that insures ~~[the trust or its trustee]~~ against ~~[loss for]~~ damage to, destruction of, or loss of title to ~~[a trust]~~ **an** asset. The ~~[trustee]~~ **fiduciary** shall allocate dividends on an insurance policy to income ~~[if]~~ **to the extent** premiums on the policy are paid from income~~[-]~~ and to principal ~~[if]~~ **to the extent** premiums **on the policy** are paid from principal.

~~[2-]~~ **3.** A ~~[trustee]~~ **fiduciary** shall allocate to income proceeds of a contract that insures the ~~[trustee]~~ **fiduciary** against loss of:

(1) Occupancy or other use by ~~[an income beneficiary, loss of]~~ **a current income[-] beneficiary;**

(2) **Income;** or~~[-]~~

(3) Subject to section 469.427, ~~[loss of]~~ profits from a business.

~~[3. This section does not apply to a contract to which section 469.437 applies.]~~

469.435. 1. If a ~~[trustee]~~ **fiduciary** determines that an allocation between **income and** principal ~~[and income]~~ required by section 469.437, 469.439, 469.441, 469.443 or 469.449 is insubstantial, the ~~[trustee]~~ **fiduciary** may allocate the entire amount to principal, unless ~~[one of the circumstances described in]~~ subsection ~~[3]~~ **5** of section 469.405 applies to the allocation. ~~[This power]~~

2. A **fiduciary** may ~~[be exercised by a cotrustee in the circumstances described in subsection 4 of section 469.405 and may be released for the reasons and in the manner described in subsection 5 of section 469.405.]~~ **presume** an allocation is ~~[presumed to be]~~ **insubstantial under subsection 1 of this section** if:

(1) The amount of the allocation would increase or decrease net income in an accounting period, as determined before the allocation, by less than ten percent; ~~[or]~~ **and**

(2) ~~[The value of]~~ The asset producing the receipt ~~[for which the allocation would]~~ to be ~~[made is]~~ **allocated has a fair market value** less than ten percent of the total **fair market** value of the ~~[trust's]~~ **assets owned or held by the fiduciary** at the beginning of the accounting period.

3. **The power to make a determination under subsection 1 of this section may be:**

(1) **Exercised by a co-fiduciary in the manner described in subsection 6 of section 469.405; or**

(2) **Released or delegated for a reason described in subsection 7 of section 469.405 and in the manner described in subsection 8 of section 469.405.**

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

(1) **"Payment"**, an amount that is:

(a) ~~Received or withdrawn from a plan; or~~

(b) ~~One of a series of distributions that have been or will be received over a fixed number of years or during the life of one or more individuals under any contractual or other arrangement, or is a single payment from a plan that the trustee could have received over a fixed number of years or during the life of one or more individuals;~~

(2) **"Plan"**, a contractual, custodial, trust or other arrangement that provides for distributions to the trust, including, but not limited to, qualified retirement plans, Individual Retirement Accounts, Roth Individual Retirement Accounts, public and private annuities, and deferred compensation, including payments received directly from an entity as defined in section 469.423 regardless of whether or not such distributions are made from a specific fund or account.

2. If any portion of a payment is characterized as a distribution to the trustee of interest, dividends or a dividend equivalent, the trustee shall allocate the portion so characterized to income. The trustee shall allocate the balance of that payment to principal.

3. If no part of a payment is allocated to income pursuant to subsection 2 of this section, then for each accounting period of the trust that any payment is received by the trust with respect to the trust's interest in a plan, the trustee shall allocate to income that portion of the aggregate value of all payments received by the trustee in that accounting period equal to the amount of plan income attributable to the trust's interest in the plan for that calendar year. The trustee shall allocate the balance of that payment to principal.

4. For purposes of this section, if a payment is received from a plan that maintains a separate account or fund for its participants or account holders, including, but not limited to, defined contribution retirement plans, Individual Retirement Accounts, Roth Individual Retirement Accounts, and some types of deferred compensation plans, the phrase "plan income" shall mean either the amount of the plan account or fund held for the benefit of the trust that, if the plan account or fund were a trust, would be allocated to income pursuant to sections 469.401 to 469.467 for that accounting period, or four percent of the value of the plan account or fund on the first day of that accounting period. The method of determining plan income pursuant to this subsection shall be chosen by the trustee in the trustee's discretion. The trustees may change the method of determining plan income pursuant to this subsection for any future accounting period.

5. For purposes of this section if the payment is received from a plan that does not maintain a separate account or fund for its participants or account holders, including by way of example and not limitation defined benefit retirement plans and some types of deferred compensation plans, the term "plan income" shall mean four percent of the total present value of the trust's interest in the plan as of the first day of the accounting period, based on reasonable actuarial assumptions as determined by the trustee.

6. Notwithstanding subsections 1 to 5 of this section, with respect to a trust where an election to qualify for a marital deduction under Section 2056(b)(7) or Section 2523(f) of the Internal Revenue Code of 1986, as amended, has been made, or a trust that qualified for the marital deduction under either Section 2056(b)(5) or Section 2523(e) of the Internal Revenue Code of 1986, as amended, a trustee shall determine the plan income for the accounting period as if the plan were a trust subject to sections 469.401 to 469.467. Upon request of the surviving spouse, the trustee shall demand that the person administering the plan distribute the plan income to the trust. The trustee shall allocate a payment from the plan to income to the extent of the plan income and distribute that amount to the surviving spouse. The trustee shall allocate the balance of the payment to principal. Upon request of the surviving spouse, the trustee shall allocate principal to income to the extent the plan income exceeds payments made from the plan to the trust during the accounting period.

7. If, to obtain an estate or gift tax marital deduction for a trust, a trustee shall allocate more of a payment to income than provided for by this section, the trustee shall allocate to income the additional amount necessary to obtain the marital deduction.] "Internal income of a separate fund", the amount determined under subsection 2 of this section;

(2) "Marital trust", a trust:

(a) Of which the settlor's surviving spouse is the only current income beneficiary and is entitled to a distribution of all the current net income of the trust; and

(b) That qualifies for a marital deduction with respect to the settlor's estate under 26 U.S.C. Section 2056, as amended, because:

a. An election to qualify for a marital deduction under 26 U.S.C. Section 2056(b)(7), as amended, has been made; or

b. The trust qualifies for a marital deduction under 26 U.S.C. Section 2056(b)(5), as amended;

(3) "Payment", an amount a fiduciary may receive over a fixed number of years or during the life of one or more individuals because of services rendered or property transferred to the payer in exchange for future amounts the fiduciary may receive. The term includes an amount received in money or property from the payer's general assets or from a separate fund created by the payer;

(4) "Separate fund" includes a private or commercial annuity, an individual retirement account, and a pension, profit-sharing, stock bonus, or stock ownership plan.

2. For each accounting period, the following rules apply to a separate fund:

(1) The fiduciary shall determine the internal income of the separate fund as if the separate fund was a trust subject to sections 469.399 to 469.487;

(2) If the fiduciary cannot determine the internal income of the separate fund under subdivision (1) of this subsection, the internal income of the separate fund is deemed to equal three percent of the value of the separate fund, according to the most recent statement of value preceding the beginning of the accounting period; and

(3) If the fiduciary cannot determine the value of the separate fund under subdivision (2) of this subsection, the value of the separate fund is deemed to equal the present value of the expected future payments, as determined under 26 U.S.C. Section 7520, as amended, for the month preceding the beginning of the accounting period for which the computation is made.

3. A fiduciary shall allocate a payment received from a separate fund during an accounting period to income, to the extent of the internal income of the separate fund during the period, and the balance to principal.

4. The fiduciary of a marital trust shall:

(1) Withdraw from a separate fund the amount the current income beneficiary of the trust requests the fiduciary to withdraw, not greater than the amount by which the internal income of the separate fund during the accounting period exceeds the amount the fiduciary otherwise receives from the separate fund during the period;

(2) Transfer from principal to income the amount the current income beneficiary requests the fiduciary to transfer, not greater than the amount by which the internal income of the separate fund during the period exceeds the amount the fiduciary receives from the separate fund during the period after the application of subdivision (1) of this subsection; and

(3) Distribute to the current income beneficiary as income:

(a) The amount of the internal income of the separate fund received or withdrawn during the period; and

(b) The amount transferred from principal to income under subdivision (2) of this subsection.

5. For a trust, other than a marital trust, of which one or more current income beneficiaries are entitled to a distribution of all the current net income, the fiduciary shall transfer from principal to income the amount by which the internal income of a separate fund during the accounting period exceeds the amount the fiduciary receives from the separate fund during the period.

469.439. 1. ~~[As used]~~ In this section, ~~[the phrase]~~ "liquidating asset" means an asset whose value will diminish or terminate because the asset is expected to produce receipts for a ~~[period of]~~ limited ~~[duration]~~ time. The ~~[phrase]~~ term includes a leasehold, patent, copyright, royalty right, and right to receive payments during a period of more than one year under an arrangement that does not provide for the payment of interest on the unpaid balance. ~~[The phrase]~~

2. This section does not ~~[include a payment]~~ apply to a receipt subject to section 469.423, 469.437, ~~[resources subject to section]~~ 469.441, ~~[timber subject to section]~~ 469.443, ~~[an activity subject to section]~~ 469.447, ~~[an asset subject to section]~~ 469.449, 469.450, or ~~[any asset for which the trustee establishes a reserve for depreciation pursuant to section]~~ 469.455.

~~[2-]~~ 3. A ~~[trustee]~~ fiduciary shall allocate:

(1) To income ~~[ten percent of the receipts from]~~:

(a) A receipt produced by a liquidating asset ~~[and the balance]~~, to the extent the receipt does not exceed three percent of the value of the asset; or

(b) If the fiduciary cannot determine the value of the asset, ten percent of the receipt; and

(2) To principal, the balance of the receipt.

469.441. 1. To the extent ~~[that a trustee accounts for receipts]~~ a fiduciary does not account for a receipt from an interest in minerals, water, or other natural resources ~~[pursuant to this section]~~ as a business under section 469.427, the ~~[trustee]~~ fiduciary shall allocate ~~[them as follows]~~ the receipt:

(1) ~~[H]~~ To income, to the extent received:

(a) As ~~[nominal]~~ delay rental or ~~[nominal]~~ annual rent on a lease~~[, a receipt shall be allocated to income]~~;

(b) As a factor for interest or the equivalent of interest under an agreement creating a production payment; or

(c) On account of an interest in renewable water;

(2) To principal, if received from a production payment, ~~[a receipt shall be allocated to income if and to the extent that the agreement creating the production payment provides a factor for interest or its equivalent. The balance shall be allocated to principal]~~ to the extent paragraph (b) of subdivision (1) of this subsection does not apply; or

(3) ~~[If an amount received]~~ Between income and principal equitably, to the extent received:

(a) On account of an interest in nonrenewable water;

(b) As a royalty, shut-in-well payment, take-or-pay payment, or bonus ~~[or delay rental is more than nominal, ninety percent shall be allocated to principal and the balance to income]~~; or

~~[(4) If an amount is received]~~ (c) From a working interest or any other interest not provided for in subdivision (1) ~~or (3)]~~ of this subsection~~[, ninety percent of the net amount received shall be allocated to principal and the balance to income]~~ or paragraph (a) or (b) of this subdivision.

2. ~~[An amount received on account of]~~ This section applies to an interest ~~[in water that is renewable shall be allocated to income. If the water is not renewable, ninety percent of the amount shall be allocated to principal and the balance to income.]~~

3. ~~Sections 469.401 to 469.467 apply~~ **owned or held by a fiduciary** whether or not a ~~[decedent or donor]~~ settlor was extracting minerals, water, or other natural resources before the **fiduciary owned or held the** interest ~~[became subject to the trust]~~.

3. An allocation of a receipt under subdivision (3) of subsection 1 of this section is presumed to be equitable if the amount allocated to principal is equal to the amount allowed by 26 U.S.C., as amended, as a deduction for depletion of the interest.

4. If a ~~[trust]~~ **fiduciary** owns or holds an interest in minerals, water, or other natural resources ~~[on]~~ before August 28, ~~[2001]~~ **2023**, the ~~[trustee]~~ **fiduciary** may allocate receipts from the interest as provided in ~~[sections 469.401 to 469.467]~~ **this section** or in the manner used by the ~~[trustee]~~ **fiduciary** before August 28, ~~[2001]~~ **2023**. If the ~~[trust]~~ **fiduciary** acquires an interest in minerals, water, or other natural resources **on or** after August 28, ~~[2001]~~ **2023**, the ~~[trustee]~~ **fiduciary** shall allocate receipts from the interest as provided in ~~[sections 469.401 to 469.467]~~ **this section**.

469.443. 1. To the extent ~~[that a trustee accounts]~~ **a fiduciary does not account** for receipts from the sale of timber and related products ~~[pursuant to this section]~~ **as a business under section 469.427**, the ~~[trustee]~~ **fiduciary** shall allocate the net receipts:

(1) To income, to the extent ~~[that]~~ the amount of timber ~~[removed]~~ **cut** from the land does not exceed the rate of growth of the timber ~~[during the accounting periods in which a beneficiary has a mandatory income interest];~~

(2) To principal, to the extent ~~[that]~~ the amount of timber ~~[removed]~~ **cut** from the land exceeds the rate of growth of the timber or the net receipts are from the sale of standing timber;

(3) ~~[To or]~~ Between income and principal if the net receipts are from the lease of ~~[timberland]~~ **land used for growing and cutting timber** or from a contract to cut timber from land ~~[owned by a trust]~~, by determining the amount of timber ~~[removed]~~ **cut** from the land under the lease or contract and applying the rules in subdivisions (1) and (2) of this subsection; or

(4) To principal, to the extent ~~[that]~~ advance payments, bonuses, and other payments are not allocated ~~[pursuant to either]~~ **under** subdivision (1), (2), or (3) of this subsection.

2. In determining net receipts to be allocated ~~[pursuant to]~~ **under** subsection 1 of this section, a ~~[trustee]~~ **fiduciary** shall deduct and transfer to principal a reasonable amount for depletion.

3. ~~[Sections 469.401 to 469.467 apply]~~ **This section applies to land owned or held by a fiduciary** whether or not a ~~[decedent or transferor]~~ settlor was ~~[harvesting]~~ **cutting** timber from the **land before the fiduciary owned or held the** property ~~[before it became subject to the trust]~~.

4. If a ~~[trust]~~ **fiduciary** owns or holds an interest in ~~[timberland on]~~ **land used for growing and cutting timber before** August 28, ~~[2001]~~ **2023**, the ~~[trustee]~~ **fiduciary** may allocate net receipts from the sale of timber and related products as provided in ~~[sections 469.401 to 469.467]~~ **this section** or in the manner used by the ~~[trustee]~~ **fiduciary** before August 28, ~~[2001]~~ **2023**. If the ~~[trust]~~ **fiduciary** acquires an interest in ~~[timberland]~~ **land used for growing and cutting timber on or** after August 28, ~~[2001]~~ **2023**, the ~~[trustee]~~ **fiduciary** shall allocate net receipts from the sale of timber and related products as provided in ~~[sections 469.401 to 469.467]~~ **this section**.

469.445. 1. If a **trust received property for which a gift or estate tax marital deduction** ~~[is allowed for all or part of a trust whose]~~ **was allowed and the settlor's spouse holds a mandatory income interest in the trust, the spouse may require the trustee, to the extent the trust assets** ~~[consist substantially of property that does]~~ **otherwise do not provide the spouse with sufficient income from or use of the trust assets**, ~~[and if the amounts that the trustee transfers from principal to income pursuant to section 469.405 and distributes to the spouse from principal pursuant to the terms of the trust are insufficient to provide the spouse with the beneficial enjoyment required to obtain the marital]~~ **to qualify for the deduction, [the spouse may require the trustee] to:**

(1) Make property productive of income~~[-]~~;

(2) Convert property **to property productive of income** within a reasonable time~~[-]~~; or

(3) Exercise the power ~~[conferred by subsection 1 of]~~ **to adjust under** section 469.405.

2. The trustee may decide which action or combination of actions **in subsection 1 of this section** to take.

~~[2. In cases not governed by subsection 1 of this section, proceeds from the sale or other disposition of an asset are principal without regard to the amount of income the asset produces during any accounting period.]~~

469.447. 1. ~~[As used]~~ In this section, ~~[the term]~~ "derivative" means a contract ~~[or financial]~~, instrument, **other arrangement**, or a combination of contracts ~~[and financial]~~, instruments, **or other arrangements, the value, rights, and obligations of which** ~~[gives a trust the right or obligation to participate in some or all changes in the price of a]~~ **are, in whole or in part, dependent on or derived from an underlying tangible or intangible asset** ~~[or group of assets, or changes in a rate, an index of prices or]~~, **group of tangible or intangible assets, index, or**

occurrence of an event. The term includes stocks, fixed income securities, and financial instruments and arrangements based on indices, commodities, interest rates, ~~[or other market indicator for an asset or a group of assets]~~ weather-related events, and credit default events.

2. To the extent ~~[that a trustee]~~ a fiduciary does not account ~~[pursuant to section 469.427 for transactions]~~ for a transaction in derivatives~~], the trustee~~ as a business under section 469.427, the fiduciary shall allocate ~~[to principal]~~ ten percent of receipts from the transaction and ten percent of disbursements made in connection with ~~[those transactions]~~ the transaction to income and the balance to principal.

3. Subsection 4 of this section applies if:

(1) A ~~[trustee]~~ fiduciary:

(a) Grants an option to buy property from ~~[the]~~ a trust, whether or not the trust owns the property when the option is granted~~];~~

(b) Grants an option that permits another person to sell property to the trust~~];~~ or

(c) Acquires an option to buy property for the trust or an option to sell an asset owned by the trust~~];~~ and

(2) The ~~[trustee]~~ fiduciary or other owner of the asset is required to deliver the asset if the option is exercised~~];~~.

4. If this subsection applies, the fiduciary shall allocate ten percent to income and the balance to principal of the following amounts:

(1) An amount received for granting the option ~~[shall be allocated to principal];~~

(2) An amount paid to acquire the option ~~[shall be paid from principal. A];~~ and

(3) Gain or loss realized ~~[upon]~~ on the exercise ~~[of an option, including an option granted to a settlor],~~ exchange, settlement, offset, closing, or expiration of the ~~[trust for services rendered, shall be allocated to principal]~~ option.

469.449. 1. ~~[As used in this section, the phrase "asset-backed security" means an asset whose value is based upon the right it gives the owner to receive distributions from the proceeds of financial assets that provide collateral for the security. The phrase includes an asset that gives the owner the right to receive from the collateral financial assets only the interest or other current return or only the proceeds other than interest or current return. The phrase does not include an asset to which section 469.423 or 469.437 applies.]~~

2. ~~[If a trust receives a payment from interest or other current return and from other proceeds of the collateral financial assets, the trustee]~~ Except as otherwise provided in subsection 2 of this section, a fiduciary shall allocate to income ~~[the portion of]~~ a receipt from or related to an asset-backed security, to the extent the ~~[payment which the]~~ payer identifies the payment as being from interest or other current return, and ~~[shall allocate]~~ to principal the balance of the ~~[payment to principal]~~ receipt.

~~[3-]~~ 2. If a ~~[trust]~~ fiduciary receives one or more payments in exchange for part or all of the ~~[trust's entire]~~ fiduciary's interest in an asset-backed security ~~[in one accounting period, the trustee shall allocate the payments to principal. If a payment is one of a series of payments that will result in the-], including a liquidation or redemption of the [trust's] fiduciary's interest in the security [ever more than one accounting period,] the [trustee] fiduciary shall allocate [ten] to income ten percent of receipts from the [payment to income] transaction and [the balance to principal] ten percent of disbursements made in connection with the transaction, and to principal the balance of the receipts and disbursements.~~

469.450. A fiduciary shall allocate receipts from or related to a financial instrument or arrangement not otherwise addressed by sections 469.399 to 469.487. The allocation shall be consistent with sections 469.447 and 469.449.

469.451. ~~[A trustee shall make the following disbursements from income to the extent that they are not disbursements to which paragraph (b) or (c) of]~~ Subject to section 469.456, and except as otherwise provided in subdivision (2) or (3) of subsection 3 of section 469.413 ~~[applies]~~, a fiduciary shall disburse from income:

(1) One-half of:

(a) The regular compensation of the ~~[trustee]~~ fiduciary and ~~[of]~~ any person providing investment advisory ~~[or]~~, custodial, or other services to the ~~[trustee]~~ fiduciary, to the extent income is sufficient; and

~~[(2) One-half of all expenses]~~ (b) An expense for ~~[accountings]~~ an accounting, judicial ~~[proceedings]~~ or nonjudicial proceeding, or other ~~[matters]~~ matter that ~~[involve]~~ involves both ~~[the]~~ income and ~~[remainder]~~ successive interests, to the extent income is sufficient;

~~[(3) All of the other]~~ (2) The balance of the disbursements described in subdivision (1) of this section, to the extent a fiduciary that is an independent person determines that making those disbursements from income would be in the interests of the beneficiaries;

(3) Another ordinary ~~[expenses]~~ expense incurred in connection with ~~[the]~~ administration, management, or preservation of ~~[trust]~~ property and ~~[the]~~ distribution of income, including interest, an ordinary ~~[repairs]~~ repair,

regularly recurring ~~[taxes]~~ **tax** assessed against principal, and ~~[expenses]~~ **an expense** of ~~[a]~~ **an accounting, judicial or nonjudicial** proceeding, or other matter that ~~[concerns]~~ **involves** primarily ~~[the]~~ **an income interest, to the extent income is sufficient;** and

(4) ~~[Recurring premiums]~~ **A premium** on insurance covering ~~[the]~~ loss of a principal asset or ~~[the loss of]~~ income from or use of the asset.

469.453. 1. ~~[A trustee shall make the following disbursements]~~ **Subject to section 469.457, and except as otherwise provided in subdivision (2) of subsection 3 of section 469.413, a fiduciary shall disburse** from principal:

(1) The ~~[remaining one-half]~~ **balance** of the disbursements described in ~~[subdivisions (1) and (2)]~~ **subsections 1 and 3 of section 469.451, after application of subsection 2** of section 469.451;

(2) ~~[All of]~~ The ~~[trustee's]~~ **fiduciary's** compensation calculated on principal as a fee for acceptance, distribution, or termination~~;~~ **and disbursements made to prepare property for sale;**

(3) ~~[Payments]~~ **A payment of an expense to prepare for or execute a sale or other disposition of property;**

(4) **A payment** on the principal of a trust debt;

~~[(4) Expenses of a]~~ (5) **A payment of an expense of an accounting, judicial or nonjudicial** proceeding, or other matter that ~~[concerns]~~ **involves** primarily ~~[an interest in]~~ principal, **including a proceeding to construe the terms of the trust or protect property;**

~~[(5) Premiums paid on a policy of]~~ (6) **A payment of a premium for insurance, including title** insurance, not described in subdivision (4) of section 469.451 of which the ~~[trust]~~ **fiduciary** is the owner and beneficiary;

~~[(6)]~~ (7) **A payment of an estate~~;~~ or inheritance ~~[and other transfer taxes]~~ tax or other tax imposed because of the death of a decedent,** including penalties, apportioned to the trust; and

~~[(7) Extraordinary expenses incurred in connection with the management and preservation of trust property;~~

(8) **Expenses for a capital improvement to a principal asset, whether in the form of changes to an existing asset or the construction of a new asset, including special assessments; and**

~~[(9) Disbursements]~~ (8) **A payment:**

(a) Related to environmental matters, including:

a. Reclamation~~;~~;

b. Assessing environmental conditions~~;~~;

c. Remedying and removing environmental contamination~~;~~;

d. Monitoring remedial activities and the release of substances~~;~~;

e. Preventing future releases of substances~~;~~;

f. Collecting amounts from persons liable or potentially liable for the costs of ~~[those]~~ activities~~;~~

described in subparagraphs a. to e. of this paragraph;

g. Penalties imposed under environmental laws or regulations ~~[and]~~;

h. Other ~~[payments made]~~ **actions** to comply with ~~[those]~~ **environmental** laws or regulations~~;~~;

i. Statutory or common law claims by third parties~~;~~; and

j. Defending claims based on environmental matters~~;~~; **and**

(b) **For a premium for insurance for matters described in paragraph (a) of this subdivision.**

2. If a principal asset is encumbered with an obligation that requires income from ~~[that]~~ **the** asset to be paid directly to ~~[the]~~ **a** creditor, the ~~[trustee]~~ **fiduciary** shall transfer from principal to income an amount equal to the income paid to the creditor in reduction of the principal balance of the obligation.

469.455. 1. ~~[As used]~~ In this section, ~~[the term]~~ "depreciation" means a reduction in value due to wear, tear, decay, corrosion, or gradual obsolescence of a ~~[fixed]~~ **tangible** asset having a useful life of more than one year.

2. A ~~[trustee]~~ **fiduciary** may transfer to principal a reasonable amount of the net cash receipts from a principal asset that is subject to depreciation, but ~~[may]~~ **shall** not transfer any amount for depreciation:

(1) Of ~~[that portion]~~ **the part** of real property used or available for use by a beneficiary as a residence ~~[or]~~;

(2) Of tangible personal property held or made available for the personal use or enjoyment of a beneficiary; **or**

~~[(2) During the administration of a decedent's estate; or]~~

(3) ~~[Pursuant to]~~ **Under** this section ~~[if the trustee is accounting pursuant to section 469.427], to the extent the fiduciary accounts:~~

(a) Under section 469.439 for the asset; or

(b) Under section 469.427 for the business or other activity in which the asset is used.

3. An amount transferred to principal under this section need not be separately held ~~[as a separate fund]~~.

469.456. 1. If a fiduciary makes or expects to make an income disbursement described in subsection 2 of this section, the fiduciary may transfer an appropriate amount from principal to income in one or more accounting periods to reimburse income.

2. To the extent the fiduciary has not been and does not expect to be reimbursed by a third party, income disbursements to which subsection 1 of this section applies include:

(1) An amount chargeable to principal but paid from income because principal is illiquid;

(2) A disbursement made to prepare property for sale, including improvements and commissions;

and

(3) A disbursement described in subsection 1 of section 469.453.

3. If an asset whose ownership gives rise to an income disbursement becomes subject to a successive interest after an income interest ends, the fiduciary may continue to make transfers under subsection 1 of this section.

469.457. 1. If a ~~[trustee]~~ fiduciary makes or expects to make a principal disbursement described in subsection 2 of this section, the ~~[trustee]~~ fiduciary may transfer an appropriate amount from income to principal in one or more accounting periods to reimburse principal or ~~[to]~~ provide a reserve for future principal disbursements.

2. To the extent a fiduciary has not been and does not expect to be reimbursed by a third party, principal disbursements to which subsection 1 of this section applies include ~~[the following, but only to the extent that the trustee has not been and does not expect to be reimbursed by a third party]:~~

(1) An amount chargeable to income but paid from principal because ~~[it]~~ income is ~~[unusually large, including extraordinary repairs]~~ not sufficient;

(2) ~~[Disbursements]~~ The cost of an improvement to principal, whether a change to an existing asset or the construction of a new asset, including a special assessment;

(3) A disbursement made to prepare property for rental, including tenant allowances, leasehold improvements, and ~~[broker's]~~ commissions;

~~[(3)] (4) A periodic ~~[payments]~~ payment on an obligation secured by a principal asset, to the extent ~~[that]~~ the amount transferred from income to principal for depreciation is less than the periodic ~~[payments]~~ payment; and~~

~~[(4) Disbursements]~~ (5) A disbursement described in ~~[subdivision (7) of]~~ subsection 1 of section 469.453.

3. If ~~[the]~~ an asset whose ownership gives rise to ~~[the disbursements]~~ a principal disbursement becomes subject to a successive ~~[income]~~ interest after an income interest ends, ~~[a trustee]~~ the fiduciary may continue to ~~[transfer amounts from income to principal as provided in]~~ make transfers under subsection 1 of this section.

469.459. 1. A tax required to be paid by a ~~[trustee]~~ fiduciary that is based on receipts allocated to income shall be paid from income.

2. A tax required to be paid by a ~~[trustee]~~ fiduciary that is based on receipts allocated to principal shall be paid from principal, even if the tax is called an income tax by the taxing authority.

3. Subject to subsection 4 of this section and sections 469.456, 469.457, and 469.462, a tax required to be paid by a ~~[trustee]~~ fiduciary on ~~[the trust's]~~ a share of an entity's taxable income in an accounting period shall be paid from:

(1) ~~[From]~~ Income and principal proportionately to the ~~[extent that]~~ allocation between income and principal of receipts from the entity ~~[are allocated to income]~~ in the period; and

(2) ~~[From]~~ Principal to the extent ~~[that]~~ the tax exceeds the receipts from the entity ~~[are allocated only to principal]~~ in the period.

4. After applying subsections 1 to 3 of this section, ~~[the trustee]~~ a fiduciary shall adjust income or principal receipts, to the extent ~~[that]~~ the ~~[trust's]~~ taxes the fiduciary pays are reduced because ~~[the trust receives]~~ of a deduction for a payment made to a beneficiary.

469.462. 1. A fiduciary may make an adjustment between income and principal to offset the shifting of economic interests or tax benefits between current income beneficiaries and successor beneficiaries that arises from:

(1) An election or decision the fiduciary makes regarding a tax matter, other than a decision to claim an income tax deduction to which subsection 2 of this section applies;

(2) An income tax or other tax imposed on the fiduciary or a beneficiary as a result of a transaction involving the fiduciary or a distribution by the fiduciary; or

(3) Ownership by the fiduciary of an interest in an entity, a part of whose taxable income, whether or not distributed, is includable in the taxable income of the fiduciary or a beneficiary.

2. If the amount of an estate tax marital or charitable deduction is reduced because a fiduciary deducts an amount paid from principal for income tax purposes instead of deducting it for estate tax purposes and, as a result, estate taxes paid from principal are increased and income taxes paid by the fiduciary or a beneficiary are decreased, the fiduciary shall charge each beneficiary that benefits from the decrease in income tax to reimburse the principal from which the increase in estate tax is paid. The total reimbursement shall equal the increase in the estate tax, to the extent the principal used to pay the increase would have qualified for a marital or charitable deduction but for the payment. The share of the reimbursement for each fiduciary or beneficiary whose income taxes are reduced shall be the same as its share of the total decrease in income tax.

3. A fiduciary that charges a beneficiary under subsection 2 of this section may offset the charge by obtaining payment from the beneficiary, withholding an amount from future distributions to the beneficiary, or adopting another method or combination of methods.

469.463. In applying and construing sections [469.401] 469.399 to [469.467] 469.487, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

469.464. Sections 469.399 to 469.487 modify, limit, or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but do not modify, limit, or supersede 15 U.S.C. Section 7001(c) or authorize electronic delivery of any of the notices described in 15 U.S.C. Section 7003(b).

469.465. If any provision of sections [469.401] 469.399 to [469.467] 469.487 or [the] its application [of these sections] to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of sections [469.401] 469.399 to [469.467] 469.487 which can be given effect without the invalid provision or application and to this end, the provisions of sections 469.399 to 469.487 are severable.

469.467. Sections [469.401] 469.399 to [469.467] 469.487 apply to [every] a trust or [decedent's] estate existing or created on or after August 28, [2001] 2023, except as otherwise expressly provided in the [will or] terms of the trust or [in] sections [469.401] 469.399 to [469.467] 469.487.

469.471. As used in sections 469.471 to 469.487, the following terms mean:

(1) "Applicable value", the amount of the net fair market value of a trust taken into account under section 469.483;

(2) "Express unitrust", a trust for which, under the terms of the trust without regard to sections 469.471 to 469.487, income or net income shall or may be calculated as a unitrust amount;

(3) "Income trust", a trust that is not a unitrust;

(4) "Net fair market value of a trust", the fair market value of the assets of the trust, less the noncontingent liabilities of the trust;

(5) "Unitrust", a trust for which net income is a unitrust amount. The term includes an express unitrust;

(6) "Unitrust amount", an amount computed by multiplying a determined value of a trust by a determined percentage. For a unitrust administered under a unitrust policy, the term means the applicable value multiplied by the unitrust rate;

(7) "Unitrust policy", a policy described in sections 469.479 to 469.487 and adopted under section 469.475;

(8) "Unitrust rate", the rate used to compute the unitrust amount for a unitrust administered under a unitrust policy.

469.473. 1. Except as otherwise provided in subsection 2 of this section, sections 469.471 to 469.487 apply to:

(1) An income trust, unless the terms of the trust expressly prohibit use of sections 469.471 to 469.487 by a specific reference to these sections or an explicit expression of intent that net income not be calculated as a unitrust amount; and

(2) An express unitrust, except to the extent the terms of the trust explicitly:

(a) Prohibit use of sections 469.471 to 469.487 by a specific reference to such sections;

(b) Prohibit conversion to an income trust; or

(c) Limit changes to the method of calculating the unitrust amount.

2. Sections 469.471 to 469.487 do not apply to a trust described in 26 U.S.C. Section 170(f)(2)(B), 642(c)(5), 664(d), 2702(a)(3)(A)(ii) or (iii), or 2702(b), as amended.

3. An income trust to which sections 469.471 to 469.487 apply under subdivision (1) of subsection 1 of this section may be converted to a unitrust under sections 469.471 to 469.487 regardless of the terms of the

trust concerning distributions. Conversion to a unitrust under sections 469.471 to 469.487 does not affect other terms of the trust concerning distributions of income or principal.

4. Sections 469.471 to 469.487 apply to an estate only to the extent a trust is a beneficiary of the estate. To the extent of the trust's interest in the estate, the estate may be administered as a unitrust, the administration of the estate as a unitrust may be discontinued, or the percentage or method used to calculate the unitrust amount may be changed, in the same manner as for a trust under sections 469.471 to 469.487.

5. Sections 469.471 to 469.487 do not create a duty to take or consider action under sections 469.471 to 469.487 or to inform a beneficiary about the applicability of sections 469.471 to 469.487.

6. A fiduciary that in good faith takes or fails to take an action under sections 469.471 to 469.487 is not liable to a person affected by the action or inaction.

469.475. 1. A fiduciary, without court approval, by complying with subsections 2 and 6 of this section, may:

(1) Convert an income trust to a unitrust if the fiduciary adopts in a record a unitrust policy for the trust providing:

(a) That in administering the trust the net income of the trust will be a unitrust amount rather than net income determined without regard to sections 469.471 to 469.487; and

(b) The percentage and method used to calculate the unitrust amount;

(2) Change the percentage or method used to calculate a unitrust amount for a unitrust if the fiduciary adopts in a record a unitrust policy or an amendment or replacement of a unitrust policy providing changes in the percentage or method used to calculate the unitrust amount; or

(3) Convert a unitrust to an income trust if the fiduciary adopts in a record a determination that, in administering the trust, the net income of the trust will be net income determined without regard to sections 469.471 to 469.487 rather than a unitrust amount.

2. A fiduciary may take an action under subsection 1 of this section if:

(1) The fiduciary determines that the action will assist the fiduciary to administer a trust impartially;

(2) The fiduciary sends a notice in a record, in the manner required by section 469.477, describing and proposing to take the action;

(3) The fiduciary sends a copy of the notice under subdivision (2) of this subsection to each settlor of the trust that is:

(a) If an individual, living; or

(b) If not an individual, in existence;

(4) At least one member of each class of the qualified beneficiaries described under section 456.1-103 receiving the notice under subdivision (2) of this subsection is:

(a) If an individual, legally competent;

(b) If not an individual, in existence; or

(c) Represented in the manner provided in subsection 2 of section 469.477; and

(5) The fiduciary does not receive, by the date specified in the notice under subdivision (5) of subsection 4 of section 469.477, an objection in a record to the action proposed under subdivision (2) of this subsection from a person to which the notice under subdivision (2) of this subsection is sent.

3. If a fiduciary receives, not later than the date stated in the notice under subdivision (5) of subsection 4 of section 469.477, an objection in a record described in subdivision (4) of subsection 4 of section 469.477 to a proposed action, the fiduciary or a beneficiary may request the court to have the proposed action taken as proposed, taken with modifications, or prevented. A person described in subsection 1 of section 469.477 may oppose the proposed action in the proceeding under this subsection, whether or not the person:

(1) Consented under subsection 3 of section 469.477; or

(2) Objected under subdivision (4) of subsection 4 of section 469.477.

4. If, after sending a notice under subdivision (2) of subsection 2 of this section, a fiduciary decides not to take the action proposed in the notice, the fiduciary shall notify in a record each person described in subsection 1 of section 469.477 of the decision not to take the action and the reasons for the decision.

5. If a beneficiary requests in a record that a fiduciary take an action described in subsection 1 of this section and the fiduciary declines to act or does not act within ninety days after receiving the request, the beneficiary may request the court to direct the fiduciary to take the action requested.

6. In deciding whether and how to take an action authorized by subsection 1 of this section, or whether and how to respond to a request by a beneficiary under subsection 5 of this section, a fiduciary shall consider all factors relevant to the trust and the beneficiaries, including relevant factors in subsection 5 of section 469.403.

7. A fiduciary may release or delegate the power to convert an income trust to a unitrust under subdivision (1) of this section, change the percentage or method used to calculate a unitrust amount under subdivision (2) of subsection 1 of this section, or convert a unitrust to an income trust under subdivision (3) of subsection 1 of this section, for a reason described in subsection 7 of section 469.405 and in the manner described in subsection 8 of section 469.405.

469.477. 1. A notice required by subdivision (3) of subsection 2 of section 469.475 shall be sent in a manner authorized under section 456.1-109 to:

- (1) The qualified beneficiaries defined under section 456.1-103;
- (2) Each person acting as trust protector under section 456.8-808; and
- (3) Each person that is granted a power over the trust by the terms of the trust, to the extent the power is exercisable when the person is not then serving as a trustee:
 - (a) Including a:
 - a. Power over the investment, management, or distribution of trust property or other matters of trust administration; and
 - b. Power to appoint or remove a trustee or person described in this paragraph; and
 - (b) Excluding a:
 - a. Power of appointment;
 - b. Power of a beneficiary over the trust, to the extent the exercise or nonexercise of the power affects the beneficial interest of the beneficiary or another beneficiary represented by the beneficiary under sections 456.3-301 to 456.3-305 with respect to the exercise or nonexercise of the power; and
 - c. Power over the trust if the terms of the trust provide that the power is held in a nonfiduciary capacity and the power shall be held in a nonfiduciary capacity to achieve a tax objective under 26 U.S.C., as amended.
2. The representation provisions of sections 456.3-301 to 456.3-305 apply to notice under this section.
3. A person may consent in a record at any time to action proposed under subdivision (2) of subsection 2 of section 469.475. A notice required by subdivision (2) of subsection 2 of section 469.475 need not be sent to a person that consents under this subsection.
4. A notice required by subdivision (2) of subsection 2 of section 469.475 shall include:
 - (1) The action proposed under subdivision (2) of subsection 2 of section 469.475;
 - (2) For a conversion of an income trust to a unitrust, a copy of the unitrust policy adopted under subdivision (1) of subsection 1 of section 469.475;
 - (3) For a change in the percentage or method used to calculate the unitrust amount, a copy of the unitrust policy or amendment or replacement of the unitrust policy adopted under subdivision (2) of subsection 1 of section 469.475;
 - (4) A statement that the person to which the notice is sent may object to the proposed action by stating in a record the basis for the objection and sending or delivering the record to the fiduciary;
 - (5) The date by which an objection under subdivision (4) shall be received by the fiduciary, which shall be at least thirty days after the date the notice is sent;
 - (6) The date on which the action is proposed to be taken and the date on which the action is proposed to take effect;
 - (7) The name and contact information of the fiduciary; and
 - (8) The name and contact information of a person that may be contacted for additional information.

469.479. 1. In administering a unitrust under sections 469.471 to 469.487, a fiduciary shall follow a unitrust policy adopted under subdivision (1) or (2) of subsection 1 of section 469.475 or amended or replaced under subdivision (2) of section 1 of section 469.475.

2. A unitrust policy shall provide:
 - (1) The unitrust rate or the method for determining the unitrust rate under section 469.481;
 - (2) The method for determining the applicable value under section 469.483; and
 - (3) The rules described in sections 469.481 to 469.487 that apply in the administration of the unitrust, whether the rules are:
 - (a) Mandatory, as provided in subsection 1 of section 469.483 and subsection 1 of section 469.485; or
 - (b) Optional, as provided in section 469.481, subsection 2 of section 469.483, subsection 2 of section 469.485, and subsection 1 of section 469.487, to the extent the fiduciary elects to adopt such rules.

469.481. 1. Except as otherwise provided in subdivision (1) of subsection 2 of section 469.487, a unitrust rate may be:

- (1) A fixed unitrust rate; or
 - (2) A unitrust rate that is determined for each period using:
 - (a) A market index or other published data; or
 - (b) A mathematical blend of market indices or other published data over a stated number of preceding periods.
 2. Except as otherwise provided in subdivision (1) of subsection 2 of section 469.487, a unitrust policy may provide:
 - (1) A limit on how high the unitrust rate determined under subdivision (2) of subsection 1 of this section may rise;
 - (2) A limit on how low the unitrust rate determined under subdivision (2) of subsection 1 of this section may fall;
 - (3) A limit on how much the unitrust rate determined under subdivision (2) of subsection 1 of this section may increase over the unitrust rate for the preceding period or a mathematical blend of unitrust rates over a stated number of preceding periods;
 - (4) A limit on how much the unitrust rate determined under subdivision (2) of subsection 1 of this section may decrease below the unitrust rate for the preceding period or a mathematical blend of unitrust rates over a stated number of preceding periods; or
 - (5) A mathematical blend of any of the unitrust rates determined under subdivision (2) of subsection 1 of this section and subdivisions (1) to (4) of this subsection.
- 469.483. 1. A unitrust policy shall provide the method for determining the fair market value of an asset for the purpose of determining the unitrust amount, including:
- (1) The frequency of valuing the asset, which need not require a valuation in every period; and
 - (2) The date for valuing the asset in each period in which the asset is valued.
2. Except as otherwise provided in subdivision (2) of subsection 2 of section 469.487, a unitrust policy may provide methods for determining the amount of the net fair market value of the trust to take into account in determining the applicable value, including:
- (1) Obtaining an appraisal of an asset for which fair market value is not readily available;
 - (2) Exclusion of specific assets or groups or types of assets;
 - (3) Other exceptions or modifications of the treatment of specific assets or groups or types of assets;
 - (4) Identification and treatment of cash or property held for distribution;
 - (5) Use of:
 - (a) An average of fair market values over a stated number of preceding periods; or
 - (b) Another mathematical blend of fair market values over a stated number of preceding periods;
 - (6) A limit on how much the applicable value of all assets, groups of assets, or individual assets may increase over:
 - (a) The corresponding applicable value for the preceding period; or
 - (b) A mathematical blend of applicable values over a stated number of preceding periods;
 - (7) A limit on how much the applicable value of all assets, groups of assets, or individual assets may decrease below:
 - (a) The corresponding applicable value for the preceding period; or
 - (b) A mathematical blend of applicable values over a stated number of preceding periods;
 - (8) The treatment of accrued income and other features of an asset that affect value; and
 - (9) Determining the liabilities of the trust, including treatment of liabilities to conform with the treatment of assets under subdivisions (1) to (8) of this subsection.
- 469.485. 1. A unitrust policy shall provide the period used under sections 469.481 and 469.483. Except as otherwise provided in subdivision (3) of subsection 2 of section 469.481, the period may be:
- (1) A calendar year;
 - (2) A twelve-month period other than a calendar year;
 - (3) A calendar quarter;
 - (4) A three-month period other than a calendar quarter; or
 - (5) Another period.
2. Except as otherwise provided in subsection 2 of section 469.487, a unitrust policy may provide standards for:
- (1) Using fewer preceding periods under paragraph (b) of subdivision (2) of subsection 1 of section 469.481 or subdivision (3) or (4) of subsection 2 of section 469.481 if:
 - (a) The trust was not in existence in a preceding period; or

(b) Market indices or other published data are not available for a preceding period;
 (2) Using fewer preceding periods under paragraph (a) or (b) of subdivision (5) of subsection 2 of section 469.483, paragraph (b) of subdivision (6) of subsection 2 of section 469.483, or paragraph (b) of subdivision (7) of subsection 2 of section 469.483 if:

- (a) The trust was not in existence in a preceding period; or
- (b) Fair market values are not available for a preceding period; and
- (3) Prorating the unitrust amount on a daily basis for a part of a period in which the trust or the administration of the trust as a unitrust or the interest of any beneficiary commences or terminates.

469.487. 1. A unitrust policy may:

- (1) Provide methods and standards for:
 - (a) Determining the timing of distributions;
 - (b) Making distributions in cash or in kind or partly in cash and partly in kind; or
 - (c) Correcting an underpayment or overpayment to a beneficiary based on the unitrust amount if there is an error in calculating the unitrust amount;

(2) Specify sources and the order of sources, including categories of income for federal income tax purposes, from which distributions of a unitrust amount are paid; or

(3) Provide other standards and rules the fiduciary determines serve the interests of the beneficiaries.

2. If a trust qualifies for a special tax benefit or a fiduciary is not an independent person:

(1) The unitrust rate established under section 469.481 shall not be less than three percent or more than five percent;

(2) The only provisions of section 469.483 that apply are subsection 1 of section 469.483; subdivisions (1), (4), and (9) of subsection 2 of section 469.483; and paragraph (a) of subdivision (5) of subsection 2 of section 469.483;

(3) The only period that may be used under section 469.485 is a calendar year under subdivision (1) of subsection 1 of section 469.485; and

(4) The only other provisions of section 469.485 that apply are paragraph (a) of subdivision (2) of subsection 2 of section 469.485 and subdivision (3) of subsection 2 of section 469.485."; and

Further amend said bill, Page 65, Section 570.030, Line 90, by inserting after said section and line the following:

~~"[469.409. 1. Any claim for breach of a trustee's duty to impartially administer a trust related, directly or indirectly, to an adjustment made by a fiduciary to the allocation between principal and income pursuant to subsection 1 of section 469.405 or any allocation made by the fiduciary pursuant to any authority or discretion specified in subsection 1 of section 469.403, unless previously barred by adjudication, consent or other limitation, shall be barred as provided in this section.~~

~~(1) Any such claim brought by a qualified beneficiary is barred if not asserted in a judicial proceeding commenced within two years after the trustee has sent a report to that qualified beneficiary that adequately discloses the facts constituting the claim.~~

~~(2) Any such claim brought by a beneficiary (other than a qualified beneficiary) with any interest whatsoever in the trust, no matter how remote or contingent, or whether or not the beneficiary is ascertainable or has the capacity to contract, is barred if not asserted in a judicial proceeding commenced within two years after the first to occur of:~~

~~(a) The date the trustee sent a report to all qualified beneficiaries that adequately discloses the facts constituting the claim; or~~

~~(b) The date the trustee sent a report to a person that represents the beneficiary under the provisions of subdivision (2) of subsection 2 of this section.~~

~~2. For purposes of this section the following rules shall apply:~~

~~(1) A report adequately discloses the facts constituting a claim if it provides sufficient information so that the beneficiary should know of the claim or reasonably should have inquired into its existence;~~

~~(2) Section 469.402 shall apply in determining whether a beneficiary (including a qualified beneficiary) has received notice for purposes of this section;~~

(3) ~~The determination of the identity of all qualified beneficiaries shall be made on the date the report is deemed to have been sent; and~~

(4) ~~This section does not preclude an action to recover for fraud or misrepresentation related to the report.]~~

~~[469.411. 1. (1) If the provisions of this section apply to a trust, the unitrust amount determined for each accounting year of the trust shall be a percentage between three and five percent of the average net fair market value of the trust, as of the first day of the trust's current accounting year. The percentage applicable to a trust shall be that percentage specified by the terms of the governing instrument or by the election made in accordance with subdivision (2) of subsection 5 of this section.~~

~~(2) The unitrust amount for the current accounting year computed pursuant to this section shall be proportionately reduced for any distributions, in whole or in part, other than distributions of the unitrust amount, and for any payments of expenses, including debts, disbursements and taxes, from the trust within a current accounting year that the trustee determines to be material and substantial, and shall be proportionately increased for the receipt, other than a receipt that represents a return on investment, of any additional property into the trust within a current accounting year.~~

~~(3) For purposes of this section, the net fair market values of the assets held in the trust on the first business day of a prior accounting quarter shall be adjusted to reflect any reduction, in the case of a distribution or payment, or increase, in the case of a receipt, for the prior accounting year pursuant to subdivision (1) of this subsection, as if the distribution, payment or receipt had occurred on the first day of the prior accounting year.~~

~~(4) In the case of a short accounting period, the trustee shall prorate the unitrust amount on a daily basis.~~

~~(5) In the case where the net fair market value of an asset held in the trust has been incorrectly determined in any quarter, the unitrust amount shall be increased in the case of an undervaluation, or be decreased in the case of an overvaluation, by an amount equal to the difference between the unitrust amount determined based on the correct valuation of the asset and the unitrust amount originally determined.~~

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

~~(1) "Average net fair market value", a rolling average of the fair market value of the assets held in the trust on the first business day of the lesser of the number of accounting quarters of the trust from the date of inception of the trust to the determination of the trust's average net fair market value, or twelve accounting quarters of the trust, regardless of whether this section applied to the ascertainment of net income for all valuation quarters;~~

~~(2) "Current accounting year", the accounting period of the trust for which the unitrust amount is being determined.~~

~~3. In determining the average net fair market value of the assets held in the trust, there shall not be included the value of:~~

~~(1) Any residential property or any tangible personal property that, as of the first business day of the current valuation year, one or more income beneficiaries of the trust have or had the right to occupy, or have or had the right to possess or control, other than in a capacity as trustee, and instead the right of occupancy or the right to possession or control shall be deemed to be the unitrust amount with respect to the residential property or the tangible personal property; or~~

~~(2) Any asset specifically given to a beneficiary under the terms of the trust and the return on investment on that asset, which return on investment shall be distributable to the beneficiary.~~

~~4. In determining the average net fair market value of the assets held in the trust pursuant to subsection 1 of this section, the trustee shall, not less often than annually, determine the fair market value of each asset of the trust that consists primarily of real property or other property that is not traded on a regular basis in an active market by appraisal or other reasonable method or estimate, and that determination, if made reasonably and in good faith, shall be conclusive as to all persons interested in the trust. Any claim based on a determination made pursuant to this subsection shall be barred if not asserted in a judicial proceeding brought by any~~

beneficiary with any interest whatsoever in the trust within two years after the trustee has sent a report to all qualified beneficiaries that adequately discloses the facts constituting the claim. The rules set forth in subsection 2 of section 469.409 shall apply to the barring of claims pursuant to this subsection.

5. This section shall apply to the following trusts:

(1) Any trust created after August 28, 2001, with respect to which the terms of the trust clearly manifest an intent that this section apply;

(2) Any trust created under an instrument that became irrevocable on, before, or after August 28, 2001, if the trustee, in the trustee's discretion, elects to have this section apply unless the instrument creating the trust specifically prohibits an election under this subdivision. The trustee shall deliver notice to all qualified beneficiaries and the settlor of the trust, if he or she is then living, of the trustee's intent to make such an election at least sixty days before making that election. The trustee shall have sole authority to make the election. Section 469.402 shall apply for all purposes of this subdivision. An action or order by any court shall not be required. The election shall be made by a signed writing delivered to the settlor of the trust, if he or she is then living, and to all qualified beneficiaries. The election is irrevocable, unless revoked by order of the court having jurisdiction of the trust. The election may specify the percentage used to determine the unitrust amount pursuant to this section, provided that such percentage is between three and five percent, or if no percentage is specified, then that percentage shall be three percent. In making an election pursuant to this subsection, the trustee shall be subject to the same limitations and conditions as apply to an adjustment between income and principal pursuant to subsections 3 and 4 of section 469.405; and

(3) No action of any kind based on an election made by a trustee pursuant to subdivision (2) of this subsection shall be brought against the trustee by any beneficiary of that trust three years from the effective date of that election.

6. (1) Once the provisions of this section become applicable to a trust, the net income of the trust shall be the unitrust amount.

(2) Unless otherwise provided by the governing instrument, the unitrust amount distributed each year shall be paid from the following sources for that year up to the full value of the unitrust amount in the following order:

- (a) Net income as determined if the trust were not a unitrust;
- (b) Other ordinary income as determined for federal income tax purposes;
- (c) Assets of the trust principal for which there is a readily available market value; and
- (d) Other trust principal.

(3) Additionally, the trustee may allocate to trust income for each taxable year of the trust, or portion thereof:

(a) Net short term capital gain described in the Internal Revenue Code, 26 U.S.C. Section 1222(5), for such year, or portion thereof, but only to the extent that the amount so allocated together with all other amounts to trust income, as determined under the provisions of this chapter without regard to this section, for such year, or portion thereof, does not exceed the unitrust amount for such year, or portion thereof;

(b) Net long term capital gain described in the Internal Revenue Code, 26 U.S.C. Section 1222(7), for such year, or portion thereof, but only to the extent that the amount so allocated together with all other amounts, including amounts described in paragraph (a) of this subdivision, allocated to trust income for such year, or portion thereof, does not exceed the unitrust amount for such year, or portion thereof.

7. A trust with respect to which this section applies on August 28, 2011, may calculate the unitrust amount in accordance with the provisions of this section, as it existed either before or after such date, as the trustee of such trust shall determine in a writing kept with the records of the trust in the trustee's discretion.]

[469.461. 1. A fiduciary may make adjustments between principal and income to offset the shifting of economic interests or tax benefits between income beneficiaries and remainder beneficiaries which arise from:

~~(1) Elections and decisions, other than those described in subsection 2 of this section, that the fiduciary makes from time to time regarding tax matters;~~
~~(2) An income tax or any other tax that is imposed upon the fiduciary or a beneficiary as a result of a transaction involving or a distribution from the estate or trust; or~~
~~(3) The ownership by an estate or trust of an interest in an entity whose taxable income, whether or not distributed, is includable in the taxable income of the estate, trust or a beneficiary.~~
2. If the amount of an estate tax marital deduction or charitable contribution deduction is reduced because a fiduciary deducts an amount paid from principal for income tax purposes instead of deducting it for estate tax purposes, and as a result estate taxes paid from principal are increased and income taxes paid by an estate, trust or beneficiary are decreased, each estate, trust or beneficiary that benefits from the decrease in income tax shall reimburse the principal from which the increase in estate tax is paid. The total reimbursement shall equal the increase in the estate tax to the extent that the principal used to pay the increase would have qualified for a marital deduction or charitable contribution deduction but for the payment. The proportionate share of the reimbursement for each estate, trust or beneficiary whose income taxes are reduced shall be the same as its proportionate share of the total decrease in income tax. An estate or trust shall reimburse principal from income.]; and"; and

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

On motion of Representative Thompson, **House Amendment No. 1 to House Amendment No. 7** was adopted.

Representative Bangert offered **House Amendment No. 2 to House Amendment No. 7.**

*House Amendment No. 2
to
House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 187, Page 1, Line 1, by inserting after the number "187," the following:

"Page 7, Section 130.011, Line 166, by deleting the numbers "[~~(4)~~] (5)" and inserting in lieu thereof the number "(4)"; and

Further amend said bill and section, Page 8, Line 224, by deleting the numbers "[~~(4)~~] (5)" and inserting in lieu thereof the number "(4)"; and

Further amend said bill, Section 130.021, Page 12, Lines 92-94, by deleting all of said lines and inserting in lieu thereof the following:

~~"(4) [The names, mailing addresses and titles of its officers, if any;~~
~~(5)] The name and mailing address of any connected organizations with which the committee is affiliated;~~
(5) The names, mailing addresses and titles of its officer, if any;"; and

Further amend said bill,"; and

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

On motion of Representative Bangert, **House Amendment No. 2 to House Amendment No. 7** was adopted.

Representative Christ offered **House Amendment No. 3 to House Amendment No. 7.**

House Amendment No. 3
to
House Amendment No. 7

AMEND House Amendment No. 7 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 187, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

""361.900. Sections 361.900 to 361.1035 shall be known and may be cited as the "Money Transmission Modernization Act of 2023".

361.903. Sections 361.900 to 361.1035 are designed to replace existing state money transmission laws currently codified in law and to:

- (1) Ensure states may coordinate in all areas of regulation, licensing, and supervision to eliminate unnecessary regulatory burden and more effectively utilize regulator resources;**
- (2) Protect the public from financial crime;**
- (3) Standardize the types of activities that are subject to licensing or otherwise exempt from licensing; and**
- (4) Modernize safety and soundness requirements to ensure customer funds are protected in an environment that supports innovative and competitive business practices.**

361.906. For purposes of sections 361.900 to 361.1035, the following terms shall mean:

- (1) "Acting in concert", persons knowingly acting together with a common goal of jointly acquiring control of a licensee, regardless of whether under an express agreement;**
- (2) "Authorized delegate", a person that a licensee designates to engage in money transmission on behalf of the licensee;**
- (3) "Average daily money transmission liability", the amount of the licensee's outstanding money transmission obligations in this state at the end of each day in a given period of time, added together, and divided by the total number of days in the given period of time. For purposes of calculating average daily money transmission liability under sections 361.900 to 361.1035 for any licensee required to do so, the given period of time shall be the quarters ending March thirty-first, June thirtieth, September thirtieth, and December thirty-first;**
- (4) "Bank Secrecy Act", the Bank Secrecy Act, 31 U.S.C. Section 5311 et seq., and its implementing regulations, as amended and recodified from time to time;**
- (5) "Closed loop stored value", stored value that is redeemable by the issuer only for goods or services provided by the issuer or its affiliate or franchisees of the issuer or its affiliate, except to the extent required by applicable law to be redeemable in cash for its cash value;**
- (6) "Commissioner", the commissioner of the Missouri division of finance;**
- (7) "Control":**
 - (a) The power to vote, directly or indirectly, at least twenty-five percent of the outstanding voting shares or voting interests of a licensee or person in control of a licensee;**
 - (b) The power to elect or appoint a majority of key individuals or executive officers, managers, directors, trustees, or other persons exercising managerial authority of a person in control of a licensee; or**
 - (c) The power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee.**

A person is presumed to exercise a controlling influence if the person holds the power to vote, directly or indirectly, at least ten percent of the outstanding voting shares or voting interests of a licensee or person in control of a licensee. A person presumed to exercise a controlling influence as defined under this subdivision can rebut the presumption of control if the person is a passive investor. For purposes of determining the percentage of a person controlled by any other person, the person's interest shall be aggregated with the interest of any other immediate family member, including the person's spouse, parents, children, siblings, mothers- and fathers-in-law, sons- and daughters-in-law, brothers- and sisters-in-law, and any other person who shares such person's home;

- (8) "Eligible rating", a credit rating of any of the three highest rating categories provided by an eligible rating service. Each category may include rating category modifiers such as "plus" or "minus" for Standard and Poor's or the equivalent for any other eligible rating service;**

(9) "Eligible rating service", any nationally recognized statistical rating organization (NRSRO) as defined by the United States Securities and Exchange Commission and any other organization designated by rule or order;

(10) "Federally insured depository financial institution", a bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank, or industrial loan company organized under the laws of the United States or any state of the United States if such bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank, or industrial loan company has federally insured deposits;

(11) "In this state", at a physical location within this state for a transaction requested in person. For a transaction requested electronically or by phone, the provider of money transmission may determine if the person requesting the transaction is in this state by relying on other information provided by the person regarding the location of the individual's residential address or a business entity's principal place of business or other physical address location, and any records associated with the person that the provider of money transmission may have that indicate such location including, but not limited to, an address associated with an account;

(12) "Individual", a natural person;

(13) "Key individual", any individual ultimately responsible for establishing or directing policies and procedures of the licensee, such as an executive officer, manager, director, or trustee;

(14) "Licensee", a person licensed under sections 361.900 to 361.1035;

(15) "Material litigation", litigation that, according to United States generally accepted accounting principles, is significant to a person's financial health and would be required to be disclosed in the person's annual audited financial statements, report to shareholders, or similar records;

(16) "Monetary value", a medium of exchange, regardless of whether redeemable in money;

(17) "Money", a medium of exchange that is authorized or adopted by the United States or a foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more governments;

(18) "Money transmission", any of the following:

(a) Selling or issuing payment instruments to a person located in this state;

(b) Selling or issuing stored value to a person located in this state; or

(c) Receiving money for transmission from a person located in this state.

The term includes payroll processing services. The term does not include the provision solely of online or telecommunications services or network access;

(19) "Multistate licensing process", any agreement entered into by and among state regulators relating to coordinated processing of applications for money transmission licenses, applications for the acquisition of control of a licensee, control determinations, or notice and information requirements for a change of key individuals;

(20) "NMLS", the Nationwide Multistate Licensing System and Registry developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators and owned and operated by the State Regulatory Registry LLC or any successor or affiliated entity for the licensing and registration of persons in financial services industries;

(21) "Outstanding money transmission obligations":

(a) Any payment instrument or stored value issued or sold by the licensee to a person located in the United States or reported as sold by an authorized delegate of the licensee to a person that is located in the United States that has not yet been paid or refunded by or for the licensee or escheated in accordance with applicable abandoned property laws; or

(b) Any money received for transmission by the licensee or an authorized delegate in the United States from a person located in the United States that has not been received by the payee or refunded to the sender, or escheated in accordance with applicable abandoned property laws.

For purposes of this subdivision, "in the United States" shall include, to the extent applicable, a person in any state, territory, or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico; or a U.S. military installation that is located in a foreign country;

(22) "Passive investor", a person that:

(a) Does not have the power to elect a majority of key individuals or executive officers, managers, directors, trustees, or other persons exercising managerial authority of a person in control of a licensee;

(b) Is not employed by and does not have any managerial duties of the licensee or person in control of a licensee;

(c) Does not have the power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee; and

(d) Either:

a. Attests to paragraphs (a), (b), and (c) of this subdivision, in a form and in a medium prescribed by the commissioner; or

b. Commits to the passivity characteristics of paragraphs (a), (b), and (c) of this subdivision in a written document;

(23) "Payment instrument", a written or electronic check, draft, money order, traveler's check, or other written or electronic instrument for the transmission or payment of money or monetary value, regardless of whether negotiable. The term does not include stored value or any instrument that:

(a) Is redeemable by the issuer only for goods or services provided by the issuer or its affiliate or franchisees of the issuer or its affiliate, except to the extent required by applicable law to be redeemable in cash for its cash value; or

(b) Is not sold to the public but issued and distributed as part of a loyalty, rewards, or promotional program;

(24) "Payroll processing services", receiving money for transmission under a contract with a person to deliver wages or salaries, make payment of payroll taxes to state and federal agencies, make payments relating to employee benefit plans, or make distributions of other authorized deductions from wages or salaries. The term does not include an employer performing payroll processing services on its own behalf or on behalf of its affiliate or a professional employer organization subject to regulation under sections 285.700 to 285.750;

(25) "Person", any individual, general partnership, limited partnership, limited liability company, corporation, trust, association, joint stock corporation, or other corporate entity identified by the commissioner;

(26) "Receiving money for transmission" or "money received for transmission", receiving money or monetary value in the United States for transmission within or outside the United States by electronic or other means;

(27) "Stored value", monetary value representing a claim against the issuer evidenced by an electronic or digital record and that is intended and accepted for use as a means of redemption for money or monetary value or payment for goods or services. The term includes, but is not limited to, "prepaid access" as defined under 31 C.F.R. Section 1010.100, as amended or recodified from time to time. Notwithstanding the provisions of this subdivision, the term does not include a payment instrument or closed loop stored value, or stored value not sold to the public but issued and distributed as part of a loyalty, rewards, or promotional program;

(28) "Tangible net worth", the aggregate assets of a licensee excluding all intangible assets, less liabilities, as determined in accordance with United States generally accepted accounting principles.

361.909. Sections 361.900 to 361.1035 shall not apply to:

(1) An operator of a payment system to the extent that it provides processing, clearing, or settlement services between or among persons exempted under this section or licensees in connection with wire transfers, credit card transactions, debit card transactions, stored value transactions, automated clearing house transfers, or similar funds transfers;

(2) A person appointed as an agent of a payee to collect and process a payment from a payer to the payee for goods or services, other than money transmission itself, provided to the payer by the payee, provided that:

(a) There exists a written agreement between the payee and the agent directing the agent to collect and process payments from a payer on the payee's behalf;

(b) The payee holds the agent out to the public as accepting payments for goods or services on the payee's behalf; and

(c) Payment for the goods and services is treated as received by the payee upon receipt by the agent so that the payer's obligation is extinguished and there is no risk of loss to the payer if the agent fails to remit the funds to the payee;

(3) A person that acts as an intermediary by processing payments between an entity that has directly incurred an outstanding money transmission obligation to a sender and the sender's designated recipient, provided that the entity:

- (a) Is properly licensed or exempt from licensing requirements under sections 361.900 to 361.1035;
- (b) Provides a receipt, electronic record, or other written confirmation to the sender identifying the entity as the provider of money transmission in the transaction; and
- (c) Bears sole responsibility to satisfy the outstanding money transmission obligation to the sender, including the obligation to make the sender whole in connection with any failure to transmit the funds to the sender's designated recipient;

(4) The United States or a department, agency, or instrumentality thereof, or its agent;

(5) Money transmission by the United States Postal Service or by an agent of the United States Postal Service;

(6) A state, county, city, or any other governmental agency or governmental subdivision or instrumentality of a state, or its agent;

(7) A federally insured depository financial institution, bank holding company, office of an international banking corporation, foreign bank that establishes a federal branch under the International Bank Act, 12 U.S.C. Section 3102, as amended or recodified from time to time, corporation organized under the Bank Service Corporation Act, 12 U.S.C. Sections 1861-1867, as amended or recodified from time to time, or corporation organized under the Edge Act, 12 U.S.C. Sections 611-633, as amended or recodified from time to time, under the laws of a state or the United States;

(8) Electronic funds transfer of governmental benefits for a federal, state, county, or governmental agency by a contractor on behalf of the United States or a department, agency, or instrumentality thereof, or on behalf of a state or governmental subdivision, agency, or instrumentality thereof;

(9) A board of trade designated as a contract market under the federal Commodity Exchange Act, 7 U.S.C. Sections 1-25, as amended or recodified from time to time, or a person that, in the ordinary course of business, provides clearance and settlement services for a board of trade to the extent of its operation as or for such a board;

(10) A registered futures commission merchant under the federal commodities laws to the extent of its operation as such a merchant;

(11) A person registered as a securities broker-dealer under federal or state securities laws to the extent of its operation as such a broker-dealer;

(12) An individual employed by a licensee, authorized delegate, or any person exempted from the licensing requirements under sections 361.900 to 361.1035 if acting within the scope of employment and under the supervision of the licensee, authorized delegate, or exempted person as an employee and not as an independent contractor; and

(13) A person expressly appointed as a third party service provider to or agent of an entity exempt under subdivision (7) of this subsection solely to the extent that:

(a) Such service provider or agent is engaging in money transmission on behalf of and under a written agreement with the exempt entity that sets forth the specific functions that the service provider or agent is to perform; and

(b) The exempt entity assumes all risk of loss and all legal responsibility for satisfying the outstanding money transmission obligations owed to purchasers and holders of the outstanding money transmission obligations upon receipt of the purchaser's or holder's money or monetary value by the service provider or agent.

361.912. The commissioner may require that any person claiming to be exempt from licensing under section 361.909 provide information and documentation to the commissioner demonstrating that the person qualifies for any claimed exemption.

361.915. 1. In order to carry out the purposes of sections 361.900 to 361.1035, the commissioner may, subject to the provisions of subsections 1 and 2 of section 361.918:

(1) Enter into agreements or relationships with other government officials or federal and state regulatory agencies and regulatory associations in order to improve efficiencies and reduce regulatory burden by standardizing methods or procedures, and sharing resources, records, or related information obtained under sections 361.900 to 361.1035;

(2) Use, hire, contract, or employ analytical systems, methods, or software to examine or investigate any person subject to sections 361.900 to 361.1035;

(3) Accept, from other state or federal government agencies or officials, licensing, examination, or investigation reports made by such other state or federal government agencies or officials; and

(4) Accept audit reports made by an independent certified public accountant or other qualified third-party auditor for an applicant or licensee and incorporate the audit report in any report of examination or investigation.

2. The commissioner shall have the broad administrative authority to:

(1) Administer, interpret, and enforce sections 361.900 to 361.1035 and promulgate rules or regulations implementing sections 361.900 to 361.1035; and

(2) To recover the cost of administering and enforcing sections 361.900 to 361.1035 by imposing and collecting proportionate and equitable fees and costs associated with applications, examinations, investigations, and other actions required to achieve the purpose of sections 361.900 to 361.1035.

3. The commissioner shall promulgate all necessary rules and regulations for the administration of sections 361.900 to 361.1035. 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, 2023, shall be invalid and void.

361.918. 1. Except as otherwise provided in subsection 2 of this section, all information or reports obtained by the commissioner from an applicant, licensee, or authorized delegate and all information contained in or related to an examination, investigation, operating report, or condition report prepared by, on behalf of, or for the use of the commissioner, or financial statements, balance sheets, or authorized delegate information, are confidential and are not subject to disclosure under chapter 610.

2. The commissioner may disclose information not otherwise subject to disclosure under subsection 1 of this section to representatives of state or federal agencies who shall confirm in writing that they will maintain the confidentiality of the information.

3. This section does not prohibit the commissioner from disclosing to the public a list of all licensees or the aggregated financial or transactional data concerning those licensees.

361.921. 1. The commissioner may conduct an examination or investigation of a licensee or authorized delegate or otherwise take independent action authorized by sections 361.900 to 361.1035 or by a rule adopted or order issued under sections 361.900 to 361.1035 as reasonably necessary or appropriate to administer and enforce sections 361.900 to 361.1035, regulations implementing sections 361.900 to 361.1035, and other applicable law, including the Bank Secrecy Act and the USA PATRIOT Act. The commissioner may:

(1) Conduct an examination either onsite or offsite as the commissioner may reasonably require;

(2) Conduct an examination in conjunction with an examination conducted by representatives of other state agencies or agencies of another state or of the federal government;

(3) Accept the examination report of another state agency or an agency of another state or of the federal government, or a report prepared by an independent accounting firm, which on being accepted is considered for all purposes as an official report of the commissioner; and

(4) Summon and examine under oath a key individual or employee of a licensee or authorized delegate and require the person to produce records regarding any matter related to the condition and business of the licensee or authorized delegate.

2. A licensee or authorized delegate shall provide, and the commissioner shall have full and complete access to, all records the commissioner may reasonably require to conduct a complete examination. The records shall be provided at the location and in the format specified by the commissioner. The commissioner may utilize multistate record production standards and examination procedures when such standards will reasonably achieve the requirements of this subsection.

3. Unless otherwise directed by the commissioner, a licensee shall pay all costs reasonably incurred in connection with an examination of the licensee or the licensee's authorized delegates.

361.924. 1. To efficiently and effectively administer and enforce sections 361.900 to 361.1035 and to minimize regulatory burden, the commissioner is authorized to participate in multistate supervisory processes established between states or coordinated through the Conference of State Bank Supervisors,

Money Transmitter Regulators Association, and affiliates and successors thereof for all licensees that hold licenses in this state and other states. As a participant in multistate supervision, the commissioner may:

(1) Cooperate, coordinate, and share information with other state and federal regulators in accordance with section 361.918;

(2) Enter into written cooperation, coordination, or information-sharing contracts or agreements with organizations the membership of which is made up of state or federal governmental agencies; and

(3) Cooperate, coordinate, and share information with organizations the membership of which is made up of state or federal governmental agencies, provided that the organizations agree in writing to maintain the confidentiality and security of the shared information in accordance with this section.

2. The commissioner shall not waive and nothing in this section constitutes a waiver of the commissioner's authority to conduct an examination or investigation or otherwise take independent action authorized by sections 361.900 to 361.1035 or a rule adopted or order issued under sections 361.900 to 361.1035 to enforce compliance with applicable state or federal law.

3. A joint examination or investigation, or acceptance of an examination or investigation report, does not waive an examination assessment provided for in sections 361.900 to 361.1035.

361.927. 1. In the event state money transmission jurisdiction is conditioned on a federal law, any inconsistencies between a provision of sections 361.900 to 361.1035 and the federal law governing money transmission shall be governed by the applicable federal law to the extent of the inconsistency.

2. In the event of any inconsistencies between sections 361.900 to 361.1035 and a federal law that governs under subsection 1 of this section, the commissioner may provide interpretive guidance that:

(1) Identifies the inconsistency; and

(2) Identifies the appropriate means of compliance with federal law.

361.930. 1. A person shall not engage in the business of money transmission or advertise, solicit, or hold itself out as providing money transmission unless the person is licensed under sections 361.900 to 361.1035.

2. Subsection 1 of this section shall not apply to:

(1) A person that is an authorized delegate of a person licensed under sections 361.900 to 361.1035 acting within the scope of authority conferred by a written contract with the licensee; or

(2) A person that is exempt under section 361.909 and does not engage in money transmission outside the scope of such exemption.

3. A license issued under section 361.942 shall not be transferable or assignable.

361.933. 1. To establish consistent licensing between this state and other states, the commissioner is authorized to:

(1) Implement those licensing provisions of sections 361.900 to 361.1035 in a manner that is consistent with other states that have adopted the money transmission modernizations act or multistate licensing processes; and

(2) Participate in nationwide protocols for licensing cooperation and coordination among state regulators, provided that such protocols are consistent with sections 361.900 to 361.1035.

2. In order to fulfill the purposes of sections 361.900 to 361.1035, the commissioner is authorized to establish relationships or contracts with NMLS, other entities designated by NMLS, or other third parties to enable the commissioner to:

(1) Collect and maintain records;

(2) Coordinate multistate licensing processes and supervision processes;

(3) Process fees; and

(4) Facilitate communication between this state and licensees or other persons subject to sections 361.900 to 361.1035.

3. The commissioner is authorized to utilize NMLS for all aspects of licensing in accordance with sections 361.900 to 361.1035 including, but not limited to, license applications, applications for acquisitions of control, surety bonds, reporting, criminal history background checks, credit checks, fee processing, and examinations.

4. The commissioner is authorized to utilize NMLS forms, processes, and functionalities in accordance with sections 361.900 to 361.1035.

5. (1) The commissioner is authorized to establish and adopt, by rule or regulation, requirements for participation by applicants and licensees in NMLS upon the division of finance's determination that each requirement is consistent with law, public interest, and the purposes of this section.

(2) 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, 2023, shall be invalid and void.

361.936. 1. Applicants for a license shall apply in a form and in a medium as prescribed by the commissioner. Each such form shall contain content as set forth by rule, regulation, instruction, or procedure of the commissioner and may be changed or updated by the commissioner in accordance with applicable law in order to carry out the purposes of sections 361.900 to 361.1035 and maintain consistency with licensing standards and practices. The application shall state or contain, as applicable:

(1) The legal name and residential and business addresses of the applicant and any fictitious or trade name used by the applicant in conducting its business;

(2) Whether the applicant has been convicted of or pled guilty or nolo contendere to a felony involving an act of fraud, dishonesty, or a breach of trust or money laundering;

(3) A description of any money transmission previously provided by the applicant and the money transmission that the applicant seeks to provide in this state;

(4) A list of the applicant's proposed authorized delegates and the locations in this state where the applicant and its authorized delegates propose to engage in money transmission;

(5) A list of other states in which the applicant is licensed to engage in money transmission and any license revocations, suspensions, or other disciplinary action taken against the applicant in another state;

(6) Information concerning any bankruptcy or receivership proceedings affecting the licensee or a person in control of a licensee;

(7) A sample form of contract for authorized delegates, if applicable;

(8) A sample form of payment instrument or stored value, as applicable;

(9) The name and address of any federally insured depository financial institution through which the applicant plans to conduct money transmission;

(10) A list of any material litigation in which the applicant has been involved in the ten-year period next preceding the submission of the application; and

(11) Any other information the commissioner reasonably requires with respect to the applicant.

2. If an applicant is a corporation, limited liability company, partnership, or other legal entity, the applicant shall also provide:

(1) The date of the applicant's incorporation or formation and state or country of incorporation or formation;

(2) If applicable, a certificate of good standing from the state or country in which the applicant is incorporated or formed;

(3) A brief description of the structure or organization of the applicant, including any parents or subsidiaries of the applicant, and whether any parents or subsidiaries are publicly traded;

(4) The legal name, any fictitious or trade name, all business and residential addresses, and the employment, as applicable, in the ten-year period next preceding the submission of the application of each key individual and person in control of the applicant;

(5) Whether the applicant has been convicted of or pled guilty or nolo contendere to a felony involving an act of fraud, dishonesty, or a breach of trust or money laundering;

(6) A copy of audited financial statements of the applicant for the most recent fiscal year and for the two-year period next preceding the submission of the application or, if determined to be acceptable to the commissioner, certified unaudited financial statements for the most recent fiscal year or other period acceptable to the commissioner;

(7) A certified copy of unaudited financial statements of the applicant for the most recent fiscal quarter;

(8) If the applicant is a publicly traded corporation, a copy of the most recent report filed with the United States Securities and Exchange Commission under Section 13 of the federal Securities Exchange Act of 1934, 15 U.S.C. Section 78m, as amended or recodified from time to time;

(9) If the applicant is a wholly owned subsidiary of:

(a) A corporation publicly traded in the United States, a copy of audited financial statements for the parent corporation for the most recent fiscal year or a copy of the parent corporation's most recent report filed under Section 13 of the U.S. Securities Exchange Act of 1934, 15 U.S.C. Section 78m, as amended or recodified from time to time; or

(b) A corporation publicly traded outside the United States, a copy of similar documentation filed with the regulator of the parent corporation's domicile outside the United States;

(10) The name and address of the applicant's registered agent in this state;

(11) A list of any material litigation in which the applicant has been involved in the ten-year period next preceding the submission of the application; and

(12) Any other information the commissioner reasonably requires with respect to the applicant.

3. A nonrefundable application fee and license fee, as determined by the commissioner, shall accompany an application for a license under this section.

4. The commissioner may waive one or more requirements of subsections 1 and 2 of this section or permit an applicant to submit other information in lieu of the required information.

361.939. 1. Any individual in control of a licensee or applicant, any individual that seeks to acquire control of a licensee, and each key individual shall furnish to the commissioner through NMLS the following:

(1) The individual's fingerprints for submission to the Federal Bureau of Investigation and the commissioner for purposes of a national criminal history background check unless the person currently resides outside of the United States and has resided outside of the United States for the last ten years; and

(2) Personal history and experience in a form and in a medium prescribed by the commissioner, to obtain the following:

(a) An independent credit report from a consumer reporting agency unless the individual does not have a Social Security number, in which case, this requirement shall be waived;

(b) Whether the individual has been convicted of or pled guilty or nolo contendere to a felony involving an act of fraud, dishonesty, or a breach of trust or money laundering; and

(c) Information related to any regulatory or administrative action and any civil litigation involving claims of fraud, misrepresentation, conversion, mismanagement of funds, breach of fiduciary duty, or breach of contract.

2. If the individual has resided outside of the United States at any time in the last ten years, the individual shall also provide an investigative background report prepared by an independent search firm that meets the following requirements:

(1) At a minimum, the search firm shall:

(a) Demonstrate that it has sufficient knowledge and resources and employs accepted and reasonable methodologies to conduct the research of the background report; and

(b) Not be affiliated with or have an interest with the individual it is researching; and

(2) At a minimum, the investigative background report shall be written in the English language and shall contain the following:

(a) If available in the individual's current jurisdiction of residency, a comprehensive credit report, or any equivalent information obtained or generated by the independent search firm to accomplish such report, including a search of the court data in the countries, provinces, states, cities, towns, and contiguous areas where the individual resided and worked;

(b) Criminal records information for the past ten years including, but not limited to, felonies, misdemeanors, or similar convictions for violations of law in the countries, provinces, states, cities, towns, and contiguous areas where the individual resided and worked;

(c) Employment history;

(d) Media history, including an electronic search of national and local publications, wire services, and business applications; and

(e) Financial services-related regulatory history including but not limited to, money transmission, securities, banking, insurance, and mortgage-related industries.

361.942. 1. If an application for an original license under sections 361.900 to 361.1035 appears to include all the items and addresses and all of the matters that are required, the application is complete and the commissioner shall promptly notify the applicant in a record of the date on which the application is determined to be complete, and:

(1) The commissioner shall approve or deny the application within one hundred twenty days after the completion date; or

(2) If the application is not approved or denied within one hundred twenty days after the completion date:

- (a) The application is approved; and
- (b) The license takes effect as of the first business day after expiration of the one hundred twenty-day period.

The commissioner may for good cause extend the application period.

2. A determination by the commissioner that an application is complete and is accepted for processing means only that the application, on its face, appears to include all of the items, including the Criminal Background Check response from the Federal Bureau of Investigation, and address all of the matters that are required, and is not an assessment of the substance of the application or of the sufficiency of the information provided.

3. If an application is filed and considered complete under this section, the commissioner shall investigate the applicant's financial condition and responsibility, financial and business experience, character, and general fitness. The commissioner may conduct an onsite investigation of the applicant, the reasonable cost of which the applicant shall pay. The commissioner shall issue a license to an applicant under this section if the commissioner finds that all of the following conditions have been fulfilled:

- (1) The applicant has complied with the provisions of sections 361.929 and 361.936; and
- (2) The financial condition and responsibility, financial and business experience, competence, character, and general fitness of the applicant; and the competence, experience, character, and general fitness of the key individuals and persons in control of the applicant indicate that it is in the interest of the public to permit the applicant to engage in money transmission.

4. If an applicant avails itself or is otherwise subject to a multistate licensing process:

(1) The commissioner shall be authorized to accept the investigation results of a lead investigative state for the purpose of subsection 3 of this section if the lead investigative state has sufficient staffing, expertise, and minimum standards; or

(2) If this state is a lead investigative state, the commissioner shall be authorized to investigate the applicant under subsection 3 of this section and the time frames established by agreement through the multistate licensing process, provided however, that in no case shall such time frame be noncompliant with the application period in subdivision (1) of subsection 1 of this section.

5. The commissioner shall issue a formal written notice of the denial of a license application within thirty days of the decision to deny the application. The commissioner shall set forth in the notice of denial the specific reasons for the denial of the application. An applicant whose application is denied by the commissioner under this subsection may appeal within thirty days after receipt of the written notice of the denial under chapter 536.

6. The initial license term shall begin on the day the application is approved. The license shall expire on December thirty-first of the year in which the license term began unless the initial license date is between November first and December thirty-first, in which instance the initial license term shall run through December thirty-first of the following year.

361.945. 1. A license under sections 361.900 to 361.1035 shall be renewed annually. An annual renewal fee to be determined by the commissioner shall be paid no more than sixty days before the license expiration. The renewal term shall be for a period of one year and shall begin on January first of each year after the initial license term and shall expire on December thirty-first of the year the renewal term begins.

2. A licensee shall submit a renewal report with the renewal fee, in a form and in a medium prescribed by the commissioner. The renewal report shall state or contain a description of each material change in information submitted by the licensee in its original license application that has not been reported to the commissioner.

3. The commissioner for good cause may grant an extension of the renewal date.

4. The commissioner shall be authorized to utilize NMLS to process license renewals provided that such functionality is consistent with this section.

361.948. 1. If a licensee does not continue to meet the qualifications or satisfy the requirements that apply to an applicant for a new money transmission license, the commissioner may suspend or revoke the licensee's license in accordance with the procedures established under sections 361.900 to 361.1035 or other applicable state law for such suspension or revocation.

2. An applicant for a money transmission license shall demonstrate that it meets or will meet, and a money transmission licensee shall at all times meet, the requirements in sections 361.999, 361.1002, and 361.1005.

361.951. 1. Any person, or group of persons acting in concert, seeking to acquire control of a licensee shall obtain the written approval of the commissioner prior to acquiring control. An individual is not deemed to acquire control of a licensee and is not subject to the acquisition of control provisions when that individual becomes a key individual in the ordinary course of business.

2. A person, or group of persons acting in concert, seeking to acquire control of a licensee shall, in cooperation with the licensee:

(1) Submit an application in a form and in a medium prescribed by the commissioner; and

(2) Submit a nonrefundable fee to be determined by the commissioner with the request for approval.

3. Upon request, the commissioner may permit a licensee or a person, or group of persons acting in concert, to submit some or all information required by the commissioner under subdivision (1) of subsection 2 of this section without using NMLS.

4. The application required under subdivision (1) of subsection 2 of this section shall include information required under section 361.939 for any new key individuals that have not previously completed the requirements of section 361.939 for a licensee.

5. When an application for acquisition of control under this section appears to include all the items and address all of the matters that are required, the application shall be considered complete. The commissioner shall promptly notify the applicant in a record of the date on which the application was determined to be complete, and:

(1) The commissioner shall approve or deny the application within sixty days after the completion date; or

(2) If the application is not approved or denied within sixty days after the completion date:

(a) The application is approved; and

(b) The person, or group of persons acting in concert, are not prohibited from acquiring control; and

(3) The commissioner may for good cause extend the application period.

6. A determination by the commissioner that an application is complete and is accepted for processing means only that the application, on its face, appears to include all of the items and address all of the matters that are required, and is not an assessment of the substance of the application or of the sufficiency of the information provided.

7. If an application is filed and considered complete under subsection 5 of this section, the commissioner shall investigate the financial condition and responsibility, financial and business experience, character, and general fitness of the person, or group of persons acting in concert, seeking to acquire control. The commissioner shall approve an acquisition of control under this section if the commissioner finds that all of the following conditions have been fulfilled:

(1) The requirements of subsections 2 and 4 of this section have been met, as applicable; and

(2) The financial condition and responsibility, financial and business experience, competence, character, and general fitness of the person, or group of persons acting in concert, seeking to acquire control and the competence, experience, character, and general fitness of the key individuals and persons that would be in control of the licensee after the acquisition of control indicate that it is in the interest of the public to permit the person, or group of persons acting in concert, to control the licensee.

8. If an applicant avails itself or is otherwise subject to a multistate licensing process:

(1) The commissioner is authorized to accept the investigation results of a lead investigative state for the purpose of subsection 7 of this section if the lead investigative state has sufficient staffing, expertise, and minimum standards; or

(2) If this state is a lead investigative state, the commissioner is authorized to investigate the applicant under subsection 7 of this section and the time frames established by agreement through the multistate licensing process.

9. The commissioner shall issue a formal written notice of the denial of an application to acquire control within thirty days of the decision to deny the application. The commissioner shall set forth in the notice of denial the specific reasons for the denial of the application. An applicant whose application is denied by the commissioner under this subsection may appeal within thirty days after receipt of the written notice of the denial under chapter 536.

10. The requirements of subsections 1 and 2 of this section shall not apply to any of the following:

(1) A person that acts as a proxy for the sole purpose of voting at a designated meeting of the shareholders or holders of voting shares or voting interests of a licensee or a person in control of a licensee;

- (2) A person that acquires control of a licensee by devise or descent;
- (3) A person that acquires control of a licensee as a personal representative, custodian, guardian, conservator, or trustee, or as an officer appointed by a court of competent jurisdiction or by operation of law;
- (4) A person that is exempt under subsection 7 of section 361.909;
- (5) A person that the commissioner determines is not subject to subsection 1 of this section based on the public interest;
- (6) A public offering of securities of a licensee or a person in control of a licensee; or
- (7) An internal reorganization of a person in control of the licensee where the ultimate person in control of the licensee remains the same.

11. Persons in subdivisions (2), (3), (4), (6), and (7) of subsection 10 of this section in cooperation with the licensee shall notify the commissioner within fifteen days after the acquisition of control.

12. (1) The requirements of subsections 1 and 2 of this section shall not apply to a person that has complied with and received approval to engage in money transmission under sections 361.900 to 361.1035 or was identified as a person in control in a prior application filed with and approved by the commissioner or by another state under a multistate licensing process, provided that:

(a) The person has not had a license revoked or suspended or controlled a licensee that has had a license revoked or suspended while the person was in control of the licensee in the previous five years;

(b) If the person is a licensee, the person is well managed and has received at least a satisfactory rating for compliance at its most recent examination by another state if such rating was given;

(c) The licensee to be acquired is projected to meet the requirements of sections 361.999, 361.1002, and 361.1005 after the acquisition of control is completed, and if the person acquiring control is a licensee, that licensee is also projected to meet the requirements of sections 361.999, 361.1002, and 361.1005 after the acquisition of control is completed;

(d) The licensee to be acquired will not implement any material changes to its business plan as a result of the acquisition of control, and if the person acquiring control is a licensee, that licensee also will not implement any material changes to its business plan as a result of the acquisition of control; and

(e) The person provides notice of the acquisition in cooperation with the licensee and attests to paragraphs (a) to (d) of this subdivision in a form and in a medium prescribed by the commissioner.

(2) If the notice is not disapproved within thirty days after the date on which the notice was determined to be complete, the notice is deemed approved.

13. Before filing an application for approval to acquire control of a licensee, a person may request in writing a determination from the commissioner as to whether the person would be considered a person in control of a licensee upon consummation of a proposed transaction. If the commissioner determines that the person would not be a person in control of a licensee, the proposed person and transaction is not subject to the requirements of subsections 1 and 2 of this subsection.

14. If a multistate licensing process includes a determination under subsection 13 of this section and an applicant avails itself or is otherwise subject to the multistate licensing process:

(1) The commissioner is authorized to accept the control determination of a lead investigative state with sufficient staffing, expertise, and minimum standards for the purpose of subsection 13 of this section; or

(2) If this state is a lead investigative state, the commissioner is authorized to investigate the applicant under subsection 13 of this section and the time frames established by agreement through the multistate licensing process.

361.954. 1. A licensee adding or replacing any key individual shall:

(1) Provide notice in a manner prescribed by the commissioner within fifteen days after the effective date of the key individual's appointment; and

(2) Provide information as required by section 361.939 within forty-five days of the effective date.

2. Within ninety days of the date on which the notice provided under subsection 1 of this section was determined to be complete, the commissioner may issue a notice of disapproval of a key individual if the competence, experience, character, or integrity of the individual would not be in the best interests of the public or the customers of the licensee to permit the individual to be a key individual of such licensee.

3. A notice of disapproval shall contain a statement of the basis for disapproval and shall be sent to the licensee and the disapproved individual. A licensee may appeal a notice of disapproval under chapter 536 within thirty days after receipt of such notice of disapproval.

4. If the notice provided under subsection 1 of this section is not disapproved within ninety days after the date on which the notice was determined to be complete, the key individual is deemed approved.

5. If a multistate licensing process includes a key individual notice review and disapproval process under this section and the licensee avails itself or is otherwise subject to the multistate licensing process:

(1) The commissioner is authorized to accept the determination of another state if the investigating state has sufficient staffing, expertise, and minimum standards for the purpose of this section; or

(2) If this state is a lead investigative state, the commissioner is authorized to investigate the applicant under subsection 2 of this section and the time frames established by agreement through the multistate licensing process.

361.957. 1. Each licensee shall submit a report of condition within forty days of the end of the calendar quarter or within any extended time as the commissioner may prescribe.

2. The report of condition shall include:

(1) Financial information at the licensee level;

(2) Nationwide and state-specific money transmission transaction information in every jurisdiction in the United States where the licensee is licensed to engage in money transmission;

(3) Permissible investments report;

(4) Transaction destination country reporting for money received for transmission, if applicable;

and

(5) Any other information the commissioner reasonably requires with respect to the licensee. The commissioner is authorized to utilize NMLS for the submission of the report required by subsection 1 of this section and is authorized to update as necessary the requirements of this section to carry out the purposes of sections 361.900 to 361.1035 and maintain consistency with NMLS reporting.

3. The information required under subdivision (4) of subsection 2 of this section shall be included only in a report of condition submitted within forty-five days of the end of the fourth calendar quarter.

361.960. 1. Each licensee shall, within ninety days after the end of each fiscal year or within any extended time as the commissioner may prescribe, file with the commissioner:

(1) An audited financial statement of the licensee for the fiscal year prepared in accordance with United States generally accepted accounting principles; and

(2) Any other information as the commissioner may reasonably require.

2. The audited financial statement shall be prepared by an independent certified public accountant or independent public accountant who is satisfactory to the commissioner.

3. The audited financial statements shall include or be accompanied by a certificate of opinion of the independent certified public accountant or independent public accountant that is satisfactory in form and content to the commissioner. If the certificate or opinion is qualified, the commissioner may order the licensee to take any action as the commissioner may find necessary to enable the independent certified public accountant or independent public accountant to remove the qualification.

361.963. 1. Each licensee shall submit a report of authorized delegates within forty-five days of the end of the calendar quarter. The commissioner is authorized to utilize NMLS for the submission of the report required under this section, provided that such functionality is consistent with the requirements of this section.

2. The authorized delegate report shall include, at a minimum, each authorized delegate's:

(1) Company legal name;

(2) Taxpayer employer identification number;

(3) Principal provider identifier;

(4) Physical address, if any;

(5) Mailing address;

(6) Any business conducted in other states;

(7) Any fictitious or trade name;

(8) Contact person name, phone number, and email;

(9) Start date as licensee's authorized delegate;

(10) End date acting as licensee's authorized delegate, if applicable; and

(11) Any other information the commissioner reasonably requires with respect to the authorized delegate.

361.966. 1. A licensee shall file a report with the commissioner within one business day after the licensee has reason to know of the occurrence of any of the following events:

(1) The filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 U.S.C. Section 101-110, as amended or recodified from time to time, for bankruptcy or reorganization;

(2) The filing of a petition by or against the licensee for receivership, the commencement of any other judicial or administrative proceeding for its dissolution or reorganization, or the making of a general assignment for the benefit of its creditors; or

(3) The commencement of a proceeding to revoke or suspend its license in a state or country in which the licensee engages in business or is licensed.

2. A licensee shall notify the commissioner within three business days after the licensee has reason to know that:

(1) The licensee, or a key individual or person in control of the licensee, has been convicted of or pled guilty or nolo contendere to a felony involving an act of fraud, dishonesty, or a breach of trust or money laundering; or

(2) An authorized delegate has been convicted of or pled guilty or nolo contendere to a felony involving an act of fraud, dishonesty, or a breach of trust or money laundering.

361.969. A licensee and an authorized delegate shall file all reports required by federal currency reporting, record keeping, and suspicious activity reporting requirements as set forth in the Bank Secrecy Act and other federal and state laws pertaining to money laundering. The timely filing of a complete and accurate report required under this section with the appropriate federal agency is deemed compliant with the requirements of this section.

361.972. 1. A licensee shall maintain the following records for determining its compliance with sections 361.900 to 361.1035 for at least three years:

(1) A record of each outstanding money transmission obligation sold;

(2) A general ledger posted at least monthly containing all asset, liability, capital, income, and expense accounts;

(3) Bank statements and bank reconciliation records;

(4) Records of outstanding money transmission obligations;

(5) Records of each outstanding money transmission obligation paid within the three-year period;

(6) A list of the last known names and addresses of all of the licensee's authorized delegates; and

(7) Any other records the commissioner reasonably requires by rule.

2. The items specified in subsection 1 of this section may be maintained in any form of record.

3. Records specified in subsection 1 of this section may be maintained outside this state if the records are made accessible to the commissioner on seven business-days' notice that is sent in a record.

4. All records maintained by the licensee as required in subsections 1 to 3 of this section are open to inspection by the commissioner under subsection 1 of section 361.921.

361.975. 1. As used in this section, "remit" means to make direct payments of money to a licensee or its representative authorized to receive money or to deposit money in a bank in an account specified by the licensee.

2. Before a licensee is authorized to conduct business through an authorized delegate, or allows a person to act as the licensee's authorized delegate, the licensee shall:

(1) Adopt, and update as necessary, written policies and procedures reasonably designed to ensure that the licensee's authorized delegates comply with applicable state and federal law;

(2) Enter into a written contract that complies with subsection 4 of this section; and

(3) Conduct a reasonable risk-based background investigation sufficient for the licensee to determine whether the authorized delegate has complied and will likely comply with applicable state and federal law.

3. An authorized delegate shall operate in full compliance with sections 361.900 to 361.1035.

4. The written contract required under subsection 2 of this section shall be signed by the licensee and the authorized delegate and, at a minimum, shall:

(1) Appoint the person signing the contract as the licensee's authorized delegate with the authority to conduct money transmission on behalf of the licensee;

(2) Set forth the nature and scope of the relationship between the licensee and the authorized delegate and the respective rights and responsibilities of the parties;

(3) Require the authorized delegate to agree to fully comply with all applicable state and federal laws, rules, and regulations pertaining to money transmission, including sections 361.900 to 361.1035 and regulations implementing sections 361.900 to 361.1035, relevant provisions of the Bank Secrecy Act, and the USA PATRIOT Act;

(4) Require the authorized delegate to remit and handle money and monetary value in accordance with the terms of the contract between the licensee and the authorized delegate;

(5) Impose a trust on money and monetary value net of fees received for money transmission for the benefit of the licensee;

(6) Require the authorized delegate to prepare and maintain records as required by sections 361.900 to 361.1035 or regulations implementing sections 361.900 to 361.1035, or as reasonably requested by the commissioner;

(7) Acknowledge that the authorized delegate consents to examination or investigation by the commissioner;

(8) State that the licensee is subject to regulation by the commissioner and that, as part of that regulation, the commissioner may suspend or revoke an authorized delegate designation or require the licensee to terminate an authorized delegate designation; and

(9) Acknowledge receipt of the written policies and procedures required under subdivision (1) of subsection 1 of this section.

5. If the licensee's license is suspended, revoked, surrendered, or expired, the licensee shall, within five business days, provide documentation to the commissioner that the licensee has notified all applicable authorized delegates of the licensee whose names are in a record filed with the commissioner of the suspension, revocation, surrender, or expiration of a license. Upon suspension, revocation, surrender, or expiration of a license, applicable authorized delegates shall immediately cease to provide money transmission as an authorized delegate of the licensee.

6. An authorized delegate of a licensee holds in trust for the benefit of the licensee all money net of fees received from money transmission. If any authorized delegate commingles any funds received from money transmission with any other funds or property owned or controlled by the authorized delegate, all commingled funds and other property shall be considered held in trust in favor of the licensee in an amount equal to the amount of money net of fees received from money transmission.

7. An authorized delegate shall not use a subdelegate to conduct money transmission on behalf of a licensee.

361.978. A person shall not engage in the business of money transmission on behalf of a person not licensed under sections 361.900 to 361.1035 or not exempt under sections 361.909 and 361.912. A person that engages in such activity provides money transmission to the same extent as if the person were a licensee and shall be jointly and severally liable with the unlicensed or nonexempt person.

361.981. 1. The circuit court in an action brought by a licensee shall have jurisdiction to grant appropriate equitable or legal relief, including without limitation prohibiting the authorized delegate from directly or indirectly acting as an authorized delegate for any licensee in this state and the payment of restitution, damages, or other monetary relief, if the circuit court finds that an authorized delegate failed to remit money in accordance with the written contract required by subsection 2 of section 361.1275 or as otherwise directed by the licensee or required by law.

2. If the circuit court issues an order prohibiting a person from acting as an authorized delegate for any licensee under subsection 1 of this section, the licensee that brought the action shall report the order to the commissioner within thirty days and shall report the order through NMLS within ninety days.

3. An authorized delegate who holds money in trust for the benefit of a licensee and knowingly fails to remit more than one thousand dollars of such money is guilty of a class E felony.

4. An authorized delegate who holds money in trust for the benefit of a licensee and knowingly fails to remit no more than one thousand dollars of such money is guilty of a class A misdemeanor.

361.984. 1. Every licensee shall forward all money received for transmission in accordance with the terms of the agreement between the licensee and the sender unless the licensee has a reasonable belief or a reasonable basis to believe that the sender may be a victim of fraud or that a crime or violation of law, rule, or regulation has occurred, is occurring, or may occur.

2. If a licensee fails to forward money received for transmission in accordance with this section, the licensee shall respond to inquiries by the sender with the reason for the failure unless providing a response would violate a state or federal law, rule, or regulation.

361.987. 1. This section shall not apply to:

(1) Money received for transmission subject to the federal Remittance Rule, 12 C.F.R. Part 1005, Subpart B, as amended or recodified from time to time; or

(2) Money received for transmission under a written agreement between the licensee and payee to process payments for goods or services provided by the payee.

2. Every licensee shall refund to the sender within ten days of receipt of the sender's written request for a refund any and all money received for transmission unless any of the following occurs:

(1) The money has been forwarded within ten days of the date on which the money was received for transmission;

(2) Instructions have been given committing an equivalent amount of money to the person designated by the sender within ten days of the date on which the money was received for transmission;

(3) The agreement between the licensee and the sender instructs the licensee to forward the money at a time that is beyond ten days of the date on which the money was received for transmission. If funds have not yet been forwarded in accordance with the terms of the agreement between the licensee and the sender, the licensee shall issue a refund in accordance with the other provisions of this section;

(4) The refund is requested for a transaction that the licensee has not completed based on a reasonable belief or a reasonable basis to believe that a crime or violation of law, rule, or regulation has occurred, is occurring, or may occur; or

(5) The refund request does not enable the licensee to:

(a) Identify the sender's name and address or telephone number; or

(b) Identify the particular transaction to be refunded in the event the sender has multiple transactions outstanding.

361.990. 1. This section shall not apply to:

(1) Money received for transmission subject to the federal Remittance Rule, 12 C.F.R. Part 1005, Subpart B, as amended or recodified from time to time;

(2) Money received for transmission that is not primarily for personal, family, or household purposes;

(3) Money received for transmission under a written agreement between the licensee and payee to process payments for goods or services provided by the payee; or

(4) Payroll processing services.

2. For purposes of this section, "receipt" means a paper receipt, electronic record, or other written confirmation. For a transaction conducted in person, the receipt may be provided electronically if the sender requests or agrees to receive an electronic receipt. For a transaction conducted electronically or by phone, a receipt may be provided electronically. All electronic receipts shall be provided in a retainable form.

3. (1) Every licensee or its authorized delegate shall provide the sender a receipt for money received for transmission. The receipt shall contain the following information, as applicable:

(a) The name of the sender;

(b) The name of the designated recipient;

(c) The date of the transaction;

(d) The unique transaction or identification number;

(e) The name of the licensee, NMLS unique identifier, the licensee's business address, and the licensee's customer service telephone number;

(f) The amount of the transaction in United States dollars;

(g) Any fee charged by the licensee to the sender for the transaction; and

(h) Any taxes collected by the licensee from the sender for the transaction.

(2) The receipt required by this section shall be in English and in the language principally used by the licensee or authorized delegate to advertise, solicit, or negotiate, either orally or in writing, for a transaction conducted in person, electronically, or by phone, if other than English.

361.996. 1. A licensee that provides payroll processing services shall:

(1) Issue reports to clients detailing client payroll obligations in advance of the payroll funds being deducted from an account; and

(2) Make available worker paystubs or an equivalent statement to workers.

2. Subsection 1 of this section shall not apply to a licensee providing payroll processing services if the licensee's client designates the intended recipients to the licensee and is responsible for providing the disclosures required by subdivision (2) of subsection 1 of this section.

361.999. 1. A licensee under sections 361.900 to 361.1035 shall maintain at all times a tangible net worth of the greater of one hundred thousand dollars or three percent of total assets for the first one hundred million dollars, two percent of additional assets for one hundred million dollars to one billion dollars, and one-half of one percent of additional assets for over one billion dollars.

2. Tangible net worth shall be demonstrated at initial application by the applicant's most recent audited or unaudited financial statements under subdivision (6) of subsection 2 of section 361.936.

361.1002. 1. An applicant for a money transmission license shall provide, and a licensee at all times shall maintain, security consisting of a surety bond in a form satisfactory to the commissioner.

2. The amount of the required security shall be:

(1) The greater of one hundred thousand dollars or an amount equal to one hundred percent of the licensee's average daily money transmission liability in this state calculated for the most recently completed three-month period, up to a maximum of five hundred thousand dollars; or

(2) In the event that the licensee's tangible net worth exceeds ten percent of the total assets, a surety bond of one hundred thousand dollars.

3. A licensee that maintains a bond in the maximum amount provided for in subsection 2 of this section shall not be required to calculate its average daily money transmission liability in this state for purposes of this section.

361.1005. 1. A licensee shall maintain at all times permissible investments that have a market value computed in accordance with United States generally accepted accounting principles of not less than the aggregate amount of all of its outstanding money transmission obligations.

2. Except for permissible investments enumerated in subsection 1 of section 361.1008, the commissioner, with respect to any licensee, may by rule limit the extent to which a specific investment maintained by a licensee within a class of permissible investments may be considered a permissible investment if the specific investment represents undue risk to customers not reflected in the market value of investments.

3. Permissible investments, even if commingled with other assets of the licensee, are held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations in the event of insolvency, the filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 U.S.C. Section 101-110, as amended or recodified from time to time, for bankruptcy or reorganization, the filing of a petition by or against the licensee for receivership, the commencement of any other judicial or administrative proceeding for its dissolution or reorganization, or in the event of an action by a creditor against the licensee who is not a beneficiary of the statutory trust. No permissible investments impressed with a trust under this subsection shall be subject to attachment, levy of execution, or sequestration by order of any court, except for a beneficiary of the statutory trust.

4. Upon the establishment of a statutory trust in accordance with subsection 3 of this section or when any funds are drawn on a letter of credit under subdivision (4) of subsection 1 of section 361.1008, the commissioner shall notify the applicable regulator of each state in which the licensee is licensed to engage in money transmission, if any, of the establishment of the trust or the funds drawn on the letter of credit, as applicable. Notice shall be deemed satisfied if performed under a multistate agreement or through NMLS. Funds drawn on a letter of credit, and any other permissible investments held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations, are deemed held in trust for the benefit of such purchasers and holders on a pro rata and equitable basis in accordance with statutes under which permissible investments are required to be held in this state, and other states, as applicable. Any statutory trust established under this subsection shall be terminated upon extinguishment of all of the licensee's outstanding money transmission obligations.

5. The commissioner by rule or by order may allow other types of investments that the commissioner determines are of sufficient liquidity and quality to be a permissible investment. The commissioner is authorized to participate in efforts with other state regulators to determine that other types of investments are of sufficient liquidity and quality to be a permissible investment.

361.1008. 1. The following investments are permissible under section 361.1005:

(1) Cash, including demand deposits, savings deposits, and funds in such accounts held for the benefit of the licensee's customers in a federally insured depository financial institution, and cash equivalents, including automated clearing house items in transit to the licensee and automated clearing house items or international wires in transit to a payee, cash in transit via armored car, cash in smart safes, cash in licensee-owned locations, debit card or credit card-funded transmission receivables owed by any bank, or money market mutual funds rated AAA by Standard & Poor's, or the equivalent from any eligible rating service;

(2) Certificates of deposit or senior debt obligations of an insured depository institution, as defined under the Federal Deposit Insurance Act, 12 U.S.C. Section 1813, as amended or recodified from time to time, or as defined under the federal Credit Union Act, 12 U.S.C. Section 1781, as amended or recodified from time to time;

(3) An obligation of the United States or a commission, agency, or instrumentality thereof; an obligation that is guaranteed fully as to principal and interest by the United States; or an obligation of a state or a governmental subdivision, agency, or instrumentality thereof;

(4) One hundred percent of the surety bond provided for under section 361.1002 that exceeds the average daily money transmission liability in this state; and

(5) The full drawable amount of an irrevocable standby letter of credit for which the stated beneficiary is the commissioner that stipulates that the beneficiary need draw only a sight draft under the letter of credit and present it to obtain funds up to the letter of credit amount within seven days of presentation of the items required by paragraph (d) of this subdivision. The letter of credit shall:

(a) Be issued by a federally insured depository financial institution, a foreign bank that is authorized under federal law to maintain a federal agency or federal branch office in a state or states, or a foreign bank that is authorized under state law to maintain a branch in a state that:

a. Bears an eligible rating or whose parent company bears an eligible rating; and

b. Is regulated, supervised, and examined by United States federal or state authorities having regulatory authority over banks, credit unions, and trust companies;

(b) Be irrevocable, unconditional, and indicate that it is not subject to any condition or qualifications outside of the letter of credit;

(c) Not contain references to any other agreements, documents or entities, or otherwise provide for any security interest in the licensee; and

(d) Contain an issue date and expiration date, and expressly provide for automatic extension, without a written amendment, for an additional period of one year from the present or each future expiration date unless the issuer of the letter of credit notifies the commissioner in writing by certified or registered mail or courier mail or other receipted means, at least sixty days prior to any expiration date, that the irrevocable letter of credit will not be extended.

2. In the event of any notice of expiration or nonextension of a letter of credit issued under paragraph (d) of subdivision (4) of subsection 1 of this section, the licensee shall be required to demonstrate to the satisfaction of the commissioner, fifteen days prior to expiration, that the licensee maintains and will maintain permissible investments in accordance with subsection 1 of section 361.1005 upon the expiration of the letter of credit. If the licensee is not able to do so, the commissioner may draw on the letter of credit in an amount up to the amount necessary to meet the licensee's requirements to maintain permissible investments in accordance with subsection 1 of section 361.1005. Any such draw shall be offset against the licensee's outstanding money transmission obligations. The drawn funds shall be held in trust by the commissioner or the commissioner's designated agent, to the extent authorized by law, as agent for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations.

3. The letter of credit shall provide that the issuer of the letter of credit will honor, at sight, a presentation made by the beneficiary to the issuer of the following documents on or prior to the expiration date of the letter of credit:

(1) The original letter of credit, including any amendments; and

(2) A written statement from the beneficiary stating that any of the following events have occurred:

(a) The filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 U.S.C. Section 101-110, as amended or recodified from time to time, for bankruptcy or reorganization;

(b) The filing of a petition by or against the licensee for receivership, or the commencement of any other judicial or administrative proceeding for its dissolution or reorganization;

(c) The seizure of assets of a licensee by the commissioner under an emergency order issued in accordance with applicable law, on the basis of an action, violation, or condition that has caused or is likely to cause the insolvency of the licensee; or

(d) The beneficiary has received notice of expiration or nonextension of a letter of credit and the licensee failed to demonstrate to the satisfaction of the beneficiary that the licensee will maintain permissible investments in accordance with subsection 1 of section 361.1005 upon the expiration or nonextension of the letter of credit.

4. The commissioner may designate an agent to serve on the commissioner's behalf as beneficiary to a letter of credit so long as the agent and letter of credit meet requirements established by the commissioner. The commissioner's agent may serve as agent for multiple licensing authorities for a single irrevocable letter of credit if the proceeds of the drawable amount for the purposes of this subsection are assigned to the commissioner.

5. The commissioner is authorized to participate in multistate processes designed to facilitate the issuance and administration of letters of credit including, but not limited to, services provided by the NMLS, State Regulatory Registry LLC, or other third parties.

6. Unless permitted by the commissioner by rule or by order to exceed the limit as set forth herein, the following investments are permissible under section 361.1005 to the extent specified:

(1) Receivables that are payable to a licensee from its authorized delegates in the ordinary course of business that are less than seven days old, up to fifty percent of the aggregate value of the licensee's total permissible investments. Of the receivables permissible under this subdivision, receivables that are payable to a licensee from a single authorized delegate in the ordinary course of business shall not exceed ten percent of the aggregate value of the licensee's total permissible investments;

(2) The following investments, up to twenty percent per category and combined up to fifty percent of the aggregate value of the licensee's total permissible investments:

(a) A short-term investment bearing an eligible rating. For purposes of this paragraph, "short-term" means up to six months;

(b) Commercial paper bearing an eligible rating;

(c) A bill, note, bond, or debenture bearing an eligible rating;

(d) United States triparty repurchase agreements collateralized at one hundred percent or more with United States government or agency securities, municipal bonds, or other securities bearing an eligible rating;

(e) Money market mutual funds rated less than "AAA" and equal to or higher than "A-" by Standard & Poor's, or the equivalent from any other eligible rating service; and

(f) A mutual fund or other investment fund composed solely and exclusively of one or more permissible investments listed in subdivisions (1) to (3) of subsection 1 of this section; and

(3) Cash, including demand deposits, savings deposits, and funds in such accounts held for the benefit of the licensee's customers, at foreign depository institutions to ten percent of the aggregate value of the licensee's total permissible investments if the licensee has received a satisfactory rating in its most recent examination and the foreign depository institution:

(a) Has an eligible rating;

(b) Is registered under the Foreign Account Tax Compliance Act;

(c) Is not located in any country subject to sanctions from the Office of Foreign Asset Control; and

(d) Is not located in a high risk or noncooperative jurisdiction as designated by the Financial Action Task Force.

361.1011. 1. The commissioner may suspend or revoke a license or order a licensee to revoke the designation of an authorized delegate if:

(1) The licensee violates sections 361.900 to 361.1035 or a rule adopted or an order issued under sections 361.900 to 361.1035;

(2) The licensee does not cooperate with an examination or investigation by the commissioner;

(3) The licensee engages in fraud, intentional misrepresentation, or gross negligence;

(4) An authorized delegate is convicted of or enters a plea of guilty or nolo contendere to a felony involving an act of fraud, dishonesty, or a breach of trust or money laundering or violates a rule adopted or an order issued under sections 361.900 to 361.1035 as a result of the licensee's willful misconduct or willful blindness;

(5) The competence, experience, character, or general fitness of the licensee, authorized delegate, person in control of a licensee, key individual, or responsible person of the authorized delegate indicates that it is not in the public interest to permit the person to provide money transmission;

(6) The licensee engages in an unsafe or unsound practice;

(7) The licensee is insolvent, suspends payment of its obligations, or makes a general assignment for the benefit of its creditors; or

(8) The licensee does not remove an authorized delegate after the commissioner issues and serves upon the licensee a final order including a finding that the authorized delegate has violated sections 361.900 to 361.1035.

2. In determining whether a licensee is engaging in an unsafe or unsound practice, the commissioner may consider the size and condition of the licensee's money transmission, the magnitude of the loss, the gravity of the violation of sections 361.900 to 361.1035, and the previous conduct of the person involved.

361.1014. 1. The commissioner may issue an order suspending or revoking the designation of an authorized delegate, if the commissioner finds that:

(1) The authorized delegate violated sections 361.900 to 361.1035 or a rule adopted or an order issued under sections 361.900 to 361.1035;

(2) The authorized delegate did not cooperate with an examination or investigation by the commissioner;

(3) The authorized delegate engaged in fraud, intentional misrepresentation, or gross negligence;

(4) The authorized delegate has been convicted of or pled guilty or nolo contendere to a felony involving an act of fraud, dishonesty, or a breach of trust or money laundering;

(5) The competence, experience, character, or general fitness of the authorized delegate or a person in control of the authorized delegate indicates that it is not in the public interest to permit the authorized delegate to provide money transmission; or

(6) The authorized delegate is engaging in an unsafe or unsound practice.

2. In determining whether an authorized delegate is engaging in an unsafe or unsound practice, the commissioner may consider the size and condition of the authorized delegate's provision of money transmission, the magnitude of the loss, the gravity of the violation of sections 361.900 to 361.1035 or a rule adopted or order issued under sections 361.900 to 361.1035, and the previous conduct of the authorized delegate.

3. An authorized delegate may apply for relief from a suspension or revocation of designation as an authorized delegate according to procedures prescribed by the commissioner.

361.1017. 1. If the commissioner determines that a violation of sections 361.900 to 361.1035 or of a rule adopted or an order issued under sections 361.900 to 361.1035 by a licensee or authorized delegate is likely to cause immediate and irreparable harm to the licensee, its customers, or the public as a result of the violation, or cause insolvency or significant dissipation of assets of the licensee, the commissioner may issue an order requiring the licensee or authorized delegate to cease and desist from the violation. The order becomes effective upon service to the licensee or authorized delegate.

2. The commissioner may issue an order against a licensee to cease and desist from providing money transmission through an authorized delegate that is the subject of a separate order by the commissioner.

3. An order to cease and desist remains effective and enforceable pending the completion of an administrative proceeding under chapter 536.

4. A licensee or an authorized delegate that is served with an order to cease and desist may petition the circuit court with jurisdiction for a judicial order setting aside, limiting, or suspending the enforcement, operation, or effectiveness of the order pending the completion of an administrative proceeding under chapter 536.

5. An order to cease and desist expires unless the commissioner commences an administrative proceeding under chapter 536 within ten days after it is issued.

361.1020. The commissioner may enter into a consent order at any time with a person to resolve a matter arising under sections 361.900 to 361.1035 or a rule adopted or order issued under sections 361.900 to 361.1035. A consent order shall be signed by the person to whom it is issued or by the person's authorized representative and shall indicate agreement with the terms contained in the order. A consent order may provide that it does not constitute an admission by a person that sections 361.900 to 361.1035 or a rule adopted or an order issued under sections 361.900 to 361.1035 has been violated.

361.1023. 1. A person that intentionally makes a false statement, misrepresentation, or false certification in a record filed or required to be maintained under sections 361.900 to 361.1035 or that intentionally makes a false entry or omits a material entry in such a record is guilty of a class E felony.

2. A person that knowingly engages in an activity for which a license is required under sections 361.900 to 361.1035 without being licensed under sections 361.900 to 361.1035 and who receives more than five hundred dollars in compensation within a thirty-day period for this activity is guilty of a class E felony.

3. A person that knowingly engages in an activity for which a license is required under sections 361.900 to 361.1035 without being licensed under sections 361.900 to 361.1035 and who receives no more than five hundred dollars in compensation within a thirty-day period for this activity is guilty of a class A misdemeanor.

361.1026. The commissioner may assess a civil penalty against a person that violates sections 361.900 to 361.1035 or a rule adopted or an order issued under sections 361.900 to 361.1035 in an amount not to exceed one thousand dollars per day for each day the violation is outstanding, plus this state's costs and expenses for the investigation and prosecution of the matter, including reasonable attorney's fees.

361.1029. 1. If the commissioner has reason to believe that a person has violated or is violating section 361.930, the commissioner may issue an order to show cause why an order to cease and desist shall not be issued requiring that the person cease and desist from the violation of section 361.930.

2. In an emergency, the commissioner may petition the circuit court with jurisdiction for the issuance of a temporary restraining order under the rules of civil procedure.

3. An order to cease and desist becomes effective upon service to the person.

4. An order to cease and desist remains effective and enforceable pending the completion of an administrative proceeding under chapter 536.

5. A person that is served with an order to cease and desist for violating section 361.930 may petition the circuit court with jurisdiction for a judicial order setting aside, limiting, or suspending the enforcement, operation, or effectiveness of the order pending the completion of an administrative proceeding under chapter 536.

6. An order to cease and desist expires unless the commissioner commences an administrative proceeding within ten days after it is issued.

361.1032. In applying and construing sections 361.900 to 361.1035, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

361.1035. 1. A person licensed in this state to engage in the business of money transmission shall not be subject to the provisions of sections 361.900 to 361.1035 to the extent that they conflict with current law or establish new requirements not imposed under current law, until such time as the licensee renews the licensee's current license.

2. Notwithstanding subsection 1 of this section, a licensee shall only be required to amend its authorized delegate contracts for contracts entered into or amended after the effective date or the completion of any transition period contemplated under subsection 1 of this section. Nothing herein shall be construed as limiting an authorized delegate's obligations to operate in full compliance with sections 361.900 to 361.1035 as required by subsection 3 of section 361.975.

362.034. 1. Any entity that operates as a facility licensed or certified under Article XIV of"; and

Further amend said amendment, Page 1, Line 30, by inserting after all of said line the following:

"Further amend said bill, Page 65, Section 570.030, Line 90, by inserting after all of said section and line the following:

~~"[361.700. 1. Sections 361.700 to 361.727 shall be known and may be cited as the
"Sale of Checks Law".~~

~~2. For the purposes of sections 361.700 to 361.727, the following terms mean:-~~

~~(1) "Check", any instrument for the transmission or payment of money and shall also
include any electronic means of transmitting or paying money;-~~

~~(2) "Director", the director of the division of finance;-~~

~~(3) "Licensee", any person duly licensed by the director pursuant to sections 361.700 to
361.727;-~~

~~(4) "Person", any individual, partnership, association, trust or corporation.]~~

~~[361.705. 1. No person shall issue checks in this state for a consideration without first
obtaining a license from the director; provided, however, that sections 361.700 to 361.727 shall
not apply to the receipt of money by an incorporated telegraph company at any office or agency
of such company for immediate transmission by telegraph nor to any bank, trust company,
savings and loan association, credit union, or agency of the United States government.~~

~~2. Any person who violates any of the provisions of sections 361.700 to 361.727 or
attempts to sell or issue checks without having first obtained a license from the director shall be
deemed guilty of a class A misdemeanor.]~~

~~[361.707. 1. Each application for a license pursuant to sections 361.700 to 361.727
shall be in writing and under oath to the director in such form as he may prescribe. The
application shall state the full name and business address of:~~

~~(1) The proprietor, if the applicant is an individual;~~

~~(2) Every member, if the applicant is a partnership or association;~~

~~(3) The corporation and each officer and director thereof, if the applicant is a corporation.~~

~~2. Each application for a license shall be accompanied by an investigation fee of three hundred dollars. If the license is granted the investigation fee shall be applied to the license fee for the first year. No investigation fee shall be refunded.]~~

~~[361.711. Each application for a license shall be accompanied by a corporate surety bond in the principal sum of one hundred thousand dollars. The bond shall be in form satisfactory to the director and shall be issued by a bonding company or insurance company authorized to do business in this state, to secure the faithful performance of the obligations of the applicant and the agents and subagents of the applicant with respect to the receipt, transmission, and payment of money in connection with the sale or issuance of checks and also to pay the costs incurred by the division to remedy any breach of the obligations of the applicant subject to the bond or to pay examination costs of the division owed and not paid by the applicant. Upon license renewal, the required amount of bond shall be as follows:~~

~~(1) For all licensees selling payment instruments or stored value cards, five times the high outstanding balance from the previous year with a minimum of one hundred thousand dollars and a maximum of one million dollars;~~

~~(2) For all licensees receiving money for transmission, five times the greatest amount transmitted in a single day during the previous year with a minimum of one hundred thousand dollars and a maximum of one million dollars.—~~

~~If in the opinion of the director the bond shall at any time appear to be inadequate, insecure, exhausted, or otherwise doubtful, additional bond in form and with surety satisfactory to the director shall be filed within fifteen days after notice of the requirement is given to the licensee by the director. An applicant or licensee may, in lieu of filing any bond required under this section, provide the director with an irrevocable letter of credit, as defined in section 400.5-103, issued by any state or federal financial institution. Whenever in the director's judgment it is necessary or expedient, the director may perform a special examination of any person licensed under sections 361.700 to 361.727 with all authority under section 361.160 as though the licensee were a bank. The cost of such examination shall be paid by the licensee.]~~

~~[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 dollars.~~

~~3. The director may assess a reasonable charge, not to exceed three hundred dollars, for any application to amend and reissue an existing license.]~~

~~[361.718. Every licensee shall at all times have on demand deposit in a federally insured depository institution or in the form of cash on hand or in the hands of his agents or in readily marketable securities an amount equal to all outstanding unpaid checks sold by him or his agents in Missouri, in addition to the amount of his bond. Upon demand by the director, licensees must immediately provide proof of such funds or securities. The director may make such demand as often as reasonably necessary and shall make such demand to each licensee, without prior notice, at least twice each license year.]~~

~~[361.720. Each licensee may conduct business at one or more locations within this state and by means of employees, agents, subagents or representatives as such licensee may designate. No license under sections 361.700 to 361.727 shall be required of any such employee, agent, subagent or representative who sells checks in behalf of a licensee. Each such agent, subagent or representative shall upon demand transfer and deliver to the licensee the proceeds of the sale of licensee's checks less the fees, if any, due such agent, subagent or representative.]~~

~~[361.723. Each licensee shall file with the director annually on or before April fifteenth of each year a statement listing the locations of the offices of the licensee and the names and locations of the agents or subagents authorized by the licensee to engage in the sale of checks of which the licensee is the issuer.]~~

~~[361.725. The director may at any time suspend or revoke a license, for any reason he might refuse to grant a license, for failure to pay an annual fee or for a violation of any provision of sections 361.700 to 361.727. No license shall be denied, revoked or suspended except on ten days' notice to the applicant or licensee. Upon receipt of such notice the applicant or licensee may, within five days of such receipt, make written demand for a hearing. The director shall thereafter hear and determine the matter in accordance with the provisions of chapter 536.]~~

~~[361.727. The director shall issue regulations necessary to carry out the intent and purposes of sections 361.700 to 361.727, pursuant to the provisions of section 361.105 and chapter 536.]; and"; and~~

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

On motion of Representative Christ, **House Amendment No. 3 to House Amendment No. 7** was adopted.

Representative Windham offered **House Amendment No. 4 to House Amendment No. 7.**

*House Amendment No. 4
to
House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 187, Page 1, Line 30, by inserting after all of said line the following:

"Further amend said bill, Page 48, Section 365.030, Line 25, by inserting after all of said section and line the following:

"367.105. Any person making or offering a consumer credit loan shall contract for and receive interest and fees in accordance with sections 408.100, 408.101, 408.140, and 408.170, and such loan shall be subject to all provisions of sections 408.100, 408.101, 408.140, and 408.170.

367.515. A title lender shall contract for and receive simple interest and fees in accordance with sections 408.100, **408.101**, and 408.140, **and such interest and fees shall be subject to all provisions of sections 408.100, 408.101, and 408.140.**"; and

Further amend said bill, Page 50, Section 407.640, Line 24, by inserting after all of said section and line the following:

"408.101. 1. On any loan subject to this section, any person, firm, or corporation may charge, contract for, and receive interest on the unpaid principal balance at rates agreed to by the parties, provided that the combined interest, fees, and finance charges shall not exceed an annual percentage rate of thirty-six percent.

2. No person, firm, or corporation shall use any device or subterfuge to intentionally evade the requirements of this chapter to:

- (1) Offer, make, assist a borrower in obtaining, or broker a loan at an annual percentage rate prohibited by this section;
- (2) Make a loan disguised as a personal property sale and leaseback transaction;
- (3) Disguise loan proceeds as cash rebates for the pretextual installment sale of goods or services;
- (4) Make, assist a borrower in obtaining, or broker an offer of credit, in whole or in part, from a third party or while acting as an agent for a third party, regardless of whether the third party is exempt from licensing or if the approval, acceptance, or ratification by the third party is necessary to create a legal obligation for the third party; or
- (5) Charge, if authorized under any applicable section of Missouri law, any application fee for providing credit or any fee for participation in a credit plan without including the fee in the calculation of the annual percentage rate required under this section."; and

Further amend said bill, Pages 50-52, Section 408.500, Lines 1-62, by deleting all of said lines and inserting in lieu thereof the following:

"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~~ **six** hundred dollars or less shall obtain a license from the director of the division of finance. An annual license fee of five hundred 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, **15 U.S.C. Section 1601 et seq.**, 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, **408.101**, and 408.140, **and such loans shall be subject to all provisions of sections 408.100, 408.101, 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.

408.505. 1. This section shall apply to:

(1) Unsecured loans made by lenders licensed or who should have been licensed pursuant to section 408.500;

(2) Any person that the Missouri division of finance determines that has entered into a transaction that, in substance, is a disguised loan; and

(3) Any person that the Missouri division of finance determines has engaged in subterfuge for the purpose of avoiding the provisions of this section.

2. All loans made pursuant to this section and section 408.500, shall have a minimum term of fourteen days and a maximum term of thirty-one days, regardless of whether the loan is an original loan or renewed loan.

3. A lender may only charge simple interest and fees in accordance with sections 408.100, **408.101**, and **408.140**, **and such interest and fees shall be subject to all provisions of sections 408.100, 408.101, and 408.140.** No other charges of any nature shall be permitted except as provided by this section, including any charges for cashing the loan proceeds if they are given in check form. ~~[However, no borrower shall be required to pay a total amount of accumulated interest and fees in excess of seventy five percent of the initial loan amount on any single loan authorized pursuant to this section for the entire term of that loan and all renewals authorized by section 408.500 and this section.]~~

4. A loan made pursuant to the provisions of section 408.500 and this section shall be deemed completed and shall not be considered a renewed loan when the lender presents the instrument for payment or the payee redeems the instrument by paying the full amount of the instrument to the lender. Once the payee has completed the loan, the payee may enter into a new loan with a lender.

5. Except as provided in subsection 3 of this section, no loan made pursuant to this section shall be repaid by the proceeds of another loan made by the same lender or any person or entity affiliated with the lender. A lender, person or entity affiliated with the lender shall not have more than five hundred dollars in loans made pursuant to section 408.500 and this section outstanding to the same borrower at any one time. A lender complies with this subsection if:

(1) The consumer certifies in writing that the consumer does not have any outstanding small loans with the lender which in the aggregate exceeds five hundred dollars, and is not repaying the loan with the proceeds of another loan made by the same lender; and

(2) The lender does not know, or have reason to believe, that the consumer's written certification is false.

6. On a consumer loan transaction where cash is advanced in exchange for a personal check, a return check charge may be charged in the amounts provided by sections 408.653 and 408.654, as applicable.

7. No state or public employee or official, including a judge of any court of this state, shall enforce the provisions of any contract for payment of money subject to this section which violates the provisions of section 408.500 and this section.

8. A person does not commit the crime of passing a bad check pursuant to section 570.120 if at the time the payee accepts a check or similar sight order for the payment of money, he or she does so with the understanding that the payee will not present it for payment until later and the payee knows or has reason to believe that there are insufficient funds on deposit with the drawee at the time of acceptance. However, this section shall not apply if the person's account on which the instrument was written was closed by the consumer before the agreed-upon date of negotiation or the consumer has stopped payment on the check.

9. A lender shall not use a device or agreement that would have the effect of charging or collecting more fees, charges, or interest than allowed by this section, including, but not limited to:

- (1) Entering into a different type of transaction;
- (2) Entering into a sales lease back arrangement;
- (3) Catalog sales;
- (4) Entering into any other transaction with the consumer that is designed to evade the applicability of this section.

10. The provisions of this section shall only apply to entities subject to the provisions of section 408.500 and this section.

408.510. ~~[Notwithstanding any other law to the contrary,]~~ **1. For purposes of this section, the [phrase] following terms mean:**

(1) "Consumer installment lender", a person licensed to make consumer installment loans;

(2) "Consumer installment loans" [means], secured or unsecured loans of any amount and payable in not less than four substantially equal installments over a period of not less than one hundred twenty days. ~~[The phrase "consumer installment lender" means a person licensed to make consumer installment loans.]~~

2. A consumer installment lender shall be licensed in the same manner and upon the same terms as a lender making consumer credit loans. ~~[Such]~~

3. A consumer installment ~~[lenders]~~ **lender** shall contract for and receive interest and fees in accordance with sections 408.100, **408.101**, 408.140, and 408.170~~].—Consumer installment lenders], and such interest and fees shall be subject to [the] all provisions of sections 408.100, 408.101, 408.140, and 408.170 and sections 408.551 to 408.562."; and"; and~~

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

Speaker Pro Tem Henderson resumed the Chair.

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Amato	Atchison	Banderman	Billington	Black
Bonacker	Boyd	Bromley	Brown 149	Brown 16
Buchheit-Courtway	Burger	Byrnes	Casteel	Chappell
Christ	Christofanelli	Coleman	Cook	Copeland
Davidson	Davis	Deaton	Diehl	Falkner
Farnan	Francis	Gallick	Gragg	Gregory
Griffith	Haden	Haffner	Haley	Hardwick
Henderson	Hicks	Hinman	Houx	Hovis
Hudson	Hurlbert	Jones	Justus	Kalberloh
Keathley	Kelley 127	Kelly 141	Lewis 6	Lonsdale
Lovasco	Marquart	Mayhew	McGaugh	McGill
McMullen	Murphy	O'Donnell	Oehlerking	Owen
Parker	Patterson	Perkins	Peters	Pollitt
Pouche	Reedy	Reuter	Richey	Riggs
Riley	Roberts	Sander	Sassmann	Schnelting
Schulte	Schwadron	Seitz	Sharpe 4	Shields
Smith 155	Sparks	Stacy	Stephens	Stinnett
Taylor 48	Thomas	Thompson	Titus	Toalson Reisch
Van Schoiack	Veit	Voss	Waller	Wilson
Wright	Mr. Speaker			

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NOES: 043

Adams	Anderson	Appelbaum	Aune	Baringer
Barnes	Bosley	Brown 27	Burnett	Burton
Clemens	Crossley	Ealy	Fogle	Fountain Henderson
Gray	Hein	Ingle	Johnson 23	Lavender
Lewis 25	Mann	Merideth	Mosley	Nickson-Clark
Nurrenbern	Phifer	Plank	Proudie	Quade
Sauls	Sharp 37	Smith 46	Steinhoff	Strickler
Taylor 84	Terry	Unsicker	Walsh Moore	Weber
Windham	Woods	Young		

PRESENT: 000

ABSENT WITH LEAVE: 022

Allen	Baker	Bangert	Bland Manlove	Boggs
Brown 87	Busick	Butz	Collins	Cupps
Dinkins	Doll	Evans	Hausman	Johnson 12
Knight	Mackey	Matthiesen	Morse	Myers
Smith 163	West			

VACANCIES: 001

Speaker Plocher resumed the Chair.

Representative Windham moved that **House Amendment No. 4 to House Amendment No. 7** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative Windham:

AYES: 049

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bland Manlove	Bosley	Brown 27
Brown 87	Burnett	Burton	Clemens	Collins
Crossley	Ealy	Fogle	Fountain Henderson	Gray
Hein	Ingle	Johnson 23	Lavender	Lewis 25
Mackey	Mann	Merideth	Mosley	Nickson-Clark
Nurrenbern	Phifer	Plank	Proudie	Quade
Sauls	Sharp 37	Smith 155	Smith 46	Steinhoff
Strickler	Taylor 84	Terry	Unsicker	Walsh Moore
Weber	Windham	Woods	Young	

NOES: 101

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Buchheit-Courtway	Burger
Byrnes	Chappell	Christ	Christofanelli	Coleman
Cook	Copeland	Cupps	Davidson	Davis
Deaton	Diehl	Dinkins	Evans	Falkner
Farnan	Francis	Gallick	Gragg	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Hicks	Hinman	Houx	Hovis	Hudson

Hurlbert	Jones	Justus	Kalberloh	Keathley
Kelley 127	Kelly 141	Knight	Lewis 6	Lovasco
Marquart	McGaugh	McGill	McMullen	Murphy
O'Donnell	Oehlerking	Owen	Parker	Patterson
Perkins	Peters	Pollitt	Pouche	Reedy
Reuter	Richey	Riggs	Riley	Roberts
Sander	Sassmann	Schnelting	Schulte	Schwadron
Seitz	Sharpe 4	Shields	Smith 163	Sparks
Stacy	Stephens	Stinnett	Taylor 48	Thomas
Thompson	Titus	Toalson Reisch	Van Schoiack	Veit
Voss	Waller	West	Wilson	Wright
Mr. Speaker				

PRESENT: 001

Lonsdale

ABSENT WITH LEAVE: 011

Busick	Butz	Casteel	Doll	Gregory
Hausman	Johnson 12	Matthiesen	Mayhew	Morse
Myers				

VACANCIES: 001

On motion of Representative Perkins, **House Amendment No. 7, as amended**, was adopted.

Representative Wright offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 187, Page 49, Section 367.140, Line 26, by inserting after all of said section and line the following:

- "376.411. 1. For purposes of this section, the following terms mean:**
- (1) "Clinician-administered drug", any legend drug, as defined in section 338.330, that is administered by a health care provider who is authorized to administer the drug;**
 - (2) "Health carrier", the same meaning given to the term in section 376.1350;**
 - (3) "Participating provider", the same meaning given to the term in section 376.1350;**
 - (4) "Pharmacy benefits manager", the same meaning given to the term in section 376.388.**
- 2. A health carrier, a pharmacy benefits manager, or an agent or affiliate of such health carrier or pharmacy benefits manager shall not:**
- (1) Impose any penalty, impediment, differentiation, or limitation on a participating provider for providing medically necessary clinician-administered drugs regardless of whether the participating provider obtains such drugs from a provider that is in the network including, but not limited to, refusing to approve or pay or reimbursing less than the contracted payment amount;**
 - (2) Impose any penalty, impediment, differentiation, or limitation on a covered person who is administered medically necessary clinician-administered drugs regardless of whether the participating provider obtains such drugs from a provider that is in the network including, but not limited to, limiting coverage or benefits; requiring an additional fee, higher co-payment, or higher coinsurance amount; or interfering with a patient's ability to obtain a clinician-administered drug from the patient's provider or pharmacy of choice by any means including, but not limited to, inducing, steering, or offering financial or other incentives; or**

(3) Impose any penalty, impediment, differentiation, or limitation on any pharmacy, including any class B hospital pharmacy as defined in section 338.220, that is dispensing medically necessary clinician-administered drugs regardless of whether the participating provider obtains such drugs from a provider that is in the network including, but not limited to, requiring a pharmacy to dispense such drugs to a patient with the intention that the patient will transport the medication to a health care provider for administration.

3. The provisions of this section shall not apply if the clinician-administered drug is not otherwise covered by the health carrier or pharmacy benefits manager.

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

- (1) "340B drug", a drug that is:
 - (a) A covered outpatient drug as defined in Section 340B of the Public Health Service Act, 42 U.S.C. Section 256b, enacted by Section 602 of the Veterans Health Care Act of 1992, Pub. L. 102-585; and
 - (b) Purchased under an agreement entered into under 42 U.S.C. Section 256b;
- (2) "Covered entity", the same meaning given to the term in Section 340B(a) (4) of the Public Health Service Act, 42 U.S.C. Section 256b(a) (4);
- (3) "Health carrier", the same meaning given to the term in section 376.1350;
- (4) "Pharmacy", an entity licensed under chapter 338;
- (5) "Pharmacy benefits manager", the same meaning given to the term in section 376.388;

2. A health carrier, a pharmacy benefits manager, or an agent or affiliate of such health carrier or pharmacy benefits manager, not including a pharmaceutical manufacturer, shall not discriminate against a covered entity or a pharmacy including, but not limited to, by doing any of the following:

- (1) Reimbursing a covered entity or pharmacy for a quantity of a 340B drug in an amount less than it would pay to any other similarly situated pharmacy that is not a covered entity or a pharmacy for such quantity of such drug on the basis that the entity or pharmacy is a covered entity or pharmacy or that the entity or pharmacy dispenses 340B drugs;
- (2) Imposing any terms or conditions on covered entities or pharmacies that differ from such terms or conditions applied to other similarly situated pharmacies or entities that are not covered entities on the basis that the entity or pharmacy is a covered entity or pharmacy or that the entity or pharmacy dispenses 340B drugs including, but not limited to, terms or conditions with respect of any of the following:
 - (a) Fees, chargebacks, clawbacks, adjustments, or other assessments;
 - (b) Professional dispensing fees;
 - (c) Restrictions or requirements regarding participation in standard or preferred pharmacy networks;
 - (d) Requirements relating to the frequency or scope of audits or to inventory management systems using generally accepted accounting principles; and
 - (e) Any other restrictions, conditions, practices, or policies that, as specified by the director of the department of commerce and insurance, interfere with the ability of a covered entity to maximize the value of discounts provided under 42 U.S.C. Section 256b;
- (3) Interfering with an individual's choice to receive a 340B drug from a covered entity or pharmacy, whether in person or via direct delivery, mail, or other form of shipment, by any means including, but not limited to, modifying a patient's payment limitations or cost-sharing obligations on the basis of participation, in whole or in part, in the 340B drug pricing program;
- (4) Discriminating in reimbursement to a covered entity or pharmacy based on the determination or indication a drug is a 340B drug;
- (5) Requiring a covered entity or pharmacy to identify, either directly or through a third party, a 340B drug sooner than forty-five days after the point of sale of the 340B drug;
- (6) Refusing to contract with a covered entity or pharmacy for reasons other than those that apply equally to entities that are not covered entities or similarly situated pharmacies, or on the basis that:
 - (a) The entity is a covered entity; or
 - (b) The entity or pharmacy is described in any of subparagraphs (A) to (O) of 42 U.S.C. Section 235b(a) (4);
- (7) Denying the covered entity the ability to purchase drugs at 340B program pricing by substituting a rebate discount;
- (8) Refusing to cover drugs purchased under the 340B drug pricing program; or
- (9) Requiring a covered entity or pharmacy to reverse, resubmit, or clarify a 340B-drug pricing claim after the initial adjudication unless these actions are in the normal course of pharmacy business and not related to 340B drug pricing, except as required by federal law.

3. The director of the department of commerce and insurance shall impose a civil penalty on any health carrier, pharmacy benefits manager, or agent or affiliate of such health carrier or pharmacy benefits manager that violates the requirements of this section. Such penalty shall not exceed five thousand dollars per violation per day.

4. The director of the department of commerce and insurance shall 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 an annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void."; and

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

On motion of Representative Wright, **House Amendment No. 8** was adopted by the following vote, the ayes and noes having been demanded pursuant to Article III, Section 26 of the Constitution:

AYES: 115

Adams	Allen	Amato	Anderson	Appelbaum
Atchison	Aune	Banderman	Bangert	Baringer
Barnes	Black	Bland Manlove	Bonacker	Bosley
Brown 149	Brown 16	Brown 27	Brown 87	Buchheit-Courtway
Burger	Burnett	Burton	Byrnes	Casteel
Chappell	Christ	Clemens	Collins	Cook
Copeland	Crossley	Diehl	Dinkins	Ealy
Falkner	Farnan	Fogle	Fountain Henderson	Francis
Gallick	Gray	Gregory	Griffith	Haden
Haffner	Haley	Hein	Henderson	Hinman
Houx	Hovis	Ingle	Johnson 12	Johnson 23
Justus	Kalberloh	Kelley 127	Lavender	Lewis 25
Lewis 6	Lonsdale	Mackey	Mann	Matthiesen
Mayhew	McGaugh	McGill	Merideth	Morse
Mosley	Myers	Nickson-Clark	Nurrenbern	Parker
Patterson	Peters	Phifer	Plank	Pollitt
Pouche	Proudie	Quade	Reedy	Reuter
Riggs	Roberts	Sassmann	Sauls	Schwadron
Seitz	Sharp 37	Sharpe 4	Smith 155	Smith 46
Steinhoff	Stephens	Stinnett	Strickler	Taylor 48
Taylor 84	Terry	Thomas	Thompson	Unsicker
Van Schoiack	Veit	Waller	Walsh Moore	Weber
Windham	Woods	Wright	Young	Mr. Speaker

NOES: 038

Baker	Billington	Boggs	Boyd	Bromley
Christofanelli	Coleman	Cupps	Davidson	Davis
Deaton	Gragg	Hardwick	Hicks	Hudson
Hurlbert	Jones	Keathley	Kelly 141	Knight
Lovasco	Marquart	McMullen	Oehlerking	Owen
Richey	Riley	Sander	Schnelting	Schulte
Smith 163	Sparks	Stacy	Titus	Toalson Reisch
Voss	West	Wilson		

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PRESENT: 001

Shields

ABSENT WITH LEAVE: 008

Busick	Butz	Doll	Evans	Hausman
Murphy	O'Donnell	Perkins		

VACANCIES: 001

On motion of Representative Owen, **HCS SCS SB 187, as amended**, was adopted.

On motion of Representative Owen, **HCS SCS SB 187, as amended**, was read the third time and passed by the following vote:

AYES: 116

Allen	Amato	Atchison	Banderman	Bangert
Baringer	Barnes	Black	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Brown 27	Brown 87
Buchheit-Courtway	Burger	Byrnes	Casteel	Chappell
Christ	Clemens	Coleman	Cook	Copeland
Davidson	Diehl	Dinkins	Ealy	Falkner
Farnan	Fogle	Fountain Henderson	Francis	Gallick
Gragg	Gray	Gregory	Griffith	Haden
Haffner	Haley	Hardwick	Hein	Henderson
Hicks	Hinman	Houx	Hovis	Hurlbert
Ingle	Johnson 12	Jones	Justus	Kalberloh
Keathley	Kelly 141	Knight	Lavender	Lewis 6
Lonsdale	Lovasco	Mackey	Mann	Marquart
Matthiesen	Mayhew	McGaugh	McGill	Morse
Myers	Oehlerking	Owen	Parker	Patterson
Perkins	Peters	Plank	Pollitt	Pouche
Reedy	Reuter	Riggs	Riley	Roberts
Sander	Sassmann	Sauls	Schnelting	Schulte
Schwadron	Seitz	Sharp 37	Sharpe 4	Shields
Smith 155	Sparks	Steinhoff	Stephens	Stinnett
Strickler	Taylor 48	Taylor 84	Terry	Thomas
Thompson	Titus	Van Schoiack	Veit	Voss
Waller	Wilson	Woods	Wright	Young
Mr. Speaker				

NOES: 023

Baker	Billington	Bland Manlove	Boggs	Bosley
Christofanelli	Collins	Cupps	Davis	Deaton
Hudson	Kelley 127	Lewis 25	McMullen	Nurrenbern
Phifer	Proudie	Richey	Smith 163	Stacy
Toalson Reisch	West	Windham		

PRESENT: 015

Adams	Anderson	Appelbaum	Aune	Burnett
Crossley	Johnson 23	Merideth	Mosley	Nickson-Clark
Quade	Smith 46	Unsicker	Walsh Moore	Weber

ABSENT WITH LEAVE: 008

Burton	Busick	Butz	Doll	Evans
Hausman	Murphy	O'Donnell		

VACANCIES: 001

Speaker Plocher declared the bill passed.

PERFECTION OF HOUSE BILLS - INFORMAL

HCS HB 992, relating to electric transmission facilities, was taken up by Representative Lewis (6).

On motion of Representative Lewis (6), the title of **HCS HB 992** was agreed to.

Speaker Pro Tem Henderson resumed the Chair.

Representative Lewis (6) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 992, Pages 2-3, Section 393.170, Lines 52-83, by deleting all of said lines and inserting in lieu thereof the following:

"(3) For the purposes of this subsection, the following terms shall mean:"; and

Further amend said bill and section, Page 4, Line 90, by inserting after all of said section and line the following:

"393.172. No later than December 31, 2024, the commission shall adopt rules applicable to electrical corporations requiring the entity constructing an electric transmission line under subsection 1 of section 393.170 to adhere to standards to be adopted by such rules relating to construction activities occurring partially or wholly on privately owned agricultural land. Such standards shall address, at a minimum, landowner communication expectations, agricultural mitigation and restoration practices, and construction-related tree and brush clearing.

523.010. 1. In case land, or other property, is sought to be appropriated by any road, railroad, street railway, telephone, telegraph or any electrical corporation organized for the manufacture or transmission of electric current for light, heat or power, including the construction, when that is the case, of necessary dams and appurtenant canals, flumes, tunnels and tailraces and including the erection, when that is the case, of necessary electric steam powerhouses, hydroelectric powerhouses and electric substations or any oil, pipeline or gas corporation engaged in the business of transporting or carrying oil, liquid fertilizer solutions, or gas by means of pipes or pipelines laid underneath the surface of the ground, or other corporation created under the laws of this state for public use, and such corporation and the owners cannot agree upon the proper compensation to be paid, or in the case the owner is incapable of contracting, be unknown, or be a nonresident of the state, such corporation may apply to the circuit court of the county of this state where such land or any part thereof lies by petition setting forth the general directions in which it is desired to construct its road, railroad, street railway, telephone, or telegraph line or electric line, including, when that is the case, the construction and maintenance of necessary dams and appurtenant canals, tunnels, flumes and tailraces and, when that is the case, the appropriation of land submerged by the construction of such dam, and including the erection and maintenance, when that is the case, of necessary electric steam powerhouses, hydroelectric powerhouses and electric substations, or oil, pipeline, liquid fertilizer solution pipeline, or gas line over or underneath the surface of such lands, a description of the real estate, or other property, which the

company seeks to acquire; the names of the owners thereof, if known; or if unknown, a pertinent description of the property whose owners are unknown and praying the appointment of three disinterested residents of the county, as commissioners, or a jury, to assess the damages which such owners may severally sustain in consequence of the establishment, erection and maintenance of such road, railroad, street railway, telephone, telegraph line, or electrical line including damages from the construction and maintenance of necessary dams and the condemnation of land submerged thereby, and the construction and maintenance of appurtenant canals, flumes, tunnels and tailraces and the erection and maintenance of necessary electric steam powerhouses, hydroelectric powerhouses and electric substations, or oil, pipeline, or gas line over or underneath the surface of such lands; to which petition the owners of any or all as the plaintiff may elect of such parcels as lie within the county or circuit may be made parties defendant by names if the names are known, and by the description of the unknown owners of the land therein described if their names are unknown.

2. If the proceedings seek to affect the lands of persons under conservatorship, the conservators must be made parties defendant. If the present owner of any land to be affected has less estate than a fee, the person having the next vested estate in remainder may at the option of the petitioners be made party defendant; but if such remaindermen are not made parties, their interest shall not be bound by the proceedings.

3. It shall not be necessary to make any persons party defendants in respect to their ownership unless they are either in actual possession of the premises to be affected claiming title or having a title of the premises appearing of record upon the proper records of the county.

4. Except as provided in subsection 5 of this section, nothing in this chapter shall be construed to give a public utility, as defined in section 386.020, or a rural electric cooperative, as provided in chapter 394, the power to condemn property which is currently used by another provider of public utility service, including a municipality or a special purpose district, when such property is used or useful in providing utility services, if the public utility or cooperative seeking to condemn such property, directly or indirectly, will use or proposes to use the property for the same purpose, or a purpose substantially similar to the purpose for which the property is being used by the provider of the public utility service.

5. A public utility or a rural electric cooperative may only condemn the property of another provider of public utility service, even if the property is used or useful in providing utility services by such provider, if the condemnation is necessary for the public purpose of acquiring a nonexclusive easement or right-of-way across the property of such provider and only if the acquisition will not materially impair or interfere with the current use of such property by the utility or cooperative and will not prevent or materially impair such provider of public utility service from any future expansion of its facilities on such property.

6. If a public utility or rural electric cooperative seeks to condemn the property of another provider of public utility service, and the conditions in subsection 4 of this section do not apply, this section does not limit the condemnation powers otherwise possessed by such public utility or rural electric cooperative.

7. Suits in inverse condemnation or involving dangerous conditions of public property against a municipal corporation established under Article VI, Section 30(a) of the Missouri Constitution shall be brought only in the county where such land or any part thereof lies.

8. For purposes of this chapter, the authority for an electrical corporation as defined in section 386.020, except for an electrical corporation operating under a cooperative business plan as described in section 393.110, to condemn property for purposes of constructing an electric plant subject to a certificate of public convenience and necessity under subsection 1 of section 393.170 shall not extend to the construction of a merchant transmission line with Federal Energy Regulatory Commission negotiated rate authority unless such line has a substation or converter station located in Missouri which is capable of delivering an amount of its electrical capacity to electrical customers in this state that is greater than or equal to the proportionate number of miles of the line that passes through the state. The provisions of this subsection shall not apply to applications filed pursuant to section 393.170 prior to August 28, 2022.

9. For the purposes of this chapter, the authority of any corporation set forth in subsection 1 of this section to condemn property shall not extend to:

(1) The construction or erection of any plant, tower, panel, or facility that utilizes, captures, or converts wind or air currents to generate or manufacture electricity; or

(2) The construction or erection of any plant, tower, panel, or facility that utilizes, captures, or converts the light or heat generated by the sun to generate or manufacture electricity.

10. Notwithstanding subsection 9 of this section, the authority of any corporation set forth in subsection 1 of this section to condemn property shall extend to acquisition of rights needed to construct, operate, and maintain collection lines, distribution lines, transmission lines, communications lines, substations, switchyards, and other facilities needed to collect and deliver energy manufactured by the facilities described in subsection 9 of this section to the distribution or transmission grid.

11. For purposes of this chapter, the authority for an electrical corporation as defined in section 386.020, except for an electrical corporation operating under a cooperative business plan as described in section 393.110, to condemn property for the purposes of constructing lines or substations for the transmission of electric current for light, heat, or power, which lines or substations have been approved by a regional transmission organization and for which a certificate of convenience and necessity under subsection 1 of section 393.170 is required and has been sought by January 1, 2028, shall only extend to electrical corporations that are rate-regulated by the public service commission or affiliates of electrical corporations that are rate-regulated by the public service commission that existed as of August 28, 2023. For purposes of this subsection, an affiliate is an entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the rate-regulated electrical corporation."; and

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

HCS HB 992, with House Amendment No. 1, pending, was laid over.

THIRD READING OF SENATE BILLS - INFORMAL

HCS SB 186, relating to public safety, was taken up by Representative Riley.

On motion of Representative Riley, the title of **HCS SB 186** was agreed to.

Representative Hudson assumed the Chair.

Representative Hardwick offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 186, Pages 3-5, Section 211.031, Lines 1-93, by deleting all of said section and lines and inserting in lieu thereof the following:

"211.071. 1. If a petition alleges that a child between the ages of twelve and eighteen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030 as it existed prior to August 28, 2013, rape in the first degree under section 566.030, forcible sodomy under section 566.060 as it existed prior to August 28, 2013, sodomy in the first degree under section 566.060, first degree robbery under section 569.020 as it existed prior to January 1, 2017, ~~or~~ robbery in the first degree under section 570.023, distribution of drugs under section 195.211 as it existed prior to January 1, 2017, ~~or~~ the manufacturing of a controlled substance under section 579.055, **or armed criminal action under section 571.015**, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between eighteen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

- (1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;
- (2) Whether the offense alleged involved viciousness, force and violence;
- (3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;
- (4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;
- (5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;
- (6) The sophistication and maturity of the child as determined by consideration of his or her home and environmental situation, emotional condition and pattern of living;
- (7) The age of the child;
- (8) The program and facilities available to the juvenile court in considering disposition;
- (9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and
- (10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

- (1) Findings showing that the court had jurisdiction of the cause and of the parties;
- (2) Findings showing that the child was represented by counsel;
- (3) Findings showing that the hearing was held in the presence of the child and his or her counsel; and
- (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the prosecution of the child results in a conviction, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171."; and

Further amend said bill, Page 26, Section 571.070, Lines 5-10, by deleting said lines and inserting in lieu thereof the following:

"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."; and

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

On motion of Representative Hardwick, **House Amendment No. 1** was adopted.

Representative Christ offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 186, Page 3, Section 56.601, Line 50, by inserting after all of said section and line the following:

"105.1525. Notwithstanding any other provision of law to the contrary, no public official removed from office through a quo warranto proceeding shall be eligible as a candidate for the office from which he or she was removed."; and

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

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Bromley
Brown 149	Brown 16	Buchheit-Courtway	Burger	Casteel
Chappell	Christ	Christofanelli	Coleman	Cook
Copeland	Cupps	Davidson	Davis	Diehl
Dinkins	Evans	Farnan	Francis	Gallick
Gragg	Gregory	Griffith	Haden	Haffner
Haley	Hardwick	Henderson	Hicks	Hinman
Hovis	Hudson	Hurlbert	Jones	Justus
Kalberloh	Keathley	Kelly 127	Kelly 141	Knight
Lovasco	Marquart	Matthiesen	Mayhew	McGaugh
McGill	McMullen	Murphy	Myers	O'Donnell
Oehlerking	Owen	Parker	Patterson	Perkins
Peters	Pollitt	Pouche	Reedy	Reuter
Richey	Riggs	Riley	Roberts	Sander
Sassmann	Schnelting	Schulte	Schwadron	Seitz
Sharpe 4	Shields	Smith 155	Smith 163	Sparks
Stinnett	Taylor 48	Thomas	Thompson	Titus
Toalson Reisch	Van Schoiack	Veit	Voss	Waller
West	Wilson	Wright	Mr. Speaker	

NOES: 045

Adams	Anderson	Aune	Bangert	Baringer
Barnes	Bosley	Brown 27	Brown 87	Burnett
Burton	Clemens	Collins	Crossley	Fogle
Fountain Henderson	Gray	Hein	Ingle	Johnson 12
Johnson 23	Lavender	Lewis 25	Mackey	Mann

Merideth	Mosley	Nickson-Clark	Nurrenbern	Phifer
Plank	Proudie	Quade	Sharp 37	Smith 46
Steinhoff	Strickler	Taylor 84	Terry	Unsicker
Walsh Moore	Weber	Windham	Woods	Young

PRESENT: 000

ABSENT WITH LEAVE: 018

Appelbaum	Bland Manlove	Boyd	Busick	Butz
Byrnes	Deaton	Doll	Ealy	Falkner
Hausman	Houx	Lewis 6	Lonsdale	Morse
Sauls	Stacy	Stephens		

VACANCIES: 001

On motion of Representative Christ, **House Amendment No. 2** was adopted.

Representative Henderson offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 186, Page 30, Section 590.1075, Line 11, by inserting after all of said section and line the following:

"595.209. 1. The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section 565.020, victims of voluntary manslaughter, as defined in section 565.023, victims of any offense under chapter 566, victims of an attempt to commit one of the preceding crimes, as defined in section 562.012, and victims of domestic assault, as defined in sections 565.072 to 565.076; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes:

(1) For victims, the right to be present at all criminal justice proceedings at which the defendant has such right, including juvenile proceedings where the offense would have been a felony if committed by an adult, even if the victim is called to testify or may be called to testify as a witness in the case;

(2) For victims, the right to information about the crime, as provided for in subdivision (5) of this subsection;

(3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final disposition of the case. Final disposition information shall be provided within five days;

(4) For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552 or its successors, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise;

(5) The right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following:

(a) The status of any case concerning a crime against the victim, including juvenile offenses;

(b) The right to be informed by local law enforcement agencies or the appropriate juvenile authorities of the availability of victim compensation assistance, assistance in obtaining documentation of the victim's losses, including, but not limited to and subject to existing law concerning protected information or closed records, access to copies of complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon request to the appropriate law enforcement agency by the victim or the victim's representative, and emergency crisis intervention services available in the community;

(c) Any release of such person on bond or for any other reason;

(d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings, the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, and the right to have, upon written request of the victim, a partition set up in the probation or parole hearing room in such a way that the victim is shielded from the view of the probationer or parolee, and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of personal appearance;

(7) For victims and witnesses, upon their written request, the right to be informed by the appropriate custodial authority, including any municipal detention facility, juvenile detention facility, county jail, correctional facility operated by the department of corrections, mental health facility, division of youth services or agency thereof if the offense would have been a felony if committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552 of the following:

- (a) The projected date of such person's release from confinement;
- (b) Any release of such person on bond;
- (c) Any release of such person on furlough, work release, trial release, electronic monitoring program, or to a community correctional facility or program or release for any other reason, in advance of such release;
- (d) Any scheduled parole or release hearings, including hearings under section 217.362, regarding such person and any changes in the scheduling of such hearings. No such hearing shall be conducted without thirty days' advance notice;
- (e) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;
- (f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court presiding over releases pursuant to the provisions of chapter 552, or by a circuit court presiding over releases under section 217.362, to release such person or any decision by the governor to commute the sentence of such person or pardon such person;

(g) Notification within thirty days of the death of such person;

(8) For witnesses who have been summoned by the prosecuting attorney and for victims, to be notified by the prosecuting attorney in a timely manner when a court proceeding will not go on as scheduled;

(9) For victims and witnesses, the right to reasonable protection from the defendant or any person acting on behalf of the defendant from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

(10) For victims and witnesses, on charged cases or submitted cases where no charge decision has yet been made, to be informed by the prosecuting attorney of the status of the case and of the availability of victim compensation assistance and of financial assistance and emergency and crisis intervention services available within the community and information relative to applying for such assistance or services, and of any final decision by the prosecuting attorney not to file charges;

(11) For victims, to be informed by the prosecuting attorney of the right to restitution which shall be enforceable in the same manner as any other cause of action as otherwise provided by law;

(12) For victims and witnesses, to be informed by the court and the prosecuting attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;

(13) When a victim's property is no longer needed for evidentiary reasons or needs to be retained pending an appeal, the prosecuting attorney or any law enforcement agency having possession of the property shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings, or provide written explanation of the reason why such property shall not be returned;

(14) An employer may not discharge or discipline any witness, victim or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or for participating in the preparation of a criminal proceeding, or require any witness, victim, or member of a victim's

immediate family to use vacation time, personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or participating in the preparation of a criminal proceeding;

(15) For victims, to be provided with creditor intercession services by the prosecuting attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

(16) For victims and witnesses, the right to speedy disposition of their cases, and for victims, the right to speedy appellate review of their cases, provided that nothing in this subdivision shall prevent the defendant from having sufficient time to prepare such defendant's defense. The attorney general shall provide victims, upon their written request, case status information throughout the appellate process of their cases. The provisions of this subdivision shall apply only to proceedings involving the particular case to which the person is a victim or witness;

(17) For victims and witnesses, to be provided by the court, a secure waiting area during court proceedings and to receive notification of the date, time and location of any hearing conducted by the court for reconsideration of any sentence imposed, modification of such sentence or recall and release of any defendant from incarceration;

(18) For victims, the right to receive upon request from the department of corrections a photograph taken of the defendant prior to release from incarceration.

2. The provisions of subsection 1 of this section shall not be construed to imply any victim who is incarcerated by the department of corrections or any local law enforcement agency has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing.

3. Those persons entitled to notice of events pursuant to the provisions of subsection 1 of this section shall provide the appropriate person or agency with their current addresses, **electronic mail addresses**, and telephone numbers or the addresses, **electronic mail addresses**, or telephone numbers at which they wish notification to be given.

4. Notification by the appropriate person or agency utilizing the statewide automated crime victim notification system as established in section 650.310 shall constitute compliance with the victim notification requirement of this section. If notification utilizing the statewide automated crime victim notification system cannot be used, then written notification shall be sent by certified mail **or electronic mail** to the most current address **or electronic mail address** provided by the victim.

5. Victims' rights as established in Section 32 of Article I of the Missouri Constitution or the laws of this state pertaining to the rights of victims of crime shall be granted and enforced regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor of the defendant to exclude victims or prevent their full participation in each and every phase of parole hearings or probation revocation hearings. The rights of the victims granted in this section are absolute and the policy of this state is that the victim's rights are paramount to the defendant's rights. The victim has an absolute right to be present at any hearing in which the defendant is present before a probation and parole hearing officer."; and

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

On motion of Representative Henderson, **House Amendment No. 3** was adopted.

Representative Baker offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 186, Page 27, Section 578.710, Lines 9 to 10, by deleting all of the said lines and inserting in lieu thereof the following:

"purpose of causing death or bodily injury to the elected official or a family member of the elected official or to intimidate or harass a family member of the elected official."; and

Further amend said bill, page, and section, Lines 12 to 14, by deleting all of the said lines and inserting in lieu thereof the following:

"class A misdemeanor."; and

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

On motion of Representative Baker, **House Amendment No. 4** was adopted.

Representative Hovis offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 186, Page 3, Section 56.601, Line 50, by inserting after all of said section and line the following:

"57.952. 1. There is hereby authorized a "Sheriffs' Retirement Fund" which shall be under the management of a board of directors described in section 57.958. The board of directors shall be responsible for the administration and the investment of the funds of such sheriffs' retirement fund. ~~Neither~~ The general assembly ~~nor~~ and the governing body of a county ~~shall~~ **may** appropriate funds for deposit in the sheriffs' retirement fund. If insufficient funds are generated to provide the benefits payable pursuant to the provisions of sections 57.949 to 57.997, the board shall proportion the benefits according to the funds available.

2. The board may accept gifts, donations, grants, and bequests from public or private sources to the sheriffs' retirement fund.

3. Each county shall make the payroll deductions for member contributions mandated under section 57.961, and the county shall transmit such moneys to the board for deposit into the sheriffs' retirement fund.

57.961. 1. On and after the effective date of the establishment of the system, as an incident to his **or her** employment or continued employment, each person employed as an elected or appointed sheriff of a county shall become a member of the system. Such membership shall continue as long as the person continues to be an employee, or receives or is eligible to receive benefits under the provisions of sections 57.949 to 57.997.

2. Notwithstanding any other provision of law to the contrary, each person who is a member of the system on or after January 1, 2024, shall be required to contribute five percent of the member's pay to the retirement system. Such contribution shall be made notwithstanding that the minimum salary or wages provided by law for any member shall thereby be changed. Each member shall be deemed to consent and agree to the deduction made and provided for herein. Payment of a member's compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered by him or her to a county, except as to benefits provided by this system.

3. The officer or officers responsible for making up the payrolls for each county shall cause the contribution provided for in this section to be deducted from the compensation of the member in the employ of the county, on each and every payroll, for each and every payroll to the date his or her membership terminates. When deducted, each contribution shall be paid by the county to the system; the payments shall be made in the manner and shall be accompanied by such supporting data as the board shall from time to time prescribe. When paid to the system, each of the contributions shall be credited to the member from whose compensation the contributions were deducted. The contributions so deducted shall be treated as employee contributions for purposes of determining the member's pay that is includable in the member's gross income for federal income tax purposes.

4. Member contributions deducted and paid into the system by the county shall be paid from the same source of funds used for the payment of pay to a member. A deduction shall be made from each member's pay equal to the amount of the member's contributions picked up by the employer. This deduction, however, shall not reduce the member's pay for purposes of computing benefits under the retirement system under this chapter.

5. The contributions, although designated as employee contributions, shall be paid by the county in lieu of the contributions by the member. The member shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the county to the retirement system.

6. A former member who is not vested may request a refund of his or her contributions. Such refund shall be paid by the system after ninety days from the date of termination of employment or the request, whichever is later, and shall include all contributions made to any retirement plan administered by the system.

~~[2-]~~ 7. Beginning September 1, 1986, any city not within a county and any county having a charter form of government may elect, by a majority vote of its governing body, to come under the provisions of sections 57.949 to 57.997 except for the provisions of section 57.955. Notice in writing of such election shall be given to the board,

and the person employed as sheriff of such county, as an incident of his contract of employment or continued employment, shall become a member of the system on the first day of the month immediately following the date the board receives notice. Such membership shall continue as long as the person continues to be an employee, or receives or is eligible to receive benefits under the provisions of sections 57.949 to 57.997, and upon becoming a member he shall receive credit for all prior service as if he had become a member on December 22, 1983.

8. Subject to the limitations under sections 57.949 to 57.997, the board shall have the authority to formulate and adopt rules and regulations for the administration of these provisions.

57.967. 1. The normal annuity of a retired member shall equal two percent of the final average compensation of the retired member multiplied by the number of years of creditable service of the retired member, except that the normal annuity shall not exceed seventy-five percent of the retired member's average final compensation. **Such annuity shall be not less than one thousand dollars per month.**

2. The board, at its last meeting of each calendar year, shall determine the monthly amount for medical insurance premiums to be paid to each retired member during the next following calendar year. The monthly amount shall not exceed four hundred fifty dollars. The monthly payments are at the discretion of the board on the advice of the actuary. The anticipated sum of all such payments during the year plus the annual normal cost plus the annual amount to amortize the unfunded actuarial accrued liability in no more than thirty years shall not exceed the anticipated moneys credited to the system pursuant to ~~section~~ **sections 57.952 and 57.955.** The money amount granted here shall not be continued to any survivor.

3. If a member with eight or more years of service dies before becoming eligible for retirement, the member's surviving spouse, if he or she has been married to the member for at least two years prior to the member's death, shall be entitled to survivor benefits under option 1 as set forth in section 57.979 as if the member had retired on the date of the member's death. The member's monthly benefit shall be calculated as the member's accrued benefit at his or her death reduced by one-fourth of one percent per month for an early commencement from the member's normal retirement date: age fifty-five with twelve or more years of creditable service or age sixty-two with eight years of creditable service, to the member's date of death. Such benefit shall be payable on the first day of the month following the member's death and shall be payable during the surviving spouse's lifetime.

57.991. **1. For members of the system prior to December 31, 2023,** the benefits provided for by sections 57.949 to 57.997 shall in no way affect any person's eligibility for retirement benefits under the local government employees' retirement system, sections 70.600 to 70.755, or any other local government retirement or pension system, or in any way have the effect of reducing retirement benefits in such systems, or reducing compensation or mileage reimbursement of employees, anything to the contrary notwithstanding.

2. Any new members employed under this section, on or after January 1, 2024, shall be subject to the following provisions:

(1) A member of another state or local retirement or pension system who begins employment in a position covered by the sheriffs' retirement system shall become a member of the sheriffs' retirement system upon employment. Any membership in any other state or local retirement or pension system shall cease, except that the member shall be entitled to benefits accrued through December 31, 2023, or the commencement of membership in the sheriffs' retirement system, whichever is later; and

(2) Subject to the limitations under sections 57.949 to 57.997, the board shall have the authority to formulate and adopt rules and regulations for the administration of these provisions."; and

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

On motion of Representative Hovis, **House Amendment No. 5** was adopted.

Representative Hicks offered **House Amendment No. 6.**

House Amendment No. 6

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

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

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

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

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

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

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

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

43.253. 1. Notwithstanding any other provision of law to the contrary, a minimum fee of six 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 six dollars under this chapter or chapter 610. Such six-dollar fee shall be in place of any allowable fee of less than six 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, 2024; however, the minimum fee described in this section shall not exceed ten dollars.

43.400. As used in sections 43.400 to 43.410, the following terms mean:

(1) "Missing child" or "missing juvenile", any person who is under the age of ~~seventeen~~ **eighteen** years or who is in foster care regardless of the person's age or who is an emancipated minor as defined in section 302.178, a homeless youth as defined in section 167.020, or an unaccompanied minor as defined in section 210.121, whose temporary or permanent residence is in the state of Missouri or who is believed to be within the state of Missouri, whose location has not been determined, and who has been reported as missing to a law enforcement agency;

(2) "Missing child report", a report prepared on a standard form supplied by the Missouri state highway patrol for the use by private citizens and law enforcement agencies to report missing children or missing juvenile information to the Missouri state highway patrol;

(3) "Missing person", a person who is missing and meets one of the following characteristics:

(a) Is physically or mentally disabled to the degree that the person is dependent upon an agency or another individual;

(b) Is missing under circumstances indicating that the missing person's safety may be in danger;

(c) Is missing under involuntary or unknown circumstances; subject to the provisions of (a), (b), (d), (e), and (f) of this subsection;

(d) Is a child or juvenile runaway from the residence of a parent, legal guardian, or custodian;

(e) Is a child and is missing under circumstances indicating that the person was or is in the presence of or under the control of a party whose presence or control was or is in violation of a permanent or temporary court order and fourteen or more days have elapsed, during which time the party has failed to file any pleading with the court seeking modification of the permanent or temporary court order;

(f) Is missing under circumstances indicating that the person was or is in the presence of or under the control of a party whose presence or control was or is in violation of a permanent or temporary court order and there are reasonable grounds to believe that the person may be taken outside of the United States;

(4) "Patrol", the Missouri state highway patrol;

(5) "Registrar", the state registrar of vital statistics.

43.401. 1. The reporting of missing persons by law enforcement agencies, private citizens, and the responsibilities of the patrol in maintaining accurate records of missing persons are as follows:

(1) A person may file a complaint of a missing person with a law enforcement agency having jurisdiction. The complaint shall include, but need not be limited to, the following information:

(a) The name of the complainant;

(b) The name, address, and phone number of the guardian, if any, of the missing person;

- (c) The relationship of the complainant to the missing person;
- (d) The name, age, address, and all identifying characteristics of the missing person;
- (e) The length of time the person has been missing; and
- (f) All other information deemed relevant by either the complainant or the law enforcement agency;

(2) A report of the complaint of a missing person shall be immediately entered into the Missouri uniform law enforcement system (MULES) and the National Crime Information Center (NCIC) system by the law enforcement agency receiving the complaint, and disseminated to other law enforcement agencies who may come in contact with or be involved in the investigation or location of a missing person;

(3) A law enforcement agency with which a complaint of a missing child has been filed shall prepare, as soon as practicable, a standard missing child report. The missing child report shall be maintained as a record by the reporting law enforcement agency during the course of an active investigation;

(4) Upon the location of a missing person, or the determination by the law enforcement agency of jurisdiction that the person is no longer missing, the law enforcement agency which reported the missing person shall immediately remove the record of the missing person from the MULES and NCIC files.

2. No law enforcement agency shall prevent an immediate active investigation on the basis of an agency rule which specifies an automatic time limitation for a missing person investigation.

3. Any agency or placement provider with the care and custody of a child who is missing shall file a missing child complaint with the appropriate law enforcement agency within two hours of determining the child to be missing. The law enforcement agency shall immediately submit information as to the missing child to the National Center for Missing and Exploited Children (NCMEC) including, but not limited to, the name, date of birth, sex, race, height, weight, and eye and hair color of the child; a recent photograph of the child; and the date and location of the last known contact with the child. The law enforcement agency shall institute a proper investigation and search for the missing child and maintain contact with the agency or placement provider making the missing child complaint. The missing child's entry shall not be removed from any database or system until the child is found or the case is closed.

43.539. 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;
 - (d) Is actively contracted with or seeks to contract with a qualified entity; or
 - (e) Owns or operates a qualified entity;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Each request shall be accompanied by a reasonable fee, as provided in section 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the national criminal record review and enrollment in the National Rap Back program in compliance with the National Child Protection Act of 1993, as amended, and other applicable state or federal laws;

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

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

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

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

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

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

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

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

(2) Consent to obtain the identifying information required to conduct the criminal record 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Consent to obtain the identifying information required to conduct the criminal record 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 pursuant to 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 programs 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 agency 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 highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section."; and

Further amend said bill, Page 3, Section 56.601, Line 50, by inserting after said section and 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. **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 supplementation fund as required by this subsection.**

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.

~~[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.

84.344. 1. Notwithstanding any provisions of this chapter to the contrary, any city not within a county may establish a municipal police force on or after July 1, 2013, according to the procedures and requirements of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance of the police force and provide for an equitable employment transition for commissioned and civilian personnel.

2. Upon the establishment of a municipal police force by a city under sections 84.343 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to the city title and ownership of all indebtedness and assets, including, but not limited to, all funds and real and personal property held in the name of or controlled by the board of police commissioners created under sections 84.010 to 84.340. The board of police commissioners shall execute all documents reasonably required to accomplish such transfer of ownership and obligations.

3. If the city establishes a municipal police force and completes the transfer described in subsection 2 of this section, the city shall provide the necessary funds for the maintenance of the municipal police force.

4. Before a city not within a county may establish a municipal police force under this section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners subject to the provisions of subsection 2 of section 84.345.

5. A city not within a county that establishes a municipal police force shall initially employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the board of police commissioners created under sections 84.010 to 84.340 that were employed by the board immediately prior to the date the municipal police force was established. Such commissioned personnel who previously were employed by the board may only be involuntarily terminated by the city not within a county for cause. The city shall also recognize all accrued years of service that such commissioned and civilian personnel had with the board of police commissioners. Such personnel shall be entitled to the same holidays, vacation, and sick leave they were entitled to as employees of the board of police commissioners.

6. ~~[(4)]~~ Commissioned and civilian personnel of a municipal police force established under this section ~~[who are hired prior to September 1, 2023,]~~ shall not be subject to a residency requirement of retaining a primary residence in a city not within a county but may be required to maintain a primary residence located within a one-hour response time.

~~[(2)] Commissioned and civilian personnel of a municipal police force established under this section who are hired after August 31, 2023, may be subject to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing the personnel to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time.]~~

7. The commissioned and civilian personnel who retire from service with the board of police commissioners before the establishment of a municipal police force under subsection 1 of this section shall continue to be entitled to the same pension benefits provided under chapter 86 and the same benefits set forth in subsection 5 of this section.

8. If the city not within a county elects to establish a municipal police force under this section, the city shall establish a separate division for the operation of its municipal police force. The civil service commission of the city may adopt rules and regulations appropriate for the unique operation of a police department. Such rules and regulations shall reserve exclusive authority over the disciplinary process and procedures affecting commissioned officers to the civil service commission; however, until such time as the city adopts such rules and regulations, the commissioned personnel shall continue to be governed by the board of police commissioner's rules and regulations in effect immediately prior to the establishment of the municipal police force, with the police chief acting in place of the board of police commissioners for purposes of applying the rules and regulations. Unless otherwise provided for, existing civil service commission rules and regulations governing the appeal of disciplinary decisions to the civil service commission shall apply to all commissioned and civilian personnel. The civil service commission's rules and regulations shall provide that records prepared for disciplinary purposes shall be confidential, closed records available solely to the civil service commission and those who possess authority to conduct investigations regarding disciplinary matters pursuant to the civil service commission's rules and regulations. A hearing officer shall be appointed by the civil service commission to hear any such appeals that involve discipline resulting in a suspension of greater than fifteen days, demotion, or termination, but the civil service commission shall make the final findings of fact, conclusions of law, and decision which shall be subject to any right of appeal under chapter 536.

9. A city not within a county that establishes and maintains a municipal police force under this section:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical, and disability coverage for commissioned and civilian personnel of the municipal police force to the same extent as was provided by the board of police commissioners under section 84.160;

(2) Shall provide or contract for medical and life insurance coverage for any commissioned or civilian personnel who retired from service with the board of police commissioners or who were employed by the board of police commissioners and retire from the municipal police force of a city not within a county to the same extent such medical and life insurance coverage was provided by the board of police commissioners under section 84.160;

(3) Shall make available medical and life insurance coverage for purchase to the spouses or dependents of commissioned and civilian personnel who retire from service with the board of police commissioners or the municipal police force and deceased commissioned and civilian personnel who receive pension benefits under sections 86.200 to 86.366 at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living; and

(4) May pay an additional shift differential compensation to commissioned and civilian personnel for evening and night tours of duty in an amount not to exceed ten percent of the officer's base hourly rate.

10. A city not within a county that establishes a municipal police force under sections 84.343 to 84.346 shall establish a transition committee of five members for the purpose of: coordinating and implementing the transition of authority, operations, assets, and obligations from the board of police commissioners to the city; winding down the affairs of the board; making nonbinding recommendations for the transition of the police force from the board to the city; and other related duties, if any, established by executive order of the city's mayor. Once the ordinance referenced in this section is enacted, the city shall provide written notice to the board of police commissioners and the governor of the state of Missouri. Within thirty days of such notice, the mayor shall appoint three members to the committee, two of whom shall be members of a statewide law enforcement association that represents at least five thousand law enforcement officers. The remaining members of the committee shall include the police chief of the municipal police force and a person who currently or previously served as a commissioner on the board of police commissioners, who shall be appointed to the committee by the mayor of such city.

193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court under section 211.031. All fees collected under this subsection shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, one dollar for each certification or copy of death records to the Missouri state coroners' training fund established in section 58.208, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public health services fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for each additional copy ordered at that time. For each fee collected under this subsection, one dollar shall be deposited to the state department of revenue and the remainder shall be deposited to the official city or county health agency. The director of revenue shall credit all fees deposited to the state department of revenue under this subsection to the Missouri state coroners' training fund established in section 58.208.

3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees required by law when a certification or copy of any marriage license or birth certificate is provided, with such donations collected to be forwarded monthly by the local registrar to the county treasurer of such county and the donations so forwarded to be deposited by the county treasurer into

the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in such county. The local registrar shall include a check-off box on the application form for such copies. All fees collected under this subsection, other than the donations collected in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official city or county health agency.

4. A certified copy of a death record by the local registrar can only be issued within twenty-four hours of receipt of the record by the local registrar. Computer-generated certifications of death records may be issued by the local registrar after twenty-four hours of receipt of the records. The fees paid to the official county health agency shall be retained by the local agency for local public health purposes.

5. No fee under this section shall be required or collected from a parent or guardian of a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or an unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for the issuance of a certification, or copy of such certification, of birth of such child or youth. An unaccompanied youth shall be eligible to receive a certification or copy of his or her own birth record without the consent or signature of his or her parent or guardian; provided, that only one certificate under this provision shall be provided without cost to the unaccompanied or homeless youth. For the issuance of any additional certificates, the statutory fee shall be paid.

6. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by a prosecuting attorney, a circuit attorney, or the attorney general.

195.817. 1. The department of health and senior services shall require all employees, contractors, owners, and volunteers of marijuana facilities 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 marijuana facility application, a marijuana facility renewal application, and an individual's application for a license or permit authorizing that individual to be an employee, contractor, owner, or volunteer of a 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 terms shall mean:

(1) "Contractor", a person performing work or service of any kind for a marijuana facility in accordance with a contract with that facility;

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

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

210.305. 1. When an initial emergency placement of a child is deemed necessary, the children's division shall immediately begin a diligent search to locate, contact, and place the child with a grandparent or grandparents or a relative or relatives of the child, subject to subsection 3 of section 210.565 regarding preference of placement, except when the children's division determines that placement with a grandparent or grandparents or a relative or relatives is not in the best interest of the child and subject to the provisions of section 210.482 regarding background checks for emergency placements. If emergency placement of a child with grandparents or relatives is deemed not to be in the best interest of the child, the children's division shall document in writing the reason for denial and shall have just cause to deny the emergency placement. The children's division shall continue the search for other relatives until the division locates the relatives of the child for placement or the court excuses further search. Prior to placement of the child in any emergency placement, the division shall assure that the child's physical needs are met.

2. For purposes of this section, the following terms shall mean:

(1) "Diligent search", an exhaustive effort to identify and locate the grandparents or relatives whose identity or location is unknown. "Diligent search" shall include, but is not limited to:

(a) Interviews with the child's parent during the course of an investigation, while child protective services are provided, and while such child is in care;

(b) Interviews with the child;

(c) Interviews with identified grandparents or relatives throughout the case;

(d) Interviews with any other person who is likely to have information about the identity or location of the person being sought;

(e) Comprehensive searches of databases available to the children's division;

(f) Appropriate inquiry during the course of hearings in the case; and

(g) Any other reasonable means that are likely to identify grandparents, relatives, or other persons who have demonstrated an ongoing commitment to the child;

(2) "Emergency placement", those limited instances when the children's division is placing for an initial placement a child in the home of private individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary caretaker.

3. A diligent search shall be made to locate, contact, and notify the grandparent or grandparents of the child within three hours from the time the emergency placement is deemed necessary for the child. During such three-hour time period, the child may be placed in an emergency placement. If a grandparent or grandparents of the child cannot be located within the three-hour period, the child may be temporarily placed in emergency placement; except that, after the emergency placement is deemed necessary, the children's division shall continue a diligent search to contact, locate, and place the child with a grandparent or grandparents, or other relatives, with first consideration given to a grandparent for placement, subject to subsection 3 of section 210.565 regarding preference of placement.

4. A diligent search shall be made to locate, contact, and notify the relative or relatives of the child within thirty days from the time the emergency placement is deemed necessary for the child. The children's division shall continue the search for the relative or relatives until the division locates the relative or relatives of the child for placement, **for six months following the child's out-of-home placement**, or the court excuses further search, **whichever occurs first. The department shall resume search efforts if ordered by the court, a change in the child's placement occurs, or a party shows that continuing the search is in the best interests of the child.** The children's division, or an entity under contract with the division, shall use all sources of information, including any known parent or relative, to attempt to locate an appropriate relative as placement.

5. ~~[Search progress under subsection 3 or 4 of this section shall be reported at each court hearing until the grandparents or relatives are either located or the court excuses further search.]~~ **The children's division shall file with the court information regarding attempts made under this section within thirty days from the date the child was removed from his or her home, or as otherwise required by the court, and at each periodic review hearing. Such information shall include:**

(1) A detailed narrative explaining the division's efforts to find and consider each potential placement and the specific outcome;

(2) The names of and relevant information about grandparents and relatives of the child;

(3) Steps taken by the division to locate and contact grandparents and relatives of the child;

(4) Responses received from grandparents and relatives of the child;

(5) Dates of each attempted or completed contact with a grandparent or relative of the child;

(6) Reasons why a grandparent or relative of the child was not considered for emergency or permanent placement of the child; and

(7) All efforts for placement of the child through an interstate compact agreement under section 210.620, including:

(a) The names of grandparents or relatives of the child who were considered for an interstate placement;

(b) Any pending placement of the child through an interstate compact agreement; and

(c) All potential out-of-state placements outside of an interstate compact agreement and the reasons such placements have not been initiated.

If an out-of-state placement option exists and the division has failed to file a request with the receiving state under the requirements of an interstate compact agreement under section 210.620, the court shall enter a finding that the division has not made a due diligence search and shall order the division to file a request with the receiving state under the terms of the interstate compact.

6. All grandparents or relatives to the child identified in a diligent search required by this section, subject to exceptions due to family or domestic violence or other safety concerns, shall be provided with notice, via certified mail as appropriate, that includes, but is not limited to:

(1) A specification that an alleged dependent child has been or is being removed from his or her parental custody;

(2) An explanation of the options a grandparent or relative has to participate in the care and placement of the alleged dependent child and any options that may be lost by failing to respond to the notice;

(3) A description of the process for becoming a licensed foster family home and the additional services and supports available for children placed in approved foster homes;

(4) A description of any financial assistance for which a grandparent or relative may be eligible; and

(5) An explanation that any response received after thirty days or willful failure to respond upon receiving a notice may result in the grandparent or relative of the child not being considered for placement.

7. If a grandparent or relative entitled to notice under this section fails to respond to the division, responds and declines to be considered as placement for the child, or is otherwise presently prevented from being considered as placement for the child and later petitions the court for a change in placement, such person shall provide evidence that such change is in the child's best interests.

8. Nothing in this section shall be construed or interpreted to interfere with or supersede laws related to parental rights or judicial authority.

210.565. 1. Whenever a child is placed in a foster home and the court has determined pursuant to subsection 4 of this section that foster home placement with relatives is not contrary to the best interest of the child, the children's division shall give foster home placement to relatives of the child. Notwithstanding any rule of the division to the contrary **and under section 210.305**, the children's division shall complete a diligent search to locate and notify the grandparents, adult siblings, parents of siblings of the child, and all other relatives and determine whether they wish to be considered for placement of the child. Grandparents who request consideration shall be given preference and first consideration for foster home placement of the child. If more than one grandparent requests consideration, the family support team shall make recommendations to the juvenile or family court about which grandparent should be considered for placement.

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

(1) "Adult sibling", any brother or sister of whole or half-blood who is at least eighteen years of age;

(2) "Relative", a grandparent or any other person related to another by blood or affinity or a person who is not so related to the child but has a close relationship with the child or the child's family. **A foster parent or kinship caregiver with whom a child has resided for nine months or more is a person who has a close relationship with the child.** The status of a grandparent shall not be affected by the death or the dissolution of the marriage of a son or daughter;

(3) "Sibling", one of two or more individuals who have one or both parents in common through blood, marriage, or adoption, including siblings as defined by the child's tribal code or custom.

3. The following shall be the order or preference for placement of a child under this section:

(1) Grandparents;

(2) Adult siblings or parents of siblings;

(3) Relatives ~~[related by blood or affinity within the third degree]; and~~

(4) ~~[Other relatives; and~~

~~(5)]~~ Any foster parent who is currently licensed and capable of accepting placement of the child.

4. The preference for placement and first consideration for grandparents or preference for placement with other relatives created by this section shall only apply where the court finds that placement with such grandparents or other relatives is not contrary to the best interest of the child considering all circumstances. If the court finds that it is contrary to the best interest of a child to be placed with grandparents or other relatives, the court shall make specific findings on the record detailing the reasons why the best interests of the child necessitate placement of the child with persons other than grandparents or other relatives. **Absent evidence to the contrary, the court may presume that continuation of the child's placement with his or her current caregivers is in the child's best interests.**

5. Recognizing the critical nature of sibling bonds for children, the children's division shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement, unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the children's division shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings, unless this interaction would be contrary to a sibling's safety or well-being.

6. The age of the child's grandparent or other relative shall not be the only factor that the children's division takes into consideration when it makes placement decisions and recommendations to the court about placing the child with such grandparent or other relative.

7. For any Native American child placed in protective custody, the children's division shall comply with the placement requirements set forth in 25 U.S.C. Section 1915.

8. A grandparent or other relative may, on a case-by-case basis, have standards for licensure not related to safety waived for specific children in care that would otherwise impede licensing of the grandparent's or relative's home. In addition, any person receiving a preference may be licensed in an expedited manner if a child is placed under such person's care.

9. The guardian ad litem shall ascertain the child's wishes and feelings about his or her placement by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered as a factor in placement decisions and recommendations, but shall not supersede the preference for relative placement created by this section or be contrary to the child's best interests.

210.795. 1. (1) A child in the care and custody of the children's division whose physical whereabouts are unknown to the division, the child's physical custodian, or contracted service providers shall be considered missing and the case manager or placement provider shall immediately inform a law enforcement agency having jurisdiction and the National Center for Missing and Exploited Children within two hours of discovery that the child is missing.

(2) The case manager shall document the report number and any relevant information in the child's record.

(3) Within twenty-four hours of a report being made under this subsection, the department shall inform and obtain information about the child's disappearance from the child's parents, known relatives, out-of-home caregivers, attorney, guardian or guardian ad litem, court appointed special advocate, juvenile officer, or Indian tribe, as applicable, or from any other person known to the department who may have relevant information regarding the child's disappearance.

(4) The case manager shall:

(a) Within one week and monthly thereafter, maintain contact with the child's family members, friends, school faculty, and service providers and with any other person or agency involved in the child's case;

(b) Document ongoing efforts to locate the child; and

(c) Continue contacting law enforcement about the missing child and shall make quarterly reports to the court about the status of the child and efforts to locate the child.

The department shall contact law enforcement every seven days and document the information provided and any information received.

(5) The division shall not petition the court for a release of jurisdiction for the child or stop searching for the child while the child is missing until the child reaches the age of twenty-one.

2. The division shall maintain protocols, including appropriate trainings, for conducting ongoing searches for children missing from care. Such protocols shall include preventative measures to identify and mitigate risk to children who are at increased risk for running away or disappearing or of being victims of trafficking as defined under section 566.200.

3. The division shall ensure that each child in the care and custody of the division has an updated photograph in the child's record.

4. When a child is located, the department shall:

(1) Inform all law enforcement agencies and organizations involved in the child's case; and

(2) Have in-person contact with the child within twenty-four hours after the child is located to assess the child's health, experiences while absent, the appropriateness of the child returning to the child's current placement, and the factors that contributed to the child's absence.

5. Any employee or contractor with the children's division, child welfare agencies, other state agencies, or schools shall, upon becoming aware that an emancipated minor as defined in section 302.178, a homeless youth as defined in section 167.020, or an unaccompanied minor as defined in section 210.121 is missing, inform the appropriate law enforcement agency and the National Center for Missing and Exploited Children within twenty-four hours.

6. Within twenty-four hours of a missing child being found, the division shall assess whether the child was a victim of trafficking and determine any factors that caused the child to go missing.

7. The general assembly may require an annual independent audit of the department's compliance with this section."; and

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

"211.071. 1. If a petition alleges that a child between the ages of ~~twelve~~ **fourteen** and eighteen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that ~~any~~ **a child between the ages of fourteen and eighteen** has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030 as it existed prior to August 28, 2013, rape in the first degree under section 566.030, forcible sodomy under section 566.060 as it existed prior to August 28, 2013, sodomy in the first degree under section 566.060, first degree robbery under section 569.020 as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023, distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or the manufacturing of a controlled substance under section 579.055, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between eighteen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

- (1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;
- (2) Whether the offense alleged involved viciousness, force and violence;
- (3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;
- (4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;
- (5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;
- (6) The sophistication and maturity of the child as determined by consideration of his or her home and environmental situation, emotional condition and pattern of living;
- (7) The age of the child;
- (8) The program and facilities available to the juvenile court in considering disposition;
- (9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and
- (10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

- (1) Findings showing that the court had jurisdiction of the cause and of the parties;
- (2) Findings showing that the child was represented by counsel;
- (3) Findings showing that the hearing was held in the presence of the child and his or her counsel; and
- (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the prosecution of the child results in a conviction, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

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

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

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

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

"307.018. 1. Notwithstanding any other provision of law, no court shall issue a warrant of arrest for a person's failure to respond, pay the fine assessed, or appear in court with respect to a traffic citation issued for an infraction under the provisions of this chapter. In lieu of such warrant of arrest, the court shall issue a notice of failure to respond, pay the fine assessed, or appear, and the court shall schedule a second court date for the person to respond, pay the fine assessed, or appear. A copy of the court's notice with the new court date shall be sent to the driver of the vehicle. If the driver fails to respond, pay the fine assessed, or appear on the second court date, the court shall issue a second notice of failure to respond, pay the fine assessed, or appear. If the driver fails to respond, pay the fine assessed, or appear after the second notice, the court may issue a default judgment under section 556.021 for the infraction.

2. At any point after the default judgment has been entered, the driver may appear in court to state that he or she is unable to pay and to request the court to modify the judgment. The court shall hold a hearing to determine whether the driver has the ability to pay. If the court finds the driver lacks the present ability to pay, the court shall modify the judgment in any way authorized by statute or court rule, including:

- (1) Allowing for payment of the fine on an installment basis;**
- (2) Waiving or reducing the amount owed; or**
- (3) Requiring the driver to perform community service or attend a court-ordered program in lieu of payment.**

3. At any point after the default judgment has been entered, the driver may appear in court and show proof that he or she corrected the equipment violation for which the fine and costs were assessed. If the driver shows such proof, the court may waive the fines and costs that are due.

307.175. 1. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, **including a canine search and rescue team**, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022 while responding to a fire call ~~[or]~~, ambulance call, **or an emergency call requiring search and rescue operations**, or at the scene of a fire call ~~[or]~~, ambulance call, **or an emergency call requiring search and rescue operations**, and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies.

2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or display fixed, flashing, or rotating red or red and blue lights:

- (a) Emergency vehicles, as defined in section 304.022, when responding to an emergency;
- (b) Vehicles operated as described in subsection 1 of this section;
- (c) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the red or red and blue lights shall be displayed on vehicles or equipment described in this paragraph only between dusk and dawn, when such vehicles or equipment are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs. No more than two vehicles or pieces of equipment in a work zone may display fixed, flashing, or rotating lights under this subdivision;
- (d) Vehicles and equipment owned, leased, or operated by a coroner, medical examiner, or forensic investigator of the county medical examiner's office or a similar entity, when responding to a crime scene, motor vehicle accident, workplace accident, or any location at which the services of such professionals have been requested by a law enforcement officer.

(2) The following vehicles and equipment may use or display fixed, flashing, or rotating amber or amber and white lights:

- (a) Vehicles and equipment owned or leased by the state highways and transportation commission and operated by an authorized employee of the department of transportation;
- (b) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs;
- (c) Vehicles and equipment operated by a utility worker performing work for the utility, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, a utility worker is present, and such work zone is designated by a sign or signs. As used in this paragraph, the term "utility worker" means any employee while in performance of his or her job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned.

3. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, rescue squad, or the state highways and transportation commission and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor.

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.

321.246. 1. The governing body of any fire protection district which operates within both a county of the first classification with a charter form of government and with a population greater than six hundred thousand but less than nine hundred thousand and a county of the fourth classification with a population greater than thirty thousand but less than thirty-five thousand and that adjoins a county of the first classification with a charter form of government, the governing body of any fire protection district which contains a city of the fourth classification having a population greater than two thousand four hundred when the city is located in a county of the first classification ~~[without]~~ **with** a charter form of government having a population greater than one hundred fifty thousand and the county contains a portion of a city with a population greater than three hundred fifty thousand, or the governing body of any fire protection district that operates in a county of the third classification with a population greater than fourteen thousand but less than fifteen thousand may impose a sales tax in an amount of up to one-half of one percent on all retail sales made in such fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district submits to the voters of the fire protection district, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the fire protection district of _____ (district's name) impose a district-wide sales tax of _____ for the purpose of providing revenues for the operation of the fire protection district?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of the fire protection district resubmits a proposal to authorize the governing body of the fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district.

4. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in the fire protection ~~[district]~~ sales tax trust fund established pursuant to section 321.242. The moneys in the fire protection ~~[district]~~ sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each fire protection district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the fire protection district and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the fire protection district which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district, and all expenditures of funds arising from the fire protection ~~[district]~~ sales tax trust fund shall be for the operation of the fire protection district and for no other purpose.

5. The director of revenue may make refunds from the amounts in the trust fund and credited to any fire protection district for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts. If any fire protection district abolishes the tax, the fire protection district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such fire protection district, the director of revenue shall remit the balance in

the account to the fire protection district and close the account of that fire protection district. The director of revenue shall notify each fire protection district of each instance of any amount refunded or any check redeemed from receipts due the fire protection district. In the event a tax within a fire protection district is approved under this section, and such fire protection district is dissolved, the tax shall lapse on the date that the fire protection district is dissolved and the proceeds from the last collection of such tax shall be distributed to the governing bodies of the counties formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such counties.

6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

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.

491.075. 1. A statement made by a child under the age of ~~fourteen~~ **eighteen**, or a vulnerable person, relating to an offense under chapter 565, 566, 568 or 573, performed by another, not otherwise admissible by statute or court rule, is admissible in evidence in criminal proceedings in the courts of this state as substantive evidence to prove the truth of the matter asserted if:

(1) The court finds, in a hearing conducted outside the presence of the jury that the time, content and circumstances of the statement provide sufficient indicia of reliability; and

(2) (a) The child or vulnerable person testifies at the proceedings; or
 (b) The child or vulnerable person is unavailable as a witness; or
 (c) The child or vulnerable person is otherwise physically available as a witness but the court finds that the significant emotional or psychological trauma which would result from testifying in the personal presence of the defendant makes the child or vulnerable person unavailable as a witness at the time of the criminal proceeding.

2. Notwithstanding subsection 1 of this section or any provision of law or rule of evidence requiring corroboration of statements, admissions or confessions of the defendant, and notwithstanding any prohibition of hearsay evidence, a statement by a child when under the age of ~~[fourteen]~~ **eighteen**, or a vulnerable person, who is alleged to be victim of an offense under chapter 565, 566, 568 or 573 is sufficient corroboration of a statement, admission or confession regardless of whether or not the child or vulnerable person is available to testify regarding the offense.

3. A statement may not be admitted under this section unless the prosecuting attorney makes known to the accused or the accused's counsel his or her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the accused or the accused's counsel with a fair opportunity to prepare to meet the statement.

4. Nothing in this section shall be construed to limit the admissibility of statements, admissions or confessions otherwise admissible by law.

5. For the purposes of this section, "vulnerable person" shall mean a person who, as a result of an inadequately developed or impaired intelligence or a psychiatric disorder that materially affects ability to function, lacks the mental capacity to consent, or whose developmental level does not exceed that of an ordinary child of ~~[fourteen]~~ **seventeen** years of age.

492.304. 1. In addition to the admissibility of a statement under the provisions of section 492.303, the visual and aural recording of a verbal or nonverbal statement of a child when under the age of ~~[fourteen]~~ **eighteen** ~~[who is alleged to be a victim of]~~ **or a vulnerable person, relating to an offense under the provisions of chapter 565, 566 ~~[or]~~ , 568, or 573 if performed by another,** is admissible into evidence if:

(1) No attorney for either party was present when the statement was made; except that, for any statement taken at a state-funded child assessment center as provided for in subsection 2 of section 210.001, an attorney representing the state of Missouri in a criminal investigation may, as a member of a multidisciplinary investigation team, observe the taking of such statement, but such attorney shall not be present in the room where the interview is being conducted;

(2) The recording is both visual and aural and is recorded on film or videotape or by other electronic means;

(3) The recording equipment was capable of making an accurate recording, the operator of the equipment was competent, and the recording is accurate and has not been altered;

(4) The statement was not made in response to questioning calculated to lead the child **or vulnerable person** to make a particular statement or to act in a particular way;

(5) Every voice on the recording is identified;

(6) The person conducting the interview of the child **or vulnerable person** in the recording is present at the proceeding and available to testify or be cross-examined by either party; and

(7) The defendant or the attorney for the defendant is afforded an opportunity to view the recording before it is offered into evidence.

2. If the child **or vulnerable person** does not testify at the proceeding, the visual and aural recording of a verbal or nonverbal statement of the child **or vulnerable person** shall not be admissible under this section unless the recording qualifies for admission under section 491.075.

3. If the visual and aural recording of a verbal or nonverbal statement of a child **or vulnerable person** is admissible under this section and the child **or vulnerable person** testifies at the proceeding, it shall be admissible in addition to the testimony of the child **or vulnerable person** at the proceeding whether or not it repeats or duplicates the child's **or vulnerable person's** testimony.

4. As used in this section, a nonverbal statement shall be defined as any demonstration of the child **or vulnerable person** by his or her actions, facial expressions, demonstrations with a doll or other visual aid whether or not this demonstration is accompanied by words.

5. For the purposes of this section, "vulnerable person" shall mean a person who, as a result of an inadequately developed or impaired intelligence or a psychiatric disorder that materially affects the ability to function, lacks the mental capacity to consent, or whose developmental level does not exceed that of an ordinary child of seventeen years of age.

494.430. 1. Upon timely application to the court, the following persons shall be excused from service as a petit or grand juror:

- (1) Any person who has served on a state or federal petit or grand jury within the preceding two years;
- (2) Any nursing mother, upon her request, and with a completed written statement from her physician to the court certifying she is a nursing mother;
- (3) Any person whose absence from his or her regular place of employment would, in the judgment of the court, tend materially and adversely to affect the public safety, health, welfare or interest;
- (4) Any person upon whom service as a juror would in the judgment of the court impose an undue or extreme physical or financial hardship;
- (5) Any person licensed as a health care provider as such term is defined in section 538.205, but only if such person provides a written statement to the court certifying that he or she is actually providing health care services to patients, and that the person's service as a juror would be detrimental to the health of the person's patients;
- (6) Any employee of a religious institution whose religious obligations or constraints prohibit their serving on a jury. The certification of the employment and obligation or constraint may be provided by the employee's religious supervisor;

(7) **When requested**, any person who is ~~seventy-five~~ **seventy** years of age or older.

2. A judge of the court for which the individual was called to jury service shall make undue or extreme physical or financial hardship determinations. The authority to make these determinations is delegable only to court officials or personnel who are authorized by the laws of this state to function as members of the judiciary.

3. A person asking to be excused based on a finding of undue or extreme physical or financial hardship must take all actions necessary to have obtained a ruling on that request by no later than the date on which the individual is scheduled to appear for jury duty.

4. Unless it is apparent to the court that the physical hardship would significantly impair the person's ability to serve as a juror, for purposes of sections 494.400 to 494.460 undue or extreme physical or financial hardship is limited to circumstances in which an individual would:

- (1) Be required to abandon a person under his or her personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury; or
- (2) Incur costs that would have a substantial adverse impact on the payment of the individual's necessary daily living expenses or on those for whom he or she provides the principal means of support; or
- (3) Suffer physical hardship that would result in illness or disease.

5. Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from his or her place of employment.

6. A person asking a judge to grant an excuse based on undue or extreme physical or financial hardship shall provide the judge with documentation as required by the judge, such as, but not limited to, federal and state income tax returns, medical statements from licensed physicians, proof of dependency or guardianship, and similar documents, which the judge finds to clearly support the request to be excused. Failure to provide satisfactory documentation shall result in a denial of the request to be excused. Such documents shall be filed under seal.

7. After two years, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature."; and

Further amend said bill and page, Section 544.453, Line 13, by inserting after said section and line the following:

"547.500. 1. The Missouri office of prosecution services may establish a conviction review unit to investigate claims of actual innocence of any defendant, including those who plead guilty.

2. The Missouri office of prosecution services shall have the power to promulgate rules and regulations to receive and investigate claims of actual innocence.

3. The Missouri office of prosecution services shall create an application process that at a minimum shall include that:

- (1) Any application for review of a claim of actual innocence shall not have any excessive fees and fees shall be waived in cases of indigence;**
- (2) No application shall be accepted if there is any pending motion, writ, appeal, or other matter pending regarding the defendant's conviction. Any application filed shall be considered a pleading under the Missouri rules of civil procedure, and all attorneys shall comply with supreme court rule 55.03 when signing**

the application. The application shall be sworn and signed under penalty of perjury by the applicant. Any witness statements attached shall be sworn and signed under penalty of perjury; and

(3) Any review and investigation shall be based on newly discovered and verifiable evidence of actual innocence not presented at a trial. Such newly discovered and verifiable evidence shall establish by clear and convincing evidence the actual innocence of the defendant.

4. The conviction review unit shall consist of two attorneys, hired by the executive director of the Missouri office of prosecution services, who have extensive experience prosecuting and defending criminal matters, an investigator, a paralegal, and such administrative staff as is needed to efficiently and effectively process all applications and claims. The executive director of the Missouri office of prosecution services shall coordinate the activities and budget of the conviction review unit and act as an ex officio member of the unit.

5. Once the review is complete, the conviction review unit shall present its findings and recommendations to:

(1) The office of the prosecuting attorney or circuit attorney who prosecuted the defendant's case, the attorney general's office if it prosecuted the case, or the special prosecutor who prosecuted the case; or

(2) If the review was requested by a prosecuting attorney's office, the circuit attorney's office, the attorney general, or a special prosecutor, the findings and recommendations shall be presented to the office that requested the review.

6. The circuit attorney, prosecuting attorney of any county, special prosecutor, attorney general's office if it prosecuted the case, Missouri office of prosecution services, or other prosecutor who prosecuted the case is not required to accept or follow the findings and recommendations of the conviction review unit.

7. (1) The application, investigation, reports, interviews, findings, and recommendations, and any documents, written, electronic, or otherwise, received or generated by the conviction review unit are closed records.

(2) The conviction review unit's findings and recommendations submitted to the prosecuting attorney, circuit attorney, the attorney general's office if it prosecuted the case, or the special prosecutor who prosecuted the case shall become open records after the receiving entity of the submission makes a decision not to pursue a motion under section 547.031 or, if such a motion is filed, after the finality of all proceedings under section 547.031, including appeals authorized therein.

550.125. 1. There is hereby created in the state treasury the "Change of Venue for Capital Cases Fund", which shall consist of moneys appropriated to the fund by the general assembly. The office of state courts administrator shall administer and disburse moneys in the fund in accordance with subsection 2 of this section. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080, 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. In a capital case in which a change of venue is taken from one county to any other county, at the conclusion of such case the county from which the case was transferred may apply to the office of state courts administrator for the county to which the case was transferred to be reimbursed from the change of venue for capital cases fund any costs associated with the sequestering of jurors. The costs of reimbursement shall not exceed the then-approved state rates for travel reimbursement for lodging and meals.

3. Except as provided under subsection 4 of this section, the office of state courts administrator shall develop an application process and other procedures to determine if a county is eligible for reimbursement under this section. If a county is eligible for reimbursement, the office of state courts administrator shall disburse such moneys to the county as provided under subsection 4 of this section. In the event the amount disbursed is less than the county's actual costs associated with sequestering jurors, the original county shall reimburse the county to which the case was transferred for the difference. If the office of state courts administrator determines a county is not eligible for reimbursement under this section, the county in which the capital case originated shall be responsible for reimbursement.

4. Applications for reimbursement shall be submitted by May first of the current fiscal year, and disbursements shall be made by June thirtieth of the current fiscal year. Applications submitted after May first of the current fiscal year shall be reimbursed in the following fiscal year. If the total dollar amount of the claims in a given year exceeds the amount of moneys in the fund in the same year, the claims shall be reimbursed on a pro rata basis.

5. 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, 2023, shall be invalid and void.

556.021. 1. An infraction does not constitute a criminal offense and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

2. Except as otherwise provided by law, the procedure for infractions shall be the same as for a misdemeanor.

3. If a person fails to appear in court either solely for an infraction or for an infraction which is committed in the same course of conduct as a criminal offense for which the person is charged, or if a person fails to respond to notice of an infraction from the central violations bureau established in section 476.385, the court may issue a default judgment for court costs and fines for the infraction which shall be enforced in the same manner as other default judgments, including enforcement under sections 488.5028 and 488.5030, unless the court determines that good cause or excusable neglect exists for the person's failure to appear for the infraction. The notice of entry of default judgment and the amount of fines and costs imposed shall be sent to the person by first class mail. The default judgment may be set aside for good cause if the person files a motion to set aside the judgment within six months of the date the notice of entry of default judgment is mailed.

4. Notwithstanding subsection 3 of this section or any provisions of law to the contrary, a court may issue a warrant for failure to appear for any violation ~~[which]~~ **that is classified or charged as an infraction; except that, a court shall not issue a warrant for failure to appear for any violation that is classified or charged as an infraction under chapter 307.**

5. Judgment against the defendant for an infraction shall be in the amount of the fine authorized by law and the court costs for the offense."; and

Further amend said bill, Page 11, Section 558.019, Line 125, by inserting after said section and line the following:

"558.031. 1. A sentence of imprisonment shall commence when a person convicted of an offense in this state is received into the custody of the department of corrections or other place of confinement where the offender is sentenced.

2. Such person shall receive credit toward the service of a sentence of imprisonment for all time in prison, jail or custody after ~~[conviction] the offense occurred~~ and before the commencement of the sentence, when the time in custody was related to that offense~~], and the circuit court may, when pronouncing sentence, award credit for time spent in prison, jail, or custody after the offense occurred and before conviction toward the service of the sentence of imprisonment, except:~~

~~— (1) Such credit shall only be applied once when sentences are consecutive;~~

~~— (2) Such credit shall only be applied if the person convicted was in custody in the state of Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and~~

~~— (3) As provided in section 559.100].~~ **This credit shall be based upon the certification of the sheriff as provided in subdivision (3) of subsection 2 of section 217.305 and may be supplemented by a certificate of a sheriff or other custodial officer from another jurisdiction having held the person on the charge of the offense for which the sentence of imprisonment is ordered.**

3. The officer required by law to deliver a person convicted of an offense in this state to the department of corrections shall endorse upon the papers required by section 217.305 both the dates the offender was in custody and the period of time to be credited toward the service of the sentence of imprisonment, except as endorsed by such officer.

4. If a person convicted of an offense escapes from custody, such escape shall interrupt the sentence. The interruption shall continue until such person is returned to the correctional center where the sentence was being served, or in the case of a person committed to the custody of the department of corrections, to any correctional center operated by the department of corrections. An escape shall also interrupt the jail time credit to be applied to a sentence which had not commenced when the escape occurred.

5. If a sentence of imprisonment is vacated and a new sentence imposed upon the offender for that offense, all time served under the vacated sentence shall be credited against the new sentence, unless the time has already been credited to another sentence as provided in subsection 1 of this section.

6. If a person released from imprisonment on parole or serving a conditional release term violates any of the conditions of his or her parole or release, he or she may be treated as a parole violator. If the parole board revokes the parole or conditional release, the paroled person shall serve the remainder of the prison term and conditional release term, as an additional prison term, and the conditionally released person shall serve the remainder of the conditional release term as a prison term, unless released on parole.

7. Subsection 2 of this section shall be applicable to offenses ~~[occurring]~~ **for which the offender was sentenced** on or after August 28, ~~[2021]~~ **2023**.

8. The total amount of credit given shall not exceed the number of days spent in prison, jail, or custody after the offense occurred and before the commencement of the sentence."; and

Further amend said bill and page, Section 558.043, Line 16, by inserting after said section and line the following:

"565.003. 1. **(1)** The culpable mental state necessary for a homicide offense may be found to exist if the only difference between what actually occurred and what was the object of the offender's state of mind is that a different person or persons were killed.

(2) It shall not be a defense to a homicide charge that the identity of the person the offender intended to kill cannot be established. If the state proves beyond a reasonable doubt that the offender had the requisite mental state toward a specific person or a general class of persons who are not identified or who are not identifiable, such intent shall be transferred to a person who is killed by the offender while such mental state existed.

2. The length of time which transpires between conduct which results in a death and is the basis of a homicide offense and the event of such death is no defense to any charge of homicide.

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.

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."; and

Further amend said bill, Page 19, Section 571.015, Lines 11-12, by deleting said lines and inserting in lieu thereof the following:

"parole, probation, conditional release, or suspended imposition or execution of sentence for a period of three calendar years."; and

Further amend said bill, page, and section, Line 20, by deleting the word "[~~parole,~~]" and inserting in lieu thereof the word "parole,"; and

Further amend said bill, page, and section, Lines 21-22, by deleting the phrase "[~~for a period of five calendar years~~]" and inserting in lieu thereof the phrase "for a period of five calendar years"; and

Further amend said bill and section, Page 20, Line 30, by deleting the word "[~~parole,~~]" and inserting in lieu thereof the word "parole,"; and

Further amend said bill, page, and section, Line 31, by deleting the phrase "[~~for a period of ten calendar years~~]" and inserting in lieu thereof the phrase "for a period of ten calendar years"; and

Further amend said bill, page, section, and line, 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;
 - (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."; and

Further amend said bill, Page 27, Section 575.095, Line 29, by inserting after said section and line the following:

"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."; and

Further amend said bill, Page 28, Section 579.022, Line 10, by inserting after said section and line the following:

"579.041. 1. For purposes of this section, the following terms mean:

(1) "Drug masking product", synthetic urine, human urine, a substance designated to be added to human urine, or a substance designated to be added to or used on human hair or oral fluid for the purpose of defrauding an alcohol or a drug screening test;

(2) "Synthetic urine", a substance that is designated to simulate the composition, chemical properties, physical appearance, or physical properties of human urine.

2. A person commits the offense of unlawful distribution, delivery, or sale of a drug masking product if the person unlawfully distributes, delivers, or sells a drug masking product.

3. The offense of unlawful distribution, delivery, or sale of a drug masking product is a class A misdemeanor.

579.065. 1. A person commits the offense of trafficking drugs in the first degree if, except as authorized by this chapter or chapter 195, such person knowingly distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce:

(1) More than thirty grams of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

~~(3) [More than eight grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;~~

~~(4)~~ More than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

~~(5)~~ **(4)** More than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

~~(6)~~ **(5)** More than four grams of phencyclidine;

~~(7)~~ **(6)** More than thirty kilograms of a mixture or substance containing marijuana;

~~(8)~~ **(7)** More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate;

~~(9)~~ **(8)** More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;

~~(10)~~ **(9)** One gram or more of flunitrazepam for the first offense;

~~(11)~~ **(10)** Any amount of gamma-hydroxybutyric acid for the first offense; or

~~(12)~~ **(11)** More than ~~ten~~ **three but less than fourteen** milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

2. The offense of trafficking drugs in the first degree is a class B felony.

3. The offense of trafficking drugs in the first degree is a class A felony if the quantity involved is:

(1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine,

its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

~~(3) [Twenty-four grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or~~

~~(4)]~~ (4) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

~~[(5)]~~ (4) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

~~[(6)]~~ (5) Twelve grams or more of phencyclidine; or

~~[(7)]~~ (6) One hundred kilograms or more of a mixture or substance containing marijuana; or

~~[(8)]~~ (7) Ninety grams or more of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers; methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate, and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, or within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or

~~[(10)]~~ (9) Ninety grams or more of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

~~[(11)]~~ (10) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or

~~[(12)]~~ (11) One gram or more of flunitrazepam for a second or subsequent offense; or

~~[(13)]~~ (12) Any amount of gamma-hydroxybutyric acid for a second or subsequent offense; or

~~[(14) Twenty]~~ (13) **Fourteen** milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

579.068. 1. A person commits the offense of trafficking drugs in the second degree if, except as authorized by this chapter or chapter 195, such person knowingly possesses or has under his or her control, purchases or attempts to purchase, or brings into this state:

(1) More than thirty grams of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

~~(3) [More than eight grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;~~

~~(4)]~~ (4) More than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

~~[(5)]~~ (4) More than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

~~[(6)]~~ (5) More than four grams of phencyclidine;

~~[(7)]~~ (6) More than thirty kilograms of a mixture or substance containing marijuana;

~~[(8)]~~ (7) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate;

~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

~~[(40)]~~ (9) More than ~~ten~~ **three but less than fourteen** milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

2. The offense of trafficking drugs in the second degree is a class C felony.

3. The offense of trafficking drugs in the second degree is a class B felony if the quantity involved is:

(1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) ~~Twenty-four grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or~~

(4) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

~~[(5)]~~ (4) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

~~[(6)]~~ (5) Twelve grams or more of phencyclidine; or

~~[(7)]~~ (6) One hundred kilograms or more of a mixture or substance containing marijuana; or

~~[(8)]~~ (7) More than five hundred marijuana plants; or

~~[(9)]~~ (8) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

~~[(40)]~~ (9) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

~~[(11) Twenty]~~ (10) **Fourteen** milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

4. The offense of trafficking drugs in the second degree is a class A felony if the quantity involved is four hundred fifty grams or more of any material, compound, mixture or preparation which contains:

(1) Any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate; or

(2) Any quantity of 3,4-methylenedioxymethamphetamine.

5. The offense of drug trafficking in the second degree is a class C felony for the first offense and a class B felony for any second or subsequent offense for the trafficking of less than one gram of flunitrazepam.

589.401. 1. A person on the sexual offender registry may file a petition in the division of the circuit court in the county or city not within a county in which the offense requiring registration was committed to have his or her name removed from the sexual offender registry.

2. A person who is required to register in this state because of an offense that was adjudicated in another jurisdiction shall file his or her petition for removal according to the laws of the state, **federal**, territory, tribal, or military jurisdiction, the District of Columbia, or foreign country in which his or her offense was adjudicated. Upon the grant of the petition for removal in the jurisdiction where the offense was adjudicated, such judgment may be registered in this state by sending the information required under subsection 5 of this section as well as one authenticated copy of the order granting removal from the sexual offender registry in the jurisdiction where the offense was adjudicated to the court in the county or city not within a county in which the offender is required to register. On receipt of a request for registration removal, the registering court shall cause the order to be filed as a

foreign judgment, together with one copy of the documents and information, regardless of their form. The petitioner shall be responsible for costs associated with filing the petition.

3. A person required to register:

(1) As a tier III offender;

(2) **Under subdivision (7) of subsection 1 of section 589.400; or**

(3) **As a result of an offense that is sexual in nature committed against a minor or against an incapacitated person as defined under section 475.010**

shall not file a petition under this section unless the requirement to register results from a juvenile adjudication.

4. The petition shall be dismissed without prejudice if the following time periods have not elapsed since the date the person was required to register for his or her most recent offense under sections 589.400 to 589.425:

(1) For a tier I offense, ten years;

(2) For a tier II offense, twenty-five years; or

(3) For a tier III offense adjudicated delinquent, twenty-five years.

5. The petition shall be dismissed without prejudice if it fails to include any of the following:

(1) The petitioner's:

(a) Full name, including any alias used by the individual;

(b) Sex;

(c) Race;

(d) Date of birth;

(e) Last four digits of the Social Security number;

(f) Address; and

(g) Place of employment, school, or volunteer status;

(2) The offense and tier of the offense that required the petitioner to register;

(3) The date the petitioner was adjudicated for the offense;

(4) The date the petitioner was required to register;

(5) The case number and court, including the county or city not within a county, that entered the original order for the adjudicated sex offense;

(6) Petitioner's fingerprints on an applicant fingerprint card;

(7) If the petitioner was pardoned or an offense requiring registration was reversed, vacated, or set aside, an authenticated copy of the order; and

(8) If the petitioner is currently registered under applicable law and has not been adjudicated for failure to register in any jurisdiction and does not have any charges pending for failure to register.

6. The petition shall name as respondents the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the petition is filed.

7. All proceedings under this section shall be governed under the Missouri supreme court rules of civil procedure.

8. The person seeking removal or exemption from the registry shall provide the prosecuting attorney in the circuit court in which the petition is filed with notice of the petition. The prosecuting attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition.

9. The prosecuting attorney in the circuit court in which the petition is filed shall have access to all applicable records concerning the petitioner including, but not limited to, criminal history records, mental health records, juvenile records, and records of the department of corrections or probation and parole.

10. The prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with such petition.

11. The court shall not enter an order directing the removal of the petitioner's name from the sexual offender registry unless it finds the petitioner:

(1) Has not been adjudicated or does not have charges pending for any additional nonsexual offense for which imprisonment for more than one year may be imposed since the date the offender was required to register for his or her current tier level;

(2) Has not been adjudicated or does not have charges pending for any additional sex offense that would require registration under sections 589.400 to 589.425 since the date the offender was required to register for his or her current tier level, even if the offense was punishable by less than one year imprisonment;

(3) Has successfully completed any required periods of supervised release, probation, or parole without revocation since the date the offender was required to register for his or her current tier level;

(4) Has successfully completed an appropriate sex offender treatment program as approved by a court of competent jurisdiction or the Missouri department of corrections; and

(5) Is not a current or potential threat to public safety.

12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11 of this section, the fingerprints filed in the case shall be examined by the Missouri state highway patrol. The petitioner shall be responsible for all costs associated with the fingerprint-based criminal history check of both state and federal files under section 43.530.

13. If the petition is denied due to an adjudication in violation of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition under this section until:

(1) Fifteen years have passed from the date of the adjudication resulting in the denial of relief if the petitioner is classified as a tier I offender;

(2) Twenty-five years have passed from the date of adjudication resulting in the denial of relief if the petitioner is classified as a tier II offender; or

(3) Twenty-five years have passed from the date of the adjudication resulting in the denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile adjudication.

14. If the petition is denied due to the petitioner having charges pending in violation of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition under this section until:

(1) The pending charges resulting in the denial of relief have been finally disposed of in a manner other than adjudication; or

(2) If the pending charges result in an adjudication, the necessary time period has elapsed under subsection 13 of this section.

15. If the petition is denied for reasons other than those outlined in subsection 11 of this section, no successive petition requesting such relief shall be filed for at least five years from the date the judgment denying relief is entered.

16. If the court finds the petitioner is entitled to have his or her name removed from the sexual offender registry, the court shall enter judgment directing the removal of the name. A copy of the judgment shall be provided to the respondents named in the petition.

17. Any person subject to the judgment requiring his or her name to be removed from the sexual offender registry is not required to register under sections 589.400 to 589.425 unless such person is required to register for an offense that was different from that listed on the judgment of removal.

18. The court shall not deny the petition unless the petition failed to comply with the provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence demonstrating the petition should be denied.

589.403. 1. Any person who is required to register under sections 589.400 to 589.425 and who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections, any mental health institution, private jail under section 221.095, or other private facility recognized by or contracted with the department of corrections or department of mental health where such person was confined shall:

(1) If the person plans to reside in this state, be informed by the official in charge of such correctional facility, private jail, or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility, private jail, or the mental health institution shall complete the initial registration notification at least seven days prior to release and forward the offender's registration, within three business days of release, to the Missouri state highway patrol and the chief law enforcement official of the county or city not within a county where the person expects to reside upon discharge, parole, or release; or

(2) If the person does not reside or plan to reside in Missouri, be informed by the official in charge of such correctional facility, private jail, or mental health institution of the person's possible duty to register under sections 589.400 to 589.425. If such person is required to register under sections 589.400 to 589.425, the official in charge of the correctional facility, private jail, or the mental health institution shall complete the initial registration notification at least seven days prior to release and forward the offender's registration, within three business days of release, to the Missouri state highway patrol and the chief law enforcement official within the county or city not within a county where the correctional facility, private jail, or mental health institution is located.

2. If the person is currently a registered sex offender in Missouri, upon release of the offender from any correctional facility of the department of corrections, any mental health institution, a private jail under

section 221.095, or other private facility recognized by or contracted with the department of corrections or department of mental health where such person was confined, the official in charge of such correctional facility, mental health institution, or private jail shall inform the chief law enforcement official of the county or city not within a county where the offender is registered of the offender's release.

3. If the offender refuses to complete and sign the registration information as outlined in this section or fails to register with the chief law enforcement official within three business days as directed, the offender commits the offense of failure to register under section 589.425 within the jurisdiction where the correctional facility, private jail, or mental health institution is located.

4. When any person is incarcerated in any jail, municipal detention facility, correctional facility of the department of corrections, private jail under section 221.095, or other private facility contracted with the department of corrections, or any person is committed to the department of mental health or a mental health institution, the official in charge of such jail, detention facility, correctional facility, private jail, private facility, or mental health institution shall complete a check to see if the person is currently a registered sex offender in Missouri. If the person is a registered sex offender in Missouri, such official in charge shall inform the chief law enforcement official of the county or city not within a county where the offender is registered of the incarceration. If the person incarcerated is a registered sex offender, the chief law enforcement official of the county or city not within a county where the offender is registered shall ensure the offender's status is properly updated in the Missouri sex offender registry.

589.410. The chief law enforcement official **of a county or city not within a county shall** ~~forward~~ enter the completed offender registration ~~form to the Missouri state highway patrol~~ **into the Missouri state highway patrol's sex offender registration system** within three days. ~~The patrol~~ **Such registration shall** ~~enter the information~~ **be entered** into the Missouri uniform law enforcement system (MULES). **The Missouri state highway patrol shall ensure the information entered into the Missouri sex offender registry is forwarded to the National Crime Information Center (NCIC)** where it is available to members of the criminal justice system, and other entities as provided by law, upon inquiry.

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~~ **enter** the registration changes described under subsections 1 and 2 of this section ~~to~~ **into** the Missouri state highway ~~patrol~~ **patrol's sex offender registration system** 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;~~
 - ~~(e)]~~ Sexual abuse in the second degree under section 566.101 if the punishment is less than a year;
 - ~~[(d)]~~ (c) Kidnapping in the second degree under section 565.120 with sexual motivation;
 - ~~[(e)]~~ (d) Kidnapping in the third degree under section 565.130;
 - ~~[(f)]~~ (e) 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]~~ **the offense is a misdemeanor**;
 - ~~[(g)]~~ (f) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;
 - ~~[(h)]~~ (g) 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)]~~ (h) Sex with an animal under section 566.111;
 - ~~[(j)]~~ (i) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older;
 - ~~[(k)]~~ (j) Possession of child pornography under section 573.037;
 - ~~[(l)]~~ (k) Sexual misconduct in the first degree under section 566.093;
 - ~~[(m)]~~ (l) 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;] or
 - ~~[(o)]~~ (m) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age;

(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) Sexual contact with a prisoner or offender under section 566.145 if the victim is thirteen to seventeen years of age;~~
 - ~~(k) Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age;~~

(4) Sexual misconduct involving a child under section 566.083 if it is a first offense and the penalty is a term of imprisonment of more than a year; or

(m) Age misrepresentation with intent to solicit a minor under section 566.153];

(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~~] 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) **Statutory rape in the second degree under section 566.034**;

(e) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature;

~~[(e)]~~ (f) Sodomy in the first degree under section 566.060;

~~[(f)]~~ (g) Statutory sodomy under section 566.062;

~~[(g)]~~ (h) Statutory sodomy under section 566.064 [~~if the victim is under sixteen years of age~~];

~~[(h)]~~ (i) Sodomy in the second degree under section 566.061;

~~[(i)]~~ (j) Sexual misconduct involving a child under section 566.083 [~~if the offense is a second or subsequent offense~~];

~~[(j)]~~ (k) Sexual abuse in the first degree under section 566.100 [~~if the victim is under thirteen years of age~~];

~~[(k)]~~ (l) **Age misrepresentation with intent to solicit a minor under section 566.153**;

(m) **Enticement of a child under section 566.151**;

(n) 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;

~~[(n)]~~ (o) Child kidnapping under section 565.115 **with sexual motivation**;

~~[(m)]~~ (p) 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~~] **the offense is a felony**;

~~[(p)]~~ (q) Incest under section 568.020;

~~[(q)]~~ (r) 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;

~~[(r)]~~ (s) Child molestation in the first degree under section 566.067;

~~[(s)]~~ (t) Child molestation in the second degree under section 566.068 **or 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**;

~~[(t)]~~ (u) Child molestation in the third degree under section 566.069 if the victim is under [~~thirteen~~] **fourteen** years of age;

~~[(u)]~~ (v) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;

~~[(v)]~~ (w) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;

~~[(w)]~~ (x) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;

~~[(x)]~~ (y) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;

~~[(w)]~~ (z) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;

- ~~[(x)]~~ (aa) Sexual trafficking of a child in the first degree under section 566.210;
- ~~[(y)]~~ (bb) Sexual trafficking of a child in the second degree under section 566.211;
- ~~[(z)]~~ (cc) Genital mutilation of a female child under section 568.065;
- ~~[(aa)]~~ (dd) Statutory rape in the second degree under section 566.034;
- ~~[(bb)]~~ (ee) Child molestation in the fourth degree under section 566.071 if the victim is under ~~[thirteen]~~ **seventeen** years of age;
- ~~[(ee)]~~ (ff) Sexual abuse in the second degree under section 566.101 if ~~[the penalty is a term of imprisonment of more than a year]~~ **the offense is a felony**;
- ~~[(dd)]~~ (gg) Patronizing prostitution under section 567.030 if the offender is a persistent offender **or if the victim is under eighteen years of age**;
- ~~[(ee)]~~ (hh) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under ~~[thirteen]~~ **eighteen** years of age;
- ~~[(ff)]~~ (ii) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public duty** under section 566.145 if the victim is under ~~[thirteen]~~ **eighteen** years of age;
- ~~[(gg)]~~ Sexual intercourse with a prisoner or offender under section 566.145;
- ~~[(hh)]~~ (jj) Sexual contact with a student under section 566.086 if the victim is under ~~[thirteen]~~ **eighteen** years of age;
- (kk) **Sexual exploitation of a minor under section 573.023;**
- (ll) **Promoting child pornography in the first degree under section 573.025;**
- (mm) **Promoting child pornography in the second degree under section 573.035;**
- ~~[(ii)]~~ (nn) Use of a child in a sexual performance under section 573.200; or
- ~~[(jj)]~~ (oo) Promoting a sexual performance by a child under section 573.205;
- (3) Any offender who is adjudicated ~~[for a crime]~~ **of an offense** 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**, 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.
- 590.033. 1. The POST commission shall establish minimum standards for a chief of police training course which shall include at least forty hours of training. All police chiefs appointed after August 28, 2023, shall attend a chief of police training course certified by the POST commission not later than six months after the person's appointment as a chief of police.**
- 2. A chief of police may request an exemption from the training in subsection 1 of this section by submitting to the POST commission proof of completion of the Federal Bureau of Investigation's national academy course or any other equivalent training course within the previous ten years or at least five years of experience as a police chief in a Missouri law enforcement agency.**
- 3. Any law enforcement agency who has a chief of police appointed after August 28, 2023, who fails to complete a chief of police training course within six months of appointment shall be precluded from receiving any POST commission training funds, state grant funds, or federal grant funds until the police chief has completed the training course.**

4. While attending a chief of police training course, the chief of police shall receive compensation in the same manner and amount as if carrying out the powers and duties of the chief of police. The cost of the chief of police training course may be paid by moneys from the peace officer standards and training commission fund created in section 590.178.

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

- (1) **"Gross misconduct", includes any willful and wanton or unlawful conduct motivated by premeditated or intentional purpose or by purposeful indifference to the consequences of one's acts;**
- (2) **"Moral turpitude", the wrongful quality shared by acts of fraud, theft, bribery, illegal drug use, sexual misconduct, and other similar acts as defined by the common law of Missouri;**
- (3) **"Reckless disregard", a conscious disregard of a substantial risk that circumstances exist or that a result will follow, and such failure constitutes a gross deviation from the standard of care that a reasonable peace officer would exercise in the situation.**

2. 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, **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;**
- (3) 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) 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) Has violated a condition of any order of probation lawfully issued by the director; ~~or~~

(6) Has violated a provision of this chapter or a rule promulgated pursuant to this chapter;

(7) Has tested positive for a controlled substance, as defined in chapter 195, without a valid prescription for the controlled substance, except as otherwise provided by law or by any provision of the Constitution of Missouri;

(8) 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

(9) Has committed any act of gross misconduct indicating inability to function as a peace officer.

~~[2-]~~ 3. 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-]~~ 4. 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-]~~ 5. 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-]~~ 6. 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-]~~ 7. 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."; and

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

"595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020 and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health and senior services. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

4. The remaining funds collected under subsection 1 of this section shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide

automated crime victim notification system is established pursuant to section 650.310, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on September 1, 2004, and on the first of each month, the director of revenue or the director's designee shall deposit fifty percent of the balance of funds available to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100.

5. The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the department of public safety.

6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on September 1, 2004, and on the first of each month the director of revenue or the director's designee shall deposit fifty percent of the balance of funds available to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100.

7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

8. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C ~~or~~, D, or E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri law except for those in chapter 252 relating to fish and game, chapter 302 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

9. The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

10. The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection 16 of this section and shall maintain separate records of collection for alcohol-related offenses.

11. The state courts administrator shall include in the annual report required by section 476.350 the circuit court caseloads and the number of crime victims' compensation judgments entered.

12. All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080 requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become

available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

13. When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

14. All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

15. Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

16. The department may receive gifts and contributions for the benefit of crime victims. Such gifts and contributions shall be credited to the crime victims' compensation fund as used solely for compensating victims under the provisions of sections 595.010 to 595.075.

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

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

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

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

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

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or 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.

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

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

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

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

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

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

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

(22) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body;

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

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

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

Section 1. 1. For purposes of this section, the term "exoneree" means a person who was convicted of an offense and the conviction was later overturned, vacated, or set aside, or the person was relieved of all legal consequences of the conviction because evidence of innocence that was not presented at trial required reconsideration of the case.

2. (1) The department of corrections shall develop a policy and procedures to assist exonerees in obtaining a birth certificate, Social Security card, and state identification prior to release from a correctional center. The policy shall be made available to all exonerees, regardless of the method by which an exoneree was exonerated. If an exoneree does not have access to his or her birth certificate, Social Security card, or state identification upon release, the department shall assist such exoneree in obtaining the documents prior to release.

(2) A delay in obtaining the documents in subdivision (1) of this subsection shall not be cause for a delay in the exoneree's release from a correctional center.

3. The department may provide an exoneree, upon his or her release from a correctional facility, with the same services the department may provide an offender upon release from a correctional facility or an offender who is on probation or parole."; and

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

Representative Schwadron offered **House Amendment No. 1 to House Amendment No. 6.**

*House Amendment No. 1
to
House Amendment No. 6*

AMEND House Amendment No. 6 to House Committee Substitute for Senate Bill No. 186, Page 35, Line 10, by inserting after said line the following:

"Further amend said bill, Page 18, Section 570.030, Line 71, by deleting the word "or" and inserting in lieu thereof the word "[or]"; and

Further amend said bill, page, and section, Line 74, by inserting after the word "offense" the following:

"; or

(4) The property appropriated is a letter, postal card, package, bag, or other sealed article that was delivered by a 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"; and"; and

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

On motion of Representative Schwadron, **House Amendment No. 1 to House Amendment No. 6** was adopted by the following vote, the ayes and noes having been demanded by Representative Schwadron:

AYES: 103

Allen	Amato	Atchison	Baker	Banderman
Barnes	Billington	Black	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Buchheit-Courtway	Burger
Byrnes	Casteel	Chappell	Christ	Christofanelli
Coleman	Cook	Copeland	Cupps	Deaton
Diehl	Dinkins	Evans	Falkner	Farnan
Francis	Gallick	Gragg	Griffith	Haden
Haffner	Haley	Hardwick	Henderson	Hicks
Hinman	Houx	Hovis	Hudson	Hurlbert
Jones	Justus	Kalberloh	Keathley	Kelley 127
Kelly 141	Knight	Lewis 6	Lovasco	Marquart
Matthiesen	Mayhew	McGaugh	McGill	McMullen
Morse	Murphy	Myers	O'Donnell	Oehlerking
Owen	Parker	Patterson	Perkins	Peters
Pollitt	Pouche	Reedy	Reuter	Richey
Riggs	Riley	Roberts	Sander	Sassmann
Schnelting	Schulte	Schwadron	Seitz	Sharpe 4
Shields	Smith 155	Smith 163	Sparks	Stacy
Stinnett	Taylor 48	Thomas	Titus	Toalson Reisch
Van Schoiack	Veit	Voss	Waller	West
Wilson	Wright	Mr. Speaker		

NOES: 018

Anderson	Aune	Bangert	Bosley	Brown 27
Butz	Davis	Fogle	Johnson 23	Lavender
Lewis 25	Mackey	Merideth	Nurrenbern	Phifer
Sharp 37	Taylor 84	Woods		

PRESENT: 030

Adams	Appelbaum	Baringer	Bland Manlove	Brown 87
Burnett	Burton	Clemens	Collins	Crossley
Ealy	Fountain Henderson	Gray	Hein	Ingle
Johnson 12	Mann	Mosley	Plank	Proudie
Quade	Sauls	Smith 46	Steinhoff	Strickler
Terry	Unsicker	Walsh Moore	Weber	Young

ABSENT WITH LEAVE: 011

Boggs	Busick	Davidson	Doll	Gregory
Hausman	Lonsdale	Nickson-Clark	Stephens	Thompson
Windham				

VACANCIES: 001

Representative Coleman offered **House Amendment No. 2 to House Amendment No. 6.**

House Amendment No. 2
to
House Amendment No. 6

AMEND House Amendment No. 6 to House Committee Substitute for Senate Bill No. 186, Page 34, Line 30, by inserting after said line the following:

"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."; and

Further amend said amendment, Page 49, Line 31, by inserting after said 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."; and

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

On motion of Representative Coleman, **House Amendment No. 2 to House Amendment No. 6** was adopted.

Representative Black offered **House Amendment No. 3 to House Amendment No. 6.**

*House Amendment No. 3
to
House Amendment No. 6*

AMEND House Amendment No. 6 to House Committee Substitute for Senate Bill No. 186, Page 1, Line 4, by deleting said line and inserting in lieu thereof the following:

""36.140. 1. After consultation with appointing authorities and the state fiscal officers, and after a public hearing following suitable notice, the director shall prepare and recommend to the board a pay plan for each class of positions subject to this chapter pursuant to subsection 1 of section 36.030 and each class of positions subject to this section pursuant to section 36.031. The pay plan shall include, for each class of positions, a minimum and a maximum rate, and such provision for intermediate rates as the director considers necessary or equitable. The pay plan may also provide for the use of open, or stepless, pay ranges. The pay plan may include provision for grouping of positions with similar levels of responsibility or expertise into broad classification bands for purposes of determining compensation and for such salary differentials and other pay structures as the director considers necessary or equitable. In establishing the rates, the director shall give consideration to the experience in recruiting for positions in the state service, the rates of pay prevailing in the state for the services performed, and for comparable services in public and private employment, living costs, maintenance, or other benefits received by employees, and the financial condition and policies of the state. These considerations shall be made on a statewide basis and shall not make any distinction based on geographical areas or urban and rural conditions. The pay plan shall take effect when approved by the board and the governor, and each employee appointed to a position subject to this chapter pursuant to subsection 1 of section 36.030 and each class of positions subject to this section pursuant to section 36.031, after the adoption of the pay plan shall be paid according to the provisions of the pay plan for the position in which he or she is employed; provided, that the commissioner of administration certifies that there are funds appropriated and available to pay the adopted pay plan. The pay plan shall also be used as the basis for preparing budget estimates for submission to the legislature insofar as such budget estimates concern payment for services performed in positions subject to this chapter pursuant to subsection 1 of section 36.030 and positions subject to this section pursuant to section 36.031. Amendments to the pay plan may be recommended by the director from time to time as circumstances require and such amendments shall take effect when approved as provided by this section. The conditions under which employees may be appointed at a rate above the minimum provided for the class, or advance from one rate to another within the rates applicable to their positions, may be determined by the regulations.

2. Any change in the pay plan shall be made on a uniform statewide basis. No employee in a position subject to this chapter shall receive more or less compensation than another employee solely because of the geographical area in which the employee lives or works.

3. The provisions of this section prohibiting consideration of geographical area in changes to the pay plan shall not apply to employees of the Missouri state highway patrol.

37.725. 1. Any files maintained by the advocate program shall be disclosed only at the discretion"; and

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

On motion of Representative Black, **House Amendment No. 3 to House Amendment No. 6** was adopted.

Representative Hurlbert offered **House Amendment No. 4 to House Amendment No. 6.**

House Amendment No. 4
to
House Amendment No. 6

AMEND House Amendment No. 6 to House Committee Substitute for Senate Bill No. 186, Page 25, Lines 6 to 34, by deleting all of said lines; and

Further amend said amendment, Page 26, Lines 1 to 31, by deleting all of said lines; and

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

On motion of Representative Hurlbert, **House Amendment No. 4 to House Amendment No. 6** was adopted.

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Amato	Atchison	Banderman	Billington
Black	Bonacker	Boyd	Bromley	Brown 149
Brown 16	Buchheit-Courtway	Burger	Byrnes	Casteel
Chappell	Christ	Christofanelli	Coleman	Cook
Copeland	Davidson	Davis	Deaton	Diehl
Dinkins	Falkner	Farnan	Francis	Gallick
Gragg	Griffith	Haden	Haffner	Haley
Hardwick	Henderson	Hicks	Hinman	Houx
Hovis	Hudson	Hurlbert	Jones	Justus
Kalberloh	Keathley	Kelley 127	Kelly 141	Knight
Lonsdale	Lovasco	Marquart	Mayhew	McGaugh
McGill	McMullen	Morse	Murphy	O'Donnell
Oehlerking	Owen	Patterson	Perkins	Peters
Pollitt	Pouche	Reedy	Reuter	Richey
Riggs	Riley	Roberts	Sander	Sassmann
Schnelting	Schulte	Schwadron	Seitz	Sharpe 4
Shields	Smith 155	Smith 163	Sparks	Stacy
Stinnett	Taylor 48	Thomas	Thompson	Titus
Toalson Reisch	Van Schoiack	Veit	Voss	Waller
West	Wilson	Wright	Mr. Speaker	

NOES: 042

Adams	Anderson	Appelbaum	Aune	Baringer
Barnes	Bosley	Brown 27	Brown 87	Burnett
Butz	Clemens	Collins	Ealy	Fogle
Fountain Henderson	Hein	Johnson 12	Johnson 23	Lavender
Lewis 25	Mackey	Mann	Merideth	Mosley
Nickson-Clark	Nurrenbern	Phifer	Plank	Proudie
Quade	Sharp 37	Smith 46	Steinhoff	Strickler
Taylor 84	Terry	Unsicker	Walsh Moore	Weber
Woods	Young			

PRESENT: 000

ABSENT WITH LEAVE: 021

Baker	Bangert	Bland Manlove	Boggs	Burton
Busick	Crossley	Cupps	Doll	Evans
Gray	Gregory	Hausman	Ingle	Lewis 6
Matthiesen	Myers	Parker	Sauls	Stephens
Windham				

VACANCIES: 001

On motion of Representative Hicks, **House Amendment No. 6, as amended**, was adopted.

Representative Billington offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Bill No. 186, Page 5, Section 211.031, Line 93, by inserting after all of said section and line the following:

"301.227. 1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser shall forward to the director of revenue within ten days the certificate of ownership or salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On vehicles purchased during a year that is no more than six years after the manufacturer's model year designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title. On vehicles purchased during a year that is more than six years after the manufacturer's model year designation for such vehicle, then application for a salvage title shall be optional on the part of the purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217 to 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of the date sold for destruction and the name of the purchaser clearly shown on the face of the certificate.

2. Whenever a vehicle is classified as junk, as defined in section 301.010, the purchaser may forward to the director of revenue a properly completed application for a junking certificate as well as the salvage certificate of title or certificate of ownership and the director shall issue a negotiable junking certificate to the purchaser of the vehicle. The director may also issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or more prior to the current model year who has a bill of sale for said vehicle but does not possess a certificate of ownership, provided no claim of theft has been made on the vehicle and the highway patrol has by letter stated the vehicle is not listed as stolen after checking the registration number through its nationwide computer system. Such junking certificate may be granted within thirty days of the submission of a request. A junking certificate shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap, or junk.

3. For any vehicle issued a junking certificate or such similar document or classification pursuant to the laws of another state, regardless of whether such designation has been subsequently changed by law in any other state, the department shall only issue a junking certificate, and a salvage certificate of title or original certificate of ownership shall not thereafter be issued for such vehicle. Notwithstanding the provisions of this subsection, if the vehicle has not previously been classified as a junk vehicle, the applicant making the original junking certification application shall, within ninety days, be allowed to rescind his application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of ownership or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts.

6. The scrap metal operator shall keep a record, for three years, of the seller's name and address, the salvage business license number of the licensee, date of purchase, and any vehicle or parts identification numbers open for inspection as provided in section 301.225.

7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title on the back thereof.

8. Notwithstanding the provisions of subsection 1 of this section, an insurance company which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage certificate of title without the payment of any fee upon proper application within thirty days after settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to section 301.010, then the insurance company may have the vehicle inspected by the Missouri state highway patrol, or other law enforcement agency authorized by the director of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the return of any previously issued negotiable salvage certificate, the director shall issue an original title with no salvage or prior salvage designation. Upon the issuance of an original title the director shall remove any indication of the negotiable salvage title previously issued to the insurance company from the department's electronic records.

9. Notwithstanding subsection 4 of this section or any other provision of the law to the contrary, if a motor vehicle is inoperable and is at least ~~ten~~ **twenty** model years old, or the parts are from a motor vehicle that is inoperable and is at least ~~ten~~ **twenty** model years old, a scrap metal operator may purchase or acquire such motor vehicle or parts without receiving the original certificate of ownership, salvage certificate of title, or junking certificate from the seller of the vehicle or parts, provided the scrap metal operator verifies with the department of revenue, via the department's online record access, that the motor vehicle is not subject to any recorded security interest or lien and the scrap metal operator complies with the requirements of this subsection. In lieu of forwarding certificates of title or ownership for such motor vehicles as required by subsection 5 of this section, the scrap metal operator shall forward a copy of the seller's state identification card along with a bill of sale to the department of revenue. The bill of sale form shall be designed by the director and such form shall include, but not be limited to, a certification that the motor vehicle is at least ~~ten~~ **twenty** model years old, is inoperable, is not subject to any recorded security interest or lien, and a certification by the seller that the seller has the legal authority to sell or otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt of the information required by this subsection, the department of revenue shall cancel any certificate of title or ownership and registration for the motor vehicle. If the motor vehicle is inoperable and at least twenty model years old, then the scrap metal operator shall not be required to verify with the department of revenue whether the motor vehicle is subject to any recorded security interests or liens. As used in this subsection, the term "inoperable" means a motor vehicle that is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically inoperative condition and the vehicle's highest and best use is for scrap purposes. The director of the department of revenue is directed to promulgate rules and regulations to implement and administer the provisions of this section, including but not limited to, the development of a uniform bill of sale. 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."; and

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

On motion of Representative Billington, **House Amendment No. 7** was adopted.

Representative Barnes offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for Senate Bill No. 186, Page 11, Section 558.043, Line 16, by inserting after all of said section and line the following:

"565.096. 1. As used in this section, the following terms and phrases mean:

- (1) "Harassment", verbal or nonverbal behavior by a person that would cause a reasonable person to be placed in fear of receiving bodily harm;**
- (2) "Recreation athletic contest official", any referee, umpire, coach, instructor, administrator, staff person, or recreation employee of any public or quasi-public recreation program;**
- (3) "School athletic contest official", any referee, umpire, coach, instructor, administrator, staff person, or school or school board employee of any public or private elementary or secondary school.**

2. A person commits the offense of harassment of a school or recreation athletic contest official if the harassment occurs under the following circumstances:

- (1) While the school or recreation athletic contest official is actively engaged in the conducting, supervising, refereeing, or officiating of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest; or**
- (2) In the immediate vicinity of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest and is based on the official's performance in the conducting, supervising, refereeing, or officiating of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest.**

3. A person who commits the offense of harassment of a school or recreation athletic contest official shall be fined no more than five hundred dollars, imprisoned for no more than ninety days, or both.

4. In addition to any other penalty imposed, the court shall order the person:

(1) To perform forty hours of court-approved community service work; and

(2) To participate in a court-approved counseling program that may include anger management, abusive behavior intervention groups, or any other type of counseling deemed appropriate by the court. Any costs associated with the counseling program shall be paid by such person.

5. Participation in the community service and counseling program required under subsection 4 of this section shall not be suspended."; and

Further amend said bill, Page 13, Section 569.100, Line 29, by inserting after all of said section and line the following:

"569.154. 1. A person commits the offense of entry or remaining on site of a school or recreation athletic contest if such person, without authority, goes into or upon or remains in or upon, or attempts to go into or upon or remain in or upon, any immovable property or other site or location that belongs to another and that is used for any school or recreation athletic contest, including any area in the immediate vicinity of the site or location of the school or recreation athletic contest, after having been forbidden to do so, either orally or in writing, by any owner, lessee, or custodian of the property or by any other authorized person.

2. A person who violates subsection 1 of this section shall be fined no more than five hundred dollars, imprisoned for no more than six months, or both."; and

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

Representative Lavender offered **House Amendment No. 1 to House Amendment No. 8.**

*House Amendment No. 1
to
House Amendment No. 8*

AMEND House Amendment No. 8 to House Committee Substitute for Senate Bill No. 186, Page 2, Line 15, by inserting after said line the following:

"Further amend said bill, Page 30, Section 590.1075, Line 11, by inserting after all of said line the following:

"Section 1. No child under six years of age shall carry a loaded firearm on public property in this state without adult supervision and parental consent."; and"; and

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

House Amendment No. 1 to House Amendment No. 8 was withdrawn.

On motion of Representative Barnes, **House Amendment No. 8** was adopted.

Representative Haffner offered **House Amendment No. 9.**

House Amendment No. 9

AMEND House Committee Substitute for Senate Bill No. 186, Page 27, Section 575.095, Line 29, by inserting after said section and line the following:

"575.150. 1. A person commits the offense of resisting ~~[or]~~, interfering with, **escaping, or attempting to escape from** arrest, detention, ~~[or]~~ stop, **or custody** if he or she knows or reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the officer from effecting the arrest, stop or detention **or maintaining custody after such stop, detention, or arrest**, he or she:

(1) Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; ~~[or]~~

(2) Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference; **or**

(3) While being held in custody after a stop, detention, or arrest has been made, escapes or attempts to escape from such custody.

2. This section applies to:

(1) Arrests, stops, or detentions, with or without warrants;

(2) Arrests, stops, ~~[or]~~ detentions, **or custody** for any offense, infraction, or ordinance violation; and

(3) Arrests for warrants issued by a court or a probation and parole officer.

3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing him or her. **Nothing in this section shall be construed to require the state to prove in a prosecution against a defendant that the defendant knew why he or she was being stopped, detained, or arrested.**

4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law enforcement officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest.

5. The offense of resisting ~~[or]~~, interfering with ~~[and]~~, **or escaping or attempting to escape from a stop, detention, or arrest or from custody after such stop, detention, or arrest** is a class ~~[E felony for an arrest for a:~~

~~(1) Felony;~~

~~(2) Warrant issued for failure to appear on a felony case; or~~

~~(3) Warrant issued for a probation violation on a felony case.—~~

~~The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of subsection 1 of this section is a class~~ A misdemeanor, unless ~~[the person fleeing creates a substantial risk of serious physical injury or death to any person, in which case it is a class E felony]:~~

(1) The stop, detention, arrest, or custody was for a felony;

(2) The stop, detention, arrest, or custody was for a warrant issued for failure to appear on a felony case;

(3) The stop, detention, arrest, or custody was for a warrant issued for a probation violation on a felony case;

(4) While resisting, interfering with, or escaping or attempting to escape from a stop, detention, or arrest or from custody, the person flees and during such flight creates a substantial risk of serious physical injury or death to any person; or

(5) The escape or attempt to escape while in custody or under arrest was for a felony,

in which case it is a class E felony; except that, if such escape or attempted escape is committed by means of a deadly weapon or dangerous instrument or by holding any person hostage it is a class A felony.

575.151. 1. A person commits the offense of resisting arrest by fleeing in or on a motor vehicle if he or she resists an arrest, a stop, or a detention by fleeing in or on a motor vehicle from a law enforcement officer and, during the course of fleeing, drives at a speed or in a manner that demonstrates a disregard for the safety of any person or property, including that of the pursuing officer or other occupants of the fleeing vehicle.

2. A person commits the offense of aggravated resisting arrest by fleeing in or on a motor vehicle if he or she resists an arrest, a stop, or a detention by fleeing in or on a motor vehicle from a law enforcement officer and, during the course of fleeing, drives at a speed or in a manner that demonstrates a disregard for the safety of any person or property, including that of the pursuing officer or other occupants of the fleeing vehicle, and that results in serious bodily injury or death to another person, including any officer.

3. Nothing in this section shall be construed to require the state to prove in a prosecution against a defendant that the defendant knew why he or she was being stopped, detained, or arrested.

4. The offense of resisting arrest by fleeing in or on a motor vehicle is a class E felony, unless the person has been previously convicted under subsection 1 of this section, in which case is a class D felony. The offense of aggravated resisting arrest by fleeing in or on a motor vehicle is a class D felony, unless the person has been previously convicted under subsection 2 of this section, in which case it is a class C felony."; and

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

"610.140. 1. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any offenses, violations, or infractions for an order to expunge records of such arrest, plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may apply to have one or more offenses, violations, or infractions expunged if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the offenses, violations, and infractions he or she is seeking to have expunged in the petition and so long as all such offenses, violations, and infractions are not excluded under subsection 2 of this section. If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.

2. The following offenses, violations, and infractions shall not be eligible for expungement under this section:

- (1) Any class A felony offense;
- (2) Any dangerous felony as that term is defined in section 556.061;
- (3) Any offense that requires registration as a sex offender;
- (4) Any felony offense where death is an element of the offense;
- (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;
- (6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.160, 570.025, 570.090, 570.180, 570.223, 570.224, 570.310, 571.020, 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, **575.150, 575.151**, 575.153, 575.155, 575.157, 575.159, 575.195, ~~575.200,~~ 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;
- (7) Any offense eligible for expungement under section 577.054 or 610.130;
- (8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;
- (9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section;
- (10) Any violation of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state; and
- (11) Any offense of section 571.030, except any offense under subdivision (1) of subsection 1 of section 571.030 where the person was convicted or found guilty prior to January 1, 2017, or any offense under subdivision (4) of subsection 1 of section 571.030.

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses, violations, and infractions listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall include the following information:

- (1) The petitioner's:
 - (a) Full name;
 - (b) Sex;
 - (c) Race;
 - (d) Driver's license number, if applicable; and
 - (e) Current address;
- (2) Each offense, violation, or infraction for which the petitioner is requesting expungement;
- (3) The approximate date the petitioner was charged for each offense, violation, or infraction; and
- (4) The name of the county where the petitioner was charged for each offense, violation, or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the name of the municipality for each offense, violation, or infraction; and
- (5) The case number and name of the court for each offense.

5. The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service, the court may set a hearing on the matter and shall give reasonable notice of the hearing to each entity named in the petition. At any hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, violations, or infractions listed in the petition for expungement:

- (1) At the time the petition is filed, it has been at least three years if the offense is a felony, or at least one year if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;
- (2) At the time the petition is filed, the person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 301, 302, 303, 304, and 307, during the time period specified for the underlying offense, violation, or infraction in subdivision (1) of this subsection;
- (3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;
- (4) The person does not have charges pending;
- (5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and
- (6) The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

7. If the court determines that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, violations, or infractions listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, infraction, or violation ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

8. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. For purposes of 18 U.S.C. Section 921(a)(33)(B)(ii), an order of expungement granted pursuant to this section shall be considered a complete removal of all effects of the expunged conviction. Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

- (1) A license, certificate, or permit issued by this state to practice such individual's profession;
- (2) Any license issued under chapter 313 or permit issued under chapter 571;
- (3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;
- (4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;
- (5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or
- (6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that the petitioner has not met the criteria for any of the offenses, violations, or infractions listed in the petition for expungement or the petitioner has knowingly provided false information in the petition, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

12. A person may be granted more than one expungement under this section provided that during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are granted to the person shall not exceed the following limits:

- (1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and
- (2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record

expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: "I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief."

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law.

~~[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 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.]; and~~

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

Representative Sparks offered **House Amendment No. 1 to House Amendment No. 9.**

House Amendment No. 1

to

House Amendment No. 9

AMEND House Amendment No. 9 to House Committee Substitute for Senate Bill No. 186, Page 2, Lines 22-26, by deleting all of said lines; and

Further amend said amendment and page, Line 27, by deleting the number "2." and inserting in lieu thereof the numbers "**575.151. 1.**"; and

Further amend said amendment and page, Line 31, by deleting the word "**results**" and inserting in lieu thereof the words "**could result**"; and

Further amend said amendment and page, Line 33, by deleting the number "3." and inserting in lieu thereof the number "2."; and

Further amend said amendment and page, Lines 35-39, by deleting all of said lines and inserting in lieu thereof the following:

"3. The offense of aggravated resisting arrest by fleeing in or on a motor vehicle is a class B felony with no possibility of parole, probation, or conditional release until the person serves a term of imprisonment of no less than three years."; and"; and

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

On motion of Representative Sparks, **House Amendment No. 1 to House Amendment No. 9** was adopted.

On motion of Representative Haffner, **House Amendment No. 9, as amended**, was adopted.

Representative Shields offered **House Amendment No. 10.**

House Amendment No. 10

AMEND House Committee Substitute for Senate Bill No. 186, Page 3, Section 56.601, Line 50, by inserting after all of said section and line the following:

"190.255. 1. Any qualified first responder may obtain and administer naloxone, **or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration** to a person suffering from an apparent narcotic or opiate-related overdose in order to revive the person.

2. Any licensed drug distributor or pharmacy in Missouri may sell naloxone, **or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration** to qualified first responder agencies to allow the agency to stock naloxone for the administration of such drug to persons suffering from an apparent narcotic or opiate overdose in order to revive the person.

3. For the purposes of this section, "qualified first responder" shall mean any ~~[state and local law enforcement agency staff]~~ fire department personnel, fire district personnel, or licensed emergency medical technician who is acting under the directives and established protocols of a medical director of a local licensed ground ambulance service licensed under section 190.109, **or any state or local law enforcement agency staff member**, who comes in contact with a person suffering from an apparent narcotic or opiate-related overdose and who has received training in recognizing and responding to a narcotic or opiate overdose and the administration of naloxone to a person suffering from an apparent narcotic or opiate-related overdose. "Qualified first responder agencies" shall mean any state or local law enforcement agency, fire department, or ambulance service that provides documented training to its staff related to the administration of naloxone in an apparent narcotic or opiate overdose situation.

4. A qualified first responder shall only administer naloxone by such means as the qualified first responder has received training for the administration of naloxone.

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

(1) "Addiction mitigation medication", naltrexone hydrochloride that is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

(2) "Opioid antagonist", naloxone hydrochloride, **or any other drug or device approved by the United States Food and Drug Administration**, that blocks the effects of an opioid overdose ~~[that]~~ **and** is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

(3) "Opioid-related drug overdose", a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid or other substance with which an opioid was combined or a condition that a layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.

2. Notwithstanding any other law or regulation to the contrary:

(1) The director of the department of health and senior services, if a licensed physician, may issue a statewide standing order for an opioid antagonist or an addiction mitigation medication;

(2) In the alternative, the department may employ or contract with a licensed physician who may issue a statewide standing order for an opioid antagonist or an addiction mitigation medication with the express written consent of the department director.

3. Notwithstanding any other law or regulation to the contrary, any licensed pharmacist in Missouri may sell and dispense an opioid antagonist or an addiction mitigation medication under physician protocol or under a statewide standing order issued under subsection 2 of this section.

4. A licensed pharmacist who, acting in good faith and with reasonable care, sells or dispenses an opioid antagonist or an addiction mitigation medication and an appropriate device to administer the drug, and the protocol physician, shall not be subject to any criminal or civil liability or any professional disciplinary action for prescribing or dispensing the opioid antagonist or an addiction mitigation medication or any outcome resulting from the administration of the opioid antagonist or an addiction mitigation medication. A physician issuing a statewide standing order under subsection 2 of this section shall not be subject to any criminal or civil liability or any professional disciplinary action for issuing the standing order or for any outcome related to the order or the administration of the opioid antagonist or an addiction mitigation medication.

5. Notwithstanding any other law or regulation to the contrary, it shall be permissible for any person to possess an opioid antagonist or an addiction mitigation medication.

6. Any person who administers an opioid antagonist to another person shall, immediately after administering the drug, contact emergency personnel. Any person who, acting in good faith and with reasonable care, administers an opioid antagonist to another person whom the person believes to be suffering an opioid-related **drug** overdose shall be immune from criminal prosecution, disciplinary actions from his or her professional licensing board, and civil liability due to the administration of the opioid antagonist."; and

Further amend said bill, Page 28, Section 579.022, Line 10, by inserting after all of said section and line the following:

"579.088. Notwithstanding any other provision of this chapter or chapter 195 to the contrary, it shall not be unlawful to manufacture, possess, sell, deliver, or use any device, equipment, or other material for the purpose of analyzing controlled substances to detect the presence of fentanyl or any synthetic controlled substance fentanyl analogue."; and

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

Representative Christ offered **House Amendment No. 1 to House Amendment No. 10.**

*House Amendment No. 1
to
House Amendment No. 10*

AMEND House Amendment No. 10 to House Committee Substitute for Senate Bill No. 186, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

""72.418. 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to 72.423 shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city.

2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall continue to provide fire protection services, including emergency medical services to such area. The annexing city shall pay annually to the fire protection district an amount equal to that which the fire protection district would have levied on all taxable property within the annexed area. Such annexed area shall not be subject to taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by the fire protection district which existed prior to the annexation. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be a sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

3. The fire protection district may approve or reject any proposal for the provision of fire protection and emergency medical services by a city.

4. Notwithstanding any other provision of law, in any city with more than eleven thousand but fewer than twelve thousand five hundred inhabitants and located in a county with more than one million inhabitants that became a constitutional charter city after 1990 and that pays a fire protection district under this section, all residents of the city shall receive fire protection services from the city fire department beginning January 1, 2024, so long as the city fire department is in existence, and not a fire protection

district, and the city shall not make any payments to a fire protection district under this section on or after January 1, 2024. Nothing in this subsection shall prevent such city from contracting with any fire protection district for services if the city and fire protection district mutually agree. Upon the city providing fire protection services as described in this subsection, the residents of an area annexed on or after May 26, 1994, shall no longer be able to vote in any fire protection district election and shall not be elected to the fire protection district's board of directors.

190.255. 1. Any qualified first responder may obtain and administer naloxone, **or any**"; and

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

On motion of Representative Christ, **House Amendment No. 1 to House Amendment No. 10** was adopted.

Representative Haley offered **House Amendment No. 2 to House Amendment No. 10.**

*House Amendment No. 2
to
House Amendment No. 10*

AMEND House Amendment No. 10 to House Committee Substitute for Senate Bill No. 186, Page 3, Line 4, by deleting all of said line and inserting in lieu thereof the following:

""579.065. 1. A person commits the offense of trafficking drugs in the first degree if, except as authorized by this chapter or chapter 195, such person knowingly distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce:

- (1) More than thirty grams of a mixture or substance containing a detectable amount of heroin;
- (2) More than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;
- (3) More than eight grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;
- (4) More than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);
- (5) More than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);
- (6) More than four grams of phencyclidine;
- (7) More than thirty kilograms of a mixture or substance containing marijuana;
- (8) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate;
- (9) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;
- (10) One gram or more of flunitrazepam for the first offense;
- (11) Any amount of gamma-hydroxybutyric acid for the first offense; or
- (12) More than ~~ten~~ **three but less than fourteen** milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

2. The offense of trafficking drugs in the first degree is a class B felony.

3. The offense of trafficking drugs in the first degree is a class A felony if the quantity involved is:

- (1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or
- (2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or

their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) Twenty-four grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or

(4) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

(5) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

(6) Twelve grams or more of phencyclidine; or

(7) One hundred kilograms or more of a mixture or substance containing marijuana; or

(8) Ninety grams or more of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(9) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers; methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate, and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, or within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or

(10) Ninety grams or more of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

(11) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or

(12) One gram or more of flunitrazepam for a second or subsequent offense; or

(13) Any amount of gamma-hydroxybutyric acid for a second or subsequent offense; or

(14) ~~Twenty~~ **Fourteen** milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

579.068. 1. A person commits the offense of trafficking drugs in the second degree if, except as authorized by this chapter or chapter 195, such person knowingly possesses or has under his or her control, purchases or attempts to purchase, or brings into this state:

(1) More than thirty grams of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

(3) More than eight grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;

(4) More than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(5) More than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(6) More than four grams of phencyclidine;

- (7) More than thirty kilograms of a mixture or substance containing marijuana;
 - (8) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate;
 - (9) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or
 - (10) More than ~~ten~~ **three but less than fourteen** milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.
 2. The offense of trafficking drugs in the second degree is a class C felony.
 3. The offense of trafficking drugs in the second degree is a class B felony if the quantity involved is:
 - (1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or
 - (2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or
 - (3) Twenty-four grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or
 - (4) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or
 - (5) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or
 - (6) Twelve grams or more of phencyclidine; or
 - (7) One hundred kilograms or more of a mixture or substance containing marijuana; or
 - (8) More than five hundred marijuana plants; or
 - (9) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or
 - (10) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or
 - (11) ~~Twenty~~ **Fourteen** milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.
 4. The offense of trafficking drugs in the second degree is a class A felony if the quantity involved is four hundred fifty grams or more of any material, compound, mixture or preparation which contains:
 - (1) Any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate; or
 - (2) Any quantity of 3,4-methylenedioxymethamphetamine.
 5. The offense of drug trafficking in the second degree is a class C felony for the first offense and a class B felony for any second or subsequent offense for the trafficking of less than one gram of flunitrazepam.
- 579.088. Notwithstanding any other provision of this chapter or chapter 195 to the"; and**

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

On motion of Representative Haley, **House Amendment No. 2 to House Amendment No. 10** was adopted.

Representative Diehl offered **House Amendment No. 3 to House Amendment No. 10.**

House Amendment No. 3
to
House Amendment No. 10

AMEND House Amendment No. 10 to House Committee Substitute for Senate Bill No. 186, Page 2, Line 38, by inserting after all of the said line the following:

"Further amend said bill, Page 27, Section 575.095, Line 29, by inserting after all of said section and line the following:

"578.156. 1. A person commits the offense of interference with the transportation of livestock if the person knowingly does any of the following:

(1) Stops, hinders, impedes, boards, obstructs, or otherwise interferes with a motor vehicle transporting livestock regardless of whether the motor vehicle is moving;

(2) Provokes or disturbs livestock when the livestock is confined in a motor vehicle regardless of whether the motor vehicle is moving; or

(3) Puts or places a compound or substance on, near, or upon such livestock that would:

(a) Affect the livestock's marketability or suitability for use;

(b) Affect animal or human health; or

(c) Result in an unreasonable transportation or shipping delay.

2. The offense of interference with the transportation of livestock is a class E felony for a first offense and a class C felony for any second or subsequent offense.

3. In a prosecution alleging that a person committed the offense of interference with the transportation of livestock under subsection 1 of this section, the person may assert an affirmative defense of consent. The person shall prove by a preponderance of the evidence that the person was acting with the consent of any of the following:

(1) A person having real or apparent authority to transport the livestock; or

(2) The owner of the livestock or any other person having real or apparent authority to possess or control the livestock.

4. The provisions of this section shall not apply to any enforcement action or services provided by a law enforcement officer or agency or an employee or agent of the department of agriculture acting under section 267.645.

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

(1) "Livestock", as defined under section 265.300;

(2) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks and an item attached to the motor vehicle. "Motor vehicle" shall not include farm tractors and electric bicycles."; and";
and

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

On motion of Representative Diehl, **House Amendment No. 3 to House Amendment No. 10** was adopted.

On motion of Representative Shields, **House Amendment No. 10, as amended**, was adopted.

Representative Brown (16) offered **House Amendment No. 11.**

House Amendment No. 11

AMEND House Committee Substitute for Senate Bill No. 186, Page 3, Section 56.601, Line 50, by inserting after all of said section and line the following:

"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]~~ **a maximum salary amount established by the board by resolution.**

84.510. 1. For the purpose of operation of the police department herein created, the chief of police, with the approval of the board, shall appoint such number of police department employees, including police officers and civilian employees as the chief of police from time to time deems necessary.

2. The base annual compensation of police officers shall be as follows for the several ranks:

(1) Lieutenant colonels, not to exceed five in number, at not less than seventy-one thousand nine hundred sixty-nine dollars~~[-, nor more than one hundred forty six thousand one hundred twenty four dollars per annum each];~~

(2) Majors at not less than sixty-four thousand six hundred seventy-one dollars~~[-, nor more than one hundred thirty three thousand three hundred twenty dollars per annum each];~~

(3) Captains at not less than fifty-nine thousand five hundred thirty-nine dollars~~[-, nor more than one hundred twenty one thousand six hundred eight dollars per annum each];~~

(4) Sergeants at not less than forty-eight thousand six hundred fifty-nine dollars~~[-, nor more than one hundred six thousand five hundred sixty dollars per annum each];~~

(5) Master patrol officers at not less than fifty-six thousand three hundred four dollars~~[-, nor more than ninety four thousand three hundred thirty two dollars per annum each];~~

(6) Master detectives at not less than fifty-six thousand three hundred four dollars~~[-, nor more than ninety four thousand three hundred thirty two dollars per annum each];~~

(7) Detectives, investigators, and police officers at not less than twenty-six thousand six hundred forty-three dollars~~[-, nor more than eighty seven thousand six hundred thirty six dollars per annum each].~~

3. The board of police commissioners has the authority by resolution to effect a comprehensive pay schedule program to provide for step increases with separate pay rates within each rank, ~~[in]~~ **using** the above-specified salary **minimums as a base for such** ranges from police officers through chief of police.

4. Officers assigned to wear civilian clothes in the performance of their regular duties may receive an additional one hundred fifty dollars per month clothing allowance. Uniformed officers may receive seventy-five dollars per month uniform maintenance allowance.

5. The chief of police, subject to the approval of the board, shall establish the total regular working hours for all police department employees, and the board has the power, upon recommendation of the chief, to pay additional compensation for all hours of service rendered in excess of the established regular working period, but the rate of overtime compensation shall not exceed one and one-half times the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given nor deductions made from payments for overtime for the purpose of retirement benefits.

6. The board of police commissioners, by majority affirmative vote, including the mayor, has the authority by resolution to authorize incentive pay in addition to the base compensation as provided for in subsection 2 of this section, to be paid police officers of any rank who they determine are assigned duties which require an extraordinary degree of skill, technical knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

7. The board of police commissioners may effect programs to provide additional compensation for successful completion of academic work at an accredited college or university. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

8. The additional pay increments provided in subsections 6 and 7 of this section shall not be considered a part of the base compensation of police officers of any rank and shall not exceed ten percent of what the officer would otherwise be entitled to pursuant to subsections 2 and 3 of this section.

~~[9. Not more than twenty five percent of the officers in any rank who are receiving the maximum rate of pay authorized by subsections 2 and 3 of this section may receive the additional pay increments authorized by subsections 6 and 7 of this section at any given time. However, any officer receiving a pay increment provided~~

~~pursuant to the provisions of subsections 6 and 7 of this section shall not be deprived of such pay increment as a result of the limitations of this subsection.]; and~~

Further amend said bill, Page 30, Section B, Lines 2-4, by deleting said lines and inserting in lieu thereof the following:

"section 56.601 and the repeal and reenactment of sections 84.480 and 84.510 are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be emergency acts within the meaning of the constitution, and the enactment of section 56.601 and the repeal and reenactment of sections 84.480 and 84.510 of section A of"; and

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

Representative Sharp (37) offered **House Amendment No. 1 to House Amendment No. 11.**

*House Amendment No. 1
to
House Amendment No. 11*

AMEND House Amendment No. 11 to House Committee Substitute for Senate Bill No. 186, Page 3, Line 2, by inserting after said line the following:

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

"302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

- (1) In the case of an initial suspension, thirty days after the effective date of the suspension;
- (2) In the case of a second suspension, sixty days after the effective date of the suspension;
- (3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition

interlock device, there shall be no period of suspension. However, in lieu of a suspension the person shall instead complete a ninety-day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such ninety-day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such ninety-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional thirty-day period of restricted driving privilege.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, except any suspension or revocation issued under section 302.410, 302.462, or 302.574, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state. Any person who has had his or her license suspended or revoked under section 302.410, 302.462, or 302.574, shall be required to pay the reinstatement fee.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of:

(1) An assessment of points for a conviction for an intoxication-related traffic offense, as defined under section 577.001, **in which the person's blood alcohol content was found to be at least eight-hundredths of one percent but less than fifteen-hundredths of one percent by weight of alcohol in such person's blood** and who has a prior alcohol-related enforcement contact as defined under section 302.525[-]; or

(2) **An assessment of points for a conviction for an intoxication-related traffic offense, as defined under section 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood;**

shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or

circumvented the ignition interlock device within the last three months of the six-month period of required installation of the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.

302.440. In addition to any other provisions of law, a court may require that any person who is found guilty of a first intoxication-related traffic offense, as defined in section 577.001, and a court shall require that any person who is found guilty of a second or subsequent intoxication-related traffic offense, as defined in section 577.001, **or any person who is found guilty of an intoxication-related traffic offense, as defined under section 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood** shall not operate any motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device **that the person must use** for a period of not less than six months from the date of reinstatement of the person's driver's license. In addition, any court authorized to grant a limited driving privilege under section 302.309 to any person who is found guilty of a second or subsequent intoxication-related traffic offense **or to any person who is found guilty of an intoxication-related traffic offense, as defined under section 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood** shall require the use of an ignition interlock device on all vehicles operated by the person as a required condition of the limited driving privilege, except as provided in section 302.441. These requirements shall be in addition to any other provisions of this chapter or chapter 577 requiring installation and maintenance of an ignition interlock device. Any person required to use an ignition interlock device shall comply with such requirement subject to the penalties provided by section 577.599.

302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate ~~whether~~ **that** a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. If a person otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle that he or she operates is equipped with a functioning, certified ignition interlock device, there shall be no period of suspension. However, in lieu of a suspension the person shall instead complete a ninety-day period of restricted driving privilege. Upon completion of such ninety-day period of restricted driving privilege, compliance with other requirements of law, and filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such ninety-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional thirty-day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts **or to any person whose driving record shows an intoxication-related traffic offense, as defined under section 577.001, in which the person's blood**

alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood until the person has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts **or an intoxication-related traffic offense, as defined under section 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood** showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device within the last three months of the six-month period of required installation of the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director, the license shall be suspended or revoked, until proof as required by this section is filed with the director, and the person shall be guilty of a class A misdemeanor.

302.574. 1. If a person who was operating a vehicle refuses upon the request of the officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person notice of his or her right to file a petition for review to contest the license revocation.

2. Such officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

- (1) That the officer has:
 - (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated condition; or
 - (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
 - (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;
- (2) That the person refused to submit to a chemical test;
- (3) Whether the officer secured the license to operate a motor vehicle of the person;
- (4) Whether the officer issued a fifteen-day temporary permit;
- (5) Copies of the notice of revocation, the fifteen-day temporary permit, and the notice of the right to file a petition for review. The notices and permit may be combined in one document; and

(6) Any license, which the officer has taken into possession, to operate a motor vehicle.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. Pursuant to local court rule promulgated pursuant to Section 15 of Article V of the Missouri Constitution, the case may also be assigned to a traffic judge pursuant to section 479.500. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation under this section. Upon the person's request, the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

(1) Whether the person was arrested or stopped;

(2) Whether the officer had:

(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion under the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a similar offense in the future, except that the court may modify but shall not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001, or of a person determined to have operated a motor vehicle with a blood alcohol content of fifteen-hundredths of one percent or more by weight. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted under this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of behavioral health of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010. The administrator of the program shall remit to the division of behavioral health of the department of mental health on or before the fifteenth day of each month the supplemental

fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due to the division of behavioral health under this section, and shall accrue at a rate not to exceed the annual rates established under the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health under this section shall be deposited in the mental health earnings fund, which is created in section 630.053.

9. Any administrator who fails to remit to the division of behavioral health of the department of mental health the supplemental fees and interest for all persons enrolled in the program under this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due to the division under this section. If the supplemental fees, interest, and penalties are not remitted to the division of behavioral health of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action for the collection of said fees and accrued interest. The court shall assess attorneys' fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, **or who has been found guilty of an intoxication-related traffic offense, as defined under section 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood**, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device within the last three months of the six-month period of required installation of the ignition interlock device, then the period for which the person shall maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked until proof as required by this section is filed with the director, and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked.

12. A person commits the offense of failure to maintain proof with the Missouri department of revenue if, when required to do so, he or she fails to file proof with the director of revenue that any vehicle operated by the person is equipped with a functioning, certified ignition interlock device or fails to file proof of financial responsibility with the department of revenue in accordance with chapter 303. The offense of failure to maintain proof with the Missouri department of revenue is a class A misdemeanor."; and"; and

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

On motion of Representative Sharp (37), **House Amendment No. 1 to House Amendment No. 11** was adopted.

Representative Cook offered **House Amendment No. 2 to House Amendment No. 11**.

*House Amendment No. 2
to
House Amendment No. 11*

AMEND House Amendment No. 11 to House Committee Substitute for Senate Bill No. 186, Page 3, Line 2, by inserting after said line the following:

"Further amend said bill, Page 11, Section 558.043, Line 16, by inserting after all of said section and line the following

"559.125. 1. The clerk of the court shall keep in a permanent file all applications for probation or parole by the court, and shall keep in such manner as may be prescribed by the court complete and full records of all presentence investigations requested, probations or paroles granted, revoked or terminated and all discharges from probations or paroles. All court orders relating to any presentence investigation requested and probation or parole granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like manner, and, if the defendant subject to any such order is subject to an investigation or is under the supervision of the division of probation and parole, a copy of the order shall be sent to the division of probation and parole. In any county where a parole board ceases to exist, the clerk of the court shall preserve the records of that parole board.

2. ~~[Information and data obtained by a probation or parole officer shall be privileged information and shall not be receivable in any court.]~~ **Information and data obtained by a probation or parole officer is privileged information not receivable in any court unless for lawful criminal matters.** Such information shall not be disclosed directly or indirectly to anyone other than the members of a parole board and the judge entitled to receive reports, except the court, the division of probation and parole, or the parole board may in its discretion permit the inspection of the report, or parts of such report, by the defendant, or offender or his or her attorney, or other person having a proper interest therein.

3. The provisions of subsection 2 of this section notwithstanding, the presentence investigation report shall be made available to the state and all information and data obtained in connection with preparation of the presentence investigation report may be made available to the state at the discretion of the court upon a showing that the receipt of the information and data is in the best interest of the state."; and

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

"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 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 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, **declarations, or other supporting documentation**, 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]~~ **No notarization shall be required for an application or for any affidavits, declarations, or other documents supporting an application. The application and any affidavits, declarations, or other documents supporting the application** shall be subject to the provisions of section 492.060 **allowing for declaration under penalty of perjury.**"; and"; and

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

On motion of Representative Cook, **House Amendment No. 2 to House Amendment No. 11** was adopted.

Representative Peters offered **House Amendment No. 3 to House Amendment No. 11.**

*House Amendment No. 3
to
House Amendment No. 11*

AMEND House Amendment No. 11 to House Committee Substitute for Senate Bill No. 186, Page 3, Line 2, by inserting after all of said section and line the following:

"Further amend said bill, Page 6, Section 301.3175, Line 32, by inserting immediately after all of said line the following:

"407.302. 1. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, or utility regulated under chapter 386 or 393, including **twisted pair copper telecommunications wiring of pair or greater existing in 19, 22, 24, or 26 gauge burnt wire**, bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under chapter 386 or 393, or manufacturer of the metal or item described in this section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under chapter 386 or 393, or manufacturer to sell the metal.

2. Anyone convicted of violating this section shall be guilty of a class B misdemeanor."; and"; and

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

On motion of Representative Peters, **House Amendment No. 3 to House Amendment No. 11** was adopted.

On motion of Representative Brown (16), **House Amendment No. 11, as amended**, was adopted.

Representative Myers offered **House Amendment No. 12.**

House Amendment No. 12

AMEND House Committee Substitute for Senate Bill No. 186, Page 5, Section 211.031, Line 93, by inserting after said section and line the following:

"287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury or death by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of producing occupational deafness.

5. "Radiation disability" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590 if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department or paid peace officers of a police department who are certified under chapter 590 if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease.

9. (1) (a) Posttraumatic stress disorder (PTSD), as described in the Diagnostic and Statistical Manual of Mental Health Disorders, Fifth Edition, published by the American Psychiatric Association, (DSM-5) is recognized as a compensable occupational disease for purposes of this chapter when diagnosed in a first responder, as that term is defined under section 67.145.

(b) Benefits payable to a first responder under this section shall not require a physical injury to the first responder, and are not subject to any preexisting PTSD.

(c) Benefits payable to a first responder under this section are compensable only if demonstrated by clear and convincing evidence that PTSD has resulted from the course and scope of employment, and the first responder is examined and diagnosed with PTSD by an authorized treating physician, due to the first responder experiencing one of the following qualifying events:

- a. Seeing for oneself a deceased minor;**
- b. Witnessing directly the death of a minor;**

- c. Witnessing directly the injury to a minor who subsequently died prior to or upon arrival at a hospital emergency department, participating in the physical treatment of, or manually transporting, an injured minor who subsequently died prior to or upon arrival at a hospital emergency department;
- d. Seeing for oneself a person who has suffered serious physical injury of a nature that shocks the conscience;
- e. Witnessing directly a death, including suicide, due to serious physical injury; or homicide, including murder, mass killings, manslaughter, self-defense, misadventure, and negligence;
- f. Witnessing directly an injury that results in death, if the person suffered serious physical injury that shocks the conscience;
- g. Participating in the physical treatment of an injury, including attempted suicide, or manually transporting an injured person who suffered serious physical injury, if the injured person subsequently died prior to or upon arrival at a hospital emergency department; or,
- h. Involvement in an event that caused or may have caused serious injury or harm to the first responder or had the potential to cause the death of the first responder, whether accidental or by an intentional act of another individual.

(2) The time for notice of injury or death in cases of compensable PTSD under this section is measured from exposure to one of the qualifying stressors listed in the DSM-5 criteria, or the diagnosis of the disorder, whichever is later. Any claim for compensation for such injury shall be properly noticed within fifty-two weeks after the qualifying exposure, or the diagnosis of the disorder, whichever is later."; and

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

On motion of Representative Myers, **House Amendment No. 12** was adopted.

Representative Perkins offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Committee Substitute for Senate Bill No. 186, Page 3, Section 56.601, Line 50, by inserting after said section and line the following:

"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.

105.500. For purposes of sections 105.500 to 105.598, unless the context otherwise requires, the following words and phrases mean:

(1) "Bargaining unit", a unit of public employees at any plant or installation or in a craft or in a function of a public body that establishes a clear and identifiable community of interest among the public employees concerned;

(2) "Board", the state board of mediation established under section 295.030;

(3) "Department", the department of labor and industrial relations established under section 286.010;

(4) "Exclusive bargaining representative", an organization that has been designated or selected, as provided in section 105.575, by a majority of the public employees in a bargaining unit as the representative of such public employees in such unit for purposes of collective bargaining;

(5) "Labor organization", any organization, agency, or public employee representation committee or plan, in which public employees participate and that exists for the purpose, in whole or in part, of dealing with a public body or public bodies concerning collective bargaining, grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(6) "Public body", the state of Missouri, or any officer, agency, department, bureau, division, board or commission of the state, or any other political subdivision or special district of or within the state. Public body shall not include the department of corrections;

(7) "Public employee", any person employed by a public body;

(8) "Public safety labor organization", a labor organization wholly or primarily representing persons trained or authorized by law or rule to render emergency medical assistance or treatment, including, but not limited to, firefighters, ~~[ambulance attendants, attendant drivers,]~~ emergency medical technicians, ~~[emergency medical technician paramedics,]~~ dispatchers, registered nurses and physicians, and persons who are vested with the power of arrest for criminal code violations including, but not limited to, police officers, sheriffs, and deputy sheriffs.

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 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]~~ **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)~~ (19) "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)]~~ (20) "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;

~~[(23)]~~ (21) "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

~~[(24)]~~ (22) "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)]~~ (23) "Medical direction", medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

~~[(26)]~~ (24) "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)]~~ (25) "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;

(26) **"Paramedic", 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;**

~~[(28)]~~ (27) "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)]~~ (28) "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)]~~ (29) "Physician", a person licensed as a physician pursuant to chapter 334;

~~[(31)]~~ (30) "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)]~~ (31) "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]~~ EMTs, nurses, ~~[EMT-P's]~~ **paramedics**, 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)]~~ (32) "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)]~~ (33) "Protocol", a predetermined, written medical care guideline, which may include standing orders;

~~[(35)]~~ (34) "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)]~~ (35) "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)]~~ (36) "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)]~~ (37) "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

~~[(39)]~~ (38) "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)]~~ (39) "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)]~~ (40) "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)]~~ (41) "STEMI center", a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

~~[(43)]~~ (42) "Stroke", a condition of impaired blood flow to a patient's brain as defined by the department;

~~[(44)]~~ (43) "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)]~~ (44) "Stroke center", a hospital that is currently designated as such by the department;

~~[(46)]~~ (45) "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)]~~ (46) "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)]~~ (47) "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

~~[(49)]~~ (48) "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;

~~[(50)]~~ (49) "Trauma center", a hospital that is currently designated as such by the department.

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]~~ **EMTs, paramedics**, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including AEMTs, ~~[EMT-Bs, EMT-Ps]~~ **EMTs, paramedics**, 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]~~ **EMTs, paramedics**, 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.

190.142. 1. (1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, the department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license.

(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may

include the use of vendors or systems administered by the Missouri state highway patrol. The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 190.900, in recognition of the EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.

(3) The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Emergency medical technician and paramedic education and training requirements based on respective National Emergency Medical Services Education Standards and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Paramedic accreditation requirements. Paramedic training programs shall be accredited ~~by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or hold a CAAHEP letter of review~~ **as required by the National Registry of Emergency Medical Technicians;**

(4) Initial licensure testing requirements. Initial ~~[EMT-P]~~ **paramedic** licensure testing shall be through the national registry of EMTs;

(5) Continuing education and relicensure requirements; and

(6) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. 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, 2002, shall be invalid and void.

190.147. 1. ~~[An emergency medical technician-paramedic (EMT-P)]~~ **A paramedic** may make a good faith determination that such behavioral health patients who present a likelihood of serious harm to themselves or others, as the term "likelihood of serious harm" is defined under section 632.005, or who are significantly incapacitated by alcohol or drugs shall be placed into a temporary hold for the sole purpose of transport to the nearest appropriate facility; provided that, such determination shall be made in cooperation with at least one other ~~[EMT-P]~~ **paramedic** or other health care professional involved in the transport. Once in a temporary hold, the patient shall be treated with humane care in a manner that preserves human dignity, consistent with applicable federal regulations and nationally recognized guidelines regarding the appropriate use of temporary holds and restraints in medical transport. Prior to making such a determination:

(1) The ~~[EMT-P]~~ **paramedic** shall have completed a standard crisis intervention training course as endorsed and developed by the state EMS medical director's advisory committee;

(2) The ~~[EMT-P]~~ **paramedic** shall have been authorized by his or her ground or air ambulance service's administration and medical director under subsection 3 of section 190.103; and

(3) The ~~[EMT-P's]~~ **paramedic** ground or air ambulance service has developed and adopted standardized triage, treatment, and transport protocols under subsection 3 of section 190.103, which address the challenge of treating and transporting such patients. Provided:

(a) That such protocols shall be reviewed and approved by the state EMS medical director's advisory committee; and

(b) That such protocols shall direct the ~~[EMT-P]~~ **paramedic** regarding the proper use of patient restraint and coordination with area law enforcement; and

(c) Patient restraint protocols shall be based upon current applicable national guidelines.

2. In any instance in which a good faith determination for a temporary hold of a patient has been made, such hold shall be made in a clinically appropriate and adequately justified manner, and shall be documented and attested to in writing. The writing shall be retained by the ambulance service and included as part of the patient's medical file.

3. ~~[EMT-Ps]~~ **Paramedics** who have made a good faith decision for a temporary hold of a patient as authorized by this section shall no longer have to rely on the common law doctrine of implied consent and therefore shall not be civilly liable for a good faith determination made in accordance with this section and shall not have waived any sovereign immunity defense, official immunity defense, or Missouri public duty doctrine defense if employed at the time of the good faith determination by a government employer.

4. Any ground or air ambulance service that adopts the authority and protocols provided for by this section shall have a memorandum of understanding with applicable local law enforcement agencies in order to achieve a collaborative and coordinated response to patients displaying symptoms of either a likelihood of serious harm to themselves or others or significant incapacitation by alcohol or drugs, which require a crisis intervention response. The memorandum of understanding shall include, but not be limited to, the following:

(1) Administrative oversight, including coordination between ambulance services and law enforcement agencies;

(2) Patient restraint techniques and coordination of agency responses to situations in which patient restraint may be required;

(3) Field interaction between paramedics and law enforcement, including patient destination and transportation; and

(4) Coordination of program quality assurance.

5. The physical restraint of a patient by an emergency medical technician under the authority of this section shall be permitted only in order to provide for the safety of bystanders, the patient, or emergency personnel due to an imminent or immediate danger, or upon approval by local medical control through direct communications. Restraint shall also be permitted through cooperation with on-scene law enforcement officers. All incidents involving patient restraint used under the authority of this section shall be reviewed by the ambulance service physician medical director.

190.327. 1. Immediately upon the decision by the commission to utilize a portion of the emergency telephone tax for central dispatching and an affirmative vote of the telephone tax, the commission shall appoint the initial members of a board which shall administer the funds and oversee the provision of central dispatching for emergency services in the county and in municipalities and other political subdivisions which have contracted for such service. Beginning with the general election in 1992, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency telephone service and in chapter 321, with regard to the provision of central dispatching service, and such duties shall be exercised by the board.

2. Elections for board members may be held on general municipal election day, as defined in subsection 3 of section 115.121, after approval by a simple majority of the county commission.

3. For the purpose of providing the services described in this section, the board shall have the following powers, authority and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions and proceedings;

(3) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the board;

(4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, including leases and easements;

(5) To have the management, control and supervision of all the business affairs of the board and the construction, installation, operation and maintenance of any improvements;

(6) To hire and retain agents and employees and to provide for their compensation including health and pension benefits;

(7) To adopt and amend bylaws and any other rules and regulations;

(8) To fix, charge and collect the taxes and fees authorized by law for the purpose of implementing and operating the services described in this section;

(9) To pay all expenses connected with the first election and all subsequent elections; and

(10) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this subsection. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 190.300 to 190.329.

4. (1) Notwithstanding the provisions of subsections 1 and 2 of this section to the contrary, the county commission may elect to appoint the members of the board to administer the funds and oversee the provision of central dispatching for emergency services in the counties, municipalities, and other political subdivisions which have contracted for such service upon the request of the municipalities and other political subdivisions. Upon appointment of the initial members of the board, the commission shall relinquish all powers and duties to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of central dispatching service and such duties shall be exercised by the board.

(2) The board shall consist of seven members appointed without regard to political affiliation. The members shall include:

(a) Five members who shall serve for so long as they remain in their respective county or municipal positions as follows:

a. The county sheriff, or his or her designee;

b. The heads of the municipal police department who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees; or

c. The heads of the municipal fire departments or fire divisions who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees;

(b) Two members who shall serve two-year terms appointed from among the following:

a. The head of any of the county's fire protection districts who have contracted for central dispatching service, or his or her designee;

b. The head of any of the county's ambulance districts who have contracted for central dispatching service, or his or her designee;

c. The head of any of the municipal police departments located in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph b. of paragraph (a) of this subdivision; and

d. The head of any of the municipal fire departments in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph c. of paragraph (a) of this subdivision.

(3) Upon the appointment of the board under this subsection, the board shall have the powers provided in subsection 3 of this section and the commission shall relinquish all powers and duties relating to the provision of central dispatching service under this chapter to the board.

~~[5. An emergency services board originally organized under section 190.325 operating within a county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants shall not have a sales tax for emergency services or for providing central dispatching for emergency services greater than one quarter of one percent. If on July 9, 2019, such tax is greater than one quarter of one percent, the board shall lower the tax rate.]~~

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

(1) "Board", the Missouri 911 service board established under section 650.325;

(2) "Consumer", a person who purchases prepaid wireless telecommunications service in a retail transaction;

(3) "Department", the department of revenue;

(4) "Prepaid wireless service provider", a provider that provides prepaid wireless service to an end user;

(5) "Prepaid wireless telecommunications service", a wireless telecommunications service that allows a caller to dial 911 to access the 911 system and which service shall be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount;

(6) "Retail transaction", the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale. The purchase of more than one item that provides prepaid wireless telecommunication service, when such items are sold separately, constitutes more than one retail transaction;

(7) "Seller", a person who sells prepaid wireless telecommunications service to another person;

(8) "Wireless telecommunications service", commercial mobile radio service as defined by 47 CFR 20.3, as amended.

2. (1) Beginning January 1, 2019, there is hereby imposed a prepaid wireless emergency telephone service charge on each retail transaction. The amount of such charge shall be equal to three percent of the amount of each retail transaction. The first fifteen dollars of each retail transaction shall not be subject to the service charge.

(2) When prepaid wireless telecommunications service is sold with one or more products or services for a single, nonitemized price, the prepaid wireless emergency telephone service charge set forth in subdivision (1) of this subsection shall apply to the entire nonitemized price unless the seller elects to apply such service charge in the following way:

(a) If the amount of the prepaid wireless telecommunications service is disclosed to the consumer as a dollar amount, three percent of such dollar amount; or

(b) If the seller can identify the portion of the price that is attributable to the prepaid wireless telecommunications service by reasonable and verifiable standards from the seller's books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes, three percent of such portion;

The first fifteen dollars of each transaction under this subdivision shall not be subject to the service charge.

(3) The prepaid wireless emergency telephone service charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless emergency telephone service charge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller or otherwise disclosed to the consumer.

(4) For purposes of this subsection, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring under chapter 144.

(5) The prepaid wireless emergency telephone service charge is the liability of the consumer and not of the seller or of any provider; except that, the seller shall be liable to remit all charges that the seller collects or is deemed to collect.

(6) The amount of the prepaid wireless emergency telephone service charge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

3. (1) Prepaid wireless emergency telephone service charges collected by sellers shall be remitted to the department at the times and in the manner provided by state law with respect to sales and use taxes. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply under state law. On or after the effective date of the service charge imposed under the provisions of this section, the director of the department of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the service charge, and the director shall collect, in addition to the sales tax for the state of Missouri, all additional service charges imposed in this section. All service charges imposed under this section together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057 shall apply to the collection of any service charges imposed under this section except as modified.

(2) Beginning on January 1, 2019, and ending on January 31, 2019, when a consumer purchases prepaid wireless telecommunications service in a retail transaction from a seller under this section, the seller shall be allowed to retain one hundred percent of the prepaid wireless emergency telephone service charges that are collected by the seller from the consumer. Beginning on February 1, 2019, a seller shall be permitted to deduct and retain three percent of prepaid wireless emergency telephone service charges that are collected by the seller from consumers.

(3) The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for sales and use purposes under state law.

(4) The department shall deposit all remitted prepaid wireless emergency telephone service charges into the general revenue fund for the department's use until eight hundred thousand one hundred fifty dollars is collected to reimburse its direct costs of administering the collection and remittance of prepaid wireless emergency telephone service charges. From then onward, the department shall deposit all remitted prepaid wireless emergency telephone service charges into the Missouri 911 service trust fund created under section 190.420 within thirty days of receipt for use by the board. After the initial eight hundred thousand one hundred fifty dollars is collected, the department may deduct an amount not to exceed one percent of collected charges to be retained by the department to reimburse its direct costs of administering the collection and remittance of prepaid wireless emergency telephone service charges.

(5) The board shall set a rate between twenty-five and one hundred percent of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund collected in counties without a charter form of government, less the deductions authorized in subdivision (4) of this subsection, that shall be remitted to such counties in direct proportion to the amount of charges collected in each county. The board shall set a rate between sixty-five and one hundred percent of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund collected in counties with a charter form of government and any city not within a county, less the deductions authorized in subdivision (4) of this subsection, that shall be remitted to each such county or city not within a county in direct proportion to the amount of charges collected in each such county or city not within a county. If a county has an elected emergency services board, the Missouri 911 service board shall remit the funds to the elected emergency services board, except for an emergency services board originally organized under section 190.325 operating within a county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, in which case the funds shall be remitted to the county's general fund for the purpose of public safety infrastructure. The initial percentage rate set by the board for counties with and without a charter form of government and any city not within a county shall be set by June thirtieth of each applicable year and may be adjusted annually for the first three years, and thereafter the rate may be adjusted every three years; however, at no point shall the board set rates that fall below twenty-five percent for counties without a charter form of government and sixty-five percent for counties with a charter form of government and any city not within a county.

(6) Any amounts received by a county or city under subdivision (5) of this subsection shall be used only for purposes authorized in sections 190.305, 190.325, and 190.335. Any amounts received by any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants under this section may be used for emergency service notification systems.

4. (1) A seller that is not a provider shall be entitled to the immunity and liability protections under section 190.455, notwithstanding any requirement in state law regarding compliance with Federal Communications Commission Order 05-116.

(2) A provider shall be entitled to the immunity and liability protections under section 190.455.

(3) In addition to the protection from liability provided in subdivisions (1) and (2) of this subsection, each provider and seller and its officers, employees, assigns, agents, vendors, or anyone acting on behalf of such persons shall be entitled to the further protection from liability, if any, that is provided to providers and sellers of wireless telecommunications service that is not prepaid wireless telecommunications service under section 190.455.

5. The prepaid wireless emergency telephone service charge imposed by this section shall be in addition to any other tax, fee, surcharge, or other charge imposed by this state, any political subdivision of this state, or any intergovernmental agency for 911 funding purposes.

6. The provisions of this section shall become effective unless the governing body of a county or city adopts an ordinance, order, rule, resolution, or regulation by at least a two-thirds vote prohibiting the charge established under this section from becoming effective in the county or city at least forty-five days prior to the effective date of this section. If the governing body does adopt such ordinance, order, rule, resolution, or regulation by at least a two-thirds vote, the charge shall not be collected and the county or city shall not be allowed to obtain funds from the Missouri 911 service trust fund that are remitted to the fund under the charge established under this section. The Missouri 911 service board shall, by September 1, 2018, notify all counties and cities of the implementation of the charge established under this section, and the procedures set forth under this subsection for prohibiting the charge from becoming effective.

7. Any county or city which prohibited the prepaid wireless emergency telephone service charge pursuant to the provisions of subsection 6 of this section may take a vote of the governing body, and notify the department of revenue of the result of such vote ~~by November 15, 2019,~~ to impose such charge ~~[effective January 1, 2020]~~. A vote of at least two-thirds of the governing body is required in order to impose such charge. The department shall notify the board of notices received by ~~[December 1, 2019]~~ **within sixty days of receiving such notice.**

192.2405. 1. The following persons shall be required to immediately report or cause a report to be made to the department under sections 192.2400 to 192.2470:

(1) Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm, or bullying as defined in subdivision (2) of section 192.2400, and is in need of protective services; and

(2) Any adult day care worker, chiropractor, Christian Science practitioner, coroner, dentist, embalmer, employee of the departments of social services, mental health, or health and senior services, employee of a local area agency on aging or an organized area agency on aging program, emergency medical technician, firefighter, first responder, funeral director, home health agency, home health agency employee, hospital and clinic personnel engaged in the care or treatment of others, in-home services owner or provider, in-home services operator or employee, law enforcement officer, long-term care facility administrator or employee, medical examiner, medical resident or intern, mental health professional, minister, nurse, nurse practitioner, optometrist, other health practitioner, peace officer, pharmacist, physical therapist, physician, physician's assistant, podiatrist, probation or parole officer, psychologist, social worker, or other person with the responsibility for the care of an eligible adult who has reasonable cause to suspect that the eligible adult has been subjected to abuse or neglect or observes the eligible adult being subjected to conditions or circumstances which would reasonably result in abuse or neglect. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

2. Any other person who becomes aware of circumstances that may reasonably be expected to be the result of, or result in, abuse or neglect of an eligible adult may report to the department.

3. The penalty for failing to report as required under subdivision (2) of subsection 1 of this section is provided under section 565.188.

4. 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, police officers, sheriffs, deputy sheriffs, firefighters, ~~or emergency medical technicians~~, ~~or emergency medical technician-paramedics~~.

208.1032. 1. The department of social services shall be authorized to design and implement in consultation and coordination with eligible providers as described in subsection 2 of this section an intergovernmental transfer program relating to ground emergency medical transport services, including those services provided at the emergency medical responder, emergency medical technician (EMT), advanced EMT, ~~[EMT intermediate]~~, or paramedic levels in the prestabilization and preparation for transport, in order to increase capitation payments for the purpose of increasing reimbursement to eligible providers.

2. A provider shall be eligible for increased reimbursement under this section only if the provider meets the following conditions in an applicable state fiscal year:

- (1) Provides ground emergency medical transportation services to MO HealthNet participants;
- (2) Is enrolled as a MO HealthNet provider for the period being claimed; and
- (3) Is owned, operated, or contracted by the state or a political subdivision.

3. (1) To the extent intergovernmental transfers are voluntarily made by and accepted from an eligible provider described in subsection 2 of this section or a governmental entity affiliated with an eligible provider, the department of social services shall make increased capitation payments to applicable MO HealthNet eligible providers for covered ground emergency medical transportation services.

(2) The increased capitation payments made under this section shall be in amounts at least actuarially equivalent to the supplemental fee-for-service payments and up to equivalent of commercial reimbursement rates available for eligible providers to the extent permissible under federal law.

(3) Except as provided in subsection 6 of this section, all funds associated with intergovernmental transfers made and accepted under this section shall be used to fund additional payments to eligible providers.

(4) MO HealthNet managed care plans and coordinated care organizations shall pay one hundred percent of any amount of increased capitation payments made under this section to eligible providers for providing and making available ground emergency medical transportation and prestabilization services pursuant to a contract or other arrangement with a MO HealthNet managed care plan or coordinated care organization.

4. The intergovernmental transfer program developed under this section shall be implemented on the date federal approval is obtained, and only to the extent intergovernmental transfers from the eligible provider, or the governmental entity with which it is affiliated, are provided for this purpose. The department of social services shall

implement the intergovernmental transfer program and increased capitation payments under this section on a retroactive basis as permitted by federal law.

5. Participation in the intergovernmental transfers under this section is voluntary on the part of the transferring entities for purposes of all applicable federal laws.

6. As a condition of participation under this section, each eligible provider as described in subsection 2 of this section or the governmental entity affiliated with an eligible provider shall agree to reimburse the department of social services for any costs associated with implementing this section. Intergovernmental transfers described in this section are subject to an administration fee of up to twenty percent of the nonfederal share paid to the department of social services and shall be allowed to count as a cost of providing the services not to exceed one hundred twenty percent of the total amount.

7. As a condition of participation under this section, MO HealthNet managed care plans, coordinated care organizations, eligible providers as described in subsection 2 of this section, and governmental entities affiliated with eligible providers shall agree to comply with any requests for information or similar data requirements imposed by the department of social services for purposes of obtaining supporting documentation necessary to claim federal funds or to obtain federal approvals.

8. This section shall be implemented only if and to the extent federal financial participation is available and is not otherwise jeopardized, and any necessary federal approvals have been obtained.

9. To the extent that the director of the department of social services determines that the payments made under this section do not comply with federal Medicaid requirements, the director retains the discretion to return or not accept an intergovernmental transfer, and may adjust payments under this section as necessary to comply with federal Medicaid requirements."; and

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

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

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

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

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

"321.225. 1. A fire protection district may, in addition to its other powers and duties, provide emergency ambulance service within its district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an emergency ambulance service as it does in operating its fire protection service.

2. The proposition to furnish emergency ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board.

3. The question shall be submitted in substantially the following form:

Shall the board of directors of _____ Fire Protection District be authorized to provide emergency ambulance service within the district and be authorized to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to provide funds for such service?

4. If a majority of the voters casting votes thereon be in favor of emergency ambulance service and the levy, the district shall forthwith commence such service.

5. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

6. In addition to all other taxes authorized on or before September 1, 1990, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than forty cents per one hundred dollars of assessed valuation to be used for the support of the ambulance service or partial or complete support of ~~[an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician]~~ a paramedic first responder program. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the _____ Fire Protection District be authorized to levy an additional tax of not more than forty cents per one hundred dollars assessed valuation to provide funds for the support of an ambulance service or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program?

☐ FOR THE PROPOSITION

☐ AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote.)

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

321.620. 1. Fire protection districts in first class counties may, in addition to their other powers and duties, provide ambulance service within their district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an ambulance service as it does in operating its fire protection service. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

2. The proposition to furnish ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board or upon petition by five hundred voters of such district.

3. The question shall be submitted in substantially the following form:

Shall the board of directors of _____ Fire Protection District be authorized to provide ambulance service within the district and be authorized to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to provide funds for such service?

4. If a majority of the voters casting votes thereon be in favor of ambulance service and the levy, the district shall forthwith commence such service.

5. In addition to all other taxes authorized on or before September 1, 1990, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than forty cents per one hundred dollars of assessed valuation to be used for the support of the ambulance service, or partial or complete support of ~~[an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician]~~ a paramedic first responder program. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the _____ Fire Protection District be authorized to levy an additional tax of not more than forty cents per one hundred dollars assessed valuation to provide funds for the support of an ambulance service or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program?

☐ FOR THE PROPOSITION

☐ AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote).

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

537.037. 1. Any physician or surgeon, registered professional nurse or licensed practical nurse licensed to practice in this state under the provisions of chapter 334 or 335, or licensed to practice under the equivalent laws of any other state and any person licensed as ~~a mobile~~ **an** emergency medical technician under the provisions of chapter 190, may:

(1) In good faith render emergency care or assistance, without compensation, at the scene of an emergency or accident, and shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care;

(2) In good faith render emergency care or assistance, without compensation, to any minor involved in an accident, or in competitive sports, or other emergency at the scene of an accident, without first obtaining the consent of the parent or guardian of the minor, and shall not be liable for any civil damages other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering the emergency care.

2. Any other person who has been trained to provide first aid in a standard recognized training program may, without compensation, render emergency care or assistance to the level for which he or she has been trained, at the scene of an emergency or accident, and shall not be liable for civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

3. Any mental health professional, as defined in section 632.005, or qualified counselor, as defined in section 631.005, or any practicing medical, osteopathic, or chiropractic physician, or certified nurse practitioner, or physicians' assistant may in good faith render suicide prevention interventions at the scene of a threatened suicide and shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such suicide prevention interventions.

4. Any other person may, without compensation, render suicide prevention interventions at the scene of a threatened suicide and shall not be liable for civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such suicide prevention interventions."; and

Further amend said bill, Page 30, Section 590.1075, Line 11, by inserting after all of said section and line the following:

"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;**

(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;**

~~[(2)]~~ (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.**

650.330. 1. The board shall consist of fifteen members, one of which shall be chosen from the department of public safety, and the other members shall be selected as follows:

(1) One member chosen to represent an association domiciled in this state whose primary interest relates to municipalities;

(2) One member chosen to represent the Missouri 911 Directors Association;

(3) One member chosen to represent emergency medical services and physicians;

(4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;

- (5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;
 - (6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;
 - (7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;
 - (8) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;
 - (9) One member chosen to represent counties of the second, third, and fourth classification;
 - (10) One member chosen to represent counties of the first classification, counties with a charter form of government, and cities not within a county;
 - (11) One member chosen to represent telecommunications service providers;
 - (12) One member chosen to represent wireless telecommunications service providers;
 - (13) One member chosen to represent voice over internet protocol service providers; and
 - (14) One member chosen to represent the governor's council on disability established under section 37.735.
2. Each of the members of the board shall be appointed by the governor with the advice and consent of the senate for a term of four years. Members of the committee may serve multiple terms. No corporation or its affiliate shall have more than one officer, employee, assign, agent, or other representative serving as a member of the board. Notwithstanding subsection 1 of this section to the contrary, all members appointed as of August 28, 2017, shall continue to serve the remainder of their terms.
3. The board shall meet at least quarterly at a place and time specified by the chairperson of the board and it shall keep and maintain records of such meetings, as well as the other activities of the board. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the board.
4. The board shall:
- (1) Organize and adopt standards governing the board's formal and informal procedures;
 - (2) Provide recommendations for primary answering points and secondary answering points on technical and operational standards for 911 services;
 - (3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;
 - (4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that the board shall not supersede decision-making authority of local political subdivisions in regard to 911 services;
 - (5) Provide assistance to the governor and the general assembly regarding 911 services;
 - (6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;
 - (7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;
 - (8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state, including monitoring federal and industry standards being developed for next-generation 911 systems;
 - (9) Designate a state 911 coordinator who shall be responsible for overseeing statewide 911 operations and ensuring compliance with federal grants for 911 funding;
 - (10) Elect the chair from its membership;
 - (11) Apply for and receive grants from federal, private, and other sources;
 - (12) Report to the governor and the general assembly at least every three years on the status of 911 services statewide, as well as specific efforts to improve efficiency, cost-effectiveness, and levels of service;
 - (13) Conduct and review an annual survey of public safety answering points in Missouri to evaluate potential for improved services, coordination, and feasibility of consolidation;
 - (14) Make and execute contracts or any other instruments and agreements necessary or convenient for the exercise of its powers and functions, including for the development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;
 - (15) Develop a plan and timeline of target dates for the testing, implementation, and operation of a next-generation 911 system throughout Missouri. The next-generation 911 system shall allow for the processing of electronic messages including, but not limited to, electronic messages containing text, images, video, or data;

(16) Administer and authorize grants and loans under section 650.335 to those counties and any home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants that can demonstrate a financial commitment to improving 911 services by providing at least a fifty percent match and demonstrate the ability to operate and maintain ongoing 911 services. The purpose of grants and loans from the 911 service trust fund shall include:

(a) Implementation of 911 services in counties of the state where services do not exist or to improve existing 911 systems;

(b) Promotion of consolidation where appropriate;

(c) Mapping and addressing all county locations;

(d) Ensuring primary access and texting abilities to 911 services for disabled residents;

(e) Implementation of initial emergency medical dispatch services, including prearrival medical instructions in counties where those services are not offered as of July 1, 2019; and

(f) Development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;

(17) Develop an application process including reporting and accountability requirements, withholding a portion of the grant until completion of a project, and other measures to ensure funds are used in accordance with the law and purpose of the grant, and conduct audits as deemed necessary;

(18) Set the percentage rate of the prepaid wireless emergency telephone service charges to be remitted to a county or city as provided under subdivision (5) of subsection 3 of section 190.460;

(19) Retain in its records proposed county plans developed under subsection 11 of section 190.455 and notify the department of revenue that the county has filed a plan that is ready for implementation;

(20) Notify any communications service provider, as defined in section 190.400, that has voluntarily submitted its contact information when any update is made to the centralized database established under section 190.475 as a result of a county or city establishing or modifying a tax or monthly fee no less than ninety days prior to the effective date of the establishment or modification of the tax or monthly fee;

(21) Establish criteria for consolidation prioritization of public safety answering points;

(22) In coordination with existing public safety answering points, by December 31, 2018, designate no more than eleven regional 911 coordination centers which shall coordinate statewide interoperability among public safety answering points within their region through the use of a statewide 911 emergency services network; ~~and~~

(23) Establish an annual budget, retain records of all revenue and expenditures made, retain minutes of all meetings and subcommittees, post records, minutes, and reports on the board's webpage on the department of public safety website; **and**

(24) Promote and educate the public about the critical role of telecommunicator first responders in protecting the public and ensuring public safety.

5. The department of public safety shall provide staff assistance to the board as necessary in order for the board to perform its duties pursuant to sections 650.320 to 650.340. The board shall have the authority to hire consultants to administer the provisions of sections 650.320 to 650.340.

6. The board shall promulgate rules and regulations that are reasonable and necessary to implement and administer the provisions of sections 190.455, 190.460, 190.465, 190.470, 190.475, and sections 650.320 to 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. 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, 2017, shall be invalid and void.

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.

~~[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.]; and~~

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

Representative Proudie offered **House Amendment No. 1 to House Amendment No. 13.**

*House Amendment No. 1
to
House Amendment No. 13*

AMEND House Amendment No. 13 to House Committee Substitute for Senate Bill No. 186, Page 21, Line 36, by deleting all of said line and inserting in lieu thereof the following:

"211.575. 1. The "Task Force on Juvenile Justice and Education" is hereby created to study and make recommendations on the processes, procedures, and protocols regarding education for adjudicated youth in Missouri. The task force shall consist of the following members:

- (1) One member of the general assembly appointed by the president pro tempore of the senate;**
- (2) One member of the general assembly appointed by the minority floor leader of the senate;**
- (3) One member of the general assembly appointed by the speaker of the house of representatives;**
- (4) One member of the general assembly appointed by the minority floor leader of the house of representatives;**
- (5) The secretary of state or his or her designee;**
- (6) The attorney general or his or her designee; and**
- (7) A current or former judge from the juvenile and family court appointed by the St. Louis juvenile court system.**

2. Members of the task force shall be individuals who are actively involved in or have a well-documented interest in the fields of education, special education, or adjudicated youth. The appointment of members shall reflect the geographic diversity of the state.

3. The task force shall elect a presiding officer by a majority vote of the members of the task force. The task force shall meet at the call of the presiding officer.

4. The task force shall study nationally recognized best practices and make recommendations regarding the development and implementation of effective state-wide processes and procedures for the appropriate education of adjudicated youth. In making the recommendations, the task force shall:

(1) Gather information concerning current processes, procedures, protocols, and adherence from throughout the state;

(2) Receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations; and

(3) Create goals for state policy that would ensure adjudicated youth receive free, appropriate, and consistent education.

5. The recommendations may include proposals for specific statutory changes and additions or methods to foster cooperation among state agencies and between the state and local government.

6. The task force shall consult with employees of the department of social services, the department of public safety, the department of elementary and secondary education, the department of corrections, and any other state agency, board, commission, office, or department as necessary to accomplish the task force's responsibilities under this section.

7. The task force shall meet within two months of August 28, 2023.

8. The members of the task force shall serve without compensation and shall not be reimbursed for their expenses.

9. The secretary of state's and attorney general's office shall provide administrative support to the task force.

10. On or before December 31, 2023, the task force shall submit a report on the task force's findings to the governor and general assembly.

285.040. 1. As used in this section, "public safety employee" shall mean a person trained"; and

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

On motion of Representative Proudie, **House Amendment No. 1 to House Amendment No. 13** was adopted.

Representative Collins offered **House Amendment No. 2 to House Amendment No. 13.**

*House Amendment No. 2
to
House Amendment No. 13*

AMEND House Amendment No. 13 to House Committee Substitute for Senate Bill No. 186, Page 25, Line 15, by inserting after all of said line the following:

"Further amend said bill, Page 11, Section 558.019, Line 125, by inserting after all of said section and line the following:

"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 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, **but any program or activity, as described in subsection 3 of this section, that is completed by an offender prior to August 28, 2023, shall apply retroactively for good time credit.**

3. (1) The director of the department of corrections shall issue a policy for awarding credit.

(2) 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.

(3) Any **major conduct** violation of institutional rules ~~[or]~~, **violation of** the laws of this state ~~[may]~~, **parole revocation, or the accumulation of minor conduct violations exceeding six within a calendar year shall** result in the loss of all ~~[or a portion of any]~~ **prior credit earned by the [inmate] offender pursuant to this section.**

(4) **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.**

(5) **No offender committed to the department who is sentenced to death or sentenced to life without probation or parole shall be eligible for good time credit.**

(6) **The department shall award credit of sixty days to any qualifying offender who successfully:**

(a) **Receives a high school diploma or equivalent, college diploma, or a vocational training certificate as provided under the department's policy;**

(b) **Completes an alcohol or drug abuse treatment program as provided under the department's policy, except that alcohol and drug abuse treatment programs ordered by the court or parole board shall not qualify;**

(c) **Completes one thousand hours of restorative justice; or**

(d) **Completes other programs as provided under the department's policy.**

(7) **Each qualifying program or activity successfully completed shall earn sixty days of credit.**

(8) **Offenders sentenced under subsections 2 and 3 of section 558.019 shall be eligible for good time credit. Any good time credit earned shall be subtracted from the offender's minimum eligibility-for-release date.**

(9) **Nothing in this section shall be construed to require that the offender be released as a result of good time credit. The parole board in its discretion shall determine the date of release.**

4. ~~[The department shall cause the policy to be published in the code of state regulations.~~

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]~~ **Offenders may petition the department to receive credit for programs or activities completed prior to August 28, 2023, as specified below:**

(1) **Offenders are eligible to submit petitions from January 1, 2024, to December 31, 2024;**

(2) **Offenders must have completed the program or activity after December 31, 2009; and**

(3) **The provisions of this subsection shall apply retroactively to offenses committed after December 31, 2009.**

5. **No offender committed to the department who is sentenced to death or sentenced to life without probation or parole shall be eligible for good time credit under this section."**; and"; and

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

On motion of Representative Collins, **House Amendment No. 2 to House Amendment No. 13** was adopted.

Representative Schwadron offered **House Amendment No. 3 to House Amendment No. 13.**

*House Amendment No. 3
to
House Amendment No. 13*

AMEND House Amendment No. 13 to House Committee Substitute for Senate Bill No. 186, Page 19, Line 21, by inserting after said line the following:

"190.1010. 1. As used in this section, the following terms shall mean:

(1) **"Employee", a first responder employed by an employer;**

(2) **"Employer", the state, a unit of local government, or a public hospital or ambulance service that employs first responders;**

(3) "First responder", a 911 dispatcher, paramedic, emergency medical technician, or a volunteer or full-time paid firefighter;

(4) "Peer support advisor", a person approved by the employer who voluntarily provides confidential support and assistance to employees experiencing personal or professional problems. An employer shall provide peer support advisors with an appropriate level of training in counseling to provide emotional and moral support;

(5) "Peer support counseling program", a program established by an employer to train employees to serve as peer support advisors in order to conduct peer support counseling sessions;

(6) "Peer support counseling session", communication with a peer support advisor designated by an employer. A peer support counseling session is accomplished primarily through listening, assessing, assisting with problem solving, making referrals to a professional when necessary, and conducting follow-up as needed;

(7) "Record", any record kept by a therapist or by an agency in the course of providing behavioral health care to a first responder concerning the first responder and the services provided. "Record" includes the personal notes of the therapist or agency, as well as all records maintained by a court that have been created in connection with, in preparation for, or as a result of the filing of any petition. "Record" does not include information that has been de-identified in accordance with the federal Health Insurance Portability and Accountability Act (HIPAA) and does not include a reference to the receipt of behavioral health care noted during a patient history and physical or other summary of care.

2. (1) Any communication made by an employee or peer support advisor in a peer support counseling session, as well as any oral or written information conveyed in the peer support counseling session, shall be confidential and shall not be disclosed by any person participating in the peer support counseling session or released to any person or entity. Any communication relating to a peer support counseling session made confidential under this section that is made between peer support advisors and the supervisors or staff of a peer support counseling program, or between the supervisor and staff of a peer support counseling program, shall be confidential and shall not be disclosed. The provisions of this section shall not be construed to prohibit any communications between counselors who conduct peer support counseling sessions or any communications between counselors and the supervisors or staff of a peer support counseling program.

(2) Any communication described in subdivision (1) of this subsection may be subject to a subpoena for good cause shown.

(3) The provisions of this subsection shall not apply to the following:

(a) Any threat of suicide or homicide made by a participant in a peer support counseling session or any information conveyed in a peer support counseling session related to a threat of suicide or homicide;

(b) Any information mandated by law or agency policy to be reported, including, but not limited to, domestic violence, child abuse or neglect, or elder abuse or neglect;

(c) Any admission of criminal conduct; or

(d) Any admission or act of refusal to perform duties to protect others or the employee.

(4) All communications, notes, records, and reports arising out of a peer support counseling session shall not be considered public records subject to disclosure under chapter 610.

(5) A department or organization that establishes a peer support counseling program shall develop a policy or rule that imposes disciplinary measures against a peer support advisor who violates the confidentiality of the peer support counseling program by sharing information learned in a peer support counseling session with personnel who are not supervisors or staff of the peer support counseling program unless otherwise exempted under the provisions of this subsection.

3. Any employer that creates a peer support counseling program shall be subject to the provisions of this section. An employer shall ensure that peer support advisors receive appropriate training in counseling to conduct peer support counseling sessions. An employer may refer any person to a peer support advisor within the employer's organization or, if those services are not available with the employer, to another peer support counseling program that is available and approved by the employer. Notwithstanding any other provision of law to the contrary, an employer shall not mandate that any employee participate in a peer support counseling program."; and

Further amend said amendment, Page 22, Line 11, by deleting said line and inserting in lieu thereof the following:

"as the primary residence is located within a one-hour response time.

- 287.245. 1. As used in this section, the following terms shall mean:
- (1) "Association", volunteer fire protection associations as defined in section 320.300;
 - (2) "State fire marshal", the state fire marshal selected under the provisions of sections 320.200 to 320.270;
 - (3) "Volunteer firefighter", the same meaning as in section 287.243;
 - (4) "Voluntary [~~firefighter cancer~~] **critical illness** benefits pool" or "pool", the same meaning as in section 320.400.
2. (1) Any association may apply to the state fire marshal for a grant for the purpose of funding such association's costs related to workers' compensation insurance premiums for volunteer firefighters.
- (2) Any voluntary [~~firefighter cancer~~] **critical illness** benefits pool may apply to the state fire marshal for a grant for the [~~purpose of establishing a~~] voluntary [~~firefighter cancer~~] **critical illness** benefits pool. [~~This subdivision shall expire June 30, 2023.~~]
3. Subject to appropriations, the state fire marshal may disburse grants to any applying volunteer fire protection association subject to the following schedule:
- (1) Associations which had zero to five volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for two thousand dollars in grant money;
 - (2) Associations which had six to ten volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand five hundred dollars in grant money;
 - (3) Associations which had eleven to fifteen volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand dollars in grant money;
 - (4) Associations which had sixteen to twenty volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for five hundred dollars in grant money.
4. Grant money disbursed under this section shall only be used for the purpose of paying for the workers' compensation insurance premiums of volunteer firefighters or [~~establishing~~] **for the benefit of a voluntary [~~firefighter cancer~~] **critical illness** benefits pool.**"; and

Further amend said amendment and page, Line 16, by deleting said line and inserting in lieu thereof the following:

- ""320.400. 1. For purposes of this section, the following terms mean:
- (1) "Covered individual", a [~~firefighter~~] **first responder** who:
 - (a) Is a paid employee or is a volunteer [~~firefighter as defined in section 320.333~~];
 - (b) Has been assigned to at least five years of hazardous duty as a [~~firefighter~~] **paid employee or volunteer**;
 - (c) Was exposed to [~~an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer-causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Health Care Policy and Research, the American Society for Clinical Oncology, the National Institute for Occupational Safety and Health, or the United States National Cancer Institute~~] **or diagnosed with a critical illness type**;
 - (d) Was last assigned to hazardous duty [~~as a firefighter~~] within the previous fifteen years; and
 - (e) **In the case of a diagnosis of cancer**, is not seventy years of age or older at the time of the diagnosis of cancer;
 - (2) "Critical illness", one of the following:
 - (a) **In the case of a cancer claim, exposure to an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer-causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Healthcare Research and Quality, the American Society of Clinical Oncology, the National Institute for Occupational Safety and Health, or the United States National Cancer Institute;**
 - (b) **In the case of a posttraumatic stress injury claim, such an injury that is diagnosed by a psychiatrist licensed pursuant to chapter 334 or a psychologist licensed pursuant to chapter 337 and established by a preponderance of the evidence to have been caused by the employment conditions of the first responder;**

- (3) "Dependent", the same meaning as in section 287.240;
 - ~~[(3)]~~ (4) "Emergency medical technician-basic", the same meaning as in section 190.100;
 - (5) "Emergency medical technician-paramedic", the same meaning as in section 190.100;
 - (6) "Employer", any political subdivision of the state;
 - ~~[(4)]~~ (7) "First responder", a firefighter, emergency medical technician-basic or emergency medical technician-paramedic, or telecommunicator;
 - (8) "Posttraumatic stress injury", any psychological or behavioral health injury suffered by and through the employment of an individual due to exposure to stressful and life-threatening situations and rigors of the employment, excluding any posttraumatic stress injuries that may arise solely as a result of a legitimate personnel action by an employer such as a transfer, promotion, demotion, or termination;
 - (9) "Telecommunicator", the same meaning as in section 650.320;
 - (10) "Voluntary ~~[firefighter-cancer]~~ critical illness benefits pool" or "pool", an entity described in section 537.620 that is established for the purposes of this section;
 - (11) "Volunteer", a volunteer firefighter, as defined in section 320.333; volunteer emergency medical technician-basic; volunteer emergency medical technician-paramedic; or volunteer telecommunicator.
2. (1) Three or more employers may create a ~~[voluntary firefighter cancer benefits]~~ pool for the purpose of this section. **Notwithstanding the provisions of sections 537.620 to 537.650 to the contrary, a pool created pursuant to this section may allow covered individuals to join the pool.** An employer or covered individual may make contributions into the ~~[voluntary firefighter cancer benefits]~~ pool established for the purpose of this section. **Any professional organization formed for the purpose, in whole or in part, of representing or providing resources for any covered individual may make contributions to the pool on behalf of any covered individual without the professional organization itself joining the pool.** The contribution levels and award levels shall be set by the board of trustees of the pool.
- (2) For a covered individual or an employer that chooses to make contributions into the ~~[voluntary firefighter cancer benefits]~~ pool, the pool shall provide the minimum benefits specified by the board of trustees of the pool to covered individuals, based on the award level of the ~~[cancer]~~ critical illness at the time of diagnosis, after the employer or covered individual becomes a participant.
- (3) Benefit levels for cancer shall be established by the board of trustees of the pool based on the category and stage of the cancer. **Benefit levels for a posttraumatic stress injury shall be established by the board of trustees of the pool. Awards of benefits may be made to the same individual for both cancer and posttraumatic stress injury provided the qualifications for both awards are met.**
- (4) In addition to ~~[an]~~ a cancer award pursuant to subdivision (3) of this subsection:
- (a) A payment may be made from the pool to a covered individual for the actual award, up to twenty-five thousand dollars, for rehabilitative or vocational training employment services and educational training relating to the cancer diagnosis;
 - (b) A payment may be made to covered individual of up to ten thousand dollars if the covered individual incurs cosmetic disfigurement costs resulting from cancer.
- (5) If the cancer is diagnosed as terminal cancer, the covered individual may receive a lump-sum payment of twenty-five thousand dollars as an accelerated payment toward the benefits due based on the benefit levels established pursuant to subdivision (3) of this subsection.
- (6) The covered individual may receive additional awards if the cancer increases in award level, but the amount of any benefit paid earlier for the same cancer may be subtracted from the new award.
- (7) If a covered individual dies while owed benefits pursuant to this section, the benefits shall be paid to the dependent or domestic partner, if any, at the time of death. If there is no dependent or domestic partner, the obligation of the pool to pay benefits shall cease.
- (8) If a covered individual returns to the same position of employment after a cancer diagnosis, the covered individual may receive benefits in this section for any subsequent new type of covered cancer diagnosis.
- (9) The cancer benefits payable pursuant to this section shall be reduced by twenty-five percent if a covered individual used a tobacco product within the five years immediately preceding the cancer diagnosis.
- (10) A cancer claim for benefits from the pool shall be filed no later than two years after the diagnosis of the cancer. The claim for each type of cancer needs to be filed only once to allow the pool to increase the award level pursuant to subdivision (3) of this subsection.
- (11) **A payment may be made from the pool to a covered individual for the actual award, up to ten thousand dollars, for seeking treatment with a psychiatrist licensed pursuant to chapter 334 or a psychologist licensed pursuant to chapter 337 and any subsequent courses of treatment recommended by such licensed individuals. If a covered individual returns to the same position of employment after a posttraumatic stress**

injury diagnosis, the covered individual may receive benefits in this section for the continued treatment of such injury or any subsequently covered posttraumatic stress injury diagnosis.

(12) For purposes of all other employment policies and benefits that are not workers' compensation benefits payable under chapter 287, health insurance, and any benefits paid pursuant to chapter 208, a covered individual's ~~[cancer]~~ **critical illness** diagnosis shall be treated as an on-the-job injury or illness.

3. The board of trustees of ~~[the pool]~~ **a pool created pursuant to this section** may:

(1) Create a program description to further define or modify the benefits of this section;
(2) Modify the contribution rates, benefit levels, including the maximum amount, consistent with subdivision (1) of this subsection, and structure of the benefits based on actuarial recommendations and with input from a committee of the pool; and

(3) Set a maximum amount of benefits that may be paid to a covered individual for each ~~[cancer]~~ **critical illness** diagnosis.

4. The board of trustees of the pool shall be considered a public governmental body and shall be subject to all of the provisions of chapter 610.

5. A pool may accept or apply for any grants or donations from any private or public source.

6. (1) Any pool may apply to the state fire marshal for a grant for the ~~[purpose of establishing a voluntary firefighter cancer benefits]~~ pool. The state fire marshal shall disburse grants to the pool upon receipt of the application.

(2) The state fire marshal may grant money disbursed under section 287.245 to be used for the purpose of setting up a pool.

~~[(3) This subsection shall expire on June 30, 2023.]~~

7. (1) This ~~[subsection]~~ **section** shall not affect any determination as to whether a covered individual's ~~[cancer]~~ **critical illness** arose out of and in the course of employment and is a compensable injury pursuant to chapter 287. Receipt of benefits from ~~[the]~~ **a pool** under this section shall not be considered competent evidence or proof by itself of a compensable injury under chapter 287.

(2) Should it be determined that a covered individual's ~~[cancer]~~ **critical illness** arose out of and in the course of employment and is a compensable injury under chapter 287, the compensation and death benefit provided under chapter 287 shall be reduced one hundred percent by any benefits received from the pool under this section.

(3) The employer in any claim made pursuant to chapter 287 shall be subrogated to the right of the employee or to the dependent or domestic partner to receive benefits from ~~[the]~~ **a pool** and such employer may recover any amounts which such employee or the dependent or domestic partner would have been entitled to recover from ~~[the]~~ **a pool** under this section. Any receipt of benefits from the pool under this section shall be treated as an advance payment by the employer, on account of any future installments of benefits payable pursuant to chapter 287.

321.225. 1. A fire protection district may, in addition to its other powers and duties,"; and

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

On motion of Representative Schwadron, **House Amendment No. 3 to House Amendment No. 13** was adopted.

Representative Smith (46) offered **House Amendment No. 4 to House Amendment No. 13**.

*House Amendment No. 4
to
House Amendment No. 13*

AMEND House Amendment No. 13 to House Committee Substitute for Senate Bill No. 186, Page 25, Line 15, by inserting after said line the following:

"Further amend said bill, Page 28, Section 579.022, Line 10, by inserting after all of said section and line the following:

"590.502. 1. For purposes of this section, the following shall mean:

- (1) "Administering authority", any individual or body authorized by a law enforcement agency to hear and make final decisions regarding appeals of disciplinary actions issued by such agency;
- (2) "Color of law", any act by a law enforcement officer, whether on duty or off duty, that is performed in furtherance of his or her sworn duty to enforce laws and to protect and serve the public;
- (3) "Economic loss", any economic loss including, but not limited to, loss of overtime accrual, overtime income, sick time accrual, sick time, secondary employment income, holiday pay, and vacation pay;
- (4) "Good cause", sufficient evidence or facts that would support a party's request for extensions of time or any other requests seeking accommodations outside the scope of the rules set out herein;
- (5) "Law enforcement officer", any commissioned peace officer with the power to arrest for a violation of the criminal code who is employed by any unit of the state or any county, charter county, city, charter city, municipality, district, college, university, or any other political subdivision or is employed by the board of police commissioners as defined in chapter 84. Law enforcement officer shall not include any officer who is the highest ranking officer in the law enforcement agency.

2. Whenever a law enforcement officer is under administrative investigation or is subjected to administrative questioning that the officer reasonably believes could lead to disciplinary action, demotion, dismissal, transfer, or placement on a status that could lead to economic loss, the investigation or questioning shall be conducted under the following conditions:

- (1) The law enforcement officer who is the subject of the investigation shall be informed, in writing, of the existence and nature of the alleged violation and the individuals who will be conducting the investigation. Notice shall be provided to the officer along with a copy of the complaint at least twenty-four hours prior to any interrogation or interview of the officer;
- (2) Any person, including members of the same agency or department as the officer under investigation, filing a complaint against a law enforcement officer shall have the complaint supported by a written statement outlining the complaint that includes the personal identifying information of the person filing the complaint. All personal identifying information shall be held confidential by the investigating agency;
- (3) When a law enforcement officer is questioned or interviewed regarding matters pertaining to his or her law enforcement duties or actions taken within the scope of his or her employment, such questioning shall be conducted for a reasonable length of time and only while the officer is on duty unless reasonable circumstances exist that necessitate questioning the officer while he or she is off duty;
- (4) Any interviews or questioning shall be conducted at a secure location at the agency that is conducting the investigation or at the place where the officer reports to work, unless the officer consents to another location;
- (5) Law enforcement officers shall be questioned by up to two investigators and shall be informed of the name, rank, and command of the investigator or investigators conducting the investigation; except that, separate investigators shall be assigned to investigate alleged department policy violations and alleged criminal violations;
- (6) Interview sessions shall be for a reasonable period of time. There shall be times provided for the officer to allow for such personal necessities and rest periods as are reasonably necessary;
- (7) Prior to an interview session, the investigator or investigators conducting the investigation shall advise the law enforcement officer of the rule set out in *Garrity v. New Jersey*, 385 U.S. 493 (1967), specifically that the law enforcement officer is being ordered to answer questions under threat of disciplinary action and that the officer's answers to the questions will not be used against the officer in criminal proceedings;
- (8) Law enforcement officers shall not be threatened, harassed, or promised rewards to induce them into answering any question; except that, law enforcement officers may be compelled by their employer to give protected Garrity statements to an investigator under the direct control of the employer, but such compelled statements shall not be used or derivatively used against the officer in any aspect of a criminal case brought against the officer;
- (9) Law enforcement officers under investigation are entitled to have an attorney or any duly authorized representative present during any questioning that the law enforcement officer reasonably believes may result in disciplinary action. The attorney or representative shall be permitted to confer with the officer but shall not unduly disrupt or interfere with the interview. The questioning shall be suspended for a period of up to twenty-four hours if the officer requests representation;
- (10) Prior to the law enforcement officer being interviewed, the officer and his or her attorney or representative shall have the opportunity to review the complaint;
- (11) The law enforcement agency conducting the investigation shall have ninety days from receipt of a citizen complaint to complete such investigation. The agency shall determine the disposition of the complaint and render a disciplinary decision, if any, within ninety days. The agency may, for good cause, petition the administering authority overseeing the administration of discipline for an extension of time to complete the

investigation. If the administering authority finds the agency has shown good cause for the granting of an extension of time to complete the investigation, the administering authority shall grant an extension of up to sixty days. The agency is limited to two extensions per investigation; except that, if there is an ongoing criminal investigation there shall be no limitation on the amount of sixty-day extensions. For good cause shown, the internal investigation may be tolled until the conclusion of a concurrent criminal investigation arising out of the same alleged conduct. Absent consent from the officer being investigated, the administering authority overseeing the administration of discipline shall set the matter for hearing and shall provide notice of the hearing to the law enforcement officer under investigation. The officer shall have the right to attend the hearing and to present evidence and arguments against extension;

(12) Within five days of the conclusion of the administrative investigation, the investigator shall inform the officer, in writing, of the investigative findings and any recommendation for further action, including discipline;

(13) A complete record of the administrative investigation shall be kept by the law enforcement agency conducting such investigation. Upon completion of the investigation, a copy of the entire record, including, but not limited to, audio, video, and transcribed statements, shall be provided to the officer or the officer's representative within five business days of the officer's written request. The agency may request a protective order to redact all personal identifying witness information; and

(14) All records compiled as a result of any investigation subject to the provisions of this section shall be held confidential and shall not be subject to disclosure under chapter 610, except by lawful subpoena or court order, by release approved by the officer, or as provided in section 590.070.

3. Law enforcement officers who are suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss shall be entitled to a full due process hearing. However, nothing in this section shall prohibit a law enforcement agency and the authorized bargaining representative for a law enforcement officer employed by that agency from reaching written agreements providing disciplinary procedures more favorable than those provided for this section. The components of the hearing shall include, at a minimum:

(1) The right to be represented by an attorney or other individual of their choice during the hearing;

(2) Seven days' notice of the hearing date and time;

(3) An opportunity to access and review documents, at least seven days in advance of the hearing, that are in the employer's possession and that were used as a basis for the disciplinary action;

(4) The right to refuse to testify at the hearing if the officer is concurrently facing criminal charges in connection with the same incident. A law enforcement officer's decision not to testify shall not result in additional internal charges or discipline;

(5) A complete record of the hearing shall be kept by the agency for purposes of appeal. The record shall be provided to the officer or his or her attorney upon written request;

(6) The entire record of the hearing shall remain confidential and shall not be subject to disclosure under chapter 610, except by lawful subpoena or court order.

4. Any decision, order, or action taken following the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each issue in the case. A copy of the decision or order accompanying findings and conclusions along with the written action and right of appeal, if any, shall be delivered or mailed promptly to the law enforcement officer or to the officer's attorney or representative of record.

5. Law enforcement officers shall have the opportunity to provide a written response to any adverse materials placed in their personnel file, and such written response shall be permanently attached to the adverse material.

6. Law enforcement officers shall have the right to compensation for any economic loss incurred during an investigation if the officer is found to have committed no misconduct.

7. Employers shall defend and indemnify law enforcement officers from and against civil claims made against them in their official and individual capacities if the alleged conduct arose in the course and scope of their obligations and duties as law enforcement officers. This includes any actions taken off duty if such actions were taken under color of law. In the event the law enforcement officer is convicted of, or pleads guilty to, criminal charges arising out of the same conduct, the employer shall no longer be obligated to defend and indemnify the officer in connection with related civil claims.

8. Law enforcement officers shall not be disciplined, demoted, dismissed, transferred, or placed on a status resulting in economic loss as a result of the assertion of their constitutional rights in any judicial proceeding, unless the officer admits to wrongdoing, in which case the provisions of this section shall not apply.

9. Any aggrieved law enforcement officer or authorized representative may seek judicial enforcement of the requirements of this section. Suits to enforce this section shall be brought in the circuit court for the county in which the law enforcement agency or governmental body has its principal place of business.

10. Upon a finding by a preponderance of the evidence that a law enforcement agency, governmental body, or member of same has violated any provision of this section, a court shall void any action taken in violation of this section. The court may also award the law enforcement officer the costs of bringing the suit including, but not limited to, attorneys' fees. A lawsuit for enforcement shall be brought within one year from which the violation is ascertainable.

11. Nothing in this section shall apply to any investigation or other action by the director regarding a license issued by the director under this chapter.

12. A law enforcement agency that has substantially similar or greater procedures shall be deemed in compliance with this section.

13. Nothing in this section shall apply to the work of any civilian review board organized under section 590.653 or organized by local ordinance."; and"; and

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

On motion of Representative Smith (46), **House Amendment No. 4 to House Amendment No. 13** was adopted.

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Amato	Baker	Banderman	Billington
Black	Bonacker	Boyd	Bromley	Brown 149
Brown 16	Buchheit-Courtway	Burger	Byrnes	Casteel
Chappell	Christ	Christofanelli	Coleman	Cook
Copeland	Cupps	Davidson	Davis	Deaton
Diehl	Dinkins	Evans	Falkner	Farnan
Francis	Gallick	Gragg	Gregory	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Hicks	Hinman	Hovis	Hudson	Hurlbert
Jones	Justus	Kalberloh	Keathley	Kelley 127
Kelly 141	Lewis 6	Lonsdale	Lovasco	Marquart
Mayhew	McGaugh	McGill	McMullen	Murphy
Myers	O'Donnell	Oehlerking	Owen	Parker
Patterson	Perkins	Peters	Pollitt	Pouche
Reedy	Reuter	Richey	Riggs	Riley
Roberts	Sander	Sassmann	Schnelting	Schulte
Schwadron	Seitz	Sharpe 4	Shields	Smith 163
Sparks	Stacy	Stephens	Stinnett	Taylor 48
Thomas	Thompson	Titus	Toalson Reisch	Van Schoiack
Veit	Voss	Waller	West	Wilson
Wright				

NOES: 049

Adams	Anderson	Appelbaum	Atchison	Aune
Bangert	Baringer	Barnes	Bosley	Brown 27
Brown 87	Burnett	Burton	Butz	Clemens
Collins	Crossley	Ealy	Fogle	Fountain Henderson
Gray	Hein	Ingle	Johnson 12	Johnson 23

Lavender	Lewis 25	Mackey	Mann	Mosley
Nickson-Clark	Nurrenbern	Phifer	Plank	Proudie
Quade	Sauls	Sharp 37	Smith 46	Steinhoff
Strickler	Taylor 84	Terry	Unsicker	Walsh Moore
Weber	Windham	Woods	Young	

PRESENT: 000

ABSENT WITH LEAVE: 012

Bland Manlove	Boggs	Busick	Doll	Hausman
Houx	Knight	Matthiesen	Merideth	Morse
Smith 155	Mr. Speaker			

VACANCIES: 001

On motion of Representative Perkins, **House Amendment No. 13, as amended**, was adopted.

Representative Christofanelli offered **House Amendment No. 14**.

House Amendment No. 14

AMEND House Committee Substitute for Senate Bill No. 186, Page 3, Section 56.601, Line 50, by inserting after all of said section and 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 or advertises, represents, or holds oneself out as selling, preparing, or maintaining kratom. 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) "Kratom", any good placed in the marketplace containing any part of the leaf of the plant *Mitragyna speciosa*.

3. A dealer who prepares, distributes, sells, or exposes for sale kratom, including but not limited to kratom intended for human consumption, shall disclose the factual basis upon which that representation is made.

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

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

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

(3) Kratom containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two percent of the alkaloid composition contained therein;

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

(5) Kratom that does not include on its package or label the amount of mitragynine and 7-hydroxymitragynine contained therein.

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

6. (1) A dealer who violates subsection 3 of this section shall be guilty of an infraction.

(2) A dealer who violates subsection 4 or 5 of this section shall be guilty of a class D misdemeanor.

(3) A person aggrieved by a violation of subsection 3 or 4 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 subsection 3 or 4 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 a good represented to be kratom."; and

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

On motion of Representative Christofanelli, **House Amendment No. 14** was adopted.

Representative Buchheit-Courtway offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Committee Substitute for Senate Bill No. 186, Page 6, Section 301.3175, Line 32, by inserting after all of said section and line the following:

"304.585. 1. A person shall be deemed to commit the offense of "endangerment of a highway worker" upon conviction for any of the following when the offense occurs within a construction zone or work zone, as defined in section 304.580:

- (1) Exceeding the posted speed limit by fifteen miles per hour or more;
- (2) Passing in violation of subsection 4 of section 304.582;
- (3) Failure to stop for a work zone flagman or failure to obey traffic control devices erected in the construction zone or work zone for purposes of controlling the flow of motor vehicles through the zone;
- (4) Driving through or around a work zone by any lane not clearly designated to motorists for the flow of traffic through or around the work zone;
- (5) Physically assaulting, or attempting to assault, or threatening to assault a highway worker in a construction zone or work zone, with a motor vehicle or other instrument;
- (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect workers and motorists in the work zone for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person; ~~or~~
- (7) **Striking a vehicle, trailer, or other equipment owned or operated by the department, a contractor, or subcontractor, including a truck or trailer-mounted crash attenuator; or**
- (8) Committing any of the following offenses for which points may be assessed under section 302.302:
 - (a) Leaving the scene of an accident in violation of section 577.060;
 - (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;
 - (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020;
 - (d) Operating with a suspended or revoked license;
 - (e) Driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content;
 - (f) Any felony involving the use of a motor vehicle.

2. Upon conviction or a plea of guilty for committing the offense of endangerment of a highway worker under subsection 1 of this section if no injury or death to a highway worker resulted from the offense, in addition to any other penalty authorized by law, the person shall be subject to a fine of ~~not more than~~ one thousand dollars and shall have four points assessed to his or her driver's license under section 302.302.

3. A person shall be deemed to commit the offense of "aggravated endangerment of a highway worker" upon conviction or a plea of guilty for any offense under subsection 1 of this section when such offense occurs in a construction zone or work zone as defined in section 304.580 and results in the injury or death of a highway worker. Upon conviction or a plea of guilty for committing the offense of aggravated endangerment of a highway worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of ~~not more than~~ five thousand

dollars if the offense resulted in injury to a highway worker and ten thousand dollars if the offense resulted in death to a highway worker. In addition, such person shall have twelve points assessed to their driver's license under section 302.302 and shall be subject to the provisions of section 302.304 regarding the revocation of the person's license and driving privileges.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to commit the offense of endangerment of a highway worker except when the act or omission constituting the offense occurred when one or more highway workers were in the construction zone or work zone.

5. No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle or from the negligence of another person or a highway worker.

6. (1) Notwithstanding any provision of this section or any other law to the contrary, the director of the department of revenue or his or her agent shall order the revocation of a driver's license upon its determination that an individual holding such license was involved in a ~~[physical accident]~~ **traffic crash** where his or her negligent acts or omissions contributed to his or her vehicle striking a highway worker within a designated construction zone or work zone where department of transportation guidelines involving notice and signage were properly implemented. The department shall make its determination of these facts on the basis of the report of a law enforcement officer investigating the incident and this determination shall be final unless a hearing is requested and held as provided under subdivision (2) of this subsection. Upon its determination that the facts support a license revocation, the department shall issue a notice of revocation which shall be mailed to the person at the last known address shown on the department's records. The notice is deemed received three days after mailing unless returned by postal authorities. The notice of revocation shall clearly specify the reason and statutory grounds for the revocation, the effective date of the revocation which shall be at least fifteen days from the date the department issued its order, the right of the person to request a hearing, and the date by which the request for a hearing must be made.

(2) An individual who received notice of revocation from the department under this section may seek reinstatement by either:

(a) Taking and passing the written and driving portions of the driver's license examination, in which case the individual's driver's license shall be immediately reinstated; or

(b) Petitioning for a hearing before a circuit division or associate division of the court in the county in which the work zone accident occurred. The individual may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state, and the director shall maintain possession of the person's license to operate a motor vehicle until the termination of any suspension under this subsection. The clerk of the court shall notify the prosecuting attorney of the county, and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

a. Whether the person was involved in a ~~[physical accident]~~ **traffic crash** where his or her vehicle struck a highway worker within a designated construction or work zone;

b. Whether the department of transportation guidelines involving notice and signage were properly implemented in such work zone; and

c. Whether the investigating officer had probable cause to believe the person's negligent acts or omissions contributed to his or her vehicle striking a highway worker.

If the court determines subparagraph a., b., or c. of this paragraph not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

(3) The department of revenue administrative adjudication to reinstate a driver's license that was revoked under this subsection, and any evidence provided to the department related to such adjudication, shall not be produced by subpoena or any other means and made available as evidence in any other administrative action, civil case, or criminal prosecution. The court's determinations issued under this section, and the evidence provided to the court relating to such determinations, shall not be produced by subpoena or any other means and made available in any other administrative action, civil case, or criminal prosecution. Nothing in this subdivision shall be construed to prevent the department from providing information to the system authorized under 49 U.S.C. Section 31309, or any successor federal law, pertaining to the licensing, identification, and disqualification of operators of commercial motor vehicles."; and

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

On motion of Representative Buchheit-Courtway, **House Amendment No. 15** was adopted.

Representative Kelley (127) offered **House Amendment No. 16.**

House Amendment No. 16

AMEND House Committee Substitute for Senate Bill No. 186, Page 1, Section A, Line 6, by inserting after all of the said section and 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. **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 supplementation fund as required by this subsection.

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.

[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 amend said bill, Page 6, Section 301.3175, Line 32, by inserting after all of the said section and 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.

On motion of Representative Kelley (127), **House Amendment No. 16** was adopted.

Representative Hurlbert offered **House Amendment No. 17**.

House Amendment No. 17

AMEND House Committee Substitute for Senate Bill No. 186, Page 3, Section 56.601, Line 50, by inserting after all of said section and line the following:

- "94.900. 1. (1) The governing body of the following cities may impose a tax as provided in this section:
- (a) Any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants;
 - (b) Any city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants;
 - (c) Any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants;
 - (d) Any home rule city with more than forty-eight thousand but fewer than forty-nine thousand inhabitants;
 - (e) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants;
 - (f) Any city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants;
 - (g) Any city of the fourth classification with more than seven thousand but fewer than eight thousand inhabitants;
 - (h) Any city of the fourth classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants;
 - (i) Any city of the third classification with more than thirteen thousand but fewer than fifteen thousand inhabitants and located in any county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants; ~~[or]~~
 - (j) Any city of the fourth classification with more than three thousand but fewer than three thousand three hundred inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and that is not the county seat of such county;
 - (k) Any city with more than ten thousand but fewer than eleven thousand inhabitants and partially located in a county with more than two hundred thirty thousand but fewer than two hundred sixty thousand inhabitants;**
 - (l) Any city with more than four thousand nine hundred but fewer than five thousand six hundred inhabitants and located in a county with more than thirty thousand but fewer than thirty-five thousand inhabitants; or**
 - (m) Any city with more than twelve thousand five hundred but fewer than fourteen thousand inhabitants and that is the county seat of a county with more than twenty-two thousand but fewer than twenty-five thousand inhabitants.**

(2) The governing body of any city listed in subdivision (1) of this subsection is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of improving the public safety for such city, ~~[including but not]~~ **which shall be** limited to expenditures on equipment, ~~[city employee]~~ salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of _____ (city's name) impose a citywide sales tax of _____ (insert amount) for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for improving the public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal and the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored

checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

8. If any city in subsection 1 of this section enacts the tax authorized in this section, the city shall budget an amount to public safety that is no less than the amount budgeted in the year immediately preceding the enactment of the tax. The revenue from the tax shall supplement and not replace amounts budgeted by the city.

94.902. 1. The governing bodies of the following cities may impose a tax as provided in this section:

(1) Any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants;

(2) Any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants;

(3) Any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants;

(4) Any special charter city with more than twenty-nine thousand but fewer than thirty-two thousand inhabitants;

(5) Any city of the third classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants;

(6) Any city of the fourth classification with more than nine thousand five hundred but fewer than ten thousand eight hundred inhabitants;

(7) Any city of the fourth classification with more than five hundred eighty but fewer than six hundred fifty inhabitants;

(8) Any city of the fourth classification with more than two thousand seven hundred but fewer than three thousand inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants; ~~or~~

(9) Any city of the fourth classification with more than two thousand four hundred but fewer than two thousand seven hundred inhabitants and located in any county of the third classification without a township form of government and with more than ten thousand but fewer than twelve thousand inhabitants;

(10) Any city with more than one thousand sixty but fewer than one thousand one hundred seventy inhabitants and located in a county with more than nineteen thousand but fewer than twenty-two thousand inhabitants and with a county seat with more than one thousand but fewer than two thousand two hundred twenty inhabitants;

(11) Any city with more than four hundred eighty but fewer than five hundred forty inhabitants and located in a county with more than thirty thousand but fewer than thirty-five thousand inhabitants and with a county seat with more than two hundred but fewer than nine hundred inhabitants; or

(12) Any city with more than nine thousand but fewer than ten thousand inhabitants and that is the county seat of a county with more than nineteen thousand but fewer than twenty-two thousand inhabitants.

2. The governing body of any city listed in subsection 1 of this section may impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation under chapter 144. The tax authorized in this section may be imposed in an amount of up to one-half of one percent~~[-and]~~. ~~The tax shall be imposed solely for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment[-]; city employee salaries and benefits[-]; and facilities for police, fire and emergency medical providers.~~ The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall the city of _____ [~~(city's name)~~] impose a citywide sales tax at a rate of _____ [~~(insert rate of percent)~~] percent for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become effective unless the proposal is resubmitted under this section to the qualified voters and such proposal is approved by a majority of the qualified voters voting on the proposal. However, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

4. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director shall keep accurate records of the amount of money in the trust fund and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the action at least ninety days before the effective date of the repeal, and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall the city of _____ [~~(insert the name of the city)~~] repeal the sales tax imposed at a rate of _____ [~~(insert rate of percent)~~] percent for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for

an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. Any sales tax imposed under this section by a city described under subdivision (6) of subsection 1 of this section that is in effect as of December 31, 2038, shall automatically expire. No city described under subdivision (6) of subsection 1 of this section shall collect a sales tax pursuant to this section on or after January 1, 2039. Subsection 7 of this section shall not apply to a sales tax imposed under this section by a city described under subdivision (6) of subsection 1 of this section.

9. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

190.327. 1. Immediately upon the decision by the commission to utilize a portion of the emergency telephone tax for central dispatching and an affirmative vote of the telephone tax, the commission shall appoint the initial members of a board which shall administer the funds and oversee the provision of central dispatching for emergency services in the county and in municipalities and other political subdivisions which have contracted for such service. Beginning with the general election in 1992, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency telephone service and in chapter 321, with regard to the provision of central dispatching service, and such duties shall be exercised by the board.

2. Elections for board members may be held on general municipal election day, as defined in subsection 3 of section 115.121, after approval by a simple majority of the county commission.

3. For the purpose of providing the services described in this section, the board shall have the following powers, authority and privileges:

- (1) To have and use a corporate seal;
- (2) To sue and be sued, and be a party to suits, actions and proceedings;
- (3) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the board;
- (4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, including leases and easements;
- (5) To have the management, control and supervision of all the business affairs of the board and the construction, installation, operation and maintenance of any improvements;
- (6) To hire and retain agents and employees and to provide for their compensation including health and pension benefits;
- (7) To adopt and amend bylaws and any other rules and regulations;
- (8) To fix, charge and collect the taxes and fees authorized by law for the purpose of implementing and operating the services described in this section;
- (9) To pay all expenses connected with the first election and all subsequent elections; and
- (10) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this subsection. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 190.300 to 190.329.

4. (1) Notwithstanding the provisions of subsections 1 and 2 of this section to the contrary, the county commission may elect to appoint the members of the board to administer the funds and oversee the provision of central dispatching for emergency services in the counties, municipalities, and other political subdivisions which have contracted for such service upon the request of the municipalities and other political subdivisions. Upon appointment of the initial members of the board, the commission shall relinquish all powers and duties to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of central dispatching service and such duties shall be exercised by the board.

(2) The board shall consist of seven members appointed without regard to political affiliation. The members shall include:

- (a) Five members who shall serve for so long as they remain in their respective county or municipal positions as follows:
 - a. The county sheriff, or his or her designee;

b. The heads of the municipal police department who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees; or

c. The heads of the municipal fire departments or fire divisions who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees;

(b) Two members who shall serve two-year terms appointed from among the following:

a. The head of any of the county's fire protection districts who have contracted for central dispatching service, or his or her designee;

b. The head of any of the county's ambulance districts who have contracted for central dispatching service, or his or her designee;

c. The head of any of the municipal police departments located in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph b. of paragraph (a) of this subdivision; and

d. The head of any of the municipal fire departments in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph c. of paragraph (a) of this subdivision.

(3) Upon the appointment of the board under this subsection, the board shall have the powers provided in subsection 3 of this section and the commission shall relinquish all powers and duties relating to the provision of central dispatching service under this chapter to the board.

~~[5. An emergency services board originally organized under section 190.325 operating within a county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants shall not have a sales tax for emergency services or for providing central dispatching for emergency services greater than one-quarter of one percent. If on July 9, 2019, such tax is greater than one-quarter of one percent, the board shall lower the tax rate.];~~ and

Further amend said bill, Page 6, Section 301.3175, Line 32, by inserting after all of said section and bill the following:

"321.246. 1. The governing body of any fire protection district which operates within both a county ~~[of the first classification]~~ with a charter form of government and with a population greater than six hundred thousand but less than nine hundred thousand and a county of the fourth classification with a population greater than thirty thousand but less than thirty-five thousand and that adjoins a county ~~[of the first classification]~~ with a charter form of government, the governing body of any fire protection district which contains a city of the fourth classification having a population greater than two thousand four hundred when the city is located in a county ~~[of the first classification without]~~ with a charter form of government having a population greater than one hundred fifty thousand and the county contains a portion of a city with a population greater than three hundred fifty thousand, or the governing body of any fire protection district that operates in a county of the third classification with a population greater than fourteen thousand but less than fifteen thousand may impose a sales tax in an amount of up to one-half of one percent on all retail sales made in such fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district submits to the voters of the fire protection district, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the fire protection district of _____ (district's name) impose a district-wide sales tax of _____ for the purpose of providing revenues for the operation of the fire protection district?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of the fire protection district resubmits a proposal to authorize the governing body of the fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district.

4. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in the fire protection ~~[district]~~ sales tax trust fund established pursuant to section 321.242. The moneys in the fire protection ~~[district]~~ sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each fire protection district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the fire protection district and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the fire protection district which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district, and all expenditures of funds arising from the fire protection ~~[district]~~ sales tax trust fund shall be for the operation of the fire protection district and for no other purpose.

5. The director of revenue may make refunds from the amounts in the trust fund and credited to any fire protection district for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts. If any fire protection district abolishes the tax, the fire protection district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such fire protection district, the director of revenue shall remit the balance in the account to the fire protection district and close the account of that fire protection district. The director of revenue shall notify each fire protection district of each instance of any amount refunded or any check redeemed from receipts due the fire protection district. In the event a tax within a fire protection district is approved under this section, and such fire protection district is dissolved, the tax shall lapse on the date that the fire protection district is dissolved and the proceeds from the last collection of such tax shall be distributed to the governing bodies of the counties formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such counties.

6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section."; and

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

On motion of Representative Hurlbert, **House Amendment No. 17** was adopted.

Representative Keathley offered **House Amendment No. 18**.

House Amendment No. 18

AMEND House Committee Substitute for Senate Bill No. 186, Page 5, Section 211.031, Line 93, by inserting after all of said section and line the following:

"211.436. 1. Instruments of restraint, including handcuffs, chains, irons, or straitjackets, shall not be used on a child during a proceeding in a juvenile court and shall be removed prior to the child's appearance before the court unless the court finds both that:

(1) The use of restraints is necessary due to one of the following factors:

(a) Instruments of restraint are necessary to prevent physical harm to the child or another person;

(b) The child has a history of disruptive courtroom behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on himself or herself or others as evidenced by recent behavior; or

(c) There is evidence that the child presents a substantial risk of flight from the courtroom; and

(2) There are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person including, but not limited to, the presence of court personnel, law enforcement officers, or bailiffs.

2. If the juvenile office believes that there is an immediate safety or flight risk, as provided under subsection 1 of this section, the juvenile officer shall advise the attorney for the child and make a request in writing prior to the commencement of the proceeding for the child to remain restrained during the court proceeding while in the presence of the parties to the proceeding.

3. The court shall provide the child's attorney an opportunity to be heard before the court orders the use of restraints. If restraints are ordered, the court shall make findings of fact in support of the order.

4. If restraints are used, the restraints shall allow the child limited movement of the hands to read and handle documents and writings necessary to the proceeding. Under no circumstances shall a child be restrained using fixed restraints to a wall, floor, furniture, or other stationary object."; and

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

Representative West offered **House Amendment No. 1 to House Amendment No. 18.**

*House Amendment No. 1
to
House Amendment No. 18*

AMEND House Amendment No. 18 to House Committee Substitute for Senate Bill No. 186, Page 1, Line 4, by deleting said line and inserting in lieu thereof the following:

""211.071. 1. If a petition **or motion to modify** alleges that a child between the ages of twelve and eighteen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition **or motion to modify** and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030 as it existed prior to August 28, 2013, rape in the first degree under section 566.030, forcible sodomy under section 566.060 as it existed prior to August 28, 2013, sodomy in the first degree under section 566.060, first degree robbery under section 569.020 as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023, distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or the manufacturing of a controlled substance under section 579.055, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition **or motion to modify** and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between eighteen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition **or motion to modify** will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to

subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

(1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;

(2) Whether the offense alleged involved viciousness, force and violence;

(3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;

(4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his or her home and environmental situation, emotional condition and pattern of living;

(7) The age of the child;

(8) The program and facilities available to the juvenile court in considering disposition;

(9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and

(10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

(1) Findings showing that the court had jurisdiction of the cause and of the parties;

(2) Findings showing that the child was represented by counsel;

(3) Findings showing that the hearing was held in the presence of the child and his or her counsel; and

(4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition **or motion to modify** and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition **or motion to modify** has been dismissed thereby permitting a child to be prosecuted under the general law and the prosecution of the child results in a conviction, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition **or motion to modify** has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition **or motion to modify** to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.436. 1. Instruments of restraint, including handcuffs, chains, irons, or straitjackets"; and

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

On motion of Representative West, **House Amendment No. 1 to House Amendment No. 18** was adopted.

Representative Davis offered **House Amendment No. 2 to House Amendment No. 18.**

House Amendment No. 2
to
House Amendment No. 18

AMEND House Amendment No. 18 to House Committee Substitute for Senate Bill No. 186, Page 1, Line 27, by inserting after all of said line the following:

"Further amend said bill, Page 30, Section 590.1075, Line 11, by inserting after all of said section and line the following:

"600.063. 1. Upon approval by the director or the commission, any district defender may file a motion to request a conference to discuss caseload issues involving any individual public defender or defenders, but not the entire office, with the presiding judge of any circuit court served by the district office. The motion shall state the reasons why the individual public defender or public defenders will be unable to provide effective assistance of counsel due to caseload concerns. When a motion to request a conference has been filed, the clerk of the court shall immediately provide a copy of the motion to the prosecuting or circuit attorney who serves the circuit court.

2. If the presiding judge approves the motion, a date for the conference shall be set within thirty days of the filing of the motion. The court shall provide notice of the conference date and time to the district defender and the prosecuting or circuit attorney.

3. Within thirty days of the conference, the presiding judge shall issue an order either granting or denying relief. If relief is granted, it shall be based upon a finding that the individual public defender or defenders will be unable to provide effective assistance of counsel due to caseload issues. The judge may order one or more of the following types of relief in any appropriate combination:

(1) Appoint private counsel to represent any eligible defendant pursuant to the provisions of section 600.064;

(2) Investigate the financial status of any defendant determined to be eligible for public defender representation under section 600.086 and make findings regarding the eligibility of such defendants;

(3) Determine, with the express concurrence of the prosecuting or circuit attorney, whether any cases can be disposed of without the imposition of a jail or prison sentence and allow such cases to proceed without the provision of counsel to the defendant;

(4) Modify the conditions of release ordered in any case in which the defendant is being represented by a public defender, including, but not limited to, reducing the amount of any bond required for release; **and**

(5) ~~Place cases on a waiting list for defender services, taking into account the seriousness of the case, the incarceration status of the defendant, and such other special circumstances as may be brought to the attention of the court by the prosecuting or circuit attorney, the district defender, or other interested parties; and~~

~~(6)~~ Grant continuances.

4. Upon receiving the order, the prosecuting or circuit attorney and the district defender shall have ten days to file an application for review to the appropriate appellate court. Such appeal shall be expedited by the court in every manner practicable.

5. Nothing in this section shall deny any party the right to seek any relief authorized by law nor shall any provisions of this section be construed as providing a basis for a claim for post-conviction relief by a defendant.

6. The commission and the supreme court may make such rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created by the commission 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."; and"; and

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

On motion of Representative Davis, **House Amendment No. 2 to House Amendment No. 18** was adopted.

On motion of Representative Keathley, **House Amendment No. 18, as amended**, was adopted.

Representative Oehlerking offered **House Amendment No. 19.**

House Amendment No. 19

AMEND House Committee Substitute for Senate Bill No. 186, Page 6, Section 301.3175, Line 32, by inserting after all of said section and line the following:

"362.034. 1. Any entity that operates as a facility licensed or certified under Article XIV of the Constitution of Missouri may request in writing that a state or local licensing authority or agency, including, but not limited to, the department of health and senior services or department of revenue, share the entity's application, license, or other regulatory and financial information with a banking institution. A state or local licensing authority or agency may also share such information with the banking institution's state and federal supervisory agencies.

2. In order to ensure the state or local licensing authority or agency is properly maintaining the confidentiality of individualized data, information, or records, an entity shall include in the written request a waiver giving authorization for the transfer of the individualized data, information, or records and waiving any confidentiality or privilege that applies to that individualized data, information, or records.

3. This section shall only apply to the disclosure of information by a state or local licensing authority or agency reasonably necessary to facilitate the provision of financial services by a banking institution to the entity making a request pursuant to this section.

4. The recipient of any information pursuant to this section shall treat such information as confidential and use it only for the purposes described in this section.

5. Nothing in this section shall be construed to authorize the disclosure of confidential or privileged information, nor waive an entity's rights to assert confidentiality or privilege, except as reasonably necessary to facilitate the provision of financial services for the entity making the request.

6. An entity that has provided a waiver pursuant to this section may withdraw the waiver with thirty days' notice in writing.

7. Nothing in this section shall be construed to modify the requirements of chapter 610.

8. For purposes of this section, the following terms mean:

(1) "Banking institution", the same meaning as in Article IV, Section 15 of the Missouri Constitution;

(2) "Entity", the same meaning as in Article XIV of the Missouri Constitution."; and

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

Representative Amato offered **House Amendment No. 1 to House Amendment No. 19.**

House Amendment No. 1

to

House Amendment No. 19

AMEND House Amendment No. 19 to House Committee Substitute for Senate Bill No. 186, Page 1, Line 1, by inserting after the number "186," the following:

"Page 5, Section 211.031, Line 93, by inserting after all of the said section and line the following:

"287.243. 1. This section shall be known and may be cited as the "Line of Duty Compensation Act".

2. As used in this section, unless otherwise provided, the following words shall mean:

(1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services;

(2) "Air ambulance registered professional nurse", a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such programs;

(3) "Air ambulance registered respiratory therapist", a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;

(4) "Child", any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's fatality is:

- (a) Eighteen years of age or under;
- (b) Over eighteen years of age and a student, as defined in 5 U.S.C. Section 8101; or
- (c) Over eighteen years of age and incapable of self-support because of physical or mental disability;

(5) "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 of health and senior services under sections 190.001 to 190.245;

(6) "Firefighter", any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;

(7) "Flight crew member", an individual engaged in flight responsibilities with an air ambulance licensed in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;

(8) "Killed in the line of duty", when any person defined in this section loses his or her life when:

- (a) Death is caused by an accident or the willful act of violence of another;
- (b) The public safety officer is in the active performance of his or her duties in his or her respective profession and there is a relationship between the accident or commission of the act of violence and the performance of the duty, even if the individual is off duty; the public safety officer is traveling to or from employment; or the public safety officer is taking any meal break or other break which takes place while that individual is on duty;
- (c) Death is the natural and probable consequence of the injury; and
- (d) Death occurs within three hundred weeks from the date the injury was received.

The term excludes death resulting from the willful misconduct or intoxication of the public safety officer. The division of workers' compensation shall have the burden of proving such willful misconduct or intoxication;

(9) "Law enforcement officer", any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life;

(10) "Local governmental entity", includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(11) "Public safety officer", any law enforcement officer, firefighter, uniformed employee of the office of the state fire marshal, emergency medical technician, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer, or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty or any emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, air ambulance registered respiratory therapist, or flight crew member who is killed in the line of duty;

(12) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(13) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by survivors of the deceased with the division of workers' compensation not later than one year from the date of death of a public safety officer. If a claim is made within one year of the date of death of a public safety officer killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009, **but before August 28, 2023.**

(3) The amount of compensation paid to the claimant shall be one hundred thousand dollars, subject to appropriation, for death occurring on or after the effective date of this section. The amount of compensation paid, subject to the modifications under subdivision (4) of this subsection, shall be determined as the amount in effect as of the date of death of the public safety officer.

(4) Beginning with the 2024 calendar year, the amount of compensation paid as identified under subdivision (3) of this subsection shall be adjusted annually by the percent 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. Such annual adjustment under this subdivision, however, shall not decrease the amount of compensation paid to an amount less than one hundred thousand dollars. The department of labor and industrial relations shall annually publish such adjusted amount. The modification shall take effect on January first of each calendar year and shall apply to all calendar years beginning on or after the effective date of the adjusted compensation amount, until the next modification occurs.

4. Any compensation awarded under the provisions of this section shall be distributed as follows:

(1) To the surviving spouse of the public safety officer if there is no child who survived the public safety officer;

(2) Fifty percent to the surviving child, or children, in equal shares, and fifty percent to the surviving spouse if there is at least one child who survived the public safety officer, and a surviving spouse of the public safety officer;

(3) To the surviving child, or children, in equal shares, if there is no surviving spouse of the public safety officer;

(4) If there is no surviving spouse of the public safety officer and no surviving child:

(a) To the surviving individual, or individuals, in shares per the designation or, otherwise, in equal shares, designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

(b) To the surviving individual, or individuals, in equal shares, designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit if there is no individual qualifying under paragraph (a) **of this subdivision;**

(5) To the surviving parent, or parents, in equal shares, of the public safety officer if there is no individual qualifying under subdivision (1), (2), (3), or (4) of this subsection; or

(6) To the surviving individual, or individuals, in equal shares, who would qualify under the definition of the term "child" but for age if there is no individual qualifying under subdivision (1), (2), (3), (4), or (5) of this subsection.

5. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the public safety officer was serving at the time of his or her death;

(2) The name and address of the claimant;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.

When a claim is filed, the division of workers' compensation shall make an investigation for substantiation of matters set forth in the application.

6. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

7. Neither employers nor workers' compensation insurers shall have subrogation rights against any compensation awarded for claims under this section. Such compensation shall not be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to setoff or counterclaim, or be in any way

liable for any debt, except that the division or commission may allow as lien on the compensation, reasonable attorney's fees for services in connection with the proceedings for compensation if the services are found to be necessary. Such fees are subject to regulation as set forth in section 287.260.

8. Any person seeking compensation under this section who is aggrieved by the decision of the division of workers' compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

9. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after June 19, 2019, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(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.

10. The provisions of this section, unless specified, shall not be subject to other provisions of this chapter.

11. There is hereby created in the state treasury the "Line of Duty Compensation Fund", which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for paying claims 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 fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

12. The division shall promulgate rules to administer this section, including but not limited to the appointment of claims to multiple claimants, record retention, and procedures for information requests. 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 under 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 June 19, 2009, shall be invalid and void."; and

Further amend said bill,"; and

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

On motion of Representative Amato, **House Amendment No. 1 to House Amendment No. 19** was adopted.

On motion of Representative Oehlerking, **House Amendment No. 19, as amended**, was adopted.

Representative Roberts offered **House Amendment No. 20**.

House Amendment No. 20

AMEND House Committee Substitute for Senate Bill No. 186, Page 6, Section 544.453, Line 13, by inserting after all of said section and line the following:

"557.520. 1. For purposes of this section, the following terms shall mean:

(1) "Failed start", any attempt to start the vehicle with a breath alcohol concentration exceeding twenty-five thousandths of one percent by weight of alcohol in such person's breath, unless a subsequent

retest performed within ten minutes registers a breath alcohol concentration not exceeding twenty-five thousandths of one percent by weight of alcohol in such person's breath;

(2) "Running retest", failure to take a breath test performed by the driver upon a certified ignition interlock device at random intervals after the initial engine startup breath test and while the vehicle's motor is running or failure to take a breath retest with a breath alcohol concentration not exceeding twenty-five thousandths of one percent by weight of alcohol in such person's breath;

(3) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways.

2. In any criminal case involving an intoxicated-related traffic offense, the prosecuting or circuit attorney may divert the criminal case, with the consent of the defendant, to a driving while intoxicated (DWI) diversion program by filing a motion with the court requesting the court to stay the criminal proceeding, if the defendant meets the following criteria for eligibility into the driving while intoxicated diversion program:

(1) The defendant has not previously pled guilty to or been convicted of an intoxicated-related traffic offense in violation of section 577.010, 577.012, 577.013, 577.014, 577.015, or 577.016;

(2) The defendant is not currently enrolled in, and has not in the previous ten years completed, a diversion program pursuant to this section;

(3) The defendant does not hold a commercial driver's license;

(4) The offense did not occur while operating a commercial vehicle; and

(5) The offense did not result in the injury or death of another person.

3. Upon a motion filed by a prosecuting or circuit attorney, the court may continue a diverted case involving an intoxicated-related traffic offense for a period not to exceed twenty-four months and order the defendant to comply with terms, conditions, or requirements that the prosecuting or circuit attorney deems appropriate based on the specific situation of the defendant.

4. The DWI diversion plan shall be for a specified period and be in writing. The prosecuting or circuit attorney has the sole authority to develop diversionary program requirements, but shall require installation of an ignition interlock device for a period of not less than one year, require the defendant to participate in a victim impact panel sponsored by a nonprofit organization, and other terms deemed necessary by the court.

5. If the court continues the criminal case to divert the defendant to a DWI diversion program, the department of revenue shall continue any proceeding to suspend or revoke a license pursuant to chapter 302 for a period not to exceed twenty-four months. After the defendant successfully completes the requirements of the DWI diversion program, the department shall dismiss any proceeding against the defendant.

6. The court shall notify the defendant that he or she is required to install a functioning, certified ignition interlock device on any vehicle that the person operates and the person is prohibited from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device pursuant to this section. These requirements shall be in addition to any other provisions of this chapter or chapter 302 requiring installation and maintenance of an ignition interlock device. Any person required to use an ignition interlock device shall comply with such requirement subject to the penalties provided by section 577.599.

7. The department of revenue shall inform the defendant of the requirements of this section, including the term for which the person is required to have a certified ignition interlock device installed and shall notify the person that installation of a functioning, certified ignition interlock device on a vehicle does not allow the person to drive without a valid driver's license. The department shall record the mandatory use of the device for the term required and the time when the device is required to be installed pursuant to the court order. A person who is notified by the department shall do all of the following:

(1) Arrange for each vehicle operated by the person to be equipped with a functioning, certified ignition interlock device by a certified ignition interlock device provider as determined by the department of transportation; and

(2) Arrange for each vehicle with a functioning, certified ignition interlock device to be serviced by the installer at least once every thirty days for the installer to recalibrate and monitor the operation of the device.

8. The certified ignition interlock device provider shall notify the department:

(1) If the device is removed or indicates that the person has attempted to remove, bypass by a running retest, or tamper with the device;

(2) If the person fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device; or

(3) If the device registers a failed start.

If a person has any failed start that occurs within the last ninety days of the required period of installation of the ignition interlock device, the term shall be extended for a period of ninety days.

9. After the completion of the DWI diversion program and if the defendant has complied with all the imposed terms and conditions, the court shall dismiss the criminal case against the defendant, record the dismissal, and transmit the record to the central repository upon dismissal. Any court automation system, including any pilot project, that provides public access to electronic record on the internet shall redact any personal identifying information of the defendant, including name, address, and year of birth. Such information shall be provided in a confidential filing sheet contemporaneously filed with the court or entered by the court, which shall not be subject to public inspection or availability.

10. In the event of noncompliance by the defendant with the terms and conditions of the DWI diversion program, the prosecuting or circuit attorney may file a motion to terminate the defendant from the diversion program and may recommend the prosecution of the underlying case. Upon the filing of such motion, after notice to the defendant, the court shall hold a hearing to determine by preponderance of the evidence whether the defendant has failed to comply with the terms and conditions of the diversion program. If the court finds that the defendant has not complied with the terms and conditions of the diversion program, the court may end the diversion program and set the case on the next available criminal docket.

11. Any defendant who is found guilty of any intoxicated-related traffic offense and who has previously utilized the DWI diversion program pursuant to this section shall be considered a prior offender as defined in section 577.001, provided that the prior offense occurred within five years of the intoxicated-related offense for which the person is charged, as provided in subsection 20 of section 577.001.

12. For the limited purpose of determining whether a defendant is a chronic, habitual, persistent, or prior offender under section 577.001, a criminal case diverted to a DWI diversion program shall be counted as one intoxication-related traffic offense."; and

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

On motion of Representative Roberts, **House Amendment No. 20** was adopted.

Representative Stinnett offered **House Amendment No. 21**.

House Amendment No. 21

AMEND House Committee Substitute for Senate Bill No. 186, Page 3, Section 56.601, Line 50, by inserting after said section and line the following:

"115.133. 1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:

(1) While confined ~~[under a sentence of imprisonment;~~
~~(2) While on probation or parole]~~ after conviction of a felony~~[-until finally discharged from such probation or parole]; or~~

~~[(3)] (2)~~ After conviction of a felony or misdemeanor connected with the right of suffrage.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote."; and

Further amend said bill, Page 11, Section 558.043, Line 16, by inserting after all of said section and line the following:

"561.026. Notwithstanding any other provision of law except for section 610.140, a person who is convicted:

(1) Of ~~[any offense]~~ **a felony** shall be disqualified from registering and voting in any election under the laws of this state while confined ~~[under a sentence of imprisonment]~~;

(2) Of a felony or misdemeanor connected with the exercise of the right of suffrage shall be forever disqualified from registering and voting;

(3) Of any felony shall be forever disqualified from serving as a juror."; and

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

On motion of Representative Stinnett, **House Amendment No. 21** was adopted.

Representative Mayhew offered **House Amendment No. 22**.

House Amendment No. 22

AMEND House Committee Substitute for Senate Bill No. 186, Page 5, Section 211.031, Line 93, by inserting after all of said section and line the following:

"301.218. 1. No person shall, except as an incident to the sale, repair, rebuilding or servicing of vehicles by a licensed franchised motor vehicle dealer, carry on or conduct the following business unless licensed to do so by the department of revenue under sections 301.217 to 301.229:

(1) Selling used parts of or used accessories for vehicles as a used parts dealer, as defined in section 301.010;

(2) Salvaging, wrecking, or dismantling vehicles for resale of the parts thereof as a salvage dealer ~~[or]~~ **and dismantler, as defined in section 301.010, or otherwise engaging in the buying or selling of catalytic converters or the component parts of catalytic converters;**

(3) Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar year as a rebuilder or body shop, as defined in section 301.010;

(4) Processing scrapped vehicles or vehicle parts as a scrap processor, as defined in section 301.010.

2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to persons actually engaged in and holding a current license under sections 301.217 to 301.221 and 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his or her state of domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor vehicles or salvage vehicles, and to persons who reside in a foreign country that are purchasing salvage vehicles for export outside of the United States. Operators of salvage pools or salvage disposal sales shall keep a record, for three years, of sales of salvage vehicles with the purchasers' name and address, and the year, make, and vehicle identification number for each vehicle. These records shall be open for inspection as provided in section 301.225. Such records shall be submitted to the department on a quarterly basis.

3. The operator of a salvage pool or salvage disposal sale, or subsequent purchaser, who sells a nonrepairable motor vehicle or a salvage motor vehicle to a person who is not a resident of the United States at a salvage pool or a salvage disposal sale shall:

(1) Stamp on the face of the title so as not to obscure any name, date, or mileage statement on the title the words "FOR EXPORT ONLY" in capital letters that are black; and

(2) Stamp in each unused reassignment space on the back of the title the words "FOR EXPORT ONLY" and print the number of the dealer's salvage vehicle license, name of the salvage pool, or the name of the governmental entity, as applicable.

The words "FOR EXPORT ONLY" required under subdivisions (1) and (2) of this subsection shall be at least two inches wide and clearly legible. Copies of the stamped titles shall be forwarded to the department.

4. The director of revenue shall issue a separate license for each kind of business described in subsection 1 of this section, to be entitled and designated as either "used parts dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; or "scrap processor" license."; and

Further amend said bill, Page 6, Section 301.3175, Line 32, by inserting after all of said section and 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 revenue 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 the department of revenue the records required under this section on the department'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. The department of revenue 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 E felony 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.**

7. As used in this section, "catalytic converter" means any device designed to be used as an emissions control device when connected to an internal combustion engine, including the constituent parts of such a device, whether assembled into a complete unit or disassembled into separate constituent parts or components."; and

Further amend said bill, Page 17, Section 570.030, Line 6, by deleting the word "or" and inserting in lieu thereof "[or]"; and

Further amend said bill, page, and section, Line 9, by deleting said line and inserting in lieu thereof the following:

"has been stolen; or

(4) For the purpose of depriving the owner of a lawful interest therein, receives, retains, or disposes of a catalytic converter, as defined in subsection 7 of section 407.300, and knows that it has been stolen, believes that it has been stolen, or reasonably should suspect that it has been stolen."; and

Further amend said bill and section, Page 18, Line 71, by inserting after the word "converter" the phrase ", as defined in subsection 7 of section 407.300"; and

Further amend said bill and section, Page 19, Line 90, by inserting after all of said section and line the following:

"570.031. 1. A person commits the offense of unlawful possession of a detached catalytic converter if the person possesses a catalytic converter that is detached from a motor vehicle with the intent to sell the catalytic converter unless:

(1) The detached catalytic converter is possessed in the course of a legitimate business purpose;

(2) The detached catalytic converter is a component or constituent part of an item or equipment owned by the person; or

(3) The possession of the detached catalytic converter is for some other lawful purpose.

2. The offense of unlawful possession of a detached catalytic converter is a class E felony."; and

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

On motion of Representative Mayhew, **House Amendment No. 22** was adopted.

Representative Veit offered **House Amendment No. 23**.

House Amendment No. 23

AMEND House Committee Substitute for Senate Bill No. 186, Page 6, Section 301.3175, Line 32, by inserting after said section and line the following:

"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, 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, **two municipal employees who work full time in a municipal division of a 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.]~~ 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].~~; and

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

On motion of Representative Veit, **House Amendment No. 23** was adopted.

Representative Wright offered **House Amendment No. 24**.

House Amendment No. 24

AMEND House Committee Substitute for Senate Bill No. 186, Page 5, Section 211.031, Line 93, by inserting after all of said section and line the following:

"217.035. The director shall have the authority to:

- (1) Establish, with approval of the governor, the internal organization of the department and file the plan thereof with the secretary of state in the manner in which administrative rules are filed, the commissioner of administration and the revisor of statutes;
- (2) Exclusively prepare the budgets of the department and each division within the department in the form and manner set out by statute or by the commissioner of administration;

(3) Designate by written order filed with the governor, the president pro tem of the senate, and the chairman of the joint committee on corrections, a deputy director of the department to act for and exercise the powers of the director during the director's absence for official business, vacation, illness or incapacity. The deputy director shall serve as acting director no longer than six months; however, after the deputy director has acted as director for longer than thirty days the deputy director shall receive compensation equal to that of the director;

(4) Procure, either through the division of purchasing or by other means authorized by law, supplies, material, equipment or contractual services for the department and each of its divisions;

(5) Establish policy for the department and each of its divisions;

(6) Designate any responsibilities, duties and powers given by sections 217.010, ~~[217.810]~~ 558.011 and 558.026 to the department or the department director to any division or division director.

217.650. As used in sections 217.650 to ~~[217.810]~~ **217.805**, unless the context clearly indicates otherwise, the following terms mean:

(1) "Chairperson", chairperson of the parole board who shall be appointed by the governor;

(2) "Diversionary program", a program designed to utilize alternatives to incarceration undertaken under the supervision of the division of probation and parole after commitment of an offense and prior to arraignment;

(3) "Parole", the release of an offender to the community by the court or the state parole board prior to the expiration of his term, subject to conditions imposed by the court or the parole board and to its supervision by the division of probation and parole;

(4) "Parole board", the state board of parole;

(5) "Prerelease program", a program relating to an offender's preparation for, or orientation to, supervision by the division of probation and parole immediately prior to or immediately after assignment of the offender to the division of probation and parole for supervision;

(6) "Pretrial program", a program relating to the investigation or supervision of persons referred or assigned to the division of probation and parole prior to their conviction;

(7) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the division of probation and parole;

(8) "Recognizance program", a program relating to the release of an individual from detention who is under arrest for an offense for which he or she may be released as provided in section 544.455.

217.670. 1. The board shall adopt an official seal of which the courts shall take official notice.

2. Decisions of the board regarding granting of paroles, extensions of a conditional release date or revocations of a parole or conditional release shall be by a majority vote of the hearing panel members. The hearing panel shall consist of one member of the board and two hearing officers appointed by the board. A member of the board may remove the case from the jurisdiction of the hearing panel and refer it to the full board for a decision. Within thirty days of entry of the decision of the hearing panel to deny parole or to revoke a parole or conditional release, the offender may appeal the decision of the hearing panel to the board. The board shall consider the appeal within thirty days of receipt of the appeal. The decision of the board shall be by majority vote of the board members and shall be final.

3. The orders of the board shall not be reviewable except as to compliance with the terms of sections 217.650 to ~~[217.810]~~ **217.805** or any rules promulgated pursuant to such section.

4. The board shall keep a record of its acts and shall notify each correctional center of its decisions relating to persons who are or have been confined in such correctional center.

5. Notwithstanding any other provision of law, any meeting, record, or vote, of proceedings involving probation, parole, or pardon, may be a closed meeting, closed record, or closed vote.

6. Notwithstanding any other provision of law, when the appearance or presence of an offender before the board or a hearing panel is required for the purpose of deciding whether to grant conditional release or parole, extend the date of conditional release, revoke parole or conditional release, or for any other purpose, such appearance or presence may occur by means of a videoconference at the discretion of the board. Victims having a right to attend parole hearings may testify either at the site where the board is conducting the videoconference or at the institution where the offender is located. The use of videoconferencing in this section shall be at the discretion of the board, and shall not be utilized if either the victim or the victim's family objects to it.

217.710. 1. Probation and parole officers, supervisors and members of the parole board, who are certified pursuant to the requirements of subsection 2 of this section shall have the authority to carry their firearms at all times. The department of corrections shall promulgate policies and operating regulations which govern the use of firearms by probation and parole officers, supervisors, and members of the parole board when carrying out the provisions of sections 217.650 to ~~[217.810]~~ **217.805**. Mere possession of a firearm shall not constitute an employment activity for the purpose of calculating compensatory time or overtime.

2. The department shall determine the content of the required firearms safety training and provide firearms certification and recertification training for probation and parole officers, supervisors, and members of the parole board. A minimum of sixteen hours of firearms safety training shall be required. In no event shall firearms certification or recertification training for probation and parole officers and supervisors exceed the training required for officers of the state highway patrol.

3. The department shall determine the type of firearm to be carried by the officers, supervisors, and members of the parole board.

4. Any officer, supervisor, or member of the parole board ~~that~~ who chooses to carry a firearm in the performance of such officer's, supervisor's, or member's duties shall purchase the firearm and holster.

5. The department shall furnish such ammunition as is necessary for the performance of the officer's, supervisor's, and member's duties.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536 including but not limited to, section 536.028, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however nothing in section 571.030 or this section shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to August 28, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in section 571.030 or this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

217.720. 1. At any time during release on parole or conditional release the division of probation and parole may issue a warrant for the arrest of a released offender for violation of any of the conditions of parole or conditional release. The warrant shall authorize any law enforcement officer to return the offender to the actual custody of the correctional center from which the offender was released, or to any other suitable facility designated by the division. If any parole or probation officer has probable cause to believe that such offender has violated a condition of parole or conditional release, the probation or parole officer may issue a warrant for the arrest of the offender. The probation or 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 and contain the statement that the offender has, in the judgment of the probation or parole officer, violated conditions of parole or conditional release. The warrant delivered with the offender by the arresting officer to the official in charge of any facility designated by the division to which the offender is brought shall be sufficient legal authority for detaining the offender. After the arrest the parole or probation officer shall present to the detaining authorities a similar statement of the circumstances of violation. Pending hearing as hereinafter provided, upon any charge of violation, the offender shall remain in custody or incarcerated without consideration of bail.

2. If the offender is arrested under the authority granted in subsection 1 of this section, the offender shall have the right to a preliminary hearing on the violation charged unless the offender waives such hearing. Upon such arrest and detention, the parole or probation officer shall immediately notify the board and shall submit in writing a report showing in what manner the offender has violated the conditions of his parole or conditional release. The board shall order the offender discharged from such facility, require as a condition of parole or conditional release the placement of the offender in a treatment center operated by the department of corrections, or shall cause the offender to be brought before it for a hearing on the violation charged, under such rules and regulations as the board may adopt. If the violation is established and found, the board may continue or revoke the parole or conditional release, or enter such other order as it may see fit. If no violation is established and found, then the parole or conditional release shall continue. If at any time during release on parole or conditional release the offender is arrested for a crime which later leads to conviction, and sentence is then served outside the Missouri department of corrections, the board shall determine what part, if any, of the time from the date of arrest until completion of the sentence imposed is counted as time served under the sentence from which the offender was paroled or conditionally released.

3. An offender for whose return a warrant has been issued by the division shall, if it is found that the warrant cannot be served, be deemed to be a fugitive from justice or to have fled from justice. If it shall appear that the offender has violated the provisions and conditions of his parole or conditional release, the board shall determine whether the time from the issuing date of the warrant to the date of his arrest on the warrant, or continuance on

parole or conditional release shall be counted as time served under the sentence. In all other cases, time served on parole or conditional release shall be counted as time served under the sentence.

4. At any time during parole or probation, the division may issue a warrant for the arrest of any person from another jurisdiction~~], the visitation and supervision of whom the division has undertaken pursuant to the provisions of the interstate compact for the supervision of parolees and probationers authorized in section 217.810,~~ for violation of any of the conditions of release~~];~~ or a notice to appear to answer a charge of violation. The notice shall be served personally upon the person. The warrant shall authorize any law enforcement officer to return the offender to any suitable detention facility designated by the division. Any parole or probation officer may arrest such person without a warrant, or may deputize any other officer with power of arrest to do so by issuing a written statement setting forth that the defendant has, in the judgment of the parole or probation officer, violated the conditions of his release. The written statement delivered with the person by the arresting officer to the official in charge of the detention facility to which the person is brought shall be sufficient legal authority for detaining him. After making an arrest the parole or probation officer shall present to the detaining authorities a similar statement of the circumstances of violation."; and

Further amend said bill, Page 6, Section 544.453, Line 13, by inserting after all of said section and line the following:

"548.241. 1. All necessary and proper expenses accruing under section 548.221, upon being ascertained to the satisfaction of the governor, shall be allowed on his certificate and paid out of the state treasury as other demands against the state.

2. All necessary and proper expenses accruing as a result of a person being returned to this state pursuant to the provisions of section 548.243 ~~[or 217.810]~~ shall be allowed and paid out of the state treasury as if the person were being returned to this state pursuant to section 548.221.

3. Any necessary and proper expenses accruing as a result of a person being returned to this state under the provisions of chapter 589 may be paid either out of the Missouri interstate compact fund established in chapter 589 or out of the state treasury."; and

Further amend said bill, Page 28, Section 579.022, Line 10, by inserting after all of said section and line the following:

"589.564. 1. Upon a petition from the state, a circuit court is authorized to add any condition to a term of probation for an offender supervised in this state for a term of probation ordered by another state, including shock incarceration; however, the court shall not reduce, extend, or revoke such a term of probation. The circuit court for the jurisdiction in which a probationer is under supervision shall serve as the authorizing court for the purposes of this section. The prosecuting attorney or circuit attorney for the jurisdiction in which a probationer is under supervision shall serve as the authorized person to petition the court to add a condition of probation. Notwithstanding any provision of section 549.500 or 559.125, the division of probation and parole may submit violation reports to the prosecuting attorney or circuit attorney with authority to petition the court to add a condition to a term of probation under this section.

2. If supervision of a parolee in Missouri is administered pursuant to this compact, the division of probation and parole shall have the authority to impose a sanction or additional conditions in response to written violations of supervision; however, the division of probation and parole shall not reduce, extend, or revoke such a term of parole.

589.565. A Missouri probationer or parolee seeking transfer of their supervision through this compact shall pay a fee in the amount of one hundred seventy-five dollars for each transfer application submitted. The transfer application fee shall be paid to the compact commissioner upon submission of the transfer application. The commissioner or commissioner's designee may waive the application fee if either the commissioner or the commissioner's designee finds that payment of the fee would constitute an undue economic burden on the offender. All fees collected pursuant to this section shall be paid and deposited to the credit of the "Missouri Interstate Compact Fund", which is hereby established in the state treasury. 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 for the sole benefit of the department of corrections in support of administration of this section; expenses related to assessment, retaking, staff development, and training; and implementation of evidence-based practices in support of offenders under supervision. 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."; and

Further amend said bill, Page 30, Section 590.1075, Line 11, by inserting after all of said section and line the following:

~~"[217.810. 1. The governor is hereby authorized and directed to enter into the interstate compact for the supervision of parolees and probationers on behalf of the state of Missouri with the commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and any and all other states of the United States legally joining therein and pursuant to the provisions of an act of the Congress of the United States of America granting the consent of Congress to the commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes, which compact shall have as its objective the permitting of persons placed on probation or released on parole to reside in any other state signatory to the compact assuming the duties of visitation and supervision over such probationers and parolees; permitting the extradition and transportation without interference of prisoners, being retaken, through any and all states signatory to the compact under such terms, conditions, rules and regulations, and for such duration as in the opinion of the governor of this state shall be necessary and proper and in a form substantially as contained in subsection 2 of this section. The chairman of the board shall administer the compact for the state.~~

~~2. INTERSTATE COMPACT FOR THE SUPERVISION OF PAROLEES AND PROBATIONERS~~

~~This compact shall be entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."~~

~~The contracting states solemnly agree:~~

~~(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if~~

~~(a) Such a person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;~~

~~(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.~~

~~Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.~~

~~A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.~~

~~(2) The receiving state shall assume the duties of visitation and supervision over probationers or parolees of any sending state transferred under the compact and will apply the same standards of supervision that prevail for its own probationers and parolees.~~

~~(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not~~

~~reviewable within the receiving state. Provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.~~

~~(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.~~

~~(5) Each state may designate an officer who, acting jointly with like officers of other contracting states shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.~~

~~(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.~~

~~(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto.~~

~~3. If any section, sentence, subdivision or clause within subsection 2 of this section is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining provisions of that subsection or this section.~~

~~4. All necessary and proper expenses accruing as a result of a person being returned to this state by order of a court or the parole board shall be paid by the state as provided in section 548.241 or 548.243.]"~~; and

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

On motion of Representative Wright, **House Amendment No. 24** was adopted.

Representative Bosley offered **House Amendment No. 25**.

House Amendment No. 25

AMEND House Committee Substitute for Senate Bill No. 186, Page 6, Section 301.3175, Line 32, by inserting after said section and line the following:

"506.400. 1. As used in this section, "claimant" means a person convicted and subsequently imprisoned for one or more offenses that such person did not commit.

2. (1) The claimant shall establish the following by a preponderance of evidence:

(a) The claimant was convicted of a felony offense and subsequently imprisoned;

(b) The claimant's judgment of conviction was reversed or vacated and either the charges were dismissed or on retrial the claimant was found to be not guilty;

(c) The claimant did not commit the offense or offenses for which the claimant was convicted and was not an accessory or accomplice to the acts that were the basis of the conviction and resulted in a reversal or vacation of the judgment of conviction, dismissal of the charges, or finding of not guilty on retrial; and

(d) The claimant did not commit or suborn perjury, fabricate evidence, or by the claimant's own conduct cause or bring about the conviction. Neither a confession or admission later found to be false nor a guilty plea shall constitute committing or suborning perjury, fabricating evidence, or causing or bringing about the conviction under this subsection.

(2) The court, in exercising its discretion as permitted by law regarding the weight and admissibility of evidence submitted under this section, may, in the interest of justice, give due consideration to difficulties of proof caused by the passage of time, the death or unavailability of witnesses, the destruction of evidence, or other factors not caused by such persons or those acting on their behalf.

3. If the court finds that the claimant is wrongfully convicted, it shall enter a certificate of innocence finding that the claimant was innocent of all offenses for which the claimant was mistakenly convicted. The clerk of the court shall send a certified copy of the certificate of innocence and the judgment entry to the attorney general for payment under section 105.711.

4. Upon entry of a certificate of innocence, the claimant 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 or recordations of his or her arrest, plea, trial, or conviction. Upon 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 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 subsection.

5. Upon entry of a certificate of innocence, the court shall order the expungement and destruction of the associated biological samples authorized by and given to the Missouri state highway patrol. The order shall state the information required to be stated in a petition to expunge and destroy the samples and profile record and shall direct the Missouri state highway patrol to expunge and destroy such samples and profile record. The clerk of the court shall send a certified copy of the order to the Missouri state highway patrol, which shall carry out the order and provide confirmation of such action to the court. Nothing in this subsection shall require the Missouri state highway patrol to expunge and destroy any sample or profile record associated with the claimant that must be retained by state statute.

6. The decision to grant or deny a certificate of innocence shall not have a res judicata effect on any other proceedings."; and

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

"Section 1. 1. For purposes of this section, the term "exoneree" means a person who was convicted of an offense and later officially declared innocent of that offense or relieved of all legal consequences of the conviction because evidence of innocence that was not presented at trial required reconsideration of the case.

2. The department of corrections shall develop a policy and procedures outlining for exonerees how to obtain a birth certificate, Social Security card, and state identification prior to release from a correctional center. The policy shall be made available to all exonerees, regardless of the method by which an exoneree was exonerated. If an exoneree does not have access to his or her birth certificate, Social Security card, or state identification upon release, the department shall assist such exoneree in obtaining the documents prior to release.

3. The department shall be required to provide an exoneree, upon his or her release from a correctional facility, with the same services the department is required to provide an offender upon release from a correctional facility."; and

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

On motion of Representative Bosley, **House Amendment No. 25** was adopted.

Representative Sauls offered **House Amendment No. 26**.

House Amendment No. 26

AMEND House Committee Substitute for Senate Bill No. 186, Page 5, Section 211.031, Line 93, by inserting after all of said section and line the following:

"217.830. The department of corrections shall develop a policy and procedures outlining for offenders how to apply for Medicaid and how to obtain a birth certificate, Social Security card, and state identification prior to release from a correctional center. The policy shall be made available to the offender population. If an offender does not have access to his or her birth certificate, Social Security card, or state identification upon release, the department shall assist such offender in obtaining the documents prior to release. Any educational or special training certificate shall be provided to the offender at the time he or she is released from custody."; and

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

On motion of Representative Sauls, **House Amendment No. 26** was adopted.

On motion of Representative Riley, **HCS SB 186, as amended**, was adopted.

On motion of Representative Riley, **HCS SB 186, as amended**, was read the third time and passed by the following vote:

AYES: 113

Allen	Amato	Atchison	Baker	Bangert
Baringer	Barnes	Black	Bonacker	Bromley
Brown 149	Brown 16	Brown 87	Buchheit-Courtway	Burger
Burnett	Burton	Butz	Byrnes	Casteel
Chappell	Christ	Coleman	Cook	Copeland
Crossley	Davidson	Davis	Deaton	Diehl
Dinkins	Ealy	Falkner	Farnan	Francis
Gallick	Gragg	Gregory	Griffith	Haden
Haffner	Haley	Hardwick	Henderson	Hicks
Hinman	Hovis	Hudson	Hurlbert	Ingle
Jones	Justus	Kalberloh	Keathley	Kelley 127
Kelly 141	Lovasco	Mackey	Mann	Marquart
Matthiesen	Mayhew	McGaugh	McGill	McMullen
Murphy	Myers	O'Donnell	Oehlerking	Owen
Parker	Patterson	Perkins	Peters	Plank
Pollitt	Pouche	Reedy	Reuter	Richey
Riggs	Riley	Roberts	Sander	Sassmann
Sauls	Schnelting	Schulte	Schwadron	Seitz
Sharp 37	Sharpe 4	Shields	Smith 155	Smith 46
Sparks	Stacy	Stephens	Stinnett	Strickler
Taylor 48	Thomas	Thompson	Titus	Toalson Reisch
Van Schoiack	Veit	Voss	Waller	West
Wilson	Wright	Mr. Speaker		

NOES: 018

Adams	Anderson	Banderman	Boggs	Bosley
Boyd	Brown 27	Cupps	Evans	Fountain Henderson
Lavender	Lewis 6	Lonsdale	Phifer	Smith 163
Steinhoff	Taylor 84	Terry		

PRESENT: 021

Appelbaum	Aune	Clemens	Collins	Fogle
Gray	Hein	Johnson 12	Johnson 23	Lewis 25
Merideth	Mosley	Nickson-Clark	Nurrenbern	Proudie
Quade	Unsicker	Walsh Moore	Weber	Woods
Young				

ABSENT WITH LEAVE: 010

Billington	Bland Manlove	Busick	Christofanelli	Doll
Hausman	Houx	Knight	Morse	Windham

VACANCIES: 001

Representative Hudson declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 109

Allen	Amato	Atchison	Baker	Banderman
Bangert	Baringer	Billington	Black	Boggs
Bonacker	Boyd	Bromley	Brown 149	Brown 16
Buchheit-Courtway	Burger	Butz	Byrnes	Casteel
Christ	Christofanelli	Coleman	Cook	Copeland
Cupps	Davidson	Davis	Deaton	Diehl
Dinkins	Evans	Farnan	Francis	Gallick
Gragg	Gregory	Griffith	Haden	Haffner
Haley	Hardwick	Henderson	Hicks	Hinman
Houx	Hovis	Hudson	Hurlbert	Jones
Justus	Kalberloh	Keathley	Kelley 127	Kelly 141
Knight	Lewis 6	Lonsdale	Lovasco	Marquart
Matthiesen	Mayhew	McGaugh	McGill	McMullen
Murphy	Myers	O'Donnell	Oehlerking	Owen
Parker	Patterson	Perkins	Peters	Pollitt
Pouche	Reedy	Reuter	Richey	Riggs
Riley	Roberts	Sander	Sassmann	Schnelting
Schulte	Schwadron	Seitz	Sharp 37	Sharpe 4
Shields	Smith 155	Sparks	Stacy	Stephens
Stinnett	Taylor 48	Thomas	Thompson	Titus
Toalson Reisch	Van Schoiack	Veit	Voss	Waller
West	Wilson	Wright	Mr. Speaker	

NOES: 029

Adams	Anderson	Aune	Barnes	Brown 27
Brown 87	Burnett	Chappell	Collins	Fogle
Fountain Henderson	Gray	Johnson 12	Johnson 23	Lavender
Lewis 25	Merideth	Mosley	Nickson-Clark	Phifer
Plank	Quade	Steinhoff	Taylor 84	Terry
Walsh Moore	Weber	Woods	Young	

PRESENT: 015

Appelbaum	Bosley	Burton	Clemens	Crossley
Ealy	Hein	Ingle	Mackey	Mann
Nurrenbern	Proudie	Sauls	Smith 46	Strickler

ABSENT WITH LEAVE: 009

Bland Manlove	Busick	Doll	Falkner	Hausman
Morse	Smith 163	Unsicker	Windham	

VACANCIES: 001

THIRD READING OF HOUSE BILLS - INFORMAL

HCS HBs 700 & 445, relating to refusal of medical procedures or treatment, was placed back on the House Bills for Third Reading Calendar.

HCS HB 719, relating to public assistance, was placed back on the House Bills for Third Reading Calendar.

COMMITTEE REPORTS

Committee on Economic Development, Chairman Hudson reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 1345**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (14): Allen, Amato, Barnes, Brown (16), Casteel, Christ, Gallick, Hausman, Hudson, Johnson (23), Smith (155), Weber, Wilson and Young

Noes (1): Gray

Absent (1): Thompson

Committee on Government Efficiency and Downsizing, Chairman Murphy reporting:

Mr. Speaker: Your Committee on Government Efficiency and Downsizing, to which was referred **SCR 10**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (12): Baker, Bangert, Boggs, Chappell, Lovasco, Murphy, Riggs, Sauls, Schulte, Schwadron, Strickler and Van Schoiack

Noes (0)

Absent (2): Davis and Nickson-Clark

Committee on Local Government, Chairman Falkner reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 814**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Adams, Amato, Bangert, Baringer, Burger, Byrnes, Chappell, Diehl, Falkner, Hinman, Lonsdale, Reedy and Walsh Moore

Noes (0)

Absent (1): Perkins

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 1013**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (12): Adams, Amato, Bangert, Baringer, Byrnes, Chappell, Diehl, Falkner, Hinman, Lonsdale, Reedy and Walsh Moore

Noes (0)

Absent (2): Burger and Perkins

Committee on Rules - Administrative Oversight, Chairman Francis reporting:

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS SS SCS SB 106**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Baker, Bland Manlove, Francis, Griffith, Haden, Houx, Mackey, Myers and Smith (46)

Noes (0)

Absent (1): Copeland

Committee on Rules - Regulatory Oversight, Chairman Gregory reporting:

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HR 263**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Cupps, Evans, Gregory, Haffner, Ingle, Proudie, Roberts and Strickler

Noes (0)

Absent (2): O'Donnell and Riley

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HB 274**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (5): Cupps, Evans, Gregory, Haffner and Roberts

Noes (3): Ingle, Proudie and Strickler

Absent (2): O'Donnell and Riley

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HCS HB 311**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Cupps, Evans, Gregory, Haffner, Ingle, O'Donnell, Proudie, Roberts and Strickler

Noes (0)

Absent (1): Riley

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HCS HB 648**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Cupps, Evans, Gregory, Haffner, Ingle, Proudie, Roberts and Strickler

Noes (0)

Absent (2): O'Donnell and Riley

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HB 743**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Cupps, Evans, Gregory, Haffner, Ingle, Proudie, Roberts and Strickler

Noes (0)

Absent (2): O'Donnell and Riley

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HB 860**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Cupps, Evans, Gregory, Haffner, Ingle, Proudie, Roberts and Strickler

Noes (0)

Absent (2): O'Donnell and Riley

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HB 1020**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Evans, Gregory, Haffner, Ingle, Roberts and Strickler

Noes (2): Cupps and Proudie

Absent (2): O'Donnell and Riley

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HCS HB 1141**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Cupps, Evans, Gregory, Haffner, Ingle, Proudie, Roberts and Strickler

Noes (0)

Absent (2): O'Donnell and Riley

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HB 1173**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Cupps, Evans, Gregory, Haffner, Ingle, O'Donnell, Proudie, Roberts and Strickler

Noes (0)

Absent (1): Riley

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HB 1259**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Cupps, Evans, Gregory, Haffner, Ingle, O'Donnell, Proudie, Roberts and Strickler

Noes (0)

Absent (1): Riley

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HCS HB 1399**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Cupps, Evans, Gregory, Haffner, Ingle, O'Donnell, Proudie, Roberts and Strickler

Noes (0)

Absent (1): Riley

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HCS SS SCS SB 72**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Cupps, Evans, Gregory, Haffner, Ingle, O'Donnell, Proudie, Roberts and Strickler

Noes (0)

Absent (1): Riley

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HCS SS SB 138**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Cupps, Evans, Gregory, Haffner, O'Donnell and Roberts

Noes (3): Ingle, Proudie and Strickler

Absent (1): Riley

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **SS SCS SBs 167 & 171**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Cupps, Evans, Gregory, Haffner, Ingle, O'Donnell, Proudie, Roberts and Strickler

Noes (0)

Absent (1): Riley

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 510 - Fiscal Review

HCS HBs 948 & 915 - Fiscal Review

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SS SCS SBs 45 & 90 - Fiscal Review

HCS SS SCS SB 72 - Fiscal Review

HCS SS SCS SB 106 - Fiscal Review

REFERRAL OF SENATE CONCURRENT RESOLUTIONS - RULES

The following Senate Concurrent Resolution was referred to the Committee indicated:

SCR 10 - Rules - Regulatory Oversight

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 265** entitled:

An act to repeal section 600.042, RSMo, and to enact in lieu thereof four new sections relating to funds established within the state treasury.

In which the concurrence of the House is respectfully requested.

Read the first time.

ADJOURNMENT

On motion of Representative Patterson, the House adjourned until 9:00 a.m., Thursday, April 27, 2023.

COMMITTEE HEARINGS

CRIME PREVENTION AND PUBLIC SAFETY

Thursday, April 27, 2023, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 1135, HB 1227

Executive session will be held: HB 665, HB 924, HB 1158

ECONOMIC DEVELOPMENT

Thursday, April 27, 2023, 8:00 AM, House Hearing Room 6.

Executive session will be held: SS SCS SB 92

FISCAL REVIEW

Thursday, April 27, 2023, 8:45 AM, House Hearing Room 4.
Executive session will be held: HCS SS#2 SCS SB 96, HCS SS SCS SB 133
Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Thursday, April 27, 2023, 8:00 AM, House Hearing Room 3.
Executive session will be held: HB 278, SS SCS SBs 119 & 120, SS SCS SBs 411 & 230, SB 542

LOCAL GOVERNMENT

Tuesday, May 2, 2023, 8:00 AM, House Hearing Room 7.
Public hearing will be held: SS SB 148, HB 1049
Executive session will be held: HB 1049, HB 296

RULES - ADMINISTRATIVE OVERSIGHT

Monday, May 1, 2023, 2:00 PM, House Hearing Room 4.
Executive session will be held: HCS SS SCS SB 157, HCS SS SB 198, SS SB 199, HCS SS SB 213
Executive session may be held on any matter referred to the committee.

SPECIAL COMMITTEE ON PUBLIC POLICY

Thursday, April 27, 2023, 8:30 AM or upon adjournment of the Economic Development Committee (whichever is later), House Hearing Room 6.
Executive session will be held: SS SCS SB 398, HB 1017

SPECIAL COMMITTEE ON TAX REFORM

Thursday, April 27, 2023, 8:30 AM or upon adjournment of General Laws Committee (whichever is later), House Hearing Room 3.
Executive session will be held: SS SB 190

TRANSPORTATION ACCOUNTABILITY

Thursday, April 27, 2023, 8:00 AM, House Hearing Room 1.
Executive session will be held: HB 1302

VETERANS

Thursday, April 27, 2023, 8:30 AM or upon adjournment of the Ways and Means Committee (whichever is later), House Hearing Room 5.
Executive session will be held: SS SB 540

WAYS AND MEANS

Thursday, April 27, 2023, 8:00 AM, House Hearing Room 5.
Executive session will be held: SS#3 SCS SB 131, SB 275, SJR 21

HOUSE CALENDAR

SIXTY-SECOND DAY, THURSDAY, APRIL 27, 2023

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HJR 66 - Baker

HOUSE BILLS FOR PERFECTION

HCS HB 355, (Legislative Review 4/4/23) - Davidson

HCS HB 736 - Riggs

HB 920 - Anderson

HCS HBs 348, 285 & 407 - Coleman

HB 44, (Legislative Review 3/21/23) - Haley

HB 67, (Legislative Review 3/21/23) - Terry

HB 487, (Legislative Review 3/21/23) - Francis

HB 528, (Legislative Review 3/21/23) - Murphy

HB 547, (Legislative Review 3/21/23) - Roberts

HS HB 1021 - Baker

HB 1055, (Legislative Review 3/21/23) - Mayhew

HB 512 - Mayhew

HCS HB 584 - Owen

HCS HB 586 - Owen

HCS HB 824 - O'Donnell

HB 1154, with HA 1, pending - Houx

HB 102 - Baringer

HB 212 - Smith (46)

HCS HB 271 - Riley

HB 436 - Nickson-Clark

HCS HB 714 - Kelly (141)

HB 999 - Anderson

HB 1078 - Chappell

HCS HB 464 - Gregory

HB 1052 - Haffner

HOUSE BILLS FOR PERFECTION - INFORMAL

HB 234 - Bangert

HCS HB 250 - Haley

HCS HB 262 - Sander

HCS HB 336 - Boggs

HCS HBs 404 & 501 - Haden

HCS HB 580 - Houx

HB 1028 - Smith (155)

HB 770 - Thompson

HB 571 - Allen
HCS HB 157 - O'Donnell
HCS HB 342 - Pouche
HCS HB 425 - Perkins
HB 513 - Mayhew
HCS HB 134 - Hudson
HCS HBs 604 & 180 - Reedy
HB 696 - Hovis
HB 1370 - Mayhew
HCS HBs 185 & 281 - Murphy
HB 516 - Mayhew
HCS HB 198 - Wright
HB 822 - Smith (155)
HB 77 - Kelley (127)
HCS HB 106 - Barnes
HB 232 - Bangert
HB 391 - Murphy
HCS HB 393 - Black
HB 440 - Hovis
HB 449 - Butz
HCS HB 489 - Baker
HCS HBs 502 & 887 - Haley
HCS HB 515 - Mayhew
HCS HB 633 - Kelley (127)
HB 697 - Hovis
HB 734 - Knight
HB 823 - Smith (155)
HCS HB 881 - Christofanelli
HB 891 - Falkner
HCS HB 959 - Gregory
HCS HB 1129 - Burger
HCS HB 992, with HA 1, pending - Lewis (6)
HCS HB 109 - Sharp (37)
HB 775 - Coleman
HCS HB 960 - Baringer
HCS HB 968 - Thompson
HB 152 - Thomas
HB 369 - West

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 11 - Schnelting

HOUSE BILLS FOR THIRD READING

HCS HB 48 - Haley
HB 643 - Francis
HCS HB 589 - Murphy
HCS HBs 700 & 445 - Hardwick
HCS HB 719, E.C. - Riley
HB 400 - McGirl
HCS HBs 948 & 915, (Fiscal Review 4/26/23) - Dinkins
HCS HB 510, (Fiscal Review 4/26/23) - Griffith
HB 1067 - Sharpe (4)
HS HCS HBs 532 & 751 - Mayhew

HOUSE BILLS FOR THIRD READING - INFORMAL

HCS HB 536 - Keathley
HCS HBs 876, 771, 676 & 551, (Fiscal Review 4/18/23) - Hurlbert
HB 246 - Hurlbert
HB 349, (Fiscal Review 4/18/23) - Christofanelli
HCS HB 733 - Boggs
HCS HB 657 - Smith (155)
HB 1208 - Casteel

HOUSE BILLS FOR THIRD READING - CONSENT

HB 746 - Sauls

SENATE BILLS FOR SECOND READING

SS SB 265

SENATE BILLS FOR THIRD READING

HCS SS SB 222 - Brown (16)
HCS SB 247, E.C. - Baker
HCS SB 109 - Houx
HCS SS SCS SB 133, (Fiscal Review 4/25/23), E.C. - Baker
HCS SS#2 SCS SB 96, (Fiscal Review 4/25/23), E.C. - Keathley
HCS SB 47 - Riley
SS SCS SBs 167 & 171 - Mayhew
HCS SS SCS SB 72, (Fiscal Review 4/26/23) - Christofanelli
HCS SS SCS SBs 45 & 90, (Fiscal Review 4/26/23), E.C. - Stinnett
HCS SS SB 138, E.C. - Kelly (141)
HCS SS SCS SB 106, (Fiscal Review 4/26/23), E.C. - Kelly (141)

SENATE BILLS FOR THIRD READING - INFORMAL

SS SB 139 - Griffith
SB 20 - Hovis
SB 28 - Roberts

SENATE CONCURRENT RESOLUTIONS FOR THIRD READING

HCS SCR 7 - Van Schoiack
SCR 8 - Parker

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HBs 115 & 99 - Shields
SS SCS HCS HBs 903, 465, 430 & 499, as amended, E.C. - Haffner

BILLS CARRYING REQUEST MESSAGES

SCS HCS HB 15, (request Senate recede/grant conference) - Smith (163)
SS SCS HCS HB 2, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 3, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 4, (request Senate recede/grant conference) - Smith (163)
SS SCS HCS HB 5, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 6, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 7, (request Senate recede/grant conference) - Smith (163)
SS SCS HCS HB 8, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 9, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 10, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 11, (request Senate recede/grant conference) - Smith (163)
SS SCS HCS HB 12, (request Senate recede/grant conference) - Smith (163)
SCS HCS HB 13, (request Senate recede/grant conference) - Smith (163)

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 3001 - Smith (163)
CCS SS SCS HCS HB 3002 - Smith (163)
CCS SS SCS HCS HB 3003 - Smith (163)
CCS SCS HCS HB 3004 - Smith (163)
CCS SCS HCS HB 3005 - Smith (163)
CCS SCS HCS HB 3006 - Smith (163)
CCS SCS HCS HB 3007 - Smith (163)
CCS SS SCS HCS HB 3008 - Smith (163)
CCS SCS HCS HB 3009 - Smith (163)
CCS SS SCS HCS HB 3010 - Smith (163)
CCS SS SCS HCS HB 3011 - Smith (163)

CCS SS SCS HCS HB 3012 - Smith (163)

CCS SCS HCS HB 3013 - Smith (163)

SCS HCS HB 3017 - Smith (163)

SCS HCS HB 3018 - Smith (163)

SCS HCS HB 3019 - Smith (163)

SS SCS HCS HB 3020 - Smith (163)