

JOURNAL OF THE HOUSE

Second Regular Session, 102nd General Assembly

SIXTY-NINTH DAY, TUESDAY, MAY 7, 2024

The House met pursuant to adjournment.

Speaker Plocher in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicky, Chaplain.

The Lord is the strength of my life. (Psalm 27:1)

O God, our Protector, whose still small voice calls us to turn aside for a moment from the weary ways of a worried world to wait upon You and to find our strength in You, make us aware of Your spirit, as we bow in prayer in this beautiful chamber. Amid the haste of daily duties and the pressure of persistent problems, may we find in Your strength for the day wisdom to make sound decisions, and the spirit of cooperation to motivate all our endeavors on behalf of our beloved Missouri.

With a consciousness of Your presence alive within us and by the use of unfailing resources of our faith, may our spirits be restored, our minds refreshed, and our bodies renewed, and together may we be made ready for the tasks and the responsibilities we face these hours together as representatives of our citizens. Now protect us from storms and grant us favorable weather.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Layton Wehmeir, David O. Bunnell, Harper Bunnell, and Grace Bunnell.

The Journal of the sixty-eighth day was approved as printed.

PERFECTION OF HOUSE BILLS

HB 1406, HCS HB 1440, HB 1627, HB 1632, HB 1724, HCS HB 1795, HCS HB 1800, HCS HB 1836, HCS HB 1925, HB 1937, HCS HBs 1990 & 2135, HCS HBs 2034 & 2081, HCS HB 2056, HCS HB 2146, HCS HB 2314, HCS HB 2524, HCS HB 2552, HB 2578, HB 2788, HCS HB 2862, HCS HB 1837, HCS HB 1957, with House Amendment No. 1, pending, HCS HBs 2619, 2365, 2448 & 2569, HB 2063, HCS HB 1630, with House Amendment No. 1, pending, HB 2291, HCS HBs 1477 & 1437, HCS HB 1725, HCS HBs 2183 & 2529 and HB 2240 were placed on the Informal Calendar.

PERFECTION OF HOUSE BILLS - INFORMAL

HCS HB 1795, relating to child employment, was taken up by Representative Hinman.

On motion of Representative Hinman, the title of **HCS HB 1795** was agreed to.

Representative Perkins assumed the Chair.

Representative Gragg raised a point of order that members were in violation of Rule 84.

Representative Perkins requested a parliamentary ruling.

Speaker Pro Tem Henderson assumed the Chair.

The Chair advised members to confine remarks to the question under debate.

Representative Perkins resumed the Chair.

Representative Banderman raised a point of order that members were in violation of Rule 84.

Speaker Pro Tem Henderson resumed the Chair.

The Chair ruled the point of order well taken.

Representative Lavender raised a point of order that there was a violation of Rule 84.

The Chair ruled the point of order not well taken.

Representative Perkins resumed the Chair.

Representative Van Schoiack assumed the Chair.

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Amato	Atchison	Banderman	Billington
Black	Boggs	Bonacker	Bromley	Brown 149
Buchheit-Courtway	Burger	Busick	Byrnes	Casteel
Chappell	Christ	Christensen	Christofanelli	Coleman
Cook	Cupps	Davidson	Davis	Deaton
Diehl	Dinkins	Evans	Farnan	Francis
Gallick	Gragg	Gregory	Haden	Haffner
Haley	Hardwick	Hausman	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	Patterson	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: 038

Adams	Anderson	Aune	Baringer	Barnes
Bland Manlove	Brown 27	Brown 87	Burnett	Burton
Butz	Collins	Crossley	Doll	Ealy
Fogle	Fountain Henderson	Gray	Hein	Ingle
Johnson 12	Lavender	Lewis 25	Mann	Mosley
Nurrenbern	Proudie	Quade	Sauls	Steinhoff
Strickler	Taylor 84	Terry	Walsh Moore	Weber
Windham	Woods	Young		

PRESENT: 000

ABSENT WITH LEAVE: 020

Appelbaum	Baker	Bangert	Bosley	Brown 16
Clemens	Copeland	Falkner	Griffith	Johnson 23
Mackey	Merideth	Nickson-Clark	Parker	Perkins
Phifer	Plank	Sharp 37	Smith 46	Unsicker

VACANCIES: 001

On motion of Representative Hinman, **HCS HB 1795** was adopted.

On motion of Representative Hinman, **HCS HB 1795** was ordered perfected and printed by the following vote, the ayes and noes having been demanded pursuant to Rule 16:

AYES: 105

Allen	Amato	Atchison	Banderman	Billington
Black	Boggs	Bonacker	Bromley	Brown 149
Buchheit-Courtway	Burger	Busick	Byrnes	Casteel
Chappell	Christ	Christensen	Christofanelli	Coleman
Cook	Cupps	Davidson	Davis	Deaton
Diehl	Dinkins	Evans	Falkner	Farnan
Francis	Gallick	Gragg	Gregory	Haden
Haffner	Haley	Hardwick	Hausman	Henderson
Hicks	Hinman	Houx	Hovis	Hudson
Hurlbert	Jones	Justus	Kalberloh	Keathley
Kelley 127	Kelly 141	Knight	Lewis 6	Lonsdale
Lovasco	Marquart	Matthiesen	Mayhew	McGaugh
McMullen	Morse	Murphy	Myers	O'Donnell
Oehlerking	Owen	Patterson	Perkins	Peters

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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: 041

Adams	Anderson	Aune	Baringer	Barnes
Bland Manlove	Brown 27	Brown 87	Burnett	Burton
Butz	Collins	Crossley	Doll	Ealy
Fogle	Fountain Henderson	Hein	Ingle	Johnson 12
Johnson 23	Lavender	Lewis 25	Mackey	Mann
Merideth	Mosley	Nickson-Clark	Nurrenbern	Plank
Proudie	Quade	Steinhoff	Strickler	Taylor 84
Terry	Unsicker	Walsh Moore	Weber	Woods
Young				

PRESENT: 002

Sauls	Windham
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ABSENT WITH LEAVE: 014

Appelbaum	Baker	Bangert	Bosley	Brown 16
Clemens	Copeland	Gray	Griffith	McGill
Parker	Phifer	Sharp 37	Smith 46	

VACANCIES: 001

HB 2240, relating to rural workforce housing, was taken up by Representative Sharpe (4).

On motion of Representative Sharpe (4), the title of **HB 2240** was agreed to.

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Bromley
Brown 149	Buchheit-Courtway	Burger	Busick	Byrnes
Casteel	Christ	Christensen	Christofanelli	Coleman
Cook	Davidson	Davis	Deaton	Diehl
Dinkins	Evans	Falkner	Farnan	Francis
Gallick	Gragg	Griffith	Haden	Haffner
Haley	Hardwick	Hausman	Henderson	Hicks
Hinman	Hovis	Hudson	Hurlbert	Justus
Kalberloh	Keathley	Kelley 127	Lewis 6	Lonsdale
Lovasco	Marquart	Matthiesen	Mayhew	McGaugh
McGill	McMullen	Morse	Murphy	Myers
O'Donnell	Oehlerking	Owen	Patterson	Perkins

Peters	Pollitt	Reedy	Reuter	Richey
Riggs	Riley	Roberts	Sander	Sassmann
Schulte	Seitz	Sharpe 4	Shields	Smith 155
Sparks	Stacy	Stinnett	Taylor 48	Thomas
Thompson	Titus	Toalson Reisch	Van Schoiack	Veit
Voss	Waller	West	Wilson	Wright
Mr. Speaker				

NOES: 039

Adams	Anderson	Aune	Baringer	Barnes
Brown 87	Burnett	Burton	Butz	Collins
Crossley	Doll	Ealy	Fogle	Fountain Henderson
Hein	Ingle	Johnson 12	Johnson 23	Lavender
Lewis 25	Mann	Merideth	Mosley	Nurrenbern
Plank	Proudie	Quade	Sauls	Steinhoff
Strickler	Taylor 84	Terry	Unsicker	Walsh Moore
Weber	Windham	Woods	Young	

PRESENT: 000

ABSENT WITH LEAVE: 027

Appelbaum	Bangert	Bland Manlove	Bosley	Brown 16
Brown 27	Chappell	Clemens	Copeland	Cupps
Gray	Gregory	Houx	Jones	Kelly 141
Knight	Mackey	Nickson-Clark	Parker	Phifer
Pouche	Schnelting	Schwadron	Sharp 37	Smith 163
Smith 46	Stephens			

VACANCIES: 001

On motion of Representative Sharpe (4), **HB 2240** was ordered perfected and printed.

THIRD READING OF HOUSE BILLS

HCS HB 2896, relating to the unlawful use of real property, was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

HCS SS SB 1359, relating to financial institutions, was taken up by Representative Christofanelli.

On motion of Representative Christofanelli, the title of **HCS SS SB 1359** was agreed to.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1359, Page 23, Section 361.909, Line 59, by deleting the word "**subsection**" and inserting in lieu thereof the word "**section**"; and

Further amend said bill, Page 31, Section 361.942, Lines 27-28, by deleting the numbers "**361.929 and 361.936**" and inserting in lieu thereof the numbers "**361.936 and 361.939**"; and

Further amend said bill, Page 34, Section 361.951, Line 71, by deleting the phrase "**subsection 7**" and inserting in lieu thereof the phrase "**subdivision (7)**"; and

Further amend said bill, Page 43, Section 361.996, Line 8, by inserting after all of said line the following:

"3. A licensee may appoint an agent to provide payroll processing services for which the agent would otherwise need to be licensed, provided that:

(1) There is a written agreement between the licensee and the agent that directs the agent to provide payroll processing services on the licensee's behalf;

(2) The licensee holds the agent out to employees and other licensees as providing payroll processing services on the licensee's behalf; and

(3) The licensee's obligation to the payee, including an employee or any other party entitled to receive funds, from the payroll processing services provided by the agent shall not be extinguished if the agent fails to remit the funds to the proper recipient."; and

Further amend said bill, Page 46, Section 361.1008, Line 43, by deleting the phrase "**paragraph (d) of subdivision (4)**" and inserting in lieu thereof the phrase "**subdivision (5)**"; and

Further amend said bill, Page 52, Section 374.192, Line 15, by inserting after all of said line the following:

"3. A regulated entity may establish its own internal standards, practices, methods, or procedures that are the same as or exceed the requirements set forth by law or rule. The department shall not impose any civil penalty, forfeiture, or order on a regulated entity solely for failing to comply with its own internal standards, practices, methods, or procedures unless such failure also violates a law or rule."; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1359, Page 57, Section 375.1183, Line 184, by inserting after all of said section and line the following:

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

(1) "Health benefit plan", as such term is defined in section 376.1350. The term health benefit plan shall also include a prepaid dental plan, as defined in section 354.700;

(2) "Health care services", medical, surgical, dental, podiatric, pharmaceutical, chiropractic, licensed ambulance service, and optometric services;

(3) "Health carrier" or "carrier", as such term is defined in section 376.1350. The term health carrier or carrier shall also include a prepaid dental plan corporation, as defined in section 354.700;

(4) "Insured", any person entitled to benefits under a contract of accident and sickness insurance, or medical-payment insurance issued as a supplement to liability insurance but not including any other coverages contained in a liability or a workers' compensation policy, issued by an insurer;

(5) "Insurer", any person, reciprocal exchange, interinsurer, fraternal benefit society, health services corporation, self-insured group arrangement to the extent not prohibited by federal law, prepaid dental plan corporation as defined in section 354.700, or any other legal entity engaged in the business of insurance;

(6) "Provider", a physician, hospital, dentist, podiatrist, chiropractor, pharmacy, licensed ambulance service, or optometrist, licensed by this state.

2. Upon receipt of an assignment of benefits made by the insured to a provider, the insurer shall issue the instrument of payment for a claim for payment for health care services in the name of the provider. All claims shall be paid within thirty days of the receipt by the insurer of all documents reasonably needed to determine the claim.

3. Nothing in this section shall preclude an insurer from voluntarily issuing an instrument of payment in the single name of the provider.

4. Except as provided in subsection 5 of this section, this section shall not require any insurer, health services corporation, prepaid dental plan as defined in section 354.700, health maintenance corporation or preferred provider organization which directly contracts with certain members of a class of providers for the delivery of health care services to issue payment as provided pursuant to this section to those members of the class which do not have a contract with the insurer.

5. When a patient's health benefit plan does not include or require payment to out-of-network providers for all or most covered services, which would otherwise be covered if the patient received such services from a provider in the health benefit plan's network, including but not limited to health maintenance organization plans, as such term is defined in section 354.400, or a health benefit plan offered by a carrier consistent with subdivision (19) of section 376.426, payment for all services shall be made directly to the providers when the health carrier has authorized such services to be received from a provider outside the health benefit plan's network.

6. Payments made to providers under this section shall be subject to the provisions of section 376.383. Entities that are not currently subject to the provisions of section 376.383 shall have a delayed effective date of January 1, 2026 to be subject to such provisions."; and

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

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

Representative O'Donnell offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1359, Page 51, Section 361.1035, Line 10, by inserting after all of said section and line the following:

"362.1010. Sections 362.1010 to ~~362.1115~~ **362.1117** shall be known and may be cited as the "Missouri Family Trust Company Act".

362.1015. For purposes of sections 362.1010 to ~~362.1115~~ **362.1117**, the following terms mean:

(1) "Authorized representative", if a family trust company is organized as a corporation, then an officer or director of the family trust company or, if a family trust company is organized as a limited liability company, then a manager, officer, or member of the family trust company;

(2) "Collateral kinship", a relationship that is not lineal but stems from a common ancestor;

(3) "Controlling stockholder or member", an individual who owns or has the ability or power to directly or indirectly vote ten percent or more of the outstanding shares, membership interest, or membership units of the family trust company;

(4) "Designated relative", a common ancestor of a family, either living or deceased, who is so designated in a family trust company's initial registration application and any annual registration report;

(5) **"Director", the director of the Missouri division of finance;**

(6) **"Director's designee", an attorney-at-law or a certified public accountant designated by the director under subsection 1 of section 362.1085;**

(7) "Engage in trust company business with the general public", any sales, solicitations, arrangements, agreements, or transactions to provide trust or other business services, whether for a fee, commission, or any other type of remuneration, with any person who is not a family member or any sole proprietorship, partnership, limited liability company, joint venture, association, corporation, trust, estate, business trust, or other company that is not one hundred percent owned by one or more family members;

~~(6)~~ (8) "Family affiliate", a company or other entity wholly and exclusively owned by, directly or indirectly, and operated for the sole benefit of:

(a) One or more family members; or
 (b) Charitable foundations, charitable trusts, or other charitable entities if such foundation, trust, or entity is funded exclusively by one or more family members;

~~[(7)]~~ (9) "Family member":

- (a) A designated relative;
- (b) Any person within the tenth degree of lineal kinship of a designated relative;
- (c) Any person within the ninth degree of collateral kinship to a designated relative;
- (d) The spouse of any person who qualifies under paragraphs (a) through (c) of this subdivision;
- (e) Any former spouse of any person who qualifies under paragraphs (a) through (c) of this subdivision;
- (f) The probate estate of any person who qualified as a family member under paragraphs (a) through (c) of this subdivision;
- (g) A family affiliate;
- (h) An irrevocable trust funded exclusively by one or more family members of which all permissible distributees, as defined under subdivision (16) of section 456.1-103, qualify under paragraphs (a) through (g) of this subdivision or are charitable foundations, charitable trusts, or other charitable entities;
- (i) An irrevocable trust of which one or more family members are the only permissible distributees; or
- (j) A revocable trust of which one or more family members are the sole settlors.

For purposes of this subdivision, a legally adopted person shall be treated as a natural child of the adoptive parents; a stepchild shall be treated as a natural child of the family member who is or was the stepparent of that child; and a foster child or an individual who was a minor when a family member became his or her legal guardian shall be treated as a natural child of the family member appointed as foster parent or guardian. Degrees of kinship are calculated by adding the number of steps from the designated relative through each person to the family member either directly in case of lineal kinship or through the common ancestor in the case of collateral kinship;

~~[(8)]~~ (10) "Family trust company", a corporation or limited liability company organized or qualified to do business in this state that is wholly owned and exclusively controlled by, directly or indirectly, one or more family members, excluding any former spouse of a family member; that operates for the exclusive benefit of a family member regardless of whether compensation is received or anticipated; and that does not engage in trust company business with the general public or otherwise hold itself out as a trustee for hire by advertisement, solicitation, or other means. The term "family trust company" shall include foreign family trust companies unless context indicates otherwise;

~~[(9)]~~ (11) "Family trust company affiliated party":

- (a) A director, officer, manager, employee, or controlling stockholder or member of a family trust company; or
- (b) A stockholder, member, or any other person as determined by the ~~secretary~~ **director** who participates in the affairs of a family trust company;

~~[(10)]~~ (12) "Foreign family trust company", a family trust company that:

- (a) Is licensed by the District of Columbia or a state in the United States other than this state;
- (b) Has its principal place of business in the District of Columbia or a state in the United States other than this state;
- (c) Is operated in accordance with family or private trust company laws of the District of Columbia or of the state in which it is licensed;
- (d) Is subject to statutory or regulatory mandated oversight by the District of Columbia or state in which the principal place of business is located; and
- (e) Is not owned by or a subsidiary of a corporation, limited liability company, or other business entity that is organized in or licensed by any foreign country;

~~[(11)]~~ (13) "Lineal kinship", a relationship in the direct line of ascent or descent from a designated relative;

~~[(12)]~~ (14) "Officer", an individual, regardless of whether the individual has an official title or receives a salary or other compensation, who may participate in the major policy-making functions of a family trust company other than as a director. The term shall not include an individual who may have an official title and exercises discretion in the performance of duties and functions but who does not participate in determining the major policies of the family trust company and whose decisions are limited by policy standards established by other officers, regardless of whether the policy standards have been adopted by the board of directors. The chair of the board of directors, the president, the chief executive officer, the chief financial officer, the senior trust officer, all executive vice presidents of a family trust company, and all managers if organized as a limited liability company are presumed to be officers unless such officer is excluded, other than in the capacity of a director, by resolution of the board of directors or

members or by the bylaws or operating agreement of the family trust company from participating in major policy-making functions of the family trust company, and such excluded officer does not actually participate therein;

~~[(13)]~~ **(15)** "Organizational instrument", the articles of incorporation for a corporation or the articles of organization for a limited liability company, as they may be amended or supplemented from time to time;

~~[(14)]~~ **(16)** "Principal place of business", the physical location where officers of a family trust company direct, control, and coordinate the trust company's activities;

~~[(15)]~~ **(17)** "Principal place of operations", the physical location in this state where a foreign family trust company stores and maintains its books and records pertaining to operations in this state;

~~[(16)]~~ **(18)** "Qualified beneficiary", the same meaning as defined under subdivision (21) of section 456.1-103;

~~[(17)]~~ **(19)** "Registered agent", a business or individual designated by a family trust company to receive service of process on behalf of the family trust company;

~~[(18)]~~ **(20)** "Reports of examinations, operations, or conditions", records submitted to the ~~[secretary]~~ **director** or prepared by the ~~[secretary]~~ **director** as part of the ~~[secretary's]~~ **director's** duties performed under sections 362.1010 to 362.1117;

~~[(19)] "Secretary", the secretary of state for the state of Missouri;~~

~~[(20)] "Secretary's designee", an attorney at law or a certified public accountant designated by the secretary under subsection 1 of section 362.1085;~~

(21) "Working papers", the records of the procedures followed, tests performed, information obtained, and conclusions reached in an investigation under sections 362.1010 to 362.1117. The term shall also include books and records.

362.1030. 1. There is hereby established in the state treasury the "Family Trust Company Fund", which shall consist of all fees collected by the ~~[secretary]~~ **director** from family trust companies registering as provided in this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund, and moneys in the fund shall be used solely to support the ~~[secretary's]~~ **director's** role and fulfillment of duties under sections 362.1010 to 362.1117. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium that exceed twenty thousand dollars shall 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. A family trust company that is not a foreign family trust company shall not conduct business in this state unless such family trust company:

~~(1) [Files its organizational instrument with the secretary]~~ **Files with the director, an initial registration application in a format prescribed by the director, a one-time original filing fee of five thousand dollars, the proposed organizational instruments to be filed with the secretary of state, and all required filing fees; and**

~~(2) [Pays a one-time original filing fee of five thousand dollars to the secretary]~~ **Receives from the director an order approving the application, instruction as to who shall file the order, the proposed organizational instruments and all required filing fees with the secretary of state;** ~~and~~

~~(3) Registers by filing with the secretary an initial registration application in a format prescribed by the secretary].~~

A family trust company that is not a foreign family trust company that is, as of August 28, 2024, a registered family trust company in good standing with the secretary of state shall be deemed to have complied with the requirements of subsection 2 of section 362.1030.

3. A foreign family trust company shall not conduct business in this state unless such foreign family trust company:

~~(1) [Pays a one-time original filing fee of five thousand dollars to the secretary]~~ **Files with the director, an initial registration application in a format prescribed by the director, a one-time original filing fee of five thousand dollars, the proposed application for a certificate of authority if a corporation or application for registration if a limited liability company to be filed with the secretary of state, and all required filing fees; and**

~~(2) [Registers by filing with the secretary an initial registration application in a format prescribed by the secretary]~~ **Receives from the director an order approving the application, instruction as to who shall file the order, the proposed application for a certificate of authority if a corporation, or application for registration if a limited liability company, to be filed with the secretary of state and all required filing fees;** ~~and~~

~~(3) If such foreign family trust company is a corporation, files an application for a certificate of authority or, if such foreign family trust company is a limited liability company, files an application for registration].~~

A foreign family trust company that is, as of August 28, 2024, a registered family trust company in good standing with the secretary of state shall be deemed to have complied with the requirements of subsection 3 of section 362.1030.

4. The ~~[secretary]~~ **director** shall deposit all family trust company filing fees into the family trust company fund established under subsection 1 of this section.

5. A foreign family trust company application shall be submitted on a form prescribed by the ~~[secretary]~~ **director** and be signed, under penalty of perjury, by an authorized representative. At a minimum, the application shall include:

- (1) A statement attesting that the foreign family trust company:
 - (a) Will comply with the provisions of sections 362.1010 to 362.1117; and
 - (b) Is in compliance with the family trust company laws and regulations of the jurisdiction of its incorporation or organization;
- (2) The current telephone number and street address of:
 - (a) The foreign family trust company's principal place of business in the jurisdiction of its incorporation or organization;
 - (b) The foreign family trust company's principal place of operations; and
 - (c) Any other offices located within this state;
- (3) The name and current street address in this state of its registered agent;
- (4) A certified copy of a certificate of good standing, or an equivalent document, authenticated by the official having custody of records in the jurisdiction where the foreign family trust company is incorporated or organized;
- (5) Satisfactory proof, as determined by the ~~[secretary]~~ **director**, that the foreign family trust company is organized in a manner similar to a Missouri family trust company and is in compliance with the family trust company laws and regulations of the jurisdiction in which the foreign family trust company was incorporated or organized; and
- (6) Any other information reasonably ~~[and customarily]~~ required by the ~~[secretary of foreign corporations or foreign limited liability companies seeking to qualify to conduct business in this state]~~ **director**.

362.1035. 1. No family trust company shall be organized or operated with a capital account of less than two hundred fifty thousand dollars. The full amount of the initial capital account of a family trust company shall consist of one or more asset groups described under subsection 1 of section 362.1070, exclusive of all organization expenses.

2. A family trust company shall maintain:

- (1) A physical office in this state where original or true copies, including electronic copies, of all material business records and accounts of the family trust company may be accessed and are readily available for examination by the ~~[secretary]~~ **director**. A family trust company may also maintain one or more branch offices within or outside of this state;
- (2) A registered agent who maintains an office in this state;
- (3) All applicable state and local business licenses, charters, and permits; and
- (4) A deposit account with a state-chartered or national financial institution that has a principal or branch office in this state.

3. In addition to the requirements of subsection 2 of this section, a foreign family trust company shall also:

- (1) Be in good standing in the jurisdiction in which it is incorporated or organized; and
- (2) Stay in compliance with the family trust company laws and regulations of such jurisdiction.

362.1040. 1. One or more persons may subscribe to an organizational instrument in writing for the purpose of forming a family trust company, subject to the conditions prescribed by law.

2. The organizational instrument of a family trust company shall set forth all of the information required under chapter 347 or 351, as applicable, and the following:

- (1) The name of the company, which shall distinguish the company from any other nonfamily trust company or family trust company formed or engaging in business in this state. If the word "trust" is included in the name, it shall be immediately preceded by the word "family" so as to distinguish the entity from a nonfamily trust company operating under this chapter. This subdivision shall not apply to a foreign family trust company using a fictitious name that is registered and maintained in this state pursuant to the requirements administered by the secretary of state and that distinguishes the foreign family trust company from a nonfamily trust company authorized to operate under this chapter;

(2) A statement that the purpose for which the company is formed is to engage in any and all activities permitted under sections 362.1010 to 362.1117; and

(3) A statement affirming that the family trust company shall not engage in trust company business with the general public.

3. The term "trust company" in the name adopted by a family trust company shall not be deemed to violate section 362.425.

362.1055. 1. A family trust company shall file an annual registration report with, and shall pay an annual filing fee of one thousand dollars to, the ~~[secretary]~~ **director**.

2. The annual registration report filed by a family trust company that is not a foreign family trust company shall include:

(1) A statement by an authorized representative verifying that the family trust company is in compliance with the provisions of sections 362.1010 to 362.1117 and with applicable federal laws including, but not limited to, anti-money laundering and customer-identification rules or regulations;

(2) The name of the company's designated relative and the street address for its principal place of business; and

(3) Any other information reasonably ~~[and customarily]~~ required by the ~~[secretary of general business corporations in connection with filing their annual registration reports]~~ **director**.

3. The annual registration report filed by a foreign family trust company shall include:

(1) A statement by an authorized representative verifying that the foreign family trust company is in compliance with the provisions of sections 362.1010 to 362.1117, with the family trust company laws and regulations of the jurisdiction in which it was incorporated or organized, and with applicable federal laws including, but not limited to, anti-money laundering and customer-identification rules or regulations;

(2) The current telephone number and street address of the foreign family trust company's principal place of business in the jurisdiction in which it was incorporated or organized;

(3) The current telephone number and street address of the foreign family trust company's principal place of operations;

(4) The current telephone number and address of the physical location of any other offices located in this state;

(5) The name and current street address in this state of the trust company's registered agent;

(6) Documentation, to the satisfaction of the ~~[secretary]~~ **director**, showing that the foreign family trust company is in compliance with the family trust company laws and regulations of the jurisdiction in which it was incorporated or organized; and

(7) Any other information reasonably ~~[and customarily]~~ required by the ~~[secretary of general business corporations in connection with filing their annual registration reports]~~ **director**.

4. An annual registration report shall be submitted on a form prescribed by the ~~[secretary]~~ **director** and signed under penalty of perjury by an authorized representative.

362.1060. 1. A family trust company may, but only for family members:

(1) Act as a sole or copersonal representative, executor, or administrator for a probate estate within or outside this state;

(2) Act as an attorney-in-fact or agent under a power of attorney;

(3) Except as provided under section 362.1065, act within or outside this state as a sole fiduciary or cofiduciary, including acting as a trustee, advisory agent, assignee, assignee for the benefit of creditors, authenticating agent, bailee, bond or indenture trustee, conservator, conversion agent, custodian, escrow agent, fiscal or paying agent, financial advisor, guardian, investment advisor or manager, managing agent, purchase agent, receiver, registrar, safekeeping or subscription agent, transfer agent for entities other than public companies, warrant agent, or other similar capacity generally performed by a corporate trustee. In so acting, the family trust company may possess, purchase, sell, invest, reinvest, safekeep, or otherwise manage or administer the real or personal property of family members;

(4) Exercise the powers of a corporation or limited liability company incorporated or organized under the laws of this state, or qualified to transact business as a foreign corporation or limited liability company under the laws of this state that are reasonably necessary to enable the trust company to fully exercise a power conferred under sections 362.1010 to 362.1117 in accordance with commonly accepted customs and usages;

(5) Delegate duties and powers, including investment and management functions under section 469.909, in accordance with the powers granted to a trustee under chapter 456 or other applicable law and retain agents,

attorneys, accountants, investment advisors, or other individuals or entities to advise or assist the family trust company in the exercise of its powers and duties under sections 362.1010 to 362.1117 and chapter 456. Such exercise of power may include, but is not limited to, retaining a bank trust department or a public trust company other than another family trust company; and

(6) Perform all acts necessary to exercise the powers enumerated in this section or authorized under sections 362.1010 to 362.1117 and other applicable laws of this state.

2. A foreign family trust company **that has complied with section 362.1030 and is** in good standing in the jurisdiction in which it is incorporated or organized may exercise all the trust powers in this state that a Missouri family trust company may exercise.

362.1085. 1. The [secretary] **director** may designate an attorney-at-law or a certified public accountant to examine or investigate, or assist in the examination of, a family trust company.

2. The [secretary] **director** or the [secretary's] **director's** designee may examine or investigate a family trust company at any time the [secretary] **director** deems necessary to determine if the family trust company engaged in an act prohibited under section 362.1065 or 362.1080 and, if a family trust company engaged in such act, to determine whether any other applicable law was violated.

3. The [secretary] **director** or the [secretary's] **director's** designee may examine the books and records of a foreign family trust company at any time the [secretary] **director** deems necessary to determine if such foreign family trust company is in compliance with sections 362.1010 to 362.1117. In connection with an examination of the books and records of the trust company, the [secretary] **director** or the [secretary's] **director's** designee may rely upon the most recent examination report, review, certification letters, or similar documentation issued by the agency supervising the foreign family trust company in the jurisdiction in which the foreign family trust company is incorporated or organized. The examination by the [secretary] **director** or the [secretary's] **director's** designee of the books and records of a foreign family trust company shall be, to the extent practicable, limited to books and records of operations in this state.

4. For each examination or investigation of a family trust company under this section, the family trust company shall pay the costs of the examination or investigation. As used in this subsection, the term "costs" means the salary of and travel expenses incurred by any individual that are directly attributable to the examination or investigation of the family trust company. The mailing of payment for costs incurred shall be postmarked within thirty days after the receipt of a notice that states the costs are due. The [secretary] **director** may levy a late payment of up to one hundred dollars per day for each day that a payment is overdue unless waived for good cause. However, if the late payment of costs is intentional, the [secretary] **director** may levy an administrative fine of up to one thousand dollars per day for each day the payment is overdue.

5. The [secretary] **director** may establish by rule the requirements and records necessary to demonstrate conformity with sections 362.1010 to 362.1117 by a family trust company.

362.1090. 1. The [secretary] **director** or the [secretary's] **director's** designee may issue and serve upon a family trust company or family trust company affiliated party a notice of charges if the [secretary] **director** or the [secretary's] **director's** designee has reason to believe that such company, family trust company affiliated party, or individual named therein is engaging in or has engaged in any of the following acts:

(1) The family trust company fails to satisfy the requirements of a family trust company or foreign family trust company under sections 362.1010 to 362.1117;

(2) A violation of section 362.1035, 362.1040, 362.1050, 362.1055, 362.1060, or 362.1080;

(3) A violation of any rule of the [secretary] **director**;

(4) A violation of any order of the [secretary] **director**;

(5) A breach of any written agreement with the [secretary] **director**;

(6) A prohibited act or practice under section 362.1065;

(7) A willful failure to provide information or documents to the [secretary] **director** upon written request;

(8) An act of commission or omission that is judicially determined by a court of competent jurisdiction to be a breach of trust or fiduciary duty; or

(9) A violation of state or federal law related to anti-money laundering, customer identification, or any related rule or regulation.

2. The notice of charges shall contain a statement of facts and notice of opportunity for a hearing.

3. If no hearing is requested within thirty days after the date of service of the notice of charges or if a hearing is held and the [secretary] **director** or [secretary's] **director's** designee finds that any of the charges are true, the [secretary] **director** or [secretary's] **director's** designee may enter an order directing the family trust company, family trust company affiliated party, or the individual named in the notice of charges to cease and desist such conduct and to take corrective action.

4. A contested or default cease and desist order is effective when reduced to writing and served upon the family trust company, family trust company affiliated party, or the individual named therein. An uncontested cease and desist order is effective as agreed.

5. If the **[secretary] director** or the **[secretary's] director's** designee finds that conduct described under subsection 1 of this section is likely to cause substantial prejudice to members, shareholders, beneficiaries of fiduciary accounts of the family trust company, or beneficiaries of services rendered by the family trust company, the **[secretary] director** or the **[secretary's] director's** designee may issue an emergency cease and desist order requiring the family trust company, family trust company affiliated party, or individual named therein to immediately cease and desist from engaging in the conduct stated and to take corrective action. The emergency order is effective immediately upon service of a copy of the order upon the family trust company or family trust company affiliated party and shall remain effective for ninety days. If the **[secretary] director** or the **[secretary's] director's** designee begins nonemergency cease and desist proceedings under subsection 1 of this section, the emergency order shall remain effective until the conclusion of the proceedings under this section.

6. A family trust company shall have ninety days to wind up its affairs after entry of any order to cease and desist from operating as a family trust company. If a family trust company that is not a foreign family trust company is still operating after ninety days, the **[secretary] director** or the **[secretary's] director's** designee may seek an order from a circuit court for the annulment or dissolution of the company. If a foreign family trust company is still operating after ninety days, the **[secretary] director** or the **[secretary's] director's** designee may seek an injunction from a circuit court restraining the company from continuing to operate in this state.

362.1095. If a family trust company fails to submit within the prescribed period its annual registration report or any other report required by sections 362.1010 to 362.1117 or rule, the **[secretary] director** may impose a fine of up to one hundred dollars for each day that the annual registration report or other report is overdue. Failure to provide the annual registration report within sixty days after the end of the calendar year shall automatically result in termination of the registration of a family trust company. A family trust company may have its registration automatically reinstated by submitting to the **[secretary] director**, on or before August thirty-first of the calendar year in which the annual registration report is due, the company's annual registration report, a five hundred dollar late fee, and the amount of any fine imposed by the **[secretary] director** under this section. A family trust company that fails to renew or reinstate its registration shall wind up its affairs on or before November thirtieth of the calendar year in which such failure occurs.

362.1100. 1. The **[secretary] director** or the **[secretary's] director's** designee may issue and serve upon a family trust company and a family trust company affiliated party a notice of charges if the **[secretary] director** or the **[secretary's] director's** designee has reason to believe that the family trust company affiliated party is engaging or has engaged in conduct that:

(1) Demonstrates that the family trust company does not satisfy the requirements of a family trust company or of a foreign family trust company under sections 362.1010 to 362.1117;

(2) Is a prohibited act or practice under section 362.1065;

(3) Violates section 362.1035, 362.1040, 362.1050, 362.1055, 362.1060, or 362.1080;

(4) Violates any other law involving fraud or moral turpitude that constitutes a felony;

(5) Violates a state or federal law related to anti-money laundering, customer identification, or any related rule or regulation;

(6) Is a willful violation of a rule of the **[secretary] director**;

(7) Is a willful violation of an order of the **[secretary] director**;

(8) Is a willful breach of a written agreement with the **[secretary] director**; or

(9) Is an act of commission or omission or a practice that the **[secretary] director** or the **[secretary's] director's** designee has reason to believe is a breach of trust or fiduciary duty.

2. The notice of charges shall contain a statement of facts and notice of opportunity for a hearing.

3. If no hearing is requested within thirty days after the date of service of the notice of charges or if a hearing is held and the **[secretary] director** or **[secretary's] director's** designee finds that any of the charges in the notice of charges are true, the **[secretary] director** or **[secretary's] director's** designee may enter an order that removes the family trust company affiliated party from the family trust company or that restricts or prohibits the family trust company affiliated party from participating in the affairs of the family trust company.

4. A contested or default order of removal is effective when reduced to writing and served upon the family trust company and the family trust company affiliated party. An uncontested order of removal is effective as agreed.

5. (1) The chief executive officer of a family trust company or the person holding the equivalent office shall promptly notify the **[secretary] director** if such person has actual knowledge that a family trust company affiliated party is charged with a felony in a state or federal court.

(2) If a family trust company affiliated party is charged with a felony in a state or federal court or, in a court of a foreign country with which the United States maintains diplomatic relations, is charged with an offense that involves a violation of law relating to fraud, currency transaction reporting, money laundering, theft, or moral turpitude and such offense is equivalent to a felony charge under state or federal law, then the **[secretary] director** or the **[secretary's] director's** designee may enter an emergency order that suspends the family trust company affiliated party or that restricts or prohibits participation by such party in the affairs of the family trust company effective upon service of the order on the company and such family trust company affiliated party.

(3) The order shall contain notice of opportunity for a hearing, at which the family trust company affiliated party may request a postsuspension hearing to show that continued service to or participation in the affairs of the family trust company does not pose a threat to the interests of the family trust company. In accordance with applicable rules, the **[secretary] director** or **[secretary's] director's** designee shall notify the family trust company affiliated party whether the order suspending or prohibiting the family trust company affiliated party from participating in the affairs of the family trust company will be rescinded or otherwise modified. The emergency order shall remain in effect, unless otherwise modified by the **[secretary] director** or **[secretary's] director's** designee, until the criminal charge is disposed. The emergency order shall dissolve upon the final, unappealed dismissal of all charges against or the acquittal of the family trust company affiliated party. Such occurrences shall not prohibit the **[secretary] director** or the **[secretary's] director's** designee from instituting proceedings under subsection 1 of this section. If the family trust company affiliated party charged is convicted or pleads guilty or nolo contendere, regardless of adjudication, the emergency order shall become final.

6. No family trust company affiliated party removed from office under this section shall be eligible for reinstatement to such office or to any other official position in a family trust company or financial institution in this state except with the written consent of the **[secretary] director**. A family trust company affiliated party who is removed, restricted, or prohibited from participation in the affairs of a family trust company under this section may petition the **[secretary] director** for modification or termination of such removal, restriction, or prohibition.

7. The resignation, termination of employment or participation, or separation from a family trust company of the family trust company affiliated party shall not affect the jurisdiction and authority of the **[secretary] director** or the **[secretary's] director's** designee to issue a notice and proceed under this section against the family trust company affiliated party if such notice is served within six years of the date such person ceased to be a family trust company affiliated party.

362.1105. 1. The books and records of a family trust company are confidential and shall be made available for inspection and examination only:

(1) To the **[secretary] director** or the **[secretary's] director's** authorized representative;

(2) To any person authorized to act for the family trust company;

(3) As compelled by a court, pursuant to a subpoena issued in accordance with state or federal law. Before the production of the books and records, the party seeking production shall agree to reimburse the company for the reasonable costs and fees incurred in compliance with the production. If the parties disagree on the amount of reimbursement, the party seeking the records may request the court that issued the subpoena to set the amount of reimbursement;

(4) Pursuant to a subpoena held by any federal or state law enforcement or prosecutorial instrumentality authorized to investigate suspected criminal activity;

(5) As authorized by, if a corporation, the board of directors or, if a limited liability company, the managers; or

(6) As provided under subsection 2 of this section.

2. (1) If a corporation, each customer and stockholder, or if a limited liability company, each member has the right to inspect the books and records of a family trust company as they pertain to such person's accounts or the determination of such person's voting rights.

(2) The books and records pertaining to customers, members, and stockholders of a family trust company shall be kept confidential by the company and its directors, managers, officers, and employees. The books and records of customers, members, and stockholders shall not be released except upon the express authorization of the customer as to his or her own accounts or a stockholder or member regarding his or her voting rights. However, information may be released without the authorization of a customer, member, or shareholder in a manner prescribed by the board of directors of a corporation or managers of a limited liability company for the purposes of verifying or corroborating the existence or amount of a customer's account if such information is reasonably

provided to meet the needs of commerce and to ensure accurate credit information. Notwithstanding this subdivision, this subsection shall not prohibit a family trust company from disclosing financial information as permitted under 15 U.S.C. Section 6802, as amended.

(3) The willful unlawful disclosure of confidential information in violation of this section shall be a class E felony.

(4) This subsection shall not apply to a foreign family trust company. The laws of the jurisdiction in which a foreign family trust company was incorporated or organized govern the rights of its customers, members, and stockholders to inspect its books and records.

3. For purposes of this section, the term "books and records" shall include, but is not limited to, the initial registration documents of a family trust company under section 362.1030 and the annual registration report made by a family trust company under section 362.1055.

362.1110. 1. A family trust company shall keep at its principal place of business or principal place of operations:

- (1) Full and complete records of the names and residences of all its shareholders or members;
- (2) The number of shares or membership units held by each, as applicable; and
- (3) The ownership percentage of each shareholder or member.

The records are subject to inspection by all shareholders or members of the family trust company and the **[secretary] director** or the **[secretary's] director's** authorized representative during the normal business hours of the family trust company. A current list of shareholders or members shall be made available to the **[secretary] director** or the **[secretary's] director's** authorized representative for their inspection and, upon the request of the **[secretary] director**, shall be submitted to the **[secretary] director**.

2. The **[secretary] director** shall retain for at least ten years:

- (1) Examination reports;
- (2) Investigatory records;
- (3) The organizational instrument of a family trust company; and
- (4) The annual registration reports filed by a family trust company.

3. A copy of any document on file with the **[secretary] director** that is certified by the **[secretary] director** as a true copy may be introduced in evidence as if it were the original. The **[secretary] director** shall establish a schedule of fees for preparing true copies of documents.

4. Orders issued by courts or administrative law judges for the production of confidential records or information shall provide for inspection in camera by the court or the administrative law judge. If the court or administrative law judge determines that the documents requested are relevant or would likely lead to the discovery of admissible evidence, the documents shall be subject to further orders by the court or the administrative law judge to protect the confidentiality thereof. An order directing the release of information shall be immediately reviewable, and a petition by the **[secretary] director** for review of the order shall automatically stay any further proceedings in a trial court or administrative hearing until the disposition of the petition by the reviewing court. If any other party files a petition for review, such filing shall stay proceedings only upon an order of the reviewing court.

362.1115. 1. The following information held by the **[secretary] director** is confidential and exempt from chapter 610:

- (1) Any personal identifying information appearing in records relating to a registration or an annual certification of a family trust company;
- (2) Any personal identifying information appearing in records relating to an examination of a family trust company;
- (3) Any personal identifying information appearing in reports of examinations, operations, or conditions of a family trust company, including working papers;
- (4) Any portion of a list of names of the shareholders or members of a family trust company;
- (5) Information received by the **[secretary] director** from a person from another state or nation or the federal government that is otherwise confidential or exempt under the laws of such state or nation or under federal law; and
- (6) An emergency cease and desist order issued under section 362.1090 until the emergency order is made permanent, unless the **[secretary] director** finds that such confidentiality will result in substantial risk of financial loss to the public.

2. Information made confidential and exempt under subsection 1 of this section may be disclosed by the [secretary] director to:

- (1) The authorized representative or representatives of the family trust company under examination. The authorized representative or representatives shall be identified in a resolution or by written consent of the board of directors if a corporation or the managers if a limited liability company;
- (2) A fidelity insurance company upon written consent of the family trust company's board of directors if a corporation or its managers if a limited liability company;
- (3) An independent auditor upon written consent of the family trust company's board of directors if a corporation or its managers if a limited liability company;
- (4) A liquidator, receiver, or conservator if appointed. However, any portion of the information that discloses the identity of a bondholder, customer, family member, member, or stockholder shall be redacted by the [secretary] director before releasing such information;
- (5) Any other state, federal, or foreign agency responsible for the regulation or supervision of family trust companies;
- (6) A law enforcement agency in the furtherance of such agency's official duties and responsibilities;
- (7) The appropriate law enforcement or prosecutorial agency for the purpose of reporting any suspected criminal activity; or
- (8) Comply with a legislative subpoena. A legislative body or committee that receives records or information pursuant to such subpoena shall maintain the confidential status of such records or information. However, in a case involving the investigation of charges against a public official subject to impeachment or removal, records or information may be disclosed to the extent necessary as determined by the legislative body or committee.

3. This section shall not prevent or restrict the publication of:

- (1) A report required by federal law; or
- (2) The name of the family trust company and the address of its registered agent.

4. The willful disclosure of information made confidential and exempt by this section is a class E felony.

362.1116. The [secretary] director may issue forms and orders and, after notice and comment, may adopt and amend rules necessary or appropriate to carry out the provisions of sections 362.1010 to 362.1117 and may repeal rules and forms.

362.1117. 1. Except as otherwise provided in sections 362.1010 to 362.1117, any interested person aggrieved by any order of the [secretary] director or [secretary's] director's designee under any provision of sections 362.1010 to 362.1117 shall be entitled to a hearing before the [secretary] director or the [secretary's] director's authorized representative in accordance with the provisions of chapter 536. A cease and desist order issued by the [secretary] director or [secretary's] director's designee is subject to judicial review in accordance with the provisions of chapter 536 in the circuit court of Cole County.

2. A rule adopted under sections 362.1010 to 362.1117 is subject to judicial review in accordance with the provisions of chapter 536 in the circuit court of Cole County."; and

Further amend said bill, Page 57, Section 375.1183, Line 184, by inserting after all of said section and line the following:

"376.1345. 1. As used in this section, unless the context clearly indicates otherwise, terms shall have the same meaning as ascribed to them in section 376.1350.

2. No health carrier, nor any entity acting on behalf of a health carrier, shall restrict methods of reimbursement to health care providers for health care services to a reimbursement method requiring the provider to pay a fee, discount the amount of their claim for reimbursement, or remit any other form of remuneration in order to redeem the amount of their claim for reimbursement.

3. (1) If a health carrier ~~initiates or changes~~ **proposes to initiate or change** the method used to reimburse a health care provider to a method of reimbursement that will require the health care provider to pay a fee, discount the amount of its claim for reimbursement, or remit any other form of remuneration to the health carrier or any entity acting on behalf of the health carrier in order to redeem the amount of its claim for reimbursement, **as described in subsection 2 of this section**, the health carrier or an entity acting on its behalf shall **first receive approval from the health care provider before reimbursing the health care provider with such payment method.**

(2) **If a health carrier is currently reimbursing a health care provider with a payment method described in subsection 2 of this section, the health care provider may send one notice to the health carrier for all the health care provider's patients covered by such health carrier stating that the health care provider declines to be reimbursed with a payment method described in subsection 2 of this section. Such notice shall**

remain in effect for the duration of the contract unless the health care provider requests otherwise in the manner described in paragraph (b) of subdivision (3) of this subsection. All payments made by the health carrier to the health care provider after receipt of the notice declining to be reimbursed with a payment method described in subsection 2 of this section shall not require the health care provider to pay a fee, discount the amount of the provider's claim for reimbursement, or remit any other form of remuneration in order to redeem the amount of the provider's claim for reimbursement.

(3) A health carrier that proposes to reimburse a health care provider with a payment method described in subsection 2 of this section shall:

~~(1)~~ (a) Notify such health care provider of the fee, discount, or other remuneration required to receive reimbursement through the new or different reimbursement method; and

~~(2)~~ (b) In such notice, provide clear instructions to the health care provider as to how to select ~~an alternative~~ the payment method described in subsection 2 of this section, and upon request by the health care provider such ~~alternative~~ payment method shall be ~~used~~ allowed to reimburse the provider until the provider requests otherwise.

4. A health carrier shall allow the provider to select to be reimbursed by an electronic funds transfer through the Automated Clearing House Network as required pursuant to 45 C.F.R. Sections 162.925, 162.1601, and 162.1602, and if the provider makes such selection, the health carrier shall use such reimbursement method to reimburse the provider until the provider requests otherwise.

5. An amount a health carrier claims was overpaid to a provider may only be collected, withheld, or recouped from the provider, or third party that submitted the provider's claim under the third party's provider identification number, to whom the overpaid amount was originally paid. The notice of withholding or recoupment by a health carrier shall also inform the provider or third party of the health care service, date of service, and patient for which the recoupment is being made.

6. Violation of this section shall be deemed an unfair trade practice under sections 375.930 to 375.948."; and

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

On motion of Representative O'Donnell, **House Amendment No. 3** was adopted.

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

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1359, Page 74, Section 442.210, Line 38, by inserting after all of said section and line the following:

"456.950. 1. As used in this section, "qualified spousal trust" means a trust:

(1) The settlors of which are married to each other at the time of the creation of the trust; and

(2) The terms of which provide that during the joint lives of the settlors **or the life of the sole surviving settlor** all property transferred to, or held by, the trustee are:

(a) Held and administered in one trust for the benefit of both settlors, **which may be** revocable by either settlor or both settlors while either or both are alive, **and by one settlor after the death or incapacity of the other**, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from the entire trust for the joint lives of the settlors and for the survivor's life; or

(b) Held and administered in two **or more** separate shares of one trust for the benefit of each **or both** of the settlors, with the trust revocable by each settlor with respect to that settlor's separate share of that trust without the participation or consent of the other settlor, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from that settlor's separate share for that settlor's life; or

(c) Held and administered under the terms and conditions contained in paragraphs (a) and (b) of this subdivision.

2. A qualified spousal trust may contain any other trust terms that are not inconsistent with the provisions of this section, including, without limitation, a discretionary power to distribute trust property to a person in addition to a settlor.

3. All property at any time held in a qualified spousal trust, without regard to how such property was titled prior to it being so held[;]:

(1) Shall have the same immunity from the claims of a separate creditor of either settlor as if such property were held outside the trust by the settlors as tenants by the entirety, unless otherwise provided in writing by the settlor or settlors who transferred such property to the trust, and such property shall be treated for that purpose, including without limitation, federal and state bankruptcy laws, as tenants by entirety property[~~- Property held in a qualified spousal trust~~];

(2) **With the exception of any written financial obligations, written guarantees, or secured or unsecured transactions executed by the settlors and held in a qualified spousal trust, shall continue to be immune and exempt from attachment during the life of the surviving settlor to the extent the property was held in a qualified spousal trust prior to the death of the first settlor and remains in a qualified spousal trust. This includes any property appreciation; and**

(3) Shall cease to receive immunity from the claims of creditors upon the dissolution of marriage of the settlors by a court.

4. As used in this section, "property" means any interest in any type of property held in a qualified spousal trust, the income thereon, and any property into which such interest, proceeds, or income may be converted.

5. Upon the death of each settlor, all property held by the trustee of the qualified spousal trust shall be distributed as directed by the then current terms of the governing instrument of such trust. Upon the death of the first settlor to die, if immediately prior to death the predeceased settlor's interest in the qualified spousal trust was then held **or deemed to be held** in such settlor's separate share, the property held in such settlor's separate share may pass into an irrevocable trust for the benefit of the surviving settlor **or other beneficiary** upon such terms as the governing instrument shall direct, including without limitation a spendthrift provision as provided in section 456.5-502. **Property may be held in or transferred to a settlor's joint or separate share of a trust:**

(1) **By designation under the current terms of the governing instrument of such trust;**

(2) **According to the specific titling of property or other designation that refers to such joint or separate share of such trust; or**

(3) **By designation to the trustee as the owner as provided in section 456.1-113.**

6. The respective rights of settlors who are married to each other in any property for purposes of a dissolution of the settlors' marriage shall not be affected or changed by reason of the transfer of that property to, or its subsequent administration as an asset of, a qualified spousal trust during the marriage of the settlors, unless both settlors expressly agree otherwise in writing.

7. No transfer to a qualified spousal trust shall avoid or defeat the Missouri uniform fraudulent transfer act in chapter 428.

8. This section shall apply to all trusts which fulfill the criteria set forth in this section for a qualified spousal trust regardless of whether such trust was created before, on, or after August 28, 2011."; and

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

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

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1359, Page 51, Section 361.1035, Line 10, by inserting after all of 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. 5** was adopted.

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

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1359, Page 1, Section A, Line 10, by inserting after all of said section and line the following:

"110.075. 1. As used in this section, the following terms shall mean:

- (1) "Depository", banking institution headquartered in or maintaining a full-service branch in this state which is selected by a municipality to hold and manage public funds;**
- (2) "Governing body", any city council, board of aldermen, or board of trustees;**
- (3) "Municipal depositories", any state-chartered or federally chartered banking institution as defined in Article IV, Section 15 of the Constitution of Missouri;**
- (4) "Municipality", any city or village in this state;**
- (5) "Public funds", funds owned or controlled by a municipality, including tax revenues, fees, grants, and other sources of income.**

2. All municipalities shall select depositories through a competitive process in accordance with the provisions in this section. The governing body of each municipality shall develop and publish a request for proposals which shall outline the requirements for selecting one or more municipal depositories. Such requirements shall address or include the following matters:

- (1) The municipality shall use due diligence for determining the financial stability and soundness of the depository based on publicly available financial reports and other public sources;**
- (2) Safe custody and liquidity of public funds, including deposit insurance coverage and pledge of collateral or investment in appropriate government securities as authorized for public funds;**
- (3) Interest rates and fees offered;**
- (4) Services offered, including online banking, cash management, deposit sweep and repurchase accounts, investment in a common trust fund in eligible securities for municipalities and political subdivision, and other banking service options;**
- (5) Compliance with all applicable state and federal banking regulations;**
- (6) Convenient and efficient treasury functions, including if the location of the depository institution shall be required to be located within the municipality or in the same county as the municipality.**

3. Banking institutions interested in becoming the municipal depository shall respond to the municipality's request for proposals within the time frame specified by the municipality in the request.

4. The governing body shall evaluate the proposals based on the criteria outlined in the request for proposals and select a banking institution that best meets the municipality's needs and objectives.

5. The selected banking institution shall enter into a contract with the municipality outlining the terms and conditions of the depository relationship, including, but not limited to, the interest rates, fees, and services to be provided.

6. Municipalities shall maintain records of the selection process, including all proposals received by the municipality for a period of two years."; and

Further amend said bill, Page 74, Section 442.210, Line 38, by inserting after all of said section and line the following:

~~"[95.280. 1. Subject to the provisions of section 110.030, the city council, at its regular meetings in July of each year, may receive sealed proposals for the deposit of the city funds from banking institutions doing business within the city that desire to be selected as the depository of the funds of the city. Notice that bids will be received shall be published by the city clerk not less than one nor more than four weeks before the meeting, in some newspaper published in the city. Any banking institution doing business in the city, desiring to bid, shall deliver to the city clerk, on or before the day of the meeting, a sealed proposal stating the rate percent upon daily balances that the banking institution offers to pay to the city for the privilege of being the depository of the funds of the city for the year next ensuing the date of the meeting; or, in the event that the selection is made for a less term than one year, as herein provided, then for the time between the date of the bid and the next regular time for the selection of a depository. It is a misdemeanor for the city clerk or other person to disclose directly or indirectly the amount of any bid to any person before the selection of the depository.~~

~~2. Notwithstanding the provisions of subsection 1 of this section to the contrary, the city council of any third class city with a population of more than fifteen thousand and less than nineteen thousand that is located in any county of the fourth classification with a population of more than forty thousand and less than forty eight thousand three hundred, or of any city of the third classification with more than ten thousand five hundred but less than ten thousand six hundred inhabitants may receive sealed proposals for the deposit of city funds from banking institutions doing business within the city at any of the regular meetings of such city. The city shall send notice of bids to each banking institution in the city by regular mail at the time the notice is published in the newspaper in subsection 1 of this section. The banking institution selected as the depository shall be offered a depository contract for a maximum of two years. Any such city shall follow the bid procedure established in subsection 1 of this section, except as otherwise provided in this subsection.]~~

~~[95.285. 1. Except as provided in subsection 2 of this section, upon the opening of the sealed proposals submitted, the city council shall select as the depository of the funds of the city the banking institution offering to pay to the city the largest amount for the privilege; except that the council may reject any or all bids. Within five days after the selection of the depository, the banking institution selected shall deposit the securities as required by sections 110.010 and 110.020. The rights and duties of the parties to the depository contract are as provided in section 110.010.~~

~~2. Notwithstanding any provision of section 95.280 or this section to the contrary, the contract term for any city of the third classification with more than ten thousand five hundred but less than ten thousand six hundred inhabitants shall begin on the first day of August following the receipt of the bid proposals.]~~

~~[95.355. Boards of aldermen in cities of the fourth class, at their first regular meetings in the months of January, April, July and October of each year, may select a depository for the funds of their respective cities, for the length of time and under the rules and regulations that are provided and prescribed by ordinance therefor. The rights and duties of the parties to the depository contract are as provided in section 110.010. The deposits shall be secured by deposit of securities as required by sections~~

~~110.010 and 110.020. The depository shall be a banking institution doing business within the city. If such depository cannot be selected, or such satisfactory arrangements made, the boards of aldermen may invest the moneys upon the terms and under the conditions provided by law for the loaning of county and school moneys.]; and~~

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

Representative Sassmann 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 Substitute for Senate Bill No. 1359, Page 2, Line 11, by inserting after all of said line the following:

"Further amend said bill, Page 52, Section 374.192, Line 15, by inserting after all of said section and line the following:

"375.020. 1. Beginning January 1, 2008, each insurance producer, unless exempt pursuant to section 375.016, licensed to sell insurance in this state shall successfully complete courses of study as required by this section. Any person licensed to act as an insurance producer shall, during each two years, attend courses or programs of instruction or attend seminars equivalent to a minimum of sixteen hours of instruction. Of the sixteen hours' training required in this subsection, the hours need not be divided equally among the lines of authority in which the producer has qualified. The courses or programs attended by the producer during each two-year period shall include instruction on Missouri law, products offered in any line of authority in which the producer is qualified, producers' duties and obligations to the department, and business ethics, including sales suitability. Course credit shall be given to members of the general assembly as determined by the department.

2. Subject to approval by the director, the courses or programs of instruction which shall be deemed to meet the director's standards for continuing educational requirements shall include, but not be limited to, the following:

- (1) American College Courses (CLU, ChFC);
- (2) Life Underwriters Training Council (LUTC);
- (3) Certified Insurance Counselor (CIC);
- (4) Chartered Property and Casualty Underwriter (CPCU);
- (5) Insurance Institute of America (IIA);
- (6) Any other professional financial designation approved by the director by rule;
- (7) An insurance-related course taught by an accredited college or university or qualified instructor who has taught a course of insurance law at such institution;
- (8) A course or program of instruction or seminar developed or sponsored by any authorized insurer, recognized producer association or insurance trade association, or any other entity engaged in the business of providing education courses to producers. A local producer group may also be approved if the instructor receives no compensation for services.

3. A person teaching any approved course of instruction or lecturing at any approved seminar shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar or program.

4. Excess hours accumulated during any two-year period may be carried forward to the two-year period immediately following the two-year period in which the course, program or seminar was held.

5. For good cause shown, the director may grant an extension of time during which the educational requirements imposed by this section may be completed, but such extension of time shall not exceed the period of one calendar year. The director may grant an individual waiver of the mandatory continuing education requirement upon a showing by the licensee that it is not feasible for the licensee to satisfy the requirements prior to the renewal date. Waivers may be granted for reasons including, but not limited to:

- (1) Serious physical injury or illness;
- (2) Active duty in the armed services for an extended period of time;

- (3) Residence outside the United States; or
- (4) The licensee is at least seventy years of age.

6. Every person subject to the provisions of this section shall furnish in a form satisfactory to the director, written certification as to the courses, programs or seminars of instruction taken and successfully completed by such person. Every provider of continuing education courses authorized in this state shall, within thirty working days of a licensed producer completing its approved course, provide certification to the director of the completion in a format prescribed by the director.

7. The provisions of this section shall not apply to those natural persons holding licenses for any kind or kinds of insurance for which an examination is not required by the law of this state, nor shall they apply to any limited lines insurance producer license or restricted license as the director may exempt.

8. The provisions of this section shall not apply to a life insurance producer who is limited by the terms of a written agreement with the insurer to transact only specific life insurance policies having an initial face amount of [~~fifteen~~] **twenty** thousand dollars or less, or annuities having an initial face amount of [~~fifteen~~] **twenty** thousand dollars or less, that are designated by the purchaser for the payment of funeral or burial expenses. The director may require the insurer entering into the written agreements with the insurance producers pursuant to this subsection to certify as to the representations of the insurance producers.

9. Rules and regulations necessary to implement and administer this section shall be promulgated by the director, including, but not limited to, rules and regulations regarding the following:

(1) Course content and hour credits: the insurance advisory board established by section 375.019 shall be utilized by the director to assist him in determining acceptable content of courses, programs and seminars to include classroom equivalency;

(2) Filing fees for course approval: every applicant seeking approval by the director of a continuing education course under this section shall pay to the director a filing fee of fifty dollars per course. Fees shall be waived for state and local insurance producer groups. Such fee shall accompany any application form required by the director. Courses shall be approved for a period of no more than one year. Applicants holding courses intended to be offered for a longer period must reapply for approval. Courses approved by the director prior to August 28, 1993, for which continuous certification is sought should be resubmitted for approval sixty days before the anniversary date of the previous approval.

10. All funds received pursuant to the provisions of this section shall be transmitted by the director to the department of revenue for deposit in the state treasury to the credit of the insurance dedicated fund. All expenditures necessitated by this section shall be paid from funds appropriated from the insurance dedicated fund by the legislature."; and"; and

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

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

Representative Ingle raised a point of order that there was violation of Rule 49.

Representative Van Schoiack requested a parliamentary ruling.

Speaker Pro Tem Henderson resumed the Chair.

The Chair ruled the point of order not well taken.

Representative Peters offered **House Amendment No. 2 to House Amendment No. 6**.

House Amendment No. 2
to
House Amendment No. 6

"received by the municipality for a period of two years.

205.160. The county commissions of the several counties of this state, both within and outside such counties, except in counties of the third or fourth classification (other than the county in which the hospital is located) where there already exists a hospital organized pursuant to ~~[chapters 96,]~~ **chapter 205** ~~[or 206]~~; provided, however, that this exception shall not prohibit the continuation of existing activities otherwise allowed by law, are hereby authorized, as provided in sections 205.160 to 205.340, to establish, construct, equip, improve, extend, repair and maintain public hospitals and engage in health care activities, and may issue bonds therefor as authorized by the general law governing the incurring of indebtedness by counties.

205.165. 1. The board of trustees of any hospital authorized under this subsection and organized under the provisions of sections 205.160 to 205.340 may invest ~~[up to fifteen percent of their]~~ **its** funds not required for immediate disbursement in obligations or for the operation of the hospital **as follows:**

(1) Up to fifteen percent of such funds into:

(a) Any mutual ~~[fund, in the form of an investment company, in which shareholders combine money to invest in a variety of]~~ funds that invest in stocks, bonds, or real estate, or any combination thereof;

(b) Stocks~~[-];~~

(c) Bonds~~[-and]~~ that have:

a. One of the five highest long-term ratings or the highest short-term rating issued by a nationally recognized rating agency; and

b. A final maturity of ten years or less;

(d) Money-market investments; or

(e) Any combination of investments described in paragraphs (a) to (d) of this subdivision;

(2) Up to thirty-five percent of such funds into:

(a) Mutual funds that invest in stocks, bonds, or real estate, or any combination thereof;

(b) Bonds that meet the rating and maturity requirements of paragraph (c) of subdivision (1) of this subsection;

(c) Money-market investments; or

(d) Any combination of investments described in paragraphs (a) to (c) of this subdivision; and

(3) The remaining percentage into any investment in which the state treasurer is allowed to invest.

2. The provisions of this section shall only apply if the hospital~~[-~~

~~(1) Is located within a county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants; and~~

~~(2)]~~ receives less than ~~[one]~~ **three** percent of its annual revenues from county or state taxes.

205.190. 1. The trustees shall, within ten days after their appointment or election, qualify by taking the oath of civil officers and organize as a board of hospital trustees by the election of one of their number as chairman, one as secretary, one as treasurer, and by the election of such other officers as they may deem necessary.

2. No trustee shall receive any compensation for his or her services performed, but a trustee may receive reimbursement for any cash expenditures actually made for personal expenses incurred as such trustee, and an itemized statement of all such expenses and money paid out shall be made under oath by each of such trustees and filed with the secretary and allowed only by the affirmative vote of all of the trustees present at a meeting of the board.

3. The board of hospital trustees shall make and adopt such bylaws, rules and regulations for its own guidance and for the government of the hospital as may be deemed expedient for the economic and equitable conduct thereof, not inconsistent with sections 205.160 to 205.340 and the ordinances of the city or town wherein such public hospital is located. The board shall provide by regulation for the bonding of the chief executive officer and may require a bond of the treasurer of the board and of any employee of the hospital as it deems necessary. The costs of all bonds required shall be paid out of the hospital fund. Except as provided in subsection 4 of this section, it shall have the exclusive control of the deposit, investment, and expenditure of all moneys collected to the credit of the hospital fund, and of the purchase of site or sites, the purchase or construction of any hospital buildings, and of the supervision, care and custody of the grounds, rooms or buildings purchased, constructed, leased or set apart for that purpose; provided, that all moneys received for such hospital shall be credited to the hospital and deposited into the depository thereof for the sole use of such hospital in accordance with the provisions of sections 205.160 to 205.340. All funds received by each such hospital shall be paid out only upon warrants ordered drawn by the treasurer of the board of trustees of said county upon the properly authenticated vouchers of the hospital board.

4. The trustees shall have authority, both within and outside the county, except in counties of the third or fourth classification (other than the county in which the hospital is located) where there already exists a hospital organized pursuant to ~~[chapters 96,]~~ **chapter 205** ~~[or 206]~~; provided that this exception shall not prohibit the continuation of existing activities otherwise allowed by law, to operate, maintain and manage a hospital and hospital facilities, and to make and enter into contracts, for the use, operation or management of a hospital or hospital facilities; to engage in health care activities; to make and enter into leases of equipment and real property, a hospital or hospital facilities, as lessor or lessee, regardless of the duration of such lease; provided that any lease of substantially all of the hospital, as the term "hospital" is defined in section 197.020, wherein the board of trustees is lessor shall be entered into only with the approval of the county commission wherein such hospital is located and provided that in a county of the second, third or fourth classification, the income to such county from such lease of substantially all of the hospital shall be appropriated to provide health care services in the county; and further to provide rules and regulations for the operation, management or use of a hospital or hospital facilities. Any agreement entered into pursuant to this subsection pertaining to the lease of the hospital, as herein defined, shall have a definite termination date as negotiated by the parties, but this shall not preclude the trustees from entering into a renewal of the agreement with the same or other parties pertaining to the same or other subjects upon such terms and conditions as the parties may agree. Notwithstanding any other law to the contrary, the county commission in any noncharter county of the first classification wherein such hospital is located may separately negotiate and enter into contractual agreements with the lessee as a condition of approval of any lease authorized pursuant to this subsection.

5. The board of hospital trustees shall have power to appoint a suitable chief executive officer and necessary assistants and fix their compensation, and shall also have power to remove such appointees; and shall in general carry out the spirit and intent of sections 205.160 to 205.340 in establishing and maintaining a county public hospital.

6. The board of hospital trustees may establish and operate a day care center to provide care exclusively for the children of the hospital's employees. A day care center established by the board shall be licensed pursuant to the provisions of sections 210.201 to 210.245. The operation of a day care center shall be paid for by fees or charges, established by the board, and collected from the hospital employees who use its services. The board, however, is authorized to receive any private donations or grants from agencies of the federal government intended for the support of the day care center.

7. The board of hospital trustees shall hold meetings at least once each month, shall keep a complete record of all its proceedings; and three members of the board shall constitute a quorum for the transaction of business.

8. One of the trustees shall visit and examine the hospital at least twice each month and the board shall, during the first week in January of each year, file with the county commission of the county a report of its proceedings with reference to such hospital and a statement of all receipts and expenditures during the year; and shall at such time certify the amount necessary to maintain and improve the hospital for the ensuing year."; and"; and

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

Representative Van Schoiack resumed the Chair.

On motion of Representative Peters, **House Amendment No. 2 to House Amendment No. 6** was adopted.

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

On motion of Representative Christofanelli, **HCS SS SB 1359, as amended**, was adopted.

On motion of Representative Christofanelli, **HCS SS SB 1359, as amended**, was read the third time and passed by the following vote:

AYES: 129

Adams	Allen	Amato	Anderson	Atchison
Aune	Baker	Banderman	Baringer	Barnes
Billington	Black	Boggs	Bonacker	Bromley
Brown 149	Brown 16	Brown 27	Brown 87	Buchheit-Courtway
Burger	Burnett	Busick	Butz	Byrnes
Casteel	Chappell	Christ	Christofanelli	Coleman
Collins	Crossley	Cupps	Davidson	Deaton
Diehl	Dinkins	Doll	Ealy	Evans
Falkner	Farnan	Fogle	Fountain Henderson	Gragg
Gray	Gregory	Griffith	Haden	Haffner
Haley	Hausman	Hein	Henderson	Hinman
Houx	Hovis	Hudson	Hurlbert	Ingle
Johnson 12	Jones	Justus	Kalberloh	Kelley 127
Kelly 141	Knight	Lavender	Lonsdale	Mackey
Mann	Marquart	Matthiesen	Mayhew	McGaugh
McMullen	Morse	Mosley	Murphy	Myers
Nickson-Clark	Nurrenbern	O'Donnell	Oehlerking	Owen
Patterson	Perkins	Peters	Plank	Pollitt
Pouche	Proudie	Quade	Reedy	Reuter
Richey	Riggs	Riley	Roberts	Sander
Sassmann	Sauls	Schnelting	Schulte	Schwadron
Sharpe 4	Shields	Smith 155	Sparks	Stacy
Steinhoff	Stephens	Stinnett	Strickler	Taylor 48
Taylor 84	Terry	Thomas	Titus	Toalson Reisch
Van Schoiack	Veit	Waller	Walsh Moore	Weber
West	Woods	Young	Mr. Speaker	

NOES: 004

Christensen	Davis	Lovasco	Seitz
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PRESENT: 007

Bland Manlove	Johnson 23	Lewis 25	Merideth	Smith 46
Unsicker	Windham			

ABSENT WITH LEAVE: 022

Appelbaum	Bangert	Bosley	Burton	Clemens
Cook	Copeland	Francis	Gallick	Hardwick
Hicks	Keathley	Lewis 6	McGill	Parker
Phifer	Sharp 37	Smith 163	Thompson	Voss
Wilson	Wright			

VACANCIES: 001

Representative Van Schoiack declared the bill passed.

THIRD READING OF SENATE BILLS - INFORMAL

HCS SS SCS SB 912, relating to military affairs, was taken up by Representative Griffith.

On motion of Representative Griffith, the title of **HCS SS SCS SB 912** was agreed to.

On motion of Representative Griffith, **HCS SS SCS SB 912** was adopted.

On motion of Representative Griffith, **HCS SS SCS SB 912** was read the third time and passed by the following vote:

AYES: 147

Adams	Allen	Amato	Anderson	Atchison
Aune	Banderman	Baringer	Barnes	Billington
Black	Boggs	Bonacker	Bromley	Brown 149
Brown 16	Brown 27	Brown 87	Buchheit-Courtway	Burger
Burnett	Burton	Busick	Butz	Byrnes
Casteel	Chappell	Christ	Christensen	Christofanelli
Coleman	Collins	Cook	Crossley	Davidson
Davis	Diehl	Dinkins	Doll	Ealy
Evans	Falkner	Fogle	Fountain Henderson	Francis
Gallick	Gragg	Gray	Gregory	Griffith
Haden	Haffner	Haley	Hardwick	Hausman
Hein	Henderson	Hicks	Hinman	Houx
Hovis	Hudson	Hurlbert	Ingle	Johnson 12
Johnson 23	Jones	Justus	Kalberloh	Keathley
Kelley 127	Kelly 141	Knight	Lavender	Lewis 25
Lonsdale	Lovasco	Mackey	Mann	Marquart
Matthiesen	Mayhew	McGaughey	McGill	McMullen
Merideth	Morse	Mosley	Murphy	Myers
Nickson-Clark	Nurrenbern	Oehlerking	Owen	Patterson
Perkins	Peters	Plank	Pollitt	Pouche
Proudie	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	Stephens	Stinnett
Strickler	Taylor 48	Taylor 84	Terry	Thomas
Thompson	Titus	Toalson Reisch	Unsicker	Van Schoiack
Veit	Voss	Waller	Walsh Moore	Weber
West	Wilson	Windham	Woods	Wright
Young	Mr. Speaker			

NOES: 000

PRESENT: 001

O'Donnell

ABSENT WITH LEAVE: 014

Appelbaum	Baker	Bangert	Bland Manlove	Bosley
Clemens	Copeland	Cupps	Deaton	Farnan
Lewis 6	Parker	Phifer	Sharp 37	

VACANCIES: 001

Representative Van Schoiack declared the bill passed.

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 **HB 2111**.

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 HBs 2134 & 1956** entitled:

An act to repeal sections 644.016, 644.041, 644.051, and 644.145, RSMo, and to enact in lieu thereof four new sections relating to water pollution, with an emergency clause.

With Senate Amendment No. 2.

Senate Amendment No. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 2134 & 1956, Page 12, Section 644.051, Line 145, by striking "monthly" and inserting in lieu thereof the following:

"annual".

Emergency clause adopted.

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 **HB 1909**.

REFERRAL OF HOUSE RESOLUTIONS

The following House Resolution was referred to the Committee indicated:

HR 4266 - Rules - Regulatory Oversight

REFERRAL OF HOUSE BILLS

The following House Bill was referred to the Committee indicated:

SS SCS HCS HBs 2134 & 1956, as amended - Fiscal Review

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SB 1039 - Fiscal Review

SS SB 1296 - Special Committee on Public Policy

COMMITTEE REPORTS

Committee on Financial Institutions, Chairman O'Donnell reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was returned **SS SCS SB 835**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2** by the following vote:

Ayes (9): Adams, Billington, Butz, Dinkins, McGirl, O'Donnell, Oehlerking, Owen and Titus

Noes (0)

Absent (5): Clemens, Francis, Mosley, Sander and Thompson

Committee on General Laws, Chairman Riley reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **SS#2 SB 862**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (8): Baker, Hicks, Hudson, Justus, McMullen, Myers, Reuter and Riley

Noes (6): Crossley, Ingle, Lovasco, Mackey, Matthiesen and Weber

Absent (3): Copeland, Merideth and Parker

Mr. Speaker: Your Committee on General Laws, to which was referred **SS SB 890**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (12): Baker, Crossley, Hudson, Ingle, Justus, Lovasco, Mackey, McMullen, Myers, Reuter, Riley and Weber

Noes (1): Matthiesen

Present (1): Hicks

Absent (3): Copeland, Merideth and Parker

Committee on Judiciary, Chairman Evans reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SS#2 SCS SBs 754, 746, 788, 765, 841, 887 & 861**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (10): Anderson, Black, Ealy, Evans, Hicks, Reuter, Sauls, Sharpe (4), Sparks and Veit

Noes (2): Davis and Smith (46)

Absent (2): Copeland and Parker

Committee on Rural Community Development, Chairman Reedy reporting:

Mr. Speaker: Your Committee on Rural Community Development, to which was referred **SS SCS SB 1351**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (6): Bonacker, Busick, Gallick, Haley, Kalberloh and Reedy

Noes (3): Burton, Lewis (25) and Plank

Absent (0)

Committee on Fiscal Review, Chairman Houx reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS#2 HB 1936**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (5): Fogle, Houx, Hudson, Kelly (141) and Pollitt

Noes (0)

Absent (2): Baringer and Owen

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 2571**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (5): Fogle, Houx, Hudson, Kelly (141) and Pollitt

Noes (0)

Absent (2): Baringer and Owen

Committee on Rules - Regulatory Oversight, Chairman Gregory reporting:

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HCR 60**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (7): Cupps, Gregory, Haffner, Ingle, Proudie, Riley and Roberts

Noes (2): O'Donnell and Strickler

Absent (1): Evans

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HB 1758**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Cupps, Gregory, Haffner, Ingle, O'Donnell, Proudie, Riley, Roberts and Strickler

Noes (0)

Absent (1): Evans

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HCS HB 2614**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Cupps, Gregory, Haffner, O'Donnell, Riley and Roberts

Noes (2): Ingle and Strickler

Present (1): Proudie

Absent (1): Evans

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HCS HB 2866**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Cupps, Gregory, Haffner, O'Donnell, Riley and Roberts

Noes (3): Ingle, Proudie and Strickler

Absent (1): Evans

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **SS SCS SJR 50**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (7): Cupps, Gregory, Haffner, Ingle, Proudie, Riley and Roberts

Noes (0)

Present (1): Strickler

Absent (2): Evans and O'Donnell

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **SS SCS SBs 894 & 825**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Cupps, Gregory, Haffner, Ingle, O'Donnell, Proudie, Riley, Roberts and Strickler

Noes (0)

Absent (1): Evans

REFERRAL OF SENATE BILLS - RULES

The following Senate Bills were referred to the Committee indicated:

SS#2 SCS SBs 754, 746, 788, 765, 841, 887 & 861 - Rules - Regulatory Oversight

HCS#2 SS SCS SB 835 - Rules - Regulatory Oversight

HCS SS#2 SB 862 - Rules - Legislative Oversight

SS SB 890 - Rules - Regulatory Oversight

HCS SS SB 898 - Rules - Legislative Oversight

HCS SS SCS SB 1351 - Rules - Regulatory Oversight

MESSAGES FROM THE GOVERNOR

May 6, 2024

TO THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES
102ND GENERAL ASSEMBLY
SECOND REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you **Senate Substitute for House Bill No. 1751**:

AN ACT

To repeal section 260.205, RSMo, and to enact in lieu thereof one new section relating to solid waste disposal area permits.

On May 6, 2024, I approved **Senate Substitute for House Bill No. 1751**.

Respectfully Submitted,

/s/ Michael L. Parson
Governor

Having been returned from the Governor with his approval, **SS HB 1751** was delivered to the Secretary of State by the Chief Clerk of the House.

The following members' presence was noted: Bangert, Bosley, Clemens, Copeland, and Sharp (37).

ADJOURNMENT

On motion of Representative Patterson, the House adjourned until 10:00 a.m., Wednesday, May 8, 2024.

COMMITTEE HEARINGS

ECONOMIC DEVELOPMENT

Wednesday, May 8, 2024, 8:15 AM, House Hearing Room 1.

Public hearing will be held: SB 1388

Executive session will be held: SB 1388

Time change.

CORRECTED

EMERGING ISSUES

Wednesday, May 8, 2024, 10:30 AM, House Hearing Room 1.

Executive session will be held: SS SCS SB 735

Time change.

CORRECTED

ETHICS

Wednesday, May 8, 2024, 11:30 AM, House Hearing Room 4.

Portions of the hearing may be closed under Article III, Sections 18 and 20, of the Constitution of Missouri, House Rule 37, House Resolution 85, and Sections 610.021(1), (3), (13) and (14) to discuss House Ethics Complaint 24-01.

Portions of this meeting may be closed under the authority of Article III, Sections 18 and 20, of the Missouri Constitution, the House Rules and Resolutions governing the Committee on Ethics, and RSMo § 610.21(3).

FINANCIAL INSTITUTIONS

Monday, May 13, 2024, 12:00 PM, House Hearing Room 5.

Executive session will be held: HR 3899

FISCAL REVIEW

Wednesday, May 8, 2024, 9:45 AM, House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

Pending bill referral.

FISCAL REVIEW

Thursday, May 9, 2024, 9:45 AM, House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

Pending bill referral.

FISCAL REVIEW

Friday, May 10, 2024, 8:00 AM, House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

Pending bill referral.

GENERAL LAWS

Wednesday, May 8, 2024, 12:00 PM, House Hearing Room 7.

Executive session will be held: SS SB 1111

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Tuesday, May 14, 2024, 9:00 AM, Joint Hearing Room (117).

Executive session may be held on any matter referred to the committee.

Amended to include market update.

Quarterly Investment Report, legislative update, and staff update. Executive session may follow.

A vote may be taken to close the meeting pursuant to section 610.021(3), RSMo, and section 610.021(13), RSMo, relating to personnel matters.

AMENDED

RULES - LEGISLATIVE OVERSIGHT

Wednesday, May 8, 2024, 1:00 PM, House Hearing Room 3.

Executive session will be held: HCS HBs 2555 & 2108

Executive session may be held on any matter referred to the committee.

Pending bill referral.

RULES - REGULATORY OVERSIGHT

Wednesday, May 8, 2024, 3:15 PM, House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Pending bill referral.

SPECIAL COMMITTEE ON POLICY REVIEW

Wednesday, May 8, 2024, 8:00 AM, House Hearing Room 4.
Discussion on the Policy Handbook regarding the proposed changes.

SPECIAL COMMITTEE ON PUBLIC POLICY

Wednesday, May 8, 2024, 9:00 AM, House Hearing Room 3.
Public hearing will be held: SCS SCR 24 & 25
Executive session will be held: SCS SCR 24 & 25, SS SB 751

WORKFORCE AND INFRASTRUCTURE DEVELOPMENT

Wednesday, May 8, 2024, 12:00 PM, House Hearing Room 6.
Presentation by David Pearce, Executive Director for Governmental Relations; Dr. Laurel Hogue, Vice Provost for Online and Learning Engagement; Stan Elliott, Director of Missouri Innovation Campus Program; and Clarinda Dir, Manager of Center for Workforce and Professional Education with the University of Central Missouri regarding entry-level workforce needs and partnership with K-12 institutions.
CORRECTED

HOUSE CALENDAR

SEVENTIETH DAY, WEDNESDAY, MAY 8, 2024

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 75 - Griffith
HCS HJR 131 - Sparks
HJR 87 - Black
HCS HJR 92 - Hovis
HJR 134 - Burger

HOUSE BILLS FOR PERFECTION

HCS HB 2541 - Hurlbert
HCS HB 2612 - Byrnes
HB 2083 - Gregory
HB 2331 - Houx
HB 2381 - Brown (16)
HCS HB 1708 - Schnelting
HB 2380 - Brown (16)
HCS HB 1563 - Kelley (127)
HCS HB 2079 - Brown (149)
HCS HB 2412 - Sassmann
HCS HBs 2523, 2367 & 2470 - Billington

HCS HB 1427 - McGirl
HCS HBs 1804 & 1435 - Black
HCS HB 1447 - Lewis (6)
HB 1451 - Veit
HCS HB 1946 - Shields
HCS HB 2453 - Francis
HCS HBs 2464 & 2460 - Butz
HCS HB 1534 - Baringer
HCS HBs 1520, 1519, 2355 & 2357 - Hudson
HCS HB 2319 - Owen
HCS HB 1428 - McGirl
HCS HBs 1434 & 1491 - Haley
HB 1512 - Murphy
HB 1617 - Seitz
HCS HBs 1961 & 2197 - Riley
HB 2141 - Baker
HCS HB 2348 - Hovis
HCS HB 2669 - Diehl
HB 1628 - Wright
HB 2143 - Seitz
HCS HB 1490 - Griffith
HCS HBs 1993, 1855, 1426 & 2157 - Gallick

HOUSE BILLS FOR PERFECTION - INFORMAL

HCS HB 1484 - Christ
HCS HB 1619 - Seitz
HB 1653 - Roberts
HB 1668 - Matthiesen
HB 1730 - Amato
HCS HB 2206 - West
HCS HB 2445 - McMullen
HCS HBs 2632 & 1446 - Hausman
HB 2798 - O'Donnell
HCS HB 2905 - Shields
HCS#2 HB 2184 - Haffner
HCS HBs 2824 & 1723 - Stephens
HB 2631 - Hausman
HCS HB 2936 - Thomas
HCS HB 1690 - Reedy
HB 2457 - Justus
HCS HB 1517 - Murphy
HB 1660 - Hausman
HCS HB 1673 - Matthiesen
HCS HB 1763 - Hicks
HCS HB 1813 - Riggs
HCS HB 1830 - McMullen

HCS HBs 1955 & 2257 - Hardwick
HCS HB 1959 - Riley
HCS HB 1975 - Stinnett
HB 1980 - Hinman
HCS HB 1986 - Thompson
HCS HB 1988 - Amato
HCS HB 2077 - Smith (155)
HB 2418 - Diehl
HCS HB 2547 - Christ
HCS HB 2851 - Sharpe (4)
HCS HB 2148 - Dinkins
HCS HB 2317 - Knight
HB 2701 - Copeland
HB 2727 - Parker
HB 2728 - Parker
HB 2737 - Butz
HCS HB 2794 - Bangert
HB 1406 - Billington
HCS HB 1440 - Dinkins
HB 1627 - Wright
HB 1632 - Pouche
HB 1724 - Falkner
HCS HB 1800 - Copeland
HCS HB 1836 - McMullen
HCS HB 1925 - Morse
HB 1937 - Owen
HCS HBs 1990 & 2135 - Gallick
HCS HBs 2034 & 2081 - Sassmann
HCS HB 2056 - Keathley
HCS HB 2146 - McGaugh
HCS HB 2314 - Brown (149)
HCS HB 2524 - Knight
HCS HB 2552 - Schulte
HB 2578 - Van Schoiack
HB 2788 - Keathley
HCS HB 2862 - Falkner
HCS HB 1837 - McMullen
HCS HB 1957, with HA 1, pending - Haffner
HCS HBs 2619, 2365, 2448 & 2569 - Hudson
HB 2063 - Owen
HCS HB 1630, with HA 1, pending - Pouche
HB 2291 - Davidson
HCS HBs 1477 & 1437 - Sharp (37)
HCS HB 1725 - O'Donnell
HCS HBs 2183 & 2529 - Hausman

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 50 - Smith (163)
HCR 40 - Baringer
HCS HCR 36 - Barnes

HOUSE BILLS FOR THIRD READING

HCS#2 HB 1936 - Wilson
HB 2571 - McGaugh

HOUSE BILLS FOR THIRD READING - INFORMAL

HCS HB 2489 - Murphy
HCS HB 1906 - Chappell
HCS HB 1480 - Christ
HCS HB 2896 - Amato

HOUSE BILLS FOR THIRD READING - CONSENT - INFORMAL

HB 2684 - Sharp (37)
HB 2852 - McGaugh
HB 1938 - Owen
HCS HB 1726 - O'Donnell
HB 1728 - O'Donnell
HB 1987 - Thompson
HCS HB 2086 - O'Donnell
HB 2248 - Francis
HCS HB 2414 - Casteel
HB 2491 - Sassmann
HCS HB 1504 - Bangert
HCS HB 2286 - Taylor (48)
HB 2570 - Bonacker
HB 1459 - Sharpe (4)
HB 1460 - Sharpe (4)
HB 1502 - Bangert
HB 1553 - Sassmann

SENATE JOINT RESOLUTIONS FOR THIRD READING

SS SCS SJR 71 - Hovis

SENATE BILLS FOR THIRD READING - CONSENT

SB 1453 - Knight

SENATE BILLS FOR THIRD READING

HCS SB 1363 - Reedy
HCS SS SB 900 - Van Schoiack
HCS SB 1039, (Fiscal Review 5/7/24) - Taylor (48)

SENATE BILLS FOR THIRD READING - INFORMAL

SS SB 895 - Brown (16)
HCS SS SCS SB 756, E.C. - Keathley
SS SB 802 - Gregory
HCS SS SCS SB 834 - Christofanelli

SENATE CONCURRENT RESOLUTIONS FOR THIRD READING

SCR 23 - Pollitt

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HCS HBs 2134 & 1956, as amended (Fiscal Review 5/7/24), E.C. - Lewis (6)

HOUSE RESOLUTIONS

HR 4210 - Billington

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 1 - Smith (163)
CCS SS SCS HCS HB 2 - Smith (163)
CCS SCS HCS HB 3 - Smith (163)
CCS SCS HCS HB 4 - Smith (163)
CCS SS SCS HCS HB 5 - Smith (163)
CCS SCS HCS HB 6 - Smith (163)
CCS SCS HCS HB 7 - Smith (163)
CCS SS SCS HCS HB 8 - Smith (163)
CCS SCS HCS HB 9 - Smith (163)
CCS SCS HCS HB 10 - Smith (163)
CCS SCS HCS HB 11 - Smith (163)
CCS SS SCS HCS HB 12 - Smith (163)
CCS SCS HCS HB 13 - Smith (163)
HCS HB 17 - Smith (163)
SCS HCS HB 18 - Smith (163)
SS SCS HCS HB 19 - Smith (163)
SS SCS HCS HB 20 - Smith (163)

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