

JOURNAL OF THE HOUSE

First Regular Session, 103rd General Assembly

FORTY-THIRD DAY, WEDNESDAY, MARCH 26, 2025

The House met pursuant to adjournment.

Speaker Patterson in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicky, Chaplain.

He that loveth not knoweth not God; for God is love. (I John 4:8)

God of love and of mercy, lay Your hand upon us and hold us steady during this legislative day. The votes come and go so fast that we lose our focus. We hurry here and there and wonder why we are weary and worn out. We need Your strength.

Halt our haste, heal our hearts, direct us in the doing of our duty, stay with us and we with Your spirit to face the challenges of this day with courage and to keep our faith and love in our Show Me State.

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: Devin Kramer, Charlee Johnson, Cabria Turner, Lughton Turner, and Amanda Turner.

The Journal of the forty-first day was approved as printed by the following vote:

AYES: 130

Allen	Amato	Anderson	Appelbaum	Aune
Baker	Banderman	Barnes	Billington	Black
Boykin	Boyko	Bromley	Brown 149	Brown 16
Bush	Busick	Butz	Casteel	Caton
Chappell	Christensen	Clemens	Cook	Costlow
Crossley	Davidson	Davis	Dean	Deaton
Dolan	Durnell	Ealy	Elliott	Falkner
Fogle	Fowler	Fuchs	Gallick	Gragg
Griffith	Haden	Hales	Haley	Harbison
Hardwick	Hausman	Hein	Hewkin	Hinman
Hovis	Hruza	Hurlbert	Ingle	Irwin
Jacobs	Jamison	Jobe	Jones 12	Jones 88
Jordan	Keathley	Kelley	Kimble	Knight
Laubinger	Lewis	Loy	Lucas	Mackey
Mansur	Martin	Matthiesen	McGaugh	McGirl
Meirath	Miller	Murphy	Murray	Myers

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Nolte	Oehlerking	Overcast	Parker	Perkins
Peters	Pouche	Price	Proudie	Riley
Roberts	Rush	Sassmann	Schmidt	Schulte
Seitz	Self	Sharpe 4	Shields	Smith 46
Smith 68	Smith 74	Sparks	Steinhoff	Steinmetz
Steinmeyer	Strickler	Taylor 48	Taylor 84	Terry
Thomas	Titus	Van Schoiack	Veit	Vernetti
Voss	Waller	Walsh Moore	Weber	Wellenkamp
West	Whaley	Williams	Wilson	Wolfen
Woods	Wright	Young	Zimmermann	Mr. Speaker

NOES: 001

Collins

PRESENT: 001

Fountain Henderson

ABSENT WITH LEAVE: 030

Boggs	Bosley	Burton	Byrnes	Christ
Coleman	Cupps	Diehl	Doll	Douglas
Farnan	Johnson	Justus	Kalberloh	Mayhew
Mosley	Owen	Phelps	Plank	Pollitt
Reed	Reedy	Reuter	Riggs	Sharp 37
Simmons	Stinnett	Thompson	Violet	Warwick

VACANCIES: 001

Representative Peters assumed the Chair.

HOUSE RESOLUTIONS

Representative Smith (68) offered House Resolution No. 1289.

THIRD READING OF HOUSE BILLS - CONSENT

HCS HB 1116, relating to fences and enclosures, was taken up by Representative Haden.

Representative Riley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Baker	Banderman	Billington	Black
Boggs	Bromley	Brown 149	Brown 16	Busick
Byrnes	Chappell	Christensen	Collins	Cook
Costlow	Davidson	Davis	Deaton	Diehl
Dolan	Durnell	Elliott	Falkner	Farnan
Gragg	Griffith	Haden	Haley	Harbison
Hardwick	Hausman	Hewkin	Hinman	Hovis
Hurlbert	Irwin	Jones 88	Jordan	Justus

Kalberloh	Keathley	Knight	Lewis	Loy
Martin	Matthiesen	Mayhew	McGaugh	McGill
Meirath	Miller	Murphy	Nolte	Oehlerking
Owen	Parker	Perkins	Peters	Pollitt
Pouche	Proudie	Reedy	Reuter	Riggs
Riley	Roberts	Sassmann	Schmidt	Seitz
Self	Sharpe 4	Shields	Simmons	Sparks
Stinnett	Van Schoiack	Veit	Verneti	Violet
Voss	Waller	Wellenkamp	West	Whaley
Wilson				

NOES: 047

Anderson	Appelbaum	Aune	Barnes	Bosley
Boykin	Boyko	Burton	Bush	Clemens
Crossley	Dean	Doll	Douglas	Ealy
Fogle	Fountain Henderson	Fuchs	Hales	Hein
Ingle	Jacobs	Jamison	Johnson	Kimble
Mackey	Mansur	Mosley	Murray	Price
Rush	Sharp 37	Smith 46	Smith 68	Smith 74
Steinhoff	Steinmetz	Strickler	Taylor 84	Terry
Thomas	Walsh Moore	Weber	Wolfen	Woods
Young	Zimmermann			

PRESENT: 000

ABSENT WITH LEAVE: 029

Amato	Butz	Casteel	Caton	Christ
Coleman	Cupps	Fowler	Gallick	Hruza
Jobe	Jones 12	Kelley	Laubinger	Lucas
Myers	Overcast	Phelps	Plank	Reed
Schulte	Steinmeyer	Taylor 48	Thompson	Titus
Warwick	Williams	Wright	Mr. Speaker	

VACANCIES: 001

On motion of Representative Haden, **HCS HB 1116** was read the third time and passed by the following vote:

AYES: 091

Allen	Anderson	Appelbaum	Aune	Barnes
Black	Bosley	Boykin	Boyko	Bromley
Brown 149	Brown 16	Burton	Bush	Busick
Byrnes	Clemens	Collins	Cook	Costlow
Crossley	Diehl	Dolan	Doll	Ealy
Falkner	Farnan	Fogle	Fountain Henderson	Fuchs
Gragg	Griffith	Haden	Haley	Harbison
Hein	Hewkin	Hurlbert	Ingle	Irwin
Jacobs	Jamison	Jordan	Justus	Kalberloh
Kimble	Knight	Lewis	Mackey	Mansur
Martin	Matthiesen	Mayhew	McGaugh	McGill
Mosley	Nolte	Owen	Parker	Perkins
Peters	Pollitt	Pouche	Price	Proudie
Reedy	Riggs	Rush	Sassmann	Sharp 37

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Sharpe 4	Shields	Smith 46	Smith 68	Smith 74
Steinmetz	Stinnett	Strickler	Terry	Thomas
Van Schoiack	Veit	Verneti	Voss	Waller
Walsh Moore	Weber	Wilson	Woods	Young
Zimmermann				

NOES: 031

Baker	Banderman	Billington	Boggs	Chappell
Christensen	Davidson	Davis	Deaton	Durnell
Elliott	Hardwick	Hausman	Hinman	Jones 88
Keathley	Loy	Meirath	Miller	Murphy
Reuter	Riley	Seitz	Self	Simmons
Sparks	Violet	Wellenkamp	West	Whaley
Wolfen				

PRESENT: 007

Dean	Douglas	Hales	Johnson	Murray
Steinhoff	Taylor 84			

ABSENT WITH LEAVE: 033

Amato	Butz	Casteel	Caton	Christ
Coleman	Cupps	Fowler	Gallick	Hovis
Hruza	Jobe	Jones 12	Kelley	Laubinger
Lucas	Myers	Oehlerking	Overcast	Phelps
Plank	Reed	Roberts	Schmidt	Schulte
Steinmeyer	Taylor 48	Thompson	Titus	Warwick
Williams	Wright	Mr. Speaker		

VACANCIES: 001

Representative Peters declared the bill passed.

HB 596, relating to brokerage services, was taken up by Representative Brown (16).

On motion of Representative Brown (16), **HB 596** was read the third time and passed by the following vote:

AYES: 123

Allen	Amato	Anderson	Appelbaum	Aune
Baker	Banderman	Barnes	Billington	Black
Boggs	Bosley	Boykin	Boyko	Bromley
Brown 149	Brown 16	Burton	Bush	Busick
Byrnes	Caton	Chappell	Clemens	Collins
Cook	Costlow	Crossley	Davidson	Dean
Deaton	Diehl	Dolan	Doll	Douglas
Ealy	Elliott	Falkner	Farnan	Fogle
Fountain Henderson	Fuchs	Gragg	Griffith	Haden
Hales	Haley	Harbison	Hardwick	Hausman
Hein	Hewkin	Hinman	Hurlbert	Ingle
Irwin	Jacobs	Jamison	Johnson	Jones 88
Jordan	Justus	Kalberloh	Kelley	Knight
Lewis	Loy	Mackey	Mansur	Martin

Matthiesen	Mayhew	McGaugh	McGill	Meirath
Mosley	Murphy	Murray	Nolte	Owen
Parker	Perkins	Peters	Pollitt	Pouche
Price	Proudie	Reedy	Reuter	Riggs
Riley	Rush	Sassmann	Schmidt	Self
Sharp 37	Sharpe 4	Shields	Simmons	Smith 46
Smith 68	Smith 74	Steinhoff	Steinmetz	Stinnett
Strickler	Taylor 84	Terry	Thomas	Van Schoiack
Veit	Vernetti	Violet	Voss	Waller
Walsh Moore	Weber	West	Whaley	Wilson
Woods	Young	Zimmermann		

NOES: 004

Christensen	Davis	Miller	Wolfin
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PRESENT: 000

ABSENT WITH LEAVE: 035

Butz	Casteel	Christ	Coleman	Cupps
Durnell	Fowler	Gallick	Hovis	Hruza
Jobe	Jones 12	Keathley	Kimble	Laubinger
Lucas	Myers	Oehlerking	Overcast	Phelps
Plank	Reed	Roberts	Schulte	Seitz
Sparks	Steinmeyer	Taylor 48	Thompson	Titus
Warwick	Wellenkamp	Williams	Wright	Mr. Speaker

VACANCIES: 001

Representative Peters declared the bill passed.

HB 313, relating to the state advisory council on emergency medical services, was taken up by Representative Cook.

Representative Riley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Amato	Baker	Banderman	Billington
Black	Boggs	Bromley	Brown 149	Busick
Byrnes	Caton	Chappell	Christensen	Collins
Cook	Costlow	Davidson	Davis	Deaton
Diehl	Dolan	Elliott	Falkner	Farnan
Fowler	Gragg	Griffith	Haden	Haley
Harbison	Hausman	Hewkin	Hinman	Hovis
Hruza	Hurlbert	Irwin	Jordan	Justus
Kalberloh	Kelley	Knight	Laubinger	Loy
Lucas	Martin	Matthiesen	Mayhew	McGaugh
McGill	Miller	Murphy	Nolte	Owen
Parker	Perkins	Peters	Phelps	Pollitt
Pouche	Reedy	Reuter	Riggs	Riley

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Roberts	Sassmann	Self	Sharpe 4	Shields
Simmons	Stinnett	Van Schoiack	Veit	Verneti
Violet	Voss	Waller	Warwick	Wellenkamp
Whaley	Williams	Wilson	Wolfen	Wright

NOES: 046

Anderson	Appelbaum	Aune	Barnes	Bosley
Boykin	Boyko	Burton	Bush	Clemens
Crossley	Dean	Doll	Douglas	Ealy
Fogle	Fountain Henderson	Fuchs	Hein	Ingle
Jacobs	Jamison	Jobe	Johnson	Mackey
Mansur	Mosley	Murray	Price	Proudie
Rush	Sharp 37	Smith 46	Smith 68	Smith 74
Steinhoff	Steinmetz	Strickler	Taylor 84	Terry
Thomas	Walsh Moore	Weber	Woods	Young
Zimmermann				

PRESENT: 000

ABSENT WITH LEAVE: 031

Brown 16	Butz	Casteel	Christ	Coleman
Cupps	Durnell	Gallick	Hales	Hardwick
Jones 12	Jones 88	Keathley	Kimble	Lewis
Meirath	Myers	Oehlerking	Overcast	Plank
Reed	Schmidt	Schulte	Seitz	Sparks
Steinmeyer	Taylor 48	Thompson	Titus	West
Mr. Speaker				

VACANCIES: 001

On motion of Representative Cook, **HB 313** was read the third time and passed by the following vote:

AYES: 119

Allen	Amato	Appelbaum	Aune	Banderman
Barnes	Black	Boggs	Bosley	Boykin
Boyko	Bromley	Brown 149	Brown 16	Burton
Bush	Butz	Byrnes	Caton	Clemens
Collins	Cook	Costlow	Crossley	Dean
Deaton	Diehl	Dolan	Doll	Douglas
Ealy	Falkner	Farnan	Fogle	Fountain Henderson
Fowler	Fuchs	Gragg	Griffith	Haden
Haley	Harbison	Hausman	Hein	Hewkin
Hinman	Hovis	Hruza	Hurlbert	Ingle
Irwin	Jacobs	Jamison	Jobe	Johnson
Justus	Kalberloh	Kelley	Knight	Laubinger
Lucas	Mackey	Mansur	Martin	Matthiesen
Mayhew	McGaugh	McGirl	Miller	Mosley
Murray	Myers	Nolte	Owen	Parker
Perkins	Peters	Phelps	Pouche	Price
Proudie	Reedy	Reuter	Riggs	Riley
Roberts	Rush	Sassmann	Schmidt	Self
Sharp 37	Sharpe 4	Shields	Smith 46	Smith 68
Smith 74	Steinhoff	Steinmetz	Stinnett	Strickler

Taylor 84	Terry	Thomas	Van Schoiack	Veit
Vernetti	Violet	Voss	Waller	Walsh Moore
Weber	Wellenkamp	Williams	Wilson	Woods
Wright	Young	Zimmermann	Mr. Speaker	

NOES: 015

Baker	Busick	Chappell	Christensen	Davidson
Davis	Elliott	Jordan	Loy	Murphy
Pollitt	Simmons	Taylor 48	Whaley	Wolfen

PRESENT: 001

Durnell

ABSENT WITH LEAVE: 027

Anderson	Billington	Casteel	Christ	Coleman
Cupps	Gallick	Hales	Hardwick	Jones 12
Jones 88	Keathley	Kimble	Lewis	Meirath
Oehlerking	Overcast	Plank	Reed	Schulte
Seitz	Sparks	Steinmeyer	Thompson	Titus
Warwick	West			

VACANCIES: 001

Representative Peters declared the bill passed.

HCS HBs 513, 413 & 536, relating to design-build contracts, was taken up by Representative Voss.

On motion of Representative Voss, **HCS HBs 513, 413 & 536** was read the third time and passed by the following vote:

AYES: 137

Allen	Amato	Anderson	Appelbaum	Aune
Baker	Banderman	Barnes	Billington	Black
Boggs	Bosley	Boykin	Boyko	Bromley
Brown 149	Brown 16	Burton	Bush	Busick
Butz	Byrnes	Caton	Chappell	Christensen
Clemens	Collins	Cook	Costlow	Crossley
Davidson	Dean	Deaton	Diehl	Dolan
Doll	Douglas	Durnell	Ealy	Elliott
Falkner	Farnan	Fogle	Fountain Henderson	Fowler
Fuchs	Gragg	Griffith	Haden	Hales
Haley	Harbison	Hausman	Hein	Hewkin
Hinman	Hovis	Hruza	Hurlbert	Ingle
Irwin	Jacobs	Jamison	Jobe	Johnson
Jones 12	Jordan	Justus	Kalberloh	Kelley
Knight	Laubinger	Lewis	Loy	Lucas
Mackey	Mansur	Martin	Matthiesen	Mayhew
McGaugh	McGill	Miller	Mosley	Murphy
Murray	Myers	Nolte	Oehlerking	Owen
Perkins	Peters	Pollitt	Pouche	Price

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Proudie	Reedy	Riggs	Riley	Roberts
Rush	Sassmann	Schmidt	Sharp 37	Sharpe 4
Shields	Simmons	Smith 46	Smith 68	Smith 74
Steinhoff	Steinmetz	Steinmeyer	Stinnett	Strickler
Taylor 48	Taylor 84	Terry	Thomas	Van Schoiack
Veit	Verneti	Violet	Voss	Waller
Walsh Moore	Weber	Wellenkamp	Whaley	Williams
Wilson	Wolfen	Woods	Wright	Young
Zimmermann	Mr. Speaker			

NOES: 001

Davis

PRESENT: 000

ABSENT WITH LEAVE: 024

Casteel	Christ	Coleman	Cupps	Gallick
Hardwick	Jones 88	Keathley	Kimble	Meirath
Overcast	Parker	Phelps	Plank	Reed
Reuter	Schulte	Seitz	Self	Sparks
Thompson	Titus	Warwick	West	

VACANCIES: 001

Representative Peters declared the bill passed.

HCS HB 267, relating to public school teachers, was taken up by Representative Shields.

On motion of Representative Shields, **HCS HB 267** was read the third time and passed by the following vote:

AYES: 142

Allen	Amato	Anderson	Appelbaum	Aune
Baker	Banderman	Barnes	Billington	Black
Boggs	Bosley	Boykin	Boyko	Bromley
Brown 149	Brown 16	Burton	Bush	Busick
Butz	Byrnes	Caton	Chappell	Christensen
Clemens	Collins	Cook	Costlow	Crossley
Davidson	Davis	Dean	Deaton	Diehl
Dolan	Doll	Douglas	Durnell	Ealy
Elliott	Falkner	Farnan	Fogle	Fountain Henderson
Fowler	Fuchs	Gragg	Griffith	Hales
Haley	Harbison	Hausman	Hein	Hewkin
Hinman	Hovis	Hruza	Hurlbert	Ingle
Irwin	Jacobs	Jamison	Jobe	Johnson
Jones 12	Jordan	Justus	Kalberloh	Kelley
Knight	Laubinger	Lewis	Loy	Lucas
Mackey	Mansur	Martin	Matthiesen	Mayhew
McGaugh	McGill	Meirath	Miller	Mosley
Murphy	Murray	Myers	Nolte	Oehlerking
Owen	Perkins	Peters	Phelps	Pollitt
Pouche	Price	Proudie	Reedy	Reuter
Riggs	Riley	Roberts	Rush	Sassmann

Schmidt	Schulte	Self	Sharp 37	Sharpe 4
Shields	Simmons	Smith 46	Smith 68	Smith 74
Steinhoff	Steinmetz	Steinmeyer	Stinnett	Strickler
Taylor 48	Taylor 84	Terry	Thomas	Van Schoiack
Veit	Verneti	Violet	Voss	Waller
Walsh Moore	Weber	Wellenkamp	Whaley	Williams
Wilson	Wolfen	Woods	Wright	Young
Zimmermann	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 020

Casteel	Christ	Coleman	Cupps	Gallick
Haden	Hardwick	Jones 88	Keathley	Kimble
Overcast	Parker	Plank	Reed	Seitz
Sparks	Thompson	Titus	Warwick	West

VACANCIES: 001

Representative Peters declared the bill passed.

HB 369, relating to consolidated public library districts, was taken up by Representative Banderman.

On motion of Representative Banderman, **HB 369** was read the third time and passed by the following vote:

AYES: 145

Allen	Amato	Anderson	Appelbaum	Aune
Baker	Banderman	Barnes	Billington	Black
Boggs	Bosley	Boykin	Boyko	Bromley
Brown 149	Brown 16	Burton	Bush	Busick
Butz	Byrnes	Casteel	Caton	Chappell
Christensen	Clemens	Collins	Cook	Costlow
Crossley	Davidson	Davis	Dean	Deaton
Diehl	Dolan	Doll	Douglas	Durnell
Ealy	Elliott	Falkner	Farnan	Fogle
Fountain Henderson	Fowler	Fuchs	Gragg	Griffith
Haden	Hales	Haley	Harbison	Hausman
Hein	Hewkin	Hinman	Hovis	Hruza
Hurlbert	Ingle	Irwin	Jacobs	Jamison
Jobe	Johnson	Jones 12	Jordan	Justus
Kalberloh	Kelley	Knight	Laubinger	Lewis
Loy	Lucas	Mackey	Mansur	Martin
Matthiesen	Mayhew	McGaugh	McGill	Meirath
Miller	Mosley	Murphy	Murray	Myers
Nolte	Oehlerking	Owen	Parker	Perkins
Peters	Phelps	Pollitt	Pouche	Price
Proudie	Reedy	Reuter	Riggs	Riley
Roberts	Rush	Sassmann	Schmidt	Schulte
Self	Sharp 37	Sharpe 4	Shields	Simmons

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Smith 46	Smith 68	Smith 74	Steinhoff	Steinmetz
Steinmeyer	Stinnett	Strickler	Taylor 48	Taylor 84
Terry	Thomas	Van Schoiack	Veit	Verneti
Violet	Voss	Waller	Walsh Moore	Weber
Wellenkamp	Whaley	Williams	Wilson	Wolfen
Woods	Wright	Young	Zimmermann	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Christ	Coleman	Cupps	Gallick	Hardwick
Jones 88	Keathley	Kimble	Overcast	Plank
Reed	Seitz	Sparks	Thompson	Titus
Warwick	West			

VACANCIES: 001

Representative Peters declared the bill passed.

HB 388, relating to payments of property taxes, was taken up by Representative McGaugh.

On motion of Representative McGaugh, **HB 388** was read the third time and passed by the following vote:

AYES: 143

Allen	Amato	Anderson	Appelbaum	Baker
Banderman	Barnes	Billington	Black	Boggs
Bosley	Boykin	Boyko	Brown 149	Brown 16
Burton	Bush	Busick	Butz	Byrnes
Casteel	Caton	Chappell	Christ	Christensen
Clemens	Collins	Cook	Costlow	Crossley
Davidson	Davis	Dean	Deaton	Diehl
Dolan	Doll	Douglas	Durnell	Ealy
Elliott	Falkner	Farnan	Fogle	Fountain Henderson
Fowler	Fuchs	Gragg	Griffith	Haden
Hales	Haley	Harbison	Hausman	Hein
Hewkin	Hinman	Hovis	Hruza	Hurlbert
Ingle	Irwin	Jacobs	Jamison	Jobe
Johnson	Jones 12	Jordan	Justus	Kalberloh
Kelley	Kimble	Knight	Laubinger	Lewis
Loy	Lucas	Mackey	Mansur	Martin
Matthiesen	Mayhew	McGaugh	McGill	Meirath
Miller	Mosley	Murphy	Murray	Myers
Nolte	Oehlerking	Owen	Parker	Perkins
Peters	Phelps	Pollitt	Pouche	Price
Proudie	Reedy	Reuter	Riggs	Riley
Roberts	Rush	Sassmann	Schmidt	Schulte
Self	Sharp 37	Sharpe 4	Shields	Simmons
Smith 46	Smith 68	Smith 74	Steinhoff	Steinmetz
Steinmeyer	Stinnett	Strickler	Taylor 48	Taylor 84
Terry	Thomas	Van Schoiack	Veit	Verneti

Violet	Voss	Waller	Walsh Moore	Weber
Wellenkamp	Whaley	Williams	Wilson	Wolfen
Woods	Young	Zimmermann		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Aune	Bromley	Coleman	Cupps	Gallick
Hardwick	Jones 88	Keathley	Overcast	Plank
Reed	Seitz	Sparks	Thompson	Titus
Warwick	West	Wright	Mr. Speaker	

VACANCIES: 001

Representative Peters declared the bill passed.

On motion of Representative Riley, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

Representative Roberts suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 064

Allen	Anderson	Aune	Banderman	Billington
Brown 149	Burton	Busick	Caton	Chappell
Cook	Davidson	Davis	Dolan	Douglas
Durnell	Elliott	Gallick	Haden	Haley
Harbison	Hardwick	Hovis	Hruza	Irwin
Jacobs	Jones 12	Jordan	Kalberloh	Kelley
Laubinger	Loy	Lucas	Mansur	Martin
Matthiesen	Mayhew	McGill	Meirath	Miller
Murphy	Murray	Nolte	Overcast	Owen
Phelps	Roberts	Sassmann	Seitz	Self
Shields	Smith 68	Smith 74	Sparks	Steinmetz
Taylor 84	Titus	Van Schoiack	Veit	Vernetti
Violet	Waller	Williams	Wright	

NOES: 001

Collins

PRESENT: 037

Amato	Barnes	Boykin	Boyko	Bromley
Bush	Butz	Christensen	Falkner	Fogle
Fowler	Fuchs	Griffith	Hausman	Hein

Justus	Keathley	Kimble	Knight	McGaugh
Myers	Oehlerking	Perkins	Pouche	Price
Reedy	Schulte	Steinmeyer	Strickler	Taylor 48
Thomas	Voss	Walsh Moore	Weber	Wellenkamp
Whaley	Wilson			

ABSENT WITH LEAVE: 060

Appelbaum	Baker	Black	Boggs	Bosley
Brown 16	Byrnes	Casteel	Christ	Clemens
Coleman	Costlow	Crossley	Cupps	Dean
Deaton	Diehl	Doll	Ealy	Farnan
Fountain Henderson	Gragg	Hales	Hewkin	Hinman
Hurlbert	Ingle	Jamison	Jobe	Johnson
Jones 88	Lewis	Mackey	Mosley	Parker
Peters	Plank	Pollitt	Proudie	Reed
Reuter	Riggs	Riley	Rush	Schmidt
Sharp 37	Sharpe 4	Simmons	Smith 46	Steinhoff
Stinnett	Terry	Thompson	Warwick	West
Wolfen	Woods	Young	Zimmermann	Mr. Speaker

VACANCIES: 001

PERFECTION OF HOUSE BILLS

HB 232, relating to cardiac emergency response plans, was placed on the Informal Calendar.

HB 1122, relating to coroners, was taken up by Representative Voss.

On motion of Representative Voss, the title of **HB 1122** was agreed to.

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

House Amendment No. 1

AMEND House Bill No. 1122, Pages 3-4, Section 58.095, Lines 6-18, by deleting all of said lines and inserting in lieu thereof the following:

"

Assessed Valuation	Salary
\$18,000,000 to 40,999,999	\$8,000
41,000,000 to 53,999,999	8,500
54,000,000 to 65,999,999	9,000
66,000,000 to 85,999,999	9,500
86,000,000 to 99,999,999	10,000
100,000,000 to 130,999,999	11,000
131,000,000 to 159,999,999	12,000
160,000,000 to 189,999,999	13,000
190,000,000 to 249,999,999	14,000
250,000,000 to 299,999,999	15,000
300,000,000 or more	16,000

2. (1) One thousand dollars of the salary authorized in this section shall be"; and

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

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

On motion of Representative Voss, **HB 1122, as amended**, was ordered perfected and printed.

HCS HB 916, HB 200 and **HCS HBs 862, 314 & 389** were placed on the Informal Calendar.

HCS HB 1037, relating to kratom products, was taken up by Representative Byrnes.

On motion of Representative Byrnes, the title of **HCS HB 1037** was agreed to.

On motion of Representative Byrnes, **HCS HB 1037** was adopted.

On motion of Representative Byrnes, **HCS HB 1037** was ordered perfected and printed.

PERFECTION OF HOUSE BILLS - INFORMAL

HCS HB 176, relating to estate planning, was taken up by Representative Parker.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 176, Page 1, In the Title, Line 3, by deleting the words "estate planning" and inserting in lieu thereof the words "civil jurisprudence"; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 176, Page 1, Section A, Line 4, by inserting after all of the said section and line the following:

"193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court under section 211.031. All fees collected under this subsection shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, one dollar for each certification or copy of death records to the Missouri state coroners' training fund established in section 58.208, and three dollars for the first copy of death

records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public health services fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for each additional copy ordered at that time. For each fee collected under this subsection, one dollar shall be deposited to the state department of revenue and the remainder shall be deposited to the official city or county health agency. The director of revenue shall credit all fees deposited to the state department of revenue under this subsection to the Missouri state coroners' training fund established in section 58.208.

3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees required by law when a certification or copy of any marriage license or birth certificate is provided, with such donations collected to be forwarded monthly by the local registrar to the county treasurer of such county and the donations so forwarded to be deposited by the county treasurer into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in such county. The local registrar shall include a check-off box on the application form for such copies. All fees collected under this subsection, other than the donations collected in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official city or county health agency.

4. A certified copy of a death record by the local registrar can only be issued after acceptance and registration with the state registrar. The fees paid to the official county health agency shall be retained by the local agency for local public health purposes.

5. No fee under this section shall be required or collected from a parent or guardian of a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or an unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for the issuance of a certification, or copy of such certification, of birth of such child or youth. An unaccompanied youth shall be eligible to receive a certification or copy of his or her own birth record without the consent or signature of his or her parent or guardian; provided, that only one certificate under this provision shall be provided without cost to the unaccompanied or homeless youth. For the issuance of any additional certificates, the statutory fee shall be paid.

6. (1) Notwithstanding any provision of law to the contrary, no fee shall be required or collected for a certification of birth if the request is made by a victim of domestic violence or abuse, as those terms are defined in section 455.010, and the victim provides documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a health care or mental health professional, from whom the victim has sought assistance relating to the domestic violence or abuse. Such documentation shall state that, under penalty of perjury, the employee, agent, or volunteer of a victim service provider, the attorney, or the health care or mental health professional believes the victim has been involved in an incident of domestic violence or abuse.

(2) A victim may be eligible only one time for a fee waiver under this subsection.

7. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by a prosecuting attorney, a circuit attorney, or the attorney general.

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

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

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

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

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

(2) No principal shall be distributed from an endowed care trust fund except to the extent that a unitrust election is in effect with respect to such trust under the provisions of ~~section 469.411~~ **sections 469.471 to 469.487**.

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

(4) All endowed care trusts shall be irrevocable.

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

(6) A unitrust election made in accordance with the provisions of chapter 469 shall be made by the cemetery operator in the terms of the endowed care trust fund agreement itself, not by the trustee.

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

(8) The income from the endowed care fund may be distributed to the cemetery operator at least annually on a date designated by the cemetery operator, but no later than sixty days following the end of the trust fund year. Any income not distributed within sixty days following the end of the trust's fiscal year shall be added to and held as part of the principal of the trust fund.

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

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

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

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

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

(1) The interest from the escrow account may be distributed to the cemetery operator at least in annual or semiannual installments, but not later than six months following the calendar year. Any interest not distributed

within six months following the end of the calendar year shall be added to and held as part of the principal of the account.

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

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

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

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

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

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

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

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

287.200. 1. Compensation for permanent total disability shall be paid during the continuance of such disability from the date of maximum medical improvement for the lifetime of the employee at the weekly rate of compensation in effect under this subsection on the date of the injury for which compensation is being made. The word "employee" as used in this section shall not include the injured worker's dependents, estate, or other persons to whom compensation may be payable as provided in subsection 1 of section 287.020. The amount of such compensation shall be computed as follows:

(1) For all injuries occurring on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings during the year immediately preceding the injury, as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(2) For all injuries occurring on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings during the year immediately preceding the injury, as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(4) For all injuries occurring on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred five percent of the state average weekly wage;

(5) For all injuries occurring on or after September 28, 1981, the weekly compensation shall in no event be less than forty dollars per week.

2. Permanent total disability benefits that have accrued through the date of the injured employee's death are the only permanent total disability benefits that are to be paid in accordance with section 287.230. The right to unaccrued compensation for permanent total disability of an injured employee terminates on the date of the injured employee's death in accordance with section 287.230, and does not survive to the injured employee's dependents, estate, or other persons to whom compensation might otherwise be payable.

3. **(1)** All claims for permanent total disability shall be determined in accordance with the facts. ~~When an injured employee receives an award for permanent total disability but by the use of glasses, prosthetic appliances, or physical rehabilitation the employee is restored to his or her regular work or its equivalent, the life payment mentioned in subsection 1 of this section shall be suspended during the time in which the employee is restored to his or her regular work or its equivalent.~~ The employer and the division shall keep the file open in the case during the lifetime of any injured employee who has received an award of permanent total disability.

(2) When an injured employee receives an award for permanent total disability but by the use of glasses, prosthetic appliances, or physical rehabilitation the employee is restored to his or her regular work or its equivalent, the lifetime payment mentioned in subsection 1 of this section shall be suspended during the time in which the employee is restored to his or her regular work or its equivalent. In any case where the life payment is suspended under this ~~subsection~~ **subdivision**, the commission may at reasonable times review the case and either the employee or the employer may request an informal conference with the commission relative to the resumption of the employee's weekly life payment in the case.

(3) Upon the filing of a written agreement signed by the claimant and his or her attorney, the commission shall change the name, information, or fee arrangement of the attorney or law firm associated with the claimant's case.

4. For all claims filed on or after January 1, 2014, for occupational diseases due to toxic exposure which result in a permanent total disability or death, benefits in this chapter shall be provided as follows:

(1) Notwithstanding any provision of law to the contrary, such amount as due to the employee during said employee's life as provided for under this chapter for an award of permanent total disability and death, except such amount shall only be paid when benefits under subdivisions (2) and (3) of this subsection have been exhausted;

(2) For occupational diseases due to toxic exposure, but not including mesothelioma, an amount equal to two hundred percent of the state's average weekly wage as of the date of diagnosis for one hundred weeks paid by the employer; and

(3) In cases where occupational diseases due to toxic exposure are diagnosed to be mesothelioma:

(a) For employers that have elected to accept mesothelioma liability under this subsection, an additional amount of three hundred percent of the state's average weekly wage for two hundred twelve weeks shall be paid by the employer or group of employers such employer is a member of. Employers that elect to accept mesothelioma liability under this subsection may do so by either insuring their liability, by qualifying as a self-insurer, or by becoming a member of a group insurance pool. A group of employers may enter into an agreement to pool their liabilities under this subsection. If such group is joined, individual members shall not be required to qualify as individual self-insurers. Such group shall comply with section 287.223. In order for an employer to make such an

election, the employer shall provide the department with notice of such an election in a manner established by the department. The provisions of this paragraph shall expire on December 31, 2038; or

(b) For employers who reject mesothelioma under this subsection, then the exclusive remedy provisions under section 287.120 shall not apply to such liability. The provisions of this paragraph shall expire on December 31, 2038; and

(4) The provisions of subdivision (2) and paragraph (a) of subdivision (3) of this subsection shall not be subject to suspension of benefits as provided in subsection 3 of this section; and

(5) Notwithstanding any other provision of this chapter to the contrary, should the employee die before the additional benefits provided for in subdivision (2) and paragraph (a) of subdivision (3) of this subsection are paid, the additional benefits are payable to the employee's spouse or children, natural or adopted, legitimate or illegitimate, in addition to benefits provided under section 287.240. If there is no surviving spouse or children and the employee has received less than the additional benefits provided for in subdivision (2) and paragraph (a) of subdivision (3) of this subsection the remainder of such additional benefits shall be paid as a single payment to the estate of the employee;

(6) The provisions of subdivision (1) of this subsection shall not be construed to affect the employee's ability to obtain medical treatment at the employer's expense or any other benefits otherwise available under this chapter.

5. Any employee who obtains benefits under subdivision (2) of subsection 4 of this section for acquiring asbestosis who later obtains an award for mesothelioma shall not receive more benefits than such employee would receive having only obtained benefits for mesothelioma under this section.

287.470. 1. Upon its own motion or upon the application of any party in interest on the ground of a change in condition, the commission may at any time upon a rehearing after due notice to the parties interested review any award and on such review may make an award ending, diminishing or increasing the compensation previously awarded, subject to the maximum or minimum provided in this chapter, and shall immediately send to the parties and the employer's insurer a copy of the award. No such review shall affect such award as regards any moneys paid.

2. Upon the filing of a written agreement signed by the claimant and his or her attorney, the commission shall change the name, information, or fee arrangement of the attorney or law firm associated with the claimant's case.

287.610. 1. After August 28, 2005, the division may appoint additional administrative law judges for a maximum of forty authorized administrative law judges. Appropriations shall be based upon necessity, measured by the requirements and needs of each division office. Administrative law judges shall be duly licensed lawyers under the laws of this state. Administrative law judges shall not practice law or do law business and shall devote their whole time to the duties of their office. The director of the division of workers' compensation shall publish and maintain on the division's website the appointment dates or initial dates of service for all administrative law judges.

~~2. [The thirteen administrative law judges with the most years of service shall be subject to a retention vote on August 28, 2008. The next thirteen administrative law judges with the most years of service in descending order shall be subject to a retention vote on August 28, 2012. Administrative law judges appointed and not previously referenced in this subsection shall be subject to a retention vote on August 28, 2016. Subsequent retention votes shall be held every twelve years. Any administrative law judge who has received two or more votes of no confidence under performance audits by the committee shall not receive a vote of retention.]~~

~~3. The administrative law judge review committee members shall not have any direct or indirect employment or financial connection with a workers' compensation insurance company, claims adjustment company, health care provider nor be a practicing workers' compensation attorney. All members of the committee shall have a working knowledge of workers' compensation.~~

~~4. The committee shall within thirty days of completing each performance audit make a recommendation of confidence or no confidence for each administrative law judge.~~

~~5.]~~ The administrative law judges appointed by the division shall only have jurisdiction to hear and determine claims upon original hearing and shall have no jurisdiction upon any review hearing, either in the way of an appeal from an original hearing or by way of reopening any prior award, except to correct a clerical error in an award or settlement if the correction is made by the administrative law judge within twenty days of the original award or settlement. The labor and industrial relations commission may remand any decision of an administrative law judge for a more complete finding of facts. The commission may also correct a clerical error in awards or settlements within thirty days of its final award. With respect to original hearings, the administrative law judges shall have such jurisdiction and powers as are vested in the division of workers' compensation under other sections of this chapter, and wherever in this chapter the word "commission", "commissioners" or "division" is used in respect to any original hearing, those terms shall mean the administrative law judges appointed under this section.

When a hearing is necessary upon any claim, the division shall assign an administrative law judge to such hearing. Any administrative law judge shall have power to approve contracts of settlement, as provided by section 287.390, between the parties to any compensation claim or dispute under this chapter pending before the division of workers' compensation. Any award by an administrative law judge upon an original hearing shall have the same force and effect, shall be enforceable in the same manner as provided elsewhere in this chapter for awards by the labor and industrial relations commission, and shall be subject to review as provided by section 287.480.

~~[6-]~~ **3.** Any of the administrative law judges employed pursuant to this section may be assigned on a temporary basis to the branch offices as necessary in order to ensure the proper administration of this chapter.

~~[7-]~~ **4.** All administrative law judges shall be required to participate in, on a continuing basis, specific training that shall pertain to those elements of knowledge and procedure necessary for the efficient and competent performance of the administrative law judges' required duties and responsibilities. Such training requirements shall be established by the division subject to appropriations and shall include training in medical determinations and records, mediation and legal issues pertaining to workers' compensation adjudication. Such training may be credited toward any continuing legal education requirements.

~~[8- (1) The administrative law judge review committee shall conduct a performance audit of all administrative law judges every two years. The audit results, stating the committee's recommendation of confidence or no confidence of each administrative law judge shall be sent to the governor no later than the first week of each legislative session immediately following such audit. Any administrative law judge who has received three or more votes of no confidence under two successive performance audits by the committee may have their appointment immediately withdrawn.~~

~~(2) The review committee shall consist of one member appointed by the president pro tem of the senate, one member appointed by the minority leader of the senate, one member appointed by the speaker of the house of representatives, and one member appointed by the minority leader of the house of representatives. The governor shall appoint to the committee one member selected from the commission on retirement, removal, and discipline of judges. This member shall act as a member ex officio and shall not have a vote in the committee. The committee shall annually elect a chairperson from its members for a term of one year. The term of service for all members shall be two years. The review committee members shall all serve without compensation. Necessary expenses for review committee members and all necessary support services to the review committee shall be provided by the division.]~~

5. The director of the division may file a complaint with the administrative hearing commission, as provided under chapter 621, seeking to remove an administrative law judge from office if the administrative law judge:

(1) Has committed any felony, as defined in subdivision (26) of section 556.061, or misdemeanor, as defined in subdivision (33) of section 556.061, regardless of whether a criminal charge has been filed;

(2) Has been convicted, or has entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, the United States, or of any country, regardless of whether sentence is imposed;

(3) Is guilty of misconduct, habitual intoxication, willful neglect of duty, corruption in office, or incompetency; or

(4) Has committed any act that involves moral turpitude or oppression in office.

6. (1) Prior to the filing of the complaint, the director shall notify the administrative law judge in writing of the reasons for the complaint.

(2) If the reason for the complaint is willful neglect of duty or incompetency, the administrative law judge shall have ninety days from the date the complaint was made to remedy the complained of behavior. If such complained of behavior has not been remedied after ninety days, the director may file the complaint with the administrative hearing commission as provided by chapter 621.

7. After the director has filed a complaint with the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that:

(1) The grounds, provided in subsection 5 of this section, for disciplinary action are met, the director may, singly or in combination, issue the following disciplinary actions against the administrative law judge: removal from office, suspension from the performance of duties for a period of time, or other discipline as determined by the director. The director shall make a record of written findings of fact and conclusions of law with respect to the issues and shall put a copy of such record in the administrative law judge's permanent file; or

(2) There are no grounds for disciplinary action, the administrative law judge shall immediately resume duties and shall receive any attorney's fees due under section 536.087.

8. Notwithstanding any provision of this section to the contrary, the following events or acts by an administrative law judge are deemed to be an immediate threat to the administration of the provisions of chapter 287 and shall be considered cause for suspension with pay of the administrative law judge without notice, at the discretion of the director:

(1) A crime for which the administrative law judge is being held without bond for a period of more than fourteen days;

(2) Suspension or revocation of a license to practice law; or

(3) A declaration of incapacity by a court of competent jurisdiction.

9. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

287.615. 1. The division may appoint or employ such persons as may be necessary to the proper administration of this chapter. All salaries to clerical employees shall be fixed by the division and approved by the labor and industrial relations commission. Beginning January 1, 2006, the annual salary of each administrative law judge~~]~~ and administrative law judge in charge~~], and chief legal counsel]~~ shall be as follows:

~~(1) [For any chief legal counsel located at the division office in Jefferson City, Missouri, compensation at two thousand dollars above eighty percent of the rate at which an associate circuit judge is compensated;~~

~~(2)] For each administrative law judge, compensation at ninety percent of the rate at which an associate division circuit judge is compensated;~~

~~[(3)]~~ **(2)** For each administrative law judge in charge, compensation at the same rate as an administrative law judge plus five thousand dollars.

2. Administrative law judges' and chief administrative law judges' compensation shall be determined solely by the rate outlined in this section and shall not increase when pay raises for executive employees are appropriated.

~~[2-]~~ **3.** The salary of the director of the division of workers' compensation shall be set by the director of the department of labor and industrial relations, but shall not be less than the salary plus two thousand dollars of an administrative law judge in charge. The appointees in each classification shall be selected as nearly as practicable in equal numbers from each of the two political parties casting the highest and the next highest number of votes for governor in the last preceding state election.

287.812. As used in sections 287.812 to 287.855, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Administrative law judge", any person appointed pursuant to section 287.610 or section 621.015, or any person who hereafter may have by law all of the powers now vested by law in administrative law judges appointed under the provisions of the workers' compensation law;

(2) "Beneficiary", a surviving spouse married to the deceased administrative law judge or legal advisor of the division of workers' compensation continuously for a period of at least two years immediately preceding the administrative law judge's or legal advisor's death and also on the day of the last termination of such person's employment as an administrative law judge or legal advisor for the division of workers' compensation, or if there is no surviving spouse eligible to receive benefits, any minor child of the deceased administrative law judge or legal advisor, or any child of the deceased administrative law judge or legal advisor who, regardless of age, is unable to support himself because of intellectual disability, disease or disability, or any physical handicap or disability, who shall share in the benefits on an equal basis with all other beneficiaries;

(3) "Benefit", a series of equal monthly payments payable during the life of an administrative law judge or legal advisor of the division of workers' compensation retiring pursuant to the provisions of sections 287.812 to 287.855 or payable to a beneficiary as provided in sections 287.812 to 287.850;

(4) "Board", the board of trustees of the Missouri state employees' retirement system;

(5) ~~["Chief legal counsel", any person appointed or employed under section 287.615 to serve in the capacity of legal counsel to the division;~~

~~(6)]~~ "Division", the division of workers' compensation of the state of Missouri;

~~[(7)]~~ **(6)** "Legal advisor", any person appointed or employed pursuant to section 287.600~~]~~ or 287.615~~], or~~ 287.616] to serve in the capacity as a legal advisor or an associate administrative law judge and any person appointed pursuant to section 286.010 or pursuant to section 295.030, and any attorney or legal counsel appointed or employed pursuant to section 286.070;

~~[(8)]~~ **(7)** "Salary", the total annual compensation paid for personal services as an administrative law judge or legal advisor, or both, of the division of workers' compensation by the state or any of its political subdivisions.

287.835. ~~1.] No benefits provided pursuant to sections 287.812 to 287.855 shall be paid to any person who has been removed from office by impeachment or for misconduct, nor to any person who has been disbarred from the practice of law, nor to the beneficiary of any such persons.~~

2.] The board of trustees of the Missouri state employees' retirement system shall cease paying benefits to any beneficiary of an administrative law judge or legal advisor who is charged with the intentional killing of the administrative law judge or legal advisor without legal excuse or justification. A beneficiary who is convicted of such charges shall no longer be entitled to receive benefits. If the beneficiary is not convicted of such charge, the board shall resume payment of benefits and shall pay the beneficiary any benefits that were suspended pending resolution of such charge.

347.143. 1. A limited liability company may be dissolved involuntarily by a decree of the circuit court for the county in which the registered office of the limited liability company is situated in an action filed by the attorney general when it is established that the limited liability company:

- (1) Has procured its articles of organization through fraud;
- (2) Has exceeded or abused the authority conferred upon it by law;
- (3) Has carried on, conducted, or transacted its business in a fraudulent or illegal manner; or
- (4) By the abuse of its powers contrary to the public policy of the state, has become liable to be dissolved.

2. On application by or for a member, the circuit court for the county in which the registered office of the limited liability company is located may decree dissolution of a limited liability company ~~[whenever]~~ **if the court determines:**

- (1) It is not reasonably practicable to carry on the business in conformity with the operating agreement;
- (2) **Dissolution is reasonably necessary for the protection of the rights or interests of the complaining members;**
- (3) **The business of the limited liability company has been abandoned;**
- (4) **The management of the limited liability company is deadlocked or subject to internal dissension;**
- (5) **The business operations of the limited liability company are substantially impaired; or**
- (6) **Those in control of the limited liability company have been found guilty of, or have knowingly countenanced, persistent and pervasive fraud, mismanagement, or abuse of authority.**

453.700. Sections 453.700 to 453.740 shall be known and may be cited as the "Uniform Unregulated Child Custody Transfer Act".

453.702. As used in sections 453.700 to 453.740, the following terms mean:

- (1) "Child", an unemancipated individual under eighteen years of age;
- (2) "Child-placing agency", a person with authority under other law of this state to identify or place a child for adoption. The term "child-placing agency" does not include a parent of the child;
- (3) "Custody", the exercise of physical care and supervision of a child;
- (4) "Intercountry adoption", an adoption or placement for adoption of a child who resides in a foreign country at the time of adoption or placement. The term "intercountry adoption" includes an adoption finalized in the child's country of residence or in a state;
- (5) "Parent", an individual recognized as a parent under other law of this state;
- (6) "Person", an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity;
- (7) "Record", information:
 - (a) Inscribed on a tangible medium; or
 - (b) Stored in an electronic or other medium and retrievable in perceivable form;
- (8) "State", a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the United States. The term "state" includes a federally recognized Indian tribe.

453.704. Sections 453.700 to 453.740 do not apply to custody of an Indian child, as defined in Section 4(4) of the Indian Child Welfare Act of 1978, 25 U.S.C. Section 1903(4), as amended, to the extent custody is governed by the Indian Child Welfare Act of 1978, 25 U.S.C. Sections 1901 through 1963, as amended.

453.706. As used in sections 453.706 to 453.716, the following terms mean:

- (1) "Guardian", a person recognized as a guardian under other law of this state;
- (2) "Intermediary", a person that assists or facilitates a transfer of custody of a child, whether or not for compensation.

453.708. Sections 453.706 to 453.716 do not apply to a transfer of custody of a child by a parent or guardian of the child to:

- (1) A parent of the child;
- (2) A stepparent of the child;
- (3) An adult who is related to the child by blood, marriage, or adoption;
- (4) An adult who, at the time of the transfer, had a close relationship with the child or the parent or guardian of the child for a substantial period, and whom the parent or guardian reasonably believes, at the time of the transfer, to be a fit custodian of the child;
- (5) An Indian custodian, as defined in Section 4(6) of the Indian Child Welfare Act of 1978, 25 U.S.C. Section 1903(6), as amended, of the child; or
- (6) A member of the child's customary family unit recognized by the child's indigenous group under other law of this state.

453.710. 1. Except as provided in subsection 2 of this section, a parent or guardian of a child or an individual with whom a child has been placed for adoption shall not transfer custody of the child to another person with the intent, at the time of the transfer, to abandon the rights and responsibilities concerning the child.

2. A parent or guardian of a child or an individual with whom a child has been placed for adoption may transfer custody of the child to another person with the intent, at the time of the transfer, to abandon the rights and responsibilities concerning the child only through:

- (1) Adoption or guardianship;
- (2) Judicial award of custody;
- (3) Placement by or through a child-placing agency;
- (4) Other judicial or tribal action; or
- (5) Safe place for newborns act of 2002 under section 210.950.

3. A person shall not receive custody of a child, or act as an intermediary in a transfer of custody of a child, if the person knows or reasonably should know the transfer violates subsection 1 of this section. This prohibition does not apply if the person, as soon as practicable after the transfer, notifies the children's division of the transfer or takes appropriate action to establish custody under subsection 2 of this section.

4. Violation of this section is a class B misdemeanor.

5. Violation of subsection 1 of this section is not established solely because a parent or guardian that transfers custody of a child does not regain custody.

453.712. 1. If the children's division has a reasonable basis to believe that a person has transferred or will transfer custody of a child in violation of subsection 1 of section 453.710, the children's division may conduct a home visit as provided by other law of this state and take appropriate action to protect the welfare of the child.

2. If the children's division conducts a home visit for a child adopted or placed through an intercountry adoption, the children's division shall:

- (1) Prepare a report on the welfare and plan for permanent placement of the child; and
- (2) Provide a copy to the United States Department of State.

3. Sections 453.700 to 453.740 do not prevent the children's division from taking appropriate action under other law of this state.

453.714. 1. A person shall not solicit or advertise to:

(1) Identify a person to which to make a transfer of custody in violation of subsection 1 of section 453.710;

- (2) Identify a child for a transfer of custody in violation of subsection 3 of section 453.710; or
- (3) Act as an intermediary in a transfer of custody in violation of subsection 3 of section 453.710.

2. Violation of this section is a class B misdemeanor.

453.716. A law enforcement agency may investigate a possible violation of sections 453.706 to 453.716 and take legal action as provided by law of this state.

453.718. As used in sections 453.718 to 453.732, the term "prospective adoptive parent" means an individual who has been approved or permitted under other law of this state to adopt a child.

453.720. Sections 453.718 to 453.732 apply to placement for adoption of a child who:

- (1) Has been or is in foster or institutional care;
- (2) Previously has been adopted in a state;
- (3) Has been or is being adopted under the law of a foreign country;
- (4) Has come or is coming to a state from a foreign country to be adopted; or

(5) Is not a citizen of the United States.

453.722. Within a reasonable time before a child-placing agency places a child for adoption with a prospective adoptive parent, the agency shall provide or cause to be provided to the prospective adoptive parent general adoption information. The information shall address:

- (1) Possible physical, mental, emotional, and behavioral issues concerning:
 - (a) Identity, loss, and trauma that a child might experience before, during, or after adoption; and
 - (b) A child leaving familiar ties and surroundings;
- (2) The effect that access to resources, including health insurance, may have on the ability of an adoptive parent to meet the needs of a child;
- (3) Causes of disruption of an adoptive placement or dissolution of an adoption and resources available to help avoid disruption or dissolution; and
- (4) Prohibitions under sections 453.710 and 453.714.

453.724. 1. Except as prohibited by other law of this state, within a reasonable time before a child-placing agency places a child for adoption with a prospective adoptive parent, the agency shall provide or cause to be provided to the prospective adoptive parent information specific to the child that is known to or reasonably obtainable by the agency and material to the prospective adoptive parent's informed decision to adopt the child. The information shall include:

- (1) The child's family, cultural, racial, religious, ethnic, linguistic, and educational background;
- (2) The child's physical, mental, emotional, and behavioral health;
- (3) Circumstances that might adversely affect the child's physical, mental, emotional, or behavioral health;
- (4) The child's medical history, including immunizations;
- (5) The medical history of the child's genetic parents and siblings;
- (6) The history of an adoptive or out-of-home placement of the child and the reason the adoption or placement ended;
- (7) The child's United States immigration status;
- (8) Medical, therapeutic, and educational resources, including language-acquisition training, available to the adoptive parent and child after placement for adoption or adoption to assist in responding effectively to physical, mental, emotional, or behavioral health issues; and
- (9) Available records relevant to the information in subdivisions (1) through (8) of this subsection.

2. If, before an adoption is finalized, additional information under subsection 1 of this section that is material to a prospective adoptive parent's informed decision to adopt the child becomes known to or reasonably obtainable by the child-placing agency, the agency shall provide the information to the prospective adoptive parent.

3. If, after an adoption is finalized, additional information under subsection 1 of this section becomes known to the child-placing agency, the agency shall make a reasonable effort to provide the information to the adoptive parent.

453.726. 1. A child-placing agency placing a child for adoption shall provide or cause to be provided to the prospective adoptive parent guidance and instruction specific to the child to help prepare the parent to respond effectively to needs of the child that are known to or reasonably ascertainable by the agency.

2. The guidance and instruction under subsection 1 of this section shall address, if applicable:
 - (1) The potential effect on the child of:
 - (a) A previous adoption or out-of-home placement;
 - (b) Multiple previous adoptions or out-of-home placements;
 - (c) Trauma, insecure attachment, fetal alcohol exposure, or malnutrition;
 - (d) Neglect, abuse, drug exposure, or similar adversity;
 - (e) Separation from a sibling or significant caregiver; and
 - (f) A difference in ethnicity, race, or cultural identity between the child and the prospective adoptive parent or other child of the parent;
 - (2) Information available from the federal government on the process for the child to acquire United States citizenship; and
 - (3) Any other matter the child-placing agency considers material to the adoption.
3. The guidance and instruction under subsection 1 of this section shall be provided:

(1) For adoption of a child residing in the United States, a reasonable time before the adoption is finalized; or

(2) For an intercountry adoption, in accordance with federal law.

453.728. On request of a child who was placed for adoption or the child's adoptive parent, the child-placing agency placing the child or the children's division shall provide information about how to obtain financial assistance or support services:

(1) To assist the child or parent to respond effectively to adjustment, behavioral health, and other challenges; and

(2) To help preserve the placement or adoption.

453.730. 1. A law enforcement agency may investigate an allegation that a child-placing agency has failed to comply with sections 453.718 to 453.732 and commence an action for injunctive or other relief or initiate an administrative proceeding against the child-placing agency to enforce sections 453.718 to 453.732.

2. The children's division may initiate a proceeding to determine whether a child-placing agency has failed to comply with sections 453.718 to 453.732. If the children's division finds that the child-placing agency has failed to comply, the children's division may suspend or revoke the agency's license or take other action permitted by law of this state.

453.732. The children's division may adopt rules under chapter 536 to implement sections 453.722, 453.724, and 453.728. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2025, shall be invalid and void.

453.734. In applying and construing this uniform act, a court shall consider the promotion of uniformity of the law among jurisdictions that enact it.

453.736. Sections 453.700 to 453.740 modify, limit, or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., as amended, but do not modify, limit, or supersede 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in 15 U.S.C. Section 7003(b).

453.738. 1. Sections 453.706 to 453.716 apply to:

(1) A transfer of custody on or after August 28, 2025; and

(2) Soliciting or advertising on or after August 28, 2025.

2. Sections 453.718 to 453.732 apply to placement of a child for adoption more than sixty days after August 28, 2025.

453.740. If a provision of sections 453.700 to 453.740 or its application to a person or circumstance is held invalid, the invalidity does not affect another provision or application that can be given effect without the invalid provision.

453.742. Sections 453.700 to 453.740 supplement the provisions under this chapter and chapter 210 for the transfer of custody of a child. To the extent the provisions under this chapter or chapter 210 are inconsistent with sections 453.700 to 453.740, the provisions of sections 453.700 to 453.740 control regarding the transfer of custody of a child.

455.010. As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse", includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) "Abusing a pet", purposely or knowingly causing, attempting to cause, or threatening to cause physical injury to a pet with the intent to control, punish, intimidate, or distress the petitioner;

(b) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(c) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(d) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(e) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct

must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

- a. Following another about in a public place or places;
 - b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;
 - (f) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent;
 - (g) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;
 - (2) "Adult", any person ~~seventeen~~ **eighteen** years of age or older or otherwise emancipated;
 - (3) "Child", any person under ~~seventeen~~ **eighteen** years of age unless otherwise emancipated;
 - (4) "Court", the circuit or associate circuit judge or a family court commissioner;
 - (5) "Domestic violence", abuse or stalking committed by a family or household member, as such terms are defined in this section;
 - (6) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;
 - (7) "Family" or "household member", spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;
 - (8) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;
 - (9) "Order of protection", either an ex parte order of protection or a full order of protection;
 - (10) "Pending", exists or for which a hearing date has been set;
 - (11) "Pet", a living creature maintained by a household member for companionship and not for commercial purposes;
 - (12) "Petitioner", a family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking or sexual assault, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505;
 - (13) "Respondent", the family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking or sexual assault, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503;
 - (14) "Sexual assault", as defined under subdivision (1) of this section;
 - (15) "Stalking", is when any person purposely engages in an unwanted course of conduct that causes alarm to another person, or a person who resides together in the same household with the person seeking the order of protection when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:
 - (a) "Alarm", to cause fear of danger of physical harm; and
 - (b) "Course of conduct", two or more acts that serve no legitimate purpose including, but not limited to, acts in which the stalker directly, indirectly, or through a third party follows, monitors, observes, surveils, threatens, or communicates to a person by any action, method, or device.
- 455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte order of protection. An immediate and present danger of domestic violence to the petitioner or the child on whose behalf the petition is filed shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.020.
2. Failure to serve an ex parte order of protection on the respondent shall not affect the validity or enforceability of such order. If the respondent is less than ~~seventeen~~ **eighteen** years of age, unless otherwise emancipated, service of process shall be made upon a custodial parent or guardian of the respondent, or upon a guardian ad litem appointed by the court, requiring that the person appear and bring the respondent before the court at the time and place stated.

3. If an ex parte order is entered and the respondent is less than ~~seventeen~~ **eighteen** years of age, the court shall transfer the case to juvenile court for a hearing on a full order of protection. The court shall appoint a guardian ad litem for any such respondent not represented by a parent or guardian.

455.513. 1. The court may immediately issue an ex parte order of protection upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and upon finding that:

- (1) No prior order regarding custody involving the respondent and the child is pending or has been made; or
- (2) The respondent is less than ~~seventeen~~ **eighteen** years of age.

An immediate and present danger of domestic violence, including danger to the child's pet, stalking, or sexual assault to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the court may direct the children's division to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

4. If the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than ~~seventeen~~ **eighteen** years of age, the court may issue an ex parte order and shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035."; and

Further amend said bill, Page 2, Section 456.10-1005, Line 16, by inserting after all of the said section and line the following:

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

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

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

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

(3) "Beneficiary", includes:

(a) **For a trust:**

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

b. **A remainder beneficiary; and**

c. **Any other successor beneficiary;**

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

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

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

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

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

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

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

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

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

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

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

(a) For a trust:

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

b. A settlor of the trust; or

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

(b) For an estate, a beneficiary;

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

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

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

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

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

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

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

~~[(10)]~~ (16) "Principal", property held in trust for distribution to ~~[a remainder]~~, production of income for, or use by a current or successor beneficiary ~~[when the trust terminates];~~

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

- ~~(12) "Remainder beneficiary", a person entitled to receive principal when an income interest ends;~~
~~(13)]~~ (17) "Record", information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;
- (18) "Settlor", a person, including a testator, that creates or contributes property to a trust. If more than one person creates or contributes property to a trust, the term "settlor" includes each person, to the extent of the trust property attributable to that person's contribution, except to the extent another person has the power to revoke or withdraw that portion;
- (19) "Special tax benefit":
- (a) Exclusion of a transfer to a trust from gifts described in 26 U.S.C. Section 2503(b), as amended, because of the qualification of an income interest in the trust as a present interest in property;
- (b) Status as a qualified subchapter S trust described in 26 U.S.C. Section 1361(d)(3), as amended, at a time the trust holds stock of an S corporation described in 26 U.S.C. Section 1361(a)(1), as amended;
- (c) An estate or gift tax marital deduction for a transfer to a trust under 26 U.S.C. Section 2056 or 2523, as amended, which depends or depended in whole or in part on the right of the settlor's spouse to receive the net income of the trust;
- (d) Exemption in whole or in part of a trust from the federal generation-skipping transfer tax imposed by 26 U.S.C. Section 2601, as amended, because the trust was irrevocable on September 25, 1985, if there is any possibility that:
- a. A taxable distribution, as defined in 26 U.S.C. Section 2612(b), as amended, could be made from the trust; or
- b. A taxable termination, as defined in 26 U.S.C. Section 2612(a), as amended, could occur with respect to the trust; or
- (e) An inclusion ratio, as defined in 26 U.S.C. Section 2642(a), as amended, of the trust which is less than one, if there is any possibility that:
- a. A taxable distribution, as defined in 26 U.S.C. Section 2612(b), as amended, could be made from the trust; or
- b. A taxable termination, as defined in 26 U.S.C. Section 2612(a), as amended, could occur with respect to the trust;
- (20) "Successive interest", the interest of a successor beneficiary;
- (21) "Successor beneficiary", a person entitled to receive income or principal or to use property when an income interest or other current interest ends;
- (22) "Terms of a trust":
- (a) Except as otherwise provided in paragraph (b) of this subdivision, the manifestation of the settlor's ~~or decedent's~~ intent regarding a trust's provisions as:
- a. Expressed in ~~[a manner which is]~~ the trust instrument; or
- b. Established by other evidence that would be admissible ~~[as proof]~~ in a judicial proceeding~~], whether by written or spoken words or by conduct;~~
- (b) The trust's provisions as established, determined, or amended by:
- a. A trustee or trust director in accordance with applicable law;
- b. Court order; or
- c. A nonjudicial settlement agreement under section 456.1-111;
- (c) For an estate, a will; or
- (d) For a life estate or term interest, the corresponding manifestation of the rights of the beneficiaries;
- (23) "Trust":
- (a) Includes:
- a. An express trust, private or charitable, with additions to the trust, wherever and however created; and
- b. A trust created or determined by judgment or decree under which the trust is to be administered in the manner of an express trust; and
- (b) Does not include:
- a. A constructive trust;
- b. A resulting trust, conservatorship, guardianship, multi-party account, custodial arrangement for a minor, business trust, voting trust, security arrangement, liquidation trust, or trust for the primary purpose of paying debts, dividends, interest, salaries, wages, profits, pensions, retirement benefits, or employee benefits of any kind; or

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

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

~~[(15)]~~ "Unitrust amount", net income as defined by section 469.411]

(25) "Will", any testamentary instrument recognized by applicable law that makes a legally effective disposition of an individual's property, effective at the individual's death. The term "will" includes a codicil or other amendment to a testamentary instrument.

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

(1) A trust or estate; and

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

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

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

(1) ~~[Shall]~~ Act in good faith, based on what is fair and reasonable to all beneficiaries;

(2) Administer a trust or estate ~~[under]~~ impartially, except to the extent the terms of the trust manifest an intent that the fiduciary shall or ~~[the will]~~ may favor one or more beneficiaries;

(3) Administer the trust or estate in accordance with the terms of the trust, even if there is a different provision in sections ~~[469.401]~~ 469.399 to ~~[469.467]~~ 469.487; and

~~[(2) May]~~ (4) Administer ~~[a]~~ the trust or estate ~~[by exercising]~~ in accordance with sections 469.399 to 469.487, except to the extent the terms of the trust provide otherwise or authorize the fiduciary to determine otherwise.

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

~~[(3) Shall administer a trust or estate pursuant]~~

3. A fiduciary shall:

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

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

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

4. A fiduciary may exercise the power to adjust under section 469.405, convert an income trust to a unitrust under subdivision (1) of subsection 1 of section 469.475, change the percentage or method used to

calculate a unitrust amount under subdivision (2) of subsection 1 of section 469.475, or convert a unitrust to an income trust under subdivision (3) of subsection 1 of section 469.475, if the fiduciary determines the exercise of the power will assist the fiduciary to administer the trust or estate impartially.

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

- (1) The terms of the trust;
- (2) The nature, distribution standards, and expected duration of the trust;
- (3) The effect of the allocation rules, including specific adjustments between income and principal, under sections 407.413 to 407.461;
- (4) The desirability of liquidity and regularity of income;
- (5) The desirability of the preservation and appreciation of principal;
- (6) The extent to which an asset is used or may be used by a beneficiary;
- (7) The increase or decrease in the value of principal assets, reasonably determined by the fiduciary;
- (8) Whether and to what extent the terms of the trust give the fiduciary power to accumulate income or invade principal or prohibit the fiduciary from accumulating income or invading principal;
- (9) The extent to which the fiduciary has accumulated income or invaded principal in preceding accounting periods;
- (10) The effect of current and reasonably expected economic conditions; and
- (11) The reasonably expected tax consequences of the exercise of the power.

469.404. 1. As used in this section, the term "fiduciary decision" means:

- (1) A fiduciary's allocation between income and principal or other determination regarding income and principal required or authorized by the terms of the trust or sections 469.399 to 469.487;
- (2) The fiduciary's exercise or nonexercise of a discretionary power regarding income and principal granted by the terms of the trust or sections 469.399 to 469.487, including the power to adjust under section 469.405, convert an income trust to a unitrust under subdivision (1) of subsection 1 of section 469.475, change the percentage or method used to calculate a unitrust amount under subdivision (2) of subsection 1 of section 469.475, or convert a unitrust to an income trust under subdivision (3) of subsection 1 of section 469.475; or
- (3) The fiduciary's implementation of a decision described in subdivision (1) or (2) of this subsection.

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

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

- (1) The fiduciary to exercise or refrain from exercising the power to adjust under section 469.405;
- (2) The fiduciary to exercise or refrain from exercising the power to convert an income trust to a unitrust under subdivision (1) of subsection 1 of section 469.475, change the percentage or method used to calculate a unitrust amount under subdivision (2) of subsection 1 of section 469.475, or convert a unitrust to an income trust under subdivision (3) of subsection 1 of section 469.475;
- (3) The fiduciary to distribute an amount to a beneficiary;
- (4) A beneficiary to return some or all of a distribution; or
- (5) The fiduciary to withhold an amount from one or more future distributions to a beneficiary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(7) **The fiduciary is not an independent person;**~~

~~(8) **The trust is irrevocable and ~~[the assets would not be included in the estate of the individual if the trustee did not possess]~~ provides for income to be paid to the settlor and possessing or exercising the power ~~[to~~**~~

~~make an adjustment~~ would cause the adjusted principal or income to be considered an available resource or available income under a public-benefit program; or

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

~~(8) If the trustee is not a beneficiary, but the adjustment would benefit the trustee directly or indirectly]~~

(9) The trust is a unitrust under sections 469.471 to 469.487.

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

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

(2) If there is no cofiduciary to which subdivisions (4) to (7) of subsection 5 of this section do not apply, the fiduciary may appoint a cofiduciary to which subdivisions (4) to (7) of subsection 5 of this section do not apply, which may be a special fiduciary with limited powers, and the appointed cofiduciary may exercise the power to adjust under subsection 1 of this section, unless the appointment of a cofiduciary or the exercise of the power by a cofiduciary is not permitted by the terms of the trust or law other than under sections 469.399 to 469.487.

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

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

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

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

(1) Shall be in a record;

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

(a) From income to principal;

(b) From principal to income;

(c) For specified property; or

(d) In specified circumstances;

(3) For a delegation, may be modified by a redelegation under this subsection by the cofiduciary to which the delegation is made; and

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

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

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

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

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

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

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

(1) The death of an individual results in the creation of an estate [5, or after] or trust; or

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

~~(1)~~ **2.** A fiduciary of an estate or ~~[of a terminating]~~ **trust with an income interest that terminates** shall determine, **under subsection 7 of this section and sections 469.417 to 469.462**, the amount of net income and net principal receipts received from property specifically given to a beneficiary ~~[pursuant to the rules in sections 469.417 to 469.461 which apply to trustees and the rules in subdivision (5) of this section]~~. The fiduciary shall distribute the net income and net principal receipts to the beneficiary ~~[who]~~ **that** is to receive the specific property~~;~~.

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

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

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

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

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

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

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

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

~~(3)~~ A fiduciary shall distribute to a beneficiary who receives a pecuniary amount outright the interest or any other amount provided by the will, the terms of the trust, or in the absence of any such provisions, the provisions of section 473.633, from net income determined pursuant to subdivision (2) of this section or from principal to the extent that net income is insufficient.]

4. If a decedent's will, the terms of a trust, or applicable law provides for the payment of interest or the equivalent of interest to a beneficiary that receives a pecuniary amount outright, the fiduciary shall make the payment from net income determined under subsection 3 of this section or from principal to the extent net income is insufficient.

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

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

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

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

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

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

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

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

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

(b) **Without regard to:**

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

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

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

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

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

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

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

(2) **A successive interest for a successor beneficiary.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

469.423. 1. ~~For purposes of~~ As used in this section, the ~~term~~ following terms mean:

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

(a) Return of capital; or

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

(2) "Entity" ~~means~~:

(a) A corporation, partnership, limited liability company, regulated investment company, real estate investment trust, common trust fund, or any other organization ~~in which a trustee has an interest, other than a trust or estate to which section 469.425 applies, a business or activity to which section 469.427 applies, or an asset~~

~~backed security to which section 469.449 applies.] or arrangement in which a fiduciary owns or holds an interest, whether or not the entity is a taxpayer for federal income tax purposes; and~~

(b) The term "entity" does not include:

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

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

c. An asset-backed security; or

d. An instrument or arrangement to which section 469.446 applies;

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

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

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

~~(1) Money received [from] in an entity[-~~

~~3. A trustee shall allocate the following receipts from an entity to principal:~~

~~(1) Property other than money;~~

~~(2) Money received in one distribution or a series of related distributions in exchange for part or all of a trust's interest in the entity;~~

~~(3) Money received in total or partial liquidation of the entity; and~~

~~(4) Money received from an entity that is] distribution; and~~

(2) Tangible personal property of nominal value received from the entity.

4. A fiduciary shall allocate to principal:

(1) Property received in an entity distribution that is not:

(a) Money; or

(b) Tangible personal property of nominal value;

(2) Money received in an entity distribution in an exchange for part or all of the fiduciary's interest in the entity, to the extent the entity distribution reduces the fiduciary's interest in the entity relative to the interests of other persons that own or hold interests in the entity;

(3) Money received in an entity distribution that the fiduciary determines or estimates is a capital distribution; and

(4) Money received in an entity distribution from an entity that is:

(a) A regulated investment company or [a] real estate investment trust if the money [distributed] received is a capital gain dividend for federal income tax purposes[-

~~4. Money is received in partial liquidation:~~

~~(1) To the extent that the entity, at or near the time of a distribution, indicates that such money is a distribution in partial liquidation; or~~

~~(2) If]; or~~

(b) Treated for federal income tax purposes comparably to the treatment described in paragraph (a) of this subdivision.

5. A fiduciary may determine or estimate that money received in an entity distribution is a capital distribution:

(1) By relying, without inquiry or investigation, on a characterization of the entity distribution provided by or on behalf of the entity, unless the fiduciary:

(a) Determines, on the basis of information known to the fiduciary, that the characterization is or may be incorrect; or

(b) Owns or holds more than fifty percent of the voting interest in the entity;

(2) By determining or estimating, on the basis of information known to the fiduciary or provided to the fiduciary by or on behalf of the entity, that the total amount of money and property received by the fiduciary in [a] the entity distribution or a series of related entity distributions is or will be greater than twenty percent of the [entity's gross assets, as shown by the entity's year-end financial statements immediately preceding the initial receipt.

~~5. Money is not received in partial liquidation, nor may it be taken into account pursuant to subdivision (2) of subsection 4 of this section, to the extent that such money does not exceed the amount of income tax that a trustee or beneficiary shall pay on taxable income of the entity that distributes the money.~~

~~6. A trustee may rely upon a statement made by an entity about the source or character of a distribution if the statement is made at or near the time of distribution by the entity's board of directors or other person or group of persons authorized to exercise powers to pay money or transfer property comparable to those of a corporation's board of directors.] fair market value of the fiduciary's interest in the entity; or~~

(3) If neither subdivision (1) nor (2) of this subsection applies, by considering the factors in subsection 6 of this section and the information known to the fiduciary or provided to the fiduciary by or on behalf of the entity.

6. In making a determination or estimate under subdivision (3) of subsection 5 of this section, a fiduciary may consider:

- (1) A characterization of an entity distribution provided by or on behalf of the entity;
- (2) The amount of money or property received in:
 - (a) The entity distribution; or
 - (b) What the fiduciary determines is or will be a series of related entity distributions;
- (3) The amount described in subdivision (2) of this subsection compared to the amount the fiduciary determines or estimates is, during the current or preceding accounting periods:
 - (a) The entity's operating income;
 - (b) The proceeds of the entity's sale or other disposition of:
 - a. All or part of the business or other activity conducted by the entity;
 - b. One or more business assets that are not sold to customers in the ordinary course of the business or other activity conducted by the entity; or
 - c. One or more assets other than business assets, unless the entity's primary activity is to invest in assets to realize gain on the disposition of all or some of the assets;
 - (c) If the entity's primary activity is to invest in assets to realize gain on the disposition of all or some of the assets, the gain realized on the disposition;
 - (d) The entity's regular, periodic entity distributions;
 - (e) The amount of money the entity has accumulated;
 - (f) The amount of money the entity has borrowed;
 - (g) The amount of money the entity has received from the sources described in sections 469.433, 469.439, 469.441, and 469.443; and
 - (h) The amount of money the entity has received from a source not otherwise described in this subdivision; and
- (4) Any other factor the fiduciary determines is relevant.

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

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

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

469.425. A ~~trustee~~ **fiduciary** shall allocate to income an amount received as a distribution of income, **including a unitrust distribution under sections 469.471 to 469.487**, from a trust or ~~an~~ estate in which the ~~trust~~ **fiduciary** has an interest, other than ~~a~~ **an interest the fiduciary purchased [interest] in a trust that is an investment entity**, and shall allocate to principal an amount received as a distribution of principal from ~~such a~~ **the** trust or estate. If a ~~trustee~~ **fiduciary** purchases, **or receives from a settlor**, an interest in a trust that is an investment entity, ~~or a decedent or donor transfers an interest in such a trust to a trustee,~~ section 469.423 ~~or~~, **469.446, or 469.449 [shall apply] applies** to a receipt from the trust.

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

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

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

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

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

(1) May determine:

(a) The extent to which **the net cash receipts ~~[shall]~~ of the business or other activity shall** be retained for:

a. Working capital~~[-];~~

b. The acquisition or replacement of fixed assets~~[-];~~ and

c. Other reasonably foreseeable needs of the business or **other activity**~~[-];~~ and

(b) The extent to which the remaining net cash receipts are accounted for as principal or income in the ~~[trust's]~~ **fiduciary's** general accounting records~~[-]~~. ~~—If a trustee sells assets of the business or other activity, other than in the ordinary course of the business or activity, the trustee~~ **for the trust;**

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

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

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

(1) Retail, manufacturing, service, and other traditional business activities;

(2) Farming;

(3) Raising and selling livestock and other animals;

(4) ~~[Management of]~~ **Managing** rental properties;

(5) ~~[Extraction of]~~ **Extracting** minerals, **water**, and other natural resources;

(6) **Growing and cutting** timber ~~[operations];~~ ~~[and]~~

(7) ~~[Activities]~~ **An activity** to which section **469.446, 469.447, or 469.449** applies~~[-];~~ and

(8) **Any other business conducted by the fiduciary.**

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

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

(a) **An individual** during the ~~[transferor's]~~ **individual's** lifetime~~[-];~~ ~~a decedent's];~~

(b) **An estate**~~[-];~~

(c) A trust ~~[with a terminating]~~ **on termination of an** income interest~~[-];~~ or

(d) A payer under a contract naming the ~~[trust or its trustee]~~ **fiduciary** as beneficiary;

(2) **Except as otherwise provided in sections 469.423 to 469.449,** money or other property received from the sale, exchange, liquidation, or change in form of a principal asset~~[-];~~ ~~including realized profit, subject to sections 469.423 to 469.467];~~

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

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

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

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

469.431. To the extent ~~[that a trustee accounts]~~ **a fiduciary does not account** for ~~[receipts from]~~ **the management of** rental property ~~[pursuant to this section]~~ **as a business under section 469.427,** the ~~[trustee]~~ **fiduciary** shall allocate to income an amount received as rent of real or personal property, including an amount received for cancellation or renewal of a lease. An amount received as a refundable deposit, including a security

deposit or a deposit that is to be applied as rent for future periods~~], shall be added to principal and held subject to the terms of the lease and is not available for distribution to a beneficiary until the trustee's contractual obligations have been satisfied with respect to that amount.]:~~

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

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

469.432. 1. **This section does not apply to an obligation to which section 469.437, 469.439, 469.441, 469.443, 469.446, 469.447, or 469.449 applies.**

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

~~[2.]~~ **3. A [trustee] fiduciary shall allocate to principal an amount received from the sale, redemption, or other disposition of an obligation to pay money to the [trustee more than one year after it is purchased or acquired by the trustee, including an obligation whose purchase price or value when it is acquired is less than its value at maturity. If the obligation matures within one year after it is purchased or acquired by the trustee, an amount received in excess of its purchase price or its value when acquired by the trust shall be allocated to income] fiduciary. A fiduciary shall allocate to income the increment in value of a bond or other obligation for the payment of money bearing no stated interest but payable or redeemable, at maturity or another future time, in an amount that exceeds the amount in consideration of which it was issued.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) **Released or delegated for a reason described in subsection 7 of section 469.405 and in the manner described in subsection 8 of section 469.405.**

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

(1) ~~["Payment", an amount that is:~~

(a) Received or withdrawn from a plan; or

(b) One of a series of distributions that have been or will be received over a fixed number of years or during the life of one or more individuals under any contractual or other arrangement, or is a single payment from a plan that the trustee could have received over a fixed number of years or during the life of one or more individuals;

(2) "Plan", a contractual, custodial, trust or other arrangement that provides for distributions to the trust, including, but not limited to, qualified retirement plans, Individual Retirement Accounts, Roth Individual Retirement Accounts, public and private annuities, and deferred compensation, including payments received directly from an entity as defined in section 469.423 regardless of whether or not such distributions are made from a specific fund or account.

2. If any portion of a payment is characterized as a distribution to the trustee of interest, dividends or a dividend equivalent, the trustee shall allocate the portion so characterized to income. The trustee shall allocate the balance of that payment to principal.

3. If no part of a payment is allocated to income pursuant to subsection 2 of this section, then for each accounting period of the trust that any payment is received by the trust with respect to the trust's interest in a plan, the trustee shall allocate to income that portion of the aggregate value of all payments received by the trustee in that accounting period equal to the amount of plan income attributable to the trust's interest in the plan for that calendar year. The trustee shall allocate the balance of that payment to principal.

4. For purposes of this section, if a payment is received from a plan that maintains a separate account or fund for its participants or account holders, including, but not limited to, defined contribution retirement plans, Individual Retirement Accounts, Roth Individual Retirement Accounts, and some types of deferred compensation plans, the phrase "plan income" shall mean either the amount of the plan account or fund held for the benefit of the trust that, if the plan account or fund were a trust, would be allocated to income pursuant to sections 469.401 to 469.467 for that accounting period, or four percent of the value of the plan account or fund on the first day of that accounting period. The method of determining plan income pursuant to this subsection shall be chosen by the trustee in the trustee's discretion. The trustees may change the method of determining plan income pursuant to this subsection for any future accounting period.

5. For purposes of this section if the payment is received from a plan that does not maintain a separate account or fund for its participants or account holders, including by way of example and not limitation defined benefit retirement plans and some types of deferred compensation plans, the term "plan income" shall mean four percent of the total present value of the trust's interest in the plan as of the first day of the accounting period, based on reasonable actuarial assumptions as determined by the trustee.

6. Notwithstanding subsections 1 to 5 of this section, with respect to a trust where an election to qualify for a marital deduction under Section 2056(b)(7) or Section 2523(f) of the Internal Revenue Code of 1986, as amended, has been made, or a trust that qualified for the marital deduction under either Section 2056(b)(5) or Section 2523(e) of the Internal Revenue Code of 1986, as amended, a trustee shall determine the plan income for the accounting period as if the plan were a trust subject to sections 469.401 to 469.467. Upon request of the surviving spouse, the trustee shall demand that the person administering the plan distribute the plan income to the trust. The trustee shall allocate a payment from the plan to income to the extent of the plan income and distribute that amount to the surviving spouse. The trustee shall allocate the balance of the payment to principal. Upon request of the surviving spouse, the trustee shall allocate principal to income to the extent the plan income exceeds payments made from the plan to the trust during the accounting period.

7. If, to obtain an estate or gift tax marital deduction for a trust, a trustee shall allocate more of a payment to income than provided for by this section, the trustee shall allocate to income the additional amount necessary to obtain the marital deduction.] "Internal income of a separate fund", the amount determined under subsection 2 of this section;

(2) "Marital trust", a trust:

(a) Of which the settlor's surviving spouse is the only current income beneficiary and is entitled to a distribution of all the current net income of the trust; and

(b) That qualifies for a marital deduction with respect to the settlor's estate under 26 U.S.C. Section 2056, as amended, because:

a. An election to qualify for a marital deduction under 26 U.S.C. Section 2056(b)(7), as amended, has been made; or

b. The trust qualifies for a marital deduction under 26 U.S.C. Section 2056(b)(5), as amended;

(3) "Payment", an amount a fiduciary may receive over a fixed number of years or during the life of one or more individuals because of services rendered or property transferred to the payer in exchange for future amounts the fiduciary may receive. The term "payment" includes an amount received in money or property from the payer's general assets or from a separate fund created by the payer;

(4) "Separate fund" includes a private or commercial annuity, an individual retirement account, and a pension, profit-sharing, stock bonus, or stock ownership plan.

2. For each accounting period, the following rules apply to a separate fund:

(1) The fiduciary shall determine the internal income of the separate fund as if the separate fund was a trust subject to sections 469.399 to 469.487;

(2) If the fiduciary cannot determine the internal income of the separate fund under subdivision (1) of this subsection, the internal income of the separate fund is deemed to equal three percent of the value of the separate fund, according to the most recent statement of value preceding the beginning of the accounting period; and

(3) If the fiduciary cannot determine the value of the separate fund under subdivision (2) of this subsection, the value of the separate fund is deemed to equal the present value of the expected future payments, as determined under 26 U.S.C. Section 7520, as amended, for the month preceding the beginning of the accounting period for which the computation is made.

3. A fiduciary shall allocate a payment received from a separate fund during an accounting period to income, to the extent of the internal income of the separate fund during the period, and the balance to principal.

4. The fiduciary of a marital trust shall:

(1) Withdraw from a separate fund the amount the current income beneficiary of the trust requests the fiduciary to withdraw, not greater than the amount by which the internal income of the separate fund during the accounting period exceeds the amount the fiduciary otherwise receives from the separate fund during the period;

(2) Transfer from principal to income the amount the current income beneficiary requests the fiduciary to transfer, not greater than the amount by which the internal income of the separate fund during the period exceeds the amount the fiduciary receives from the separate fund during the period after the application of subdivision (1) of this subsection; and

(3) Distribute to the current income beneficiary as income:

(a) The amount of the internal income of the separate fund received or withdrawn during the period; and

(b) The amount transferred from principal to income under subdivision (2) of this subsection.

5. For a trust, other than a marital trust, of which one or more current income beneficiaries are entitled to a distribution of all the current net income, the fiduciary shall transfer from principal to income the amount by which the internal income of a separate fund during the accounting period exceeds the amount the fiduciary receives from the separate fund during the period.

469.439. 1. As used in this section, the ~~phrase~~ term "liquidating asset" means an asset whose value will diminish or terminate because the asset is expected to produce receipts for a ~~period of~~ limited ~~duration~~ time. The ~~phrase~~ term "liquidating asset" includes a leasehold, patent, copyright, royalty right, and right to receive payments during a period of more than one year under an arrangement that does not provide for the payment of interest on the unpaid balance. ~~The phrase~~

2. This section does not ~~include a payment~~ apply to a receipt subject to section 469.423, 469.437, ~~resources subject to section~~ 469.441, ~~timber subject to section~~ 469.443, ~~an activity subject to section~~ 469.446, 469.447, ~~an asset subject to section~~ 469.449, or ~~any asset for which the trustee establishes a reserve for depreciation pursuant to section~~ 469.455.

~~2-~~ 3. A ~~trustee~~ fiduciary shall allocate:

(1) To income ~~ten percent of the receipts from~~:

(a) A receipt produced by a liquidating asset ~~and the balance~~, to the extent the receipt does not exceed three percent of the value of the asset; or

(b) If the fiduciary cannot determine the value of the asset, ten percent of the receipt; and

(2) To principal, the balance of the receipt.

469.441. 1. To the extent ~~that a trustee accounts for receipts~~ a fiduciary does not account for a receipt from an interest in minerals, water, or other natural resources ~~pursuant to this section~~ as a business under section 469.427, the ~~trustee~~ fiduciary shall allocate ~~them as follows~~ the receipt:

(1) ~~It~~ To income, to the extent received:

(a) As ~~nominal~~ delay rental or ~~nominal~~ annual rent on a lease~~, a receipt shall be allocated to income~~;

(b) As a factor for interest or the equivalent of interest under an agreement creating a production payment; or

(c) On account of an interest in renewable water;

(2) **To principal**, if received from a production payment, [a receipt shall be allocated to income if and to the extent that the agreement creating the production payment provides a factor for interest or its equivalent. The balance shall be allocated to principal;] **to the extent paragraph (b) of subdivision (1) of this subsection does not apply; or**

(3) [If an amount received] **Between income and principal equitably, to the extent received:**

(a) On account of an interest in nonrenewable water;

(b) As a royalty, shut-in-well payment, take-or-pay payment, or bonus [or delay rental is more than nominal, ninety percent shall be allocated to principal and the balance to income]; or

[4] If an amount is received] **(c)** From a working interest or any other interest not provided for in subdivision (1)[; or (2) [or (3)]] of this subsection[, ninety percent of the net amount received shall be allocated to principal and the balance to income] **or paragraph (a) or (b) of this subdivision.**

2. [An amount received on account of] **This section applies to** an interest [in water that is renewable shall be allocated to income. If the water is not renewable, ninety percent of the amount shall be allocated to principal and the balance to income.]

3. Sections 469.401 to 469.467 apply] **owned or held by a fiduciary** whether or not a [decedent or donor] settlor was extracting minerals, water, or other natural resources before the **fiduciary owned or held the** interest [became subject to the trust].

3. An allocation of a receipt under subdivision (3) of subsection 1 of this section is presumed to be equitable if the amount allocated to principal is equal to the amount allowed by Title 26 of the United States Code, as amended, as a deduction for depletion of the interest.

4. If a [trust] **fiduciary owns or holds** an interest in minerals, water, or other natural resources [on] **before** August 28, [2001] **2025**, the [trustee] **fiduciary** may allocate receipts from the interest as provided in [sections 469.401 to 469.467] **this section** or in the manner used by the [trustee] **fiduciary** before August 28, [2001] **2025**. If the [trust] **fiduciary** acquires an interest in minerals, water, or other natural resources **on or** after August 28, [2001] **2025**, the [trustee] **fiduciary** shall allocate receipts from the interest as provided in [sections 469.401 to 469.467] **this section.**

469.443. 1. To the extent [that a trustee accounts] **a fiduciary does not account** for receipts from the sale of timber and related products [pursuant to this section] **as a business under section 469.427**, the [trustee] **fiduciary** shall allocate the net receipts:

(1) To income, to the extent [that] the amount of timber [removed] **cut** from the land does not exceed the rate of growth of the timber [during the accounting periods in which a beneficiary has a mandatory income interest];

(2) To principal, to the extent [that] the amount of timber [removed] **cut** from the land exceeds the rate of growth of the timber or the net receipts are from the sale of standing timber;

(3) [To or] **Between income and principal** if the net receipts are from the lease of [timberland] **land used for growing and cutting timber** or from a contract to cut timber from land [owned by a trust], by determining the amount of timber [removed] **cut** from the land under the lease or contract and applying the rules in subdivisions (1) and (2) of this subsection; or

(4) To principal, to the extent [that] advance payments, bonuses, and other payments are not allocated [pursuant to either] **under** subdivision (1), (2), or (3) of this subsection.

2. In determining net receipts to be allocated [pursuant to] **under** subsection 1 of this section, a [trustee] **fiduciary** shall deduct and transfer to principal a reasonable amount for depletion.

3. [Sections 469.401 to 469.467 apply] **This section applies to land owned or held by a fiduciary** whether or not a [decedent or transferor] settlor was [harvesting] **cutting** timber from the **land before the fiduciary owned or held the** property [before it became subject to the trust].

4. If a [trust] **fiduciary owns or holds** an interest in [timberland on] **land used for growing and cutting timber before** August 28, [2001] **2025**, the [trustee] **fiduciary** may allocate net receipts from the sale of timber and related products as provided in [sections 469.401 to 469.467] **this section** or in the manner used by the [trustee] **fiduciary** before August 28, [2001] **2025**. If the [trust] **fiduciary** acquires an interest in [timberland] **land used for growing and cutting timber on or** after August 28, [2001] **2025**, the [trustee] **fiduciary** shall allocate net receipts from the sale of timber and related products as provided in [sections 469.401 to 469.467] **this section.**

469.445. 1. If a **trust received property for which a gift or estate tax marital deduction [is allowed for all or part of a trust whose]** was allowed and the settlor's spouse holds a **mandatory income interest in the trust, the spouse may require the trustee, to the extent the trust assets [consist substantially of property that does] otherwise do** not provide the spouse with sufficient income from or use of the trust assets[, and if the amounts that the trustee transfers from principal to income pursuant to section 469.405 and distributes to the spouse from

principal pursuant to the terms of the trust are insufficient to provide the spouse with the beneficial enjoyment required to obtain the marital] **to qualify for the deduction, [the spouse may require the trustee] to:**

- (1) Make property productive of income[;];
- (2) Convert property **to property productive of income** within a reasonable time[;]; or
- (3) Exercise the power [~~conferred by subsection 1 of]~~ **to adjust under** section 469.405.

2. The trustee may decide which action or combination of actions **in subsection 1 of this section** to take.

~~[2. In cases not governed by subsection 1 of this section, proceeds from the sale or other disposition of an asset are principal without regard to the amount of income the asset produces during any accounting period.]~~

469.446. A fiduciary shall allocate receipts from or related to a financial instrument or arrangement not otherwise addressed by sections 469.399 to 469.487. The allocation shall be consistent with sections 469.447 and 469.449.

469.447. 1. As used in this section, the term "derivative" means a contract [~~or financial~~], instrument, **other arrangement**, or [a] combination of contracts [~~and financial~~], instruments, **or other arrangements, the value, rights, and obligations of which [gives a trust the right or obligation to participate in some or all changes in the price of a] are, in whole or in part, dependent on or derived from an underlying** tangible or intangible asset [~~or group of assets, or changes in a rate, an index of prices or], group of tangible or intangible assets, index, or occurrence of an event. The term "derivative" includes stocks, fixed income securities, and financial instruments and arrangements based on indices, commodities, interest rates, [or other market indicator for an asset or a group of assets] weather-related events, and credit default events.~~

2. To the extent [~~that a trustee] a fiduciary does not account [pursuant to section 469.427 for transactions] **for a transaction** in derivatives[~~, the trustee] as a business under section 469.427, the fiduciary shall allocate [to principal] **ten percent of receipts from the transaction and ten percent of disbursements made in connection with [those transactions] the transaction to income and the balance to principal.**~~~~

3. **The provisions of subsection 4 of this section apply if:**

(1) A [~~trustee] fiduciary:~~

(a) Grants an option to buy property from [~~the] a trust, whether or not the trust owns the property when the option is granted[;];~~

(b) Grants an option that permits another person to sell property to the trust[;]; or

(c) Acquires an option to buy property for the trust or an option to sell an asset owned by the trust[;]; and

(2) The [~~trustee] fiduciary or other owner of the asset is required to deliver the asset if the option is exercised[;].~~

4. If this subsection applies, the fiduciary shall allocate ten percent to income and the balance to principal of the following amounts:

(1) An amount received for granting the option [~~shall be allocated to principal];~~

(2) An amount paid to acquire the option [~~shall be paid from principal. A]; and~~

(3) Gain or loss realized [~~upon] on the exercise [of an option, including an option granted to a settlor], **exchange, settlement, offset, closing, or expiration** of the [~~trust for services rendered, shall be allocated to principal] option.~~~~

469.449. 1. [~~As used in this section, the phrase "asset backed security" means an asset whose value is based upon the right it gives the owner to receive distributions from the proceeds of financial assets that provide collateral for the security. The phrase includes an asset that gives the owner the right to receive from the collateral financial assets only the interest or other current return or only the proceeds other than interest or current return. The phrase does not include an asset to which section 469.423 or 469.437 applies.~~

~~2. If a trust receives a payment from interest or other current return and from other proceeds of the collateral financial assets, the trustee] **Except as otherwise provided in subsection 2 of this section, a fiduciary shall allocate to income [the portion of] a receipt from or related to an asset-backed security, to the extent the [payment which the] payer identifies the payment as being from interest or other current return, and [shall allocate] to principal** the balance of the [~~payment to principal] receipt.~~~~

~~[3.] 2. If a [trust] fiduciary receives one or more payments in exchange for **part or all of the [trust's entire] fiduciary's interest in an asset-backed security [in one accounting period, the trustee shall allocate the payments to principal. If a payment is one of a series of payments that will result in the], including a liquidation or redemption** of the [~~trust's] fiduciary's interest in the security [over more than one accounting period,] the [trustee] fiduciary shall allocate [ten] to income ten percent of receipts from the [payment to income] transaction and [the balance to~~~~

~~principal~~ **ten percent of disbursements made in connection with the transaction, and to principal the balance of the receipts and disbursements.**

469.451. ~~[A trustee shall make the following disbursements from income to the extent that they are not disbursements to which paragraph (b) or (c) of]~~ **Subject to section 469.456, and except as otherwise provided in subdivision (2) or (3) of subsection 3 of section 469.413 [applies], a fiduciary shall disburse from income:**

(1) One-half of:

~~(a) The regular compensation of the [trustee] fiduciary and [of] any person providing investment advisory [or], custodial, or other services to the [trustee] fiduciary, to the extent income is sufficient; and~~

~~[(2) One half of all expenses]~~ **(b) An expense for [accountings] an accounting, judicial [proceedings] or nonjudicial proceeding, or other [matters] matter that [involve] involves both [the] income and [remainder] successive interests, to the extent income is sufficient;**

~~[(3) All of the other]~~ **(2) The balance of the disbursements described in subdivision (1) of this section, to the extent a fiduciary that is an independent person determines that making those disbursements from income would be in the interests of the beneficiaries;**

(3) Another ordinary [expenses] expense incurred in connection with [the] administration, management, or preservation of [trust] property and [the] distribution of income, including interest, an ordinary [repairs] repair, regularly recurring [taxes] tax assessed against principal, and [expenses] an expense of [a] an accounting, judicial or nonjudicial proceeding, or other matter that [concerns] involves primarily [the] an income interest, to the extent income is sufficient; and

~~(4) [Recurring premiums]~~ **A premium on insurance covering [the] loss of a principal asset or [the loss of] income from or use of the asset.**

469.453. 1. ~~[A trustee shall make the following disbursements]~~ **Subject to section 469.457, and except as otherwise provided in subdivision (2) of subsection 3 of section 469.413, a fiduciary shall disburse from principal:**

~~(1) The [remaining one half] balance of the disbursements described in [subdivisions (1) and (2)]~~ **subsections 1 and 3 of section 469.451, after application of subsection 2 of section 469.451;**

~~(2) [All of] The [trustee's] fiduciary's compensation calculated on principal as a fee for acceptance, distribution, or termination[, and disbursements made to prepare property for sale];~~

~~(3) [Payments]~~ **A payment of an expense to prepare for or execute a sale or other disposition of property;**

~~(4) A payment on the principal of a trust debt;~~

~~[(4) Expenses of a]~~ **(5) A payment of an expense of an accounting, judicial or nonjudicial proceeding, or other matter that [concerns] involves primarily [an interest in] principal, including a proceeding to construe the terms of the trust or protect property;**

~~[(5) Premiums paid on a policy of]~~ **(6) A payment of a premium for insurance, including title insurance, not described in subdivision (4) of section 469.451 of which the [trust] fiduciary is the owner and beneficiary;**

~~[(6)]~~ **(7) A payment of an estate[;] or inheritance [and other transfer taxes] tax or other tax imposed because of the death of a decedent, including penalties, apportioned to the trust; and**

~~[(7) Extraordinary expenses incurred in connection with the management and preservation of trust property;~~

~~(8) Expenses for a capital improvement to a principal asset, whether in the form of changes to an existing asset or the construction of a new asset, including special assessments; and~~

~~(9) Disbursements]~~ **(8) A payment:**

(a) Related to environmental matters, including:

a. Reclamation[;];

b. Assessing environmental conditions[;];

c. Remedying and removing environmental contamination[;];

d. Monitoring remedial activities and the release of substances[;];

e. Preventing future releases of substances[;];

f. Collecting amounts from persons liable or potentially liable for the costs of [these] activities[;]

described in subparagraphs a. to e. of this paragraph;

g. Penalties imposed under environmental laws or regulations [and];

h. Other [payments made] actions to comply with [these] environmental laws or regulations[;];

i. Statutory or common law claims by third parties[;]; and

j. Defending claims based on environmental matters[;]; and

(b) For a premium for insurance for matters described in paragraph (a) of this subdivision.

2. If a principal asset is encumbered with an obligation that requires income from ~~that~~ the asset to be paid directly to ~~the~~ a creditor, the ~~trustee~~ **fiduciary** shall transfer from principal to income an amount equal to the income paid to the creditor in reduction of the principal balance of the obligation.

469.455. 1. ~~As used~~ In this section, ~~the term~~ "depreciation" means a reduction in value due to wear, tear, decay, corrosion, or gradual obsolescence of a ~~fixed~~ **tangible** asset having a useful life of more than one year.

2. A ~~trustee~~ **fiduciary** may transfer to principal a reasonable amount of the net cash receipts from a principal asset that is subject to depreciation, but ~~may~~ **shall** not transfer any amount for depreciation:

(1) Of ~~that portion~~ **the part** of real property used or available for use by a beneficiary as a residence ~~or~~;

(2) Of tangible personal property held or made available for the personal use or enjoyment of a beneficiary; **or**

~~(2) During the administration of a decedent's estate; or~~

(3) ~~Pursuant to~~ **Under** this section ~~if the trustee is accounting pursuant to section 469.427~~, **to the extent the fiduciary accounts:**

(a) **Under section 469.439 for the asset; or**

(b) **Under section 469.427 for the business or other activity in which the asset is used.**

3. An amount transferred to principal **under this section** need not be **separately held** ~~as a separate fund~~.

469.456. 1. **If a fiduciary makes or expects to make an income disbursement described in subsection 2 of this section, the fiduciary may transfer an appropriate amount from principal to income in one or more accounting periods to reimburse income.**

2. **To the extent the fiduciary has not been and does not expect to be reimbursed by a third party, income disbursements to which subsection 1 of this section applies include:**

(1) **An amount chargeable to principal but paid from income because principal is illiquid;**

(2) **A disbursement made to prepare property for sale, including improvements and commissions; and**

(3) **A disbursement described in subsection 1 of section 469.453.**

3. **If an asset whose ownership gives rise to an income disbursement becomes subject to a successive interest after an income interest ends, the fiduciary may continue to make transfers under subsection 1 of this section.**

469.457. 1. If a ~~trustee~~ **fiduciary** makes or expects to make a principal disbursement described in **subsection 2** of this section, the ~~trustee~~ **fiduciary** may transfer an appropriate amount from income to principal in one or more accounting periods to reimburse principal or ~~to~~ provide a reserve for future principal disbursements.

2. **To the extent a fiduciary has not been and does not expect to be reimbursed by a third party,** principal disbursements to which subsection 1 of this section applies include ~~the following, but only to the extent that the trustee has not been and does not expect to be reimbursed by a third party~~:

(1) An amount chargeable to income but paid from principal because ~~it~~ **income** is ~~unusually large, including extraordinary repairs~~ **not sufficient**;

(2) ~~Disbursements~~ **The cost of an improvement to principal, whether a change to an existing asset or the construction of a new asset, including a special assessment;**

(3) **A disbursement** made to prepare property for rental, including tenant allowances, leasehold improvements, and ~~broker's~~ commissions;

~~(3)~~ (4) **A periodic** ~~payments~~ **payment** on an obligation secured by a principal asset, to the extent ~~that~~ the amount transferred from income to principal for depreciation is less than the periodic ~~payments~~ **payment**; and

~~(4) Disbursements~~ (5) **A disbursement** described in ~~subdivision (7) of~~ subsection 1 of section 469.453.

3. If ~~the~~ **an** asset whose ownership gives rise to ~~the disbursements~~ **a principal disbursement** becomes subject to a successive ~~income~~ interest after an income interest ends, ~~a trustee~~ **the fiduciary** may continue to ~~transfer amounts from income to principal as provided in~~ **make transfers under** subsection 1 of this section.

469.459. 1. A tax required to be paid by a ~~trustee~~ **fiduciary that is** based on receipts allocated to income shall be paid from income.

2. A tax required to be paid by a ~~trustee~~ **fiduciary that is** based on receipts allocated to principal shall be paid from principal, even if the tax is called an income tax by the taxing authority.

3. **Subject to subsection 4 of this section and sections 469.456, 469.457, and 469.462,** a tax required to be paid by a ~~trustee~~ **fiduciary on** ~~the trust's~~ **a share of an entity's taxable income in an accounting period** shall be paid **from**:

(1) ~~[From]~~ Income and principal proportionately to the ~~[extent that]~~ allocation between income and principal of receipts from the entity ~~[are allocated to income]~~ in the period; and

(2) ~~[From]~~ Principal to the extent ~~[that]~~ the tax exceeds the receipts from the entity ~~[are allocated only to principal]~~ in the period.

4. After applying subsections 1 to 3 of this section, ~~[the trustee]~~ a fiduciary shall adjust income or principal receipts, to the extent ~~[that]~~ the ~~[trust's]~~ taxes the fiduciary pays are reduced because ~~[the trust receives]~~ of a deduction for a payment made to a beneficiary.

469.462. 1. A fiduciary may make an adjustment between income and principal to offset the shifting of economic interests or tax benefits between current income beneficiaries and successor beneficiaries that arises from:

(1) An election or decision the fiduciary makes regarding a tax matter, other than a decision to claim an income tax deduction to which subsection 2 of this section applies;

(2) An income tax or other tax imposed on the fiduciary or a beneficiary as a result of a transaction involving the fiduciary or a distribution by the fiduciary; or

(3) Ownership by the fiduciary of an interest in an entity, a part of whose taxable income, whether or not distributed, is includable in the taxable income of the fiduciary or a beneficiary.

2. If the amount of an estate tax marital or charitable deduction is reduced because a fiduciary deducts an amount paid from principal for income tax purposes instead of deducting it for estate tax purposes and, as a result, estate taxes paid from principal are increased and income taxes paid by the fiduciary or a beneficiary are decreased, the fiduciary shall charge each beneficiary that benefits from the decrease in income tax to reimburse the principal from which the increase in estate tax is paid. The total reimbursement shall equal the increase in the estate tax, to the extent the principal used to pay the increase would have qualified for a marital or charitable deduction but for the payment. The share of the reimbursement for each fiduciary or beneficiary whose income taxes are reduced shall be the same as its share of the total decrease in income tax.

3. A fiduciary that charges a beneficiary under subsection 2 of this section may offset the charge by obtaining payment from the beneficiary, withholding an amount from future distributions to the beneficiary, or adopting another method or combination of methods.

469.463. In applying and construing sections ~~[469.401]~~ 469.399 to ~~[469.467]~~ 469.487, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

469.464. The provisions of sections 469.399 to 469.487 modify, limit, or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but do not modify, limit, or supersede 15 U.S.C. Section 7001(c) or authorize electronic delivery of any of the notices described in 15 U.S.C. Section 7003(b).

469.465. If any provision of sections ~~[469.401]~~ 469.399 to ~~[469.467]~~ 469.487 or ~~[the]~~ its application ~~[of these sections]~~ to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of sections ~~[469.401]~~ 469.399 to ~~[469.467]~~ 469.487 which can be given effect without the invalid provision or application **and to this end, the provisions of sections 469.399 to 469.487 are severable.**

469.467. **The provisions of sections ~~[469.401]~~ 469.399 to ~~[469.467]~~ 469.487 apply to ~~[every]~~ a trust or ~~[decedent's]~~ estate existing or created on or after August 28, ~~[2001]~~ 2025, except as otherwise expressly provided in the ~~[will or]~~ terms of the trust or ~~[in]~~ sections ~~[469.401]~~ 469.399 to ~~[469.467]~~ 469.487.**

469.471. As used in sections 469.471 to 469.487, the following terms mean:

(1) "Applicable value", the amount of the net fair market value of a trust taken into account under section 469.483;

(2) "Express unitrust", a trust for which, under the terms of the trust without regard to sections 469.471 to 469.487, income or net income shall or may be calculated as a unitrust amount;

(3) "Income trust", a trust that is not a unitrust;

(4) "Net fair market value of a trust", the fair market value of the assets of the trust, less the noncontingent liabilities of the trust;

(5) "Unitrust", a trust for which net income is a unitrust amount. The term "unitrust" includes an express unitrust;

(6) "Unitrust amount", an amount computed by multiplying a determined value of a trust by a determined percentage. For a unitrust administered under a unitrust policy, the term "unitrust amount" means the applicable value multiplied by the unitrust rate;

(7) "Unitrust policy", a policy described in sections 469.479 to 469.487 and adopted under section 469.475;

(8) "Unitrust rate", the rate used to compute the unitrust amount for a unitrust administered under a unitrust policy.

469.473. 1. Except as otherwise provided in subsection 2 of this section, sections 469.471 to 469.487 apply to:

(1) An income trust, unless the terms of the trust expressly prohibit use of sections 469.471 to 469.487 by a specific reference to these sections or an explicit expression of intent that net income not be calculated as a unitrust amount; and

(2) An express unitrust, except to the extent the terms of the trust explicitly:

(a) Prohibit use of sections 469.471 to 469.487 by a specific reference to such sections;

(b) Prohibit conversion to an income trust; or

(c) Limit changes to the method of calculating the unitrust amount.

2. Sections 469.471 to 469.487 do not apply to a trust described in 26 U.S.C. Section 170(f)(2)(B), 642(c)(5), 664(d), 2702(a)(3)(A)(ii) or (iii), or 2702(b), as amended.

3. An income trust to which sections 469.471 to 469.487 apply under subdivision (1) of subsection 1 of this section may be converted to a unitrust under sections 469.471 to 469.487 regardless of the terms of the trust concerning distributions. Conversion to a unitrust under sections 469.471 to 469.487 does not affect other terms of the trust concerning distributions of income or principal.

4. Sections 469.471 to 469.487 apply to an estate only to the extent a trust is a beneficiary of the estate. To the extent of the trust's interest in the estate, the estate may be administered as a unitrust, the administration of the estate as a unitrust may be discontinued, or the percentage or method used to calculate the unitrust amount may be changed, in the same manner as for a trust under sections 469.471 to 469.487.

5. Sections 469.471 to 469.487 do not create a duty to take or consider action under sections 469.471 to 469.487 or to inform a beneficiary about the applicability of sections 469.471 to 469.487.

6. A fiduciary that in good faith takes or fails to take an action under sections 469.471 to 469.487 is not liable to a person affected by the action or inaction.

469.475. 1. A fiduciary, without court approval, by complying with subsections 2 and 6 of this section, may:

(1) Convert an income trust to a unitrust if the fiduciary adopts in a record a unitrust policy for the trust providing:

(a) That in administering the trust the net income of the trust will be a unitrust amount rather than net income determined without regard to sections 469.471 to 469.487; and

(b) The percentage and method used to calculate the unitrust amount;

(2) Change the percentage or method used to calculate a unitrust amount for a unitrust if the fiduciary adopts in a record a unitrust policy or an amendment or replacement of a unitrust policy providing changes in the percentage or method used to calculate the unitrust amount; or

(3) Convert a unitrust to an income trust if the fiduciary adopts in a record a determination that, in administering the trust, the net income of the trust will be net income determined without regard to sections 469.471 to 469.487 rather than a unitrust amount.

2. A fiduciary may take an action under subsection 1 of this section if:

(1) The fiduciary determines that the action will assist the fiduciary to administer a trust impartially;

(2) The fiduciary sends a notice in a record, in the manner required by section 469.477, describing and proposing to take the action;

(3) The fiduciary sends a copy of the notice under subdivision (2) of this subsection to each settlor of the trust that is:

(a) If an individual, living; or

(b) If not an individual, in existence;

(4) At least one member of each class of the qualified beneficiaries described under section 456.1-103 receiving the notice under subdivision (2) of this subsection is:

(a) If an individual, legally competent;

(b) If not an individual, in existence; or

(c) Represented in the manner provided in subsection 2 of section 469.477; and

(5) The fiduciary does not receive, by the date specified in the notice under subdivision (5) of subsection 4 of section 469.477, an objection in a record to the action proposed under subdivision (2) of this subsection from a person to which the notice under subdivision (2) of this subsection is sent.

3. If a fiduciary receives, not later than the date stated in the notice under subdivision (5) of subsection 4 of section 469.477, an objection in a record described in subdivision (4) of subsection 4 of section 469.477 to a proposed action, the fiduciary or a beneficiary may request the court to have the proposed action taken as proposed, taken with modifications, or prevented. A person described in subsection 1 of section 469.477 may oppose the proposed action in the proceeding under this subsection, whether or not the person:

- (1) Consented under subsection 3 of section 469.477; or
- (2) Objected under subdivision (4) of subsection 4 of section 469.477.

4. If, after sending a notice under subdivision (2) of subsection 2 of this section, a fiduciary decides not to take the action proposed in the notice, the fiduciary shall notify in a record each person described in subsection 1 of section 469.477 of the decision not to take the action and the reasons for the decision.

5. If a beneficiary requests in a record that a fiduciary take an action described in subsection 1 of this section and the fiduciary declines to act or does not act within ninety days after receiving the request, the beneficiary may request the court to direct the fiduciary to take the action requested.

6. In deciding whether and how to take an action authorized by subsection 1 of this section, or whether and how to respond to a request by a beneficiary under subsection 5 of this section, a fiduciary shall consider all factors relevant to the trust and the beneficiaries, including relevant factors in subsection 5 of section 469.403.

7. A fiduciary may release or delegate the power to convert an income trust to a unitrust under subdivision (1) of subsection 1 of this section, change the percentage or method used to calculate a unitrust amount under subdivision (2) of subsection 1 of this section, or convert a unitrust to an income trust under subdivision (3) of subsection 1 of this section, for a reason described in subsection 7 of section 469.405 and in the manner described in subsection 8 of section 469.405.

469.477. 1. A notice required by subdivision (3) of subsection 2 of section 469.475 shall be sent in a manner authorized under section 456.1-109 to:

- (1) The qualified beneficiaries defined under section 456.1-103;
- (2) Each person acting as trust protector under section 456.8-808; and
- (3) Each person that is granted a power over the trust by the terms of the trust, to the extent the power is exercisable when the person is not then serving as a trustee:
 - (a) Including a:
 - a. Power over the investment, management, or distribution of trust property or other matters of trust administration; and
 - b. Power to appoint or remove a trustee or person described in this paragraph; and
 - (b) Excluding a:
 - a. Power of appointment;
 - b. Power of a beneficiary over the trust, to the extent the exercise or nonexercise of the power affects the beneficial interest of the beneficiary or another beneficiary represented by the beneficiary under sections 456.3-301 to 456.3-305 with respect to the exercise or nonexercise of the power; and
 - c. Power over the trust if the terms of the trust provide that the power is held in a nonfiduciary capacity and the power shall be held in a nonfiduciary capacity to achieve a tax objective under 26 U.S.C., as amended.

2. The representation provisions of sections 456.3-301 to 456.3-305 apply to notice under this section.

3. A person may consent in a record at any time to action proposed under subdivision (2) of subsection 2 of section 469.475. A notice required by subdivision (2) of subsection 2 of section 469.475 need not be sent to a person that consents under this subsection.

4. A notice required by subdivision (2) of subsection 2 of section 469.475 shall include:

- (1) The action proposed under subdivision (2) of subsection 2 of section 469.475;
- (2) For a conversion of an income trust to a unitrust, a copy of the unitrust policy adopted under subdivision (1) of subsection 1 of section 469.475;

- (3) For a change in the percentage or method used to calculate the unitrust amount, a copy of the unitrust policy or amendment or replacement of the unitrust policy adopted under subdivision (2) of subsection 1 of section 469.475;

- (4) A statement that the person to which the notice is sent may object to the proposed action by stating in a record the basis for the objection and sending or delivering the record to the fiduciary;

(5) The date by which an objection under subdivision (4) of this subsection shall be received by the fiduciary, which shall be at least thirty days after the date the notice is sent;

(6) The date on which the action is proposed to be taken and the date on which the action is proposed to take effect;

(7) The name and contact information of the fiduciary; and

(8) The name and contact information of a person that may be contacted for additional information.

469.479. 1. In administering a unitrust under sections 469.471 to 469.487, a fiduciary shall follow a unitrust policy adopted under subdivision (1) or (2) of subsection 1 of section 469.475 or amended or replaced under subdivision (2) of subsection 1 of section 469.475.

2. A unitrust policy shall provide:

(1) The unitrust rate or the method for determining the unitrust rate under section 469.481;

(2) The method for determining the applicable value under section 469.483; and

(3) The rules described in sections 469.481 to 469.487 that apply in the administration of the unitrust, whether the rules are:

(a) Mandatory, as provided in subsection 1 of section 469.483 and subsection 1 of section 469.485; or

(b) Optional, as provided in section 469.481, subsection 2 of section 469.483, subsection 2 of section 469.485, and subsection 1 of section 469.487, to the extent the fiduciary elects to adopt such rules.

469.481. 1. Except as otherwise provided in subdivision (1) of subsection 2 of section 469.487, a unitrust rate may be:

(1) A fixed unitrust rate; or

(2) A unitrust rate that is determined for each period using:

(a) A market index or other published data; or

(b) A mathematical blend of market indices or other published data over a stated number of preceding periods.

2. Except as otherwise provided in subdivision (1) of subsection 2 of section 469.487, a unitrust policy may provide:

(1) A limit on how high the unitrust rate determined under subdivision (2) of subsection 1 of this section may rise;

(2) A limit on how low the unitrust rate determined under subdivision (2) of subsection 1 of this section may fall;

(3) A limit on how much the unitrust rate determined under subdivision (2) of subsection 1 of this section may increase over the unitrust rate for the preceding period or a mathematical blend of unitrust rates over a stated number of preceding periods;

(4) A limit on how much the unitrust rate determined under subdivision (2) of subsection 1 of this section may decrease below the unitrust rate for the preceding period or a mathematical blend of unitrust rates over a stated number of preceding periods; or

(5) A mathematical blend of any of the unitrust rates determined under subdivision (2) of subsection 1 of this section and subdivisions (1) to (4) of this subsection.

469.483. 1. A unitrust policy shall provide the method for determining the fair market value of an asset for the purpose of determining the unitrust amount, including:

(1) The frequency of valuing the asset, which need not require a valuation in every period; and

(2) The date for valuing the asset in each period in which the asset is valued.

2. Except as otherwise provided in subdivision (2) of subsection 2 of section 469.487, a unitrust policy may provide methods for determining the amount of the net fair market value of the trust to take into account in determining the applicable value, including:

(1) Obtaining an appraisal of an asset for which fair market value is not readily available;

(2) Exclusion of specific assets or groups or types of assets;

(3) Other exceptions or modifications of the treatment of specific assets or groups or types of assets;

(4) Identification and treatment of cash or property held for distribution;

(5) Use of:

(a) An average of fair market values over a stated number of preceding periods; or

(b) Another mathematical blend of fair market values over a stated number of preceding periods;

(6) A limit on how much the applicable value of all assets, groups of assets, or individual assets may increase over:

- (a) The corresponding applicable value for the preceding period; or
- (b) A mathematical blend of applicable values over a stated number of preceding periods;
- (7) A limit on how much the applicable value of all assets, groups of assets, or individual assets may

decrease below:

- (a) The corresponding applicable value for the preceding period; or
- (b) A mathematical blend of applicable values over a stated number of preceding periods;
- (8) The treatment of accrued income and other features of an asset that affect value; and
- (9) Determining the liabilities of the trust, including treatment of liabilities to conform with the treatment of assets under subdivisions (1) to (8) of this subsection.

469.485. 1. A unitrust policy shall provide the period used under sections 469.481 and 469.483. Except as otherwise provided in subdivision (3) of subsection 2 of section 469.481, the period may be:

- (1) A calendar year;
- (2) A twelve-month period other than a calendar year;
- (3) A calendar quarter;
- (4) A three-month period other than a calendar quarter; or
- (5) Another period.

2. Except as otherwise provided in subsection 2 of section 469.487, a unitrust policy may provide standards for:

(1) Using fewer preceding periods under paragraph (b) of subdivision (2) of subsection 1 of section 469.481 or subdivision (3) or (4) of subsection 2 of section 469.481 if:

- (a) The trust was not in existence in a preceding period; or
- (b) Market indices or other published data are not available for a preceding period;

(2) Using fewer preceding periods under paragraph (a) or (b) of subdivision (5) of subsection 2 of section 469.483, paragraph (b) of subdivision (6) of subsection 2 of section 469.483, or paragraph (b) of subdivision (7) of subsection 2 of section 469.483 if:

- (a) The trust was not in existence in a preceding period; or
- (b) Fair market values are not available for a preceding period; and
- (3) Prorating the unitrust amount on a daily basis for a part of a period in which the trust or the administration of the trust as a unitrust or the interest of any beneficiary commences or terminates.

469.487. 1. A unitrust policy may:

- (1) Provide methods and standards for:
 - (a) Determining the timing of distributions;
 - (b) Making distributions in cash or in kind or partly in cash and partly in kind; or
 - (c) Correcting an underpayment or overpayment to a beneficiary based on the unitrust amount if there is an error in calculating the unitrust amount;
- (2) Specify sources and the order of sources, including categories of income for federal income tax purposes, from which distributions of a unitrust amount are paid; or
- (3) Provide other standards and rules the fiduciary determines serve the interests of the beneficiaries.

2. If a trust qualifies for a special tax benefit or a fiduciary is not an independent person:

(1) The unitrust rate established under section 469.481 shall not be less than three percent or more than five percent;

(2) The only provisions of section 469.483 that apply are subsection 1 of section 469.483; subdivisions (1), (4), and (9) of subsection 2 of section 469.483; and paragraph (a) of subdivision (5) of subsection 2 of section 469.483;

(3) The only period that may be used under section 469.485 is a calendar year under subdivision (1) of subsection 1 of section 469.485; and

(4) The only other provisions of section 469.485 that apply are paragraph (a) of subdivision (2) of subsection 2 of section 469.485 and subdivision (3) of subsection 2 of section 469.485."; and

Further amend said bill, Page 9, Section 474.600, Line 89, by inserting after all of the said section and line the following:

"476.1025. A parent, spouse, child, or personal representative of a person who was convicted of a misdemeanor offense may file a motion with the court in which the person was convicted to have the record of such offense made confidential in any automated case management system if such person has been deceased

for six months or more. Upon such motion accompanied by a copy of the death certificate of the deceased person, the court shall make the case confidential. Prior to making the case confidential, the court shall determine whether any person would be unfairly prejudiced by making such record confidential in any automated case management system.

477.650. 1. There is hereby created in the state treasury the "Basic Civil Legal Services Fund", to be administered by, or under the direction of, the Missouri supreme court. All moneys collected under section 488.031 shall be credited to the fund. In addition to the court filing surcharges, funds from other public or private sources also may be deposited into the fund and all earnings of the fund shall be credited to the fund. The purpose of this section is to increase the funding available for basic civil legal services to eligible low-income persons as such persons are defined by the Federal Legal Services Corporation's Income Eligibility Guidelines.

2. Funds in the basic civil legal services fund shall be allocated annually and expended to provide legal representation to eligible low-income persons in the state in civil matters. Moneys, funds, or payments paid to the credit of the basic civil legal services fund shall, at least as often as annually, be distributed to the legal services organizations in this state which qualify for Federal Legal Services Corporation funding. The funds so distributed shall be used by legal services organizations in this state solely to provide legal services to eligible low-income persons as such persons are defined by the Federal Legal Services Corporation's Income Eligibility Guidelines. Fund money shall be subject to all restrictions imposed on such legal services organizations by law. Funds shall be allocated to the programs according to the funding formula employed by the Federal Legal Services Corporation for the distribution of funds to this state. Notwithstanding the provisions of section 33.080, any balance remaining in the basic civil legal services fund at the end of any year shall not be transferred to the state's general revenue fund. Moneys in the basic civil legal services fund shall not be used to pay any portion of a refund mandated by Article X, Section ~~[45]~~ 18 of the Missouri Constitution. State legal services programs shall represent individuals to secure lawful state benefits, but shall not sue the state, its agencies, or its officials, with any state funds.

3. Contracts for services with state legal services programs shall provide eligible low-income Missouri citizens with equal access to the civil justice system, with a high priority on families and children, domestic violence, the elderly, and qualification for benefits under the Social Security Act. State legal services programs shall abide by all restrictions, requirements, and regulations of the Legal Services Corporation regarding their cases.

4. The Missouri supreme court, or a person or organization designated by the court, is the administrator and shall administer the fund in such manner as determined by the Missouri supreme court, including in accordance with any rules and policies adopted by the Missouri supreme court for such purpose. Moneys from the fund shall be used to pay for the collection of the fee and the implementation and administration of the fund.

5. Each recipient of funds from the basic civil legal services fund shall maintain appropriate records accounting for the receipt and expenditure of all funds distributed and received pursuant to this section. These records must be maintained for a period of five years from the close of the fiscal year in which such funds are distributed or received or until audited, whichever is sooner. All funds distributed or received pursuant to this section are subject to audit by the Missouri supreme court or the state auditor.

6. The Missouri supreme court, or a person or organization designated by the court, shall, by January thirty-first of each year, report to the general assembly on the moneys collected and disbursed pursuant to this section and section 488.031 by judicial circuit.

~~[7. The provisions of this section shall expire on December 31, 2025.]~~

478.001. 1. For purposes of sections 478.001 to 478.009, the following terms shall mean:

- (1) "Adult treatment court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants charged with a criminal offense;
- (2) "Community-based substance use disorder treatment program", an agency certified by the department of mental health as a substance use disorder treatment provider;
- (3) "Co-occurring disorder", the coexistence of both a substance use disorder and a mental health disorder;
- (4) "DWI court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants who have pleaded guilty to or been found guilty of driving while intoxicated or driving with excessive blood alcohol content;
- (5) "Family treatment court", a treatment court focused on addressing a substance use disorder or co-occurring disorder existing in families in the juvenile court, family court, or criminal court in which a parent or other household member has been determined to have a substance use disorder or co-occurring disorder that impacts the safety and well-being of the children in the family;

(6) "Juvenile treatment court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of juveniles in the juvenile court;

(7) "Medication-assisted treatment", the use of pharmacological medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders;

(8) "Mental health disorder", any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive, volitional, or emotional function and that constitutes a substantial impairment in a person's ability to participate in activities of normal living;

(9) "**Mental health treatment court**", a treatment court focused on addressing the mental health disorder or co-occurring disorder of defendants charged with a criminal offense;

(10) "Risk and needs assessment", an actuarial tool, approved by the treatment courts coordinating commission and validated on a targeted population of drug-involved adult offenders, scientifically proven to determine a person's risk to recidivate and to identify criminal risk factors that, when properly addressed, can reduce that person's likelihood of committing future criminal behavior;

~~[(40)]~~ (11) "Substance use disorder", the recurrent use of alcohol or drugs that causes clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, or home;

~~[(41)]~~ (12) "Treatment court commissioner", a person appointed by a majority of the circuit and associate circuit judges in a circuit to preside as the judicial officer in the treatment court division;

~~[(42)]~~ (13) "Treatment court division", a specialized, nonadversarial court division with jurisdiction over cases involving substance-involved offenders and making extensive use of comprehensive supervision, drug or alcohol testing, and treatment services. Treatment court divisions include, but are not limited to, the following specialized courts: adult treatment court, DWI court, family treatment court, juvenile treatment court, **mental health treatment court**, veterans treatment court, or any combination thereof;

~~[(43)]~~ (14) "Treatment court team", the following members who are assigned to the treatment court: the judge or treatment court commissioner, treatment court administrator or coordinator, prosecutor, public defender or member of the criminal defense bar, a representative from the division of probation and parole, a representative from law enforcement, substance use disorder **or mental health disorder** treatment providers, and any other person selected by the treatment court team;

~~[(44)]~~ (15) "Veterans treatment court", a treatment court focused on substance use disorders, co-occurring disorders, or mental health disorders of defendants charged with a criminal offense who are military veterans or current military personnel.

2. A treatment court division shall be established, prior to August 28, 2021, by any circuit court pursuant to sections 478.001 to 478.009 to provide an alternative for the judicial system to dispose of cases which stem from, or are otherwise impacted by, a substance use **disorder or mental health disorder**. The treatment court division may include, but not be limited to, cases assigned to an adult treatment court, DWI court, family treatment court, juvenile treatment court, **mental health treatment court**, veterans treatment court, or any combination thereof. A treatment court shall combine judicial supervision, drug or alcohol testing, and treatment of participants. Except for good cause found by the court, a treatment court making a referral for substance use disorder **or mental health disorder** treatment, when such program will receive state or federal funds in connection with such referral, shall refer the person only to a program which is certified by the department of mental health, unless no appropriate certified treatment program is located within the same county as the treatment court. Upon successful completion of the treatment court program, the charges, petition, or penalty against a treatment court participant may be dismissed, reduced, or modified, unless otherwise stated. **Except for those costs waived pursuant to section 488.016**, any fees received by a court from a defendant as payment for substance **or mental health** treatment programs shall not be considered court costs, charges or fines.

3. An adult treatment court may be established by any circuit court ~~[under sections 478.001 to 478.009]~~ to provide an alternative for the judicial system to dispose of cases which stem from substance use.

4. ~~[Under sections 478.001 to 478.009,]~~ A DWI court may be established by any circuit court to provide an alternative for the judicial system to dispose of cases that stem from driving while intoxicated.

5. A family treatment court may be established by any circuit court. The juvenile division of the circuit court or the family court, if one is established under section 487.010, may refer one or more parents or other household members subject to its jurisdiction to the family treatment court if he or she has been determined to have a substance use disorder or co-occurring disorder that impacts the safety and well-being of the children in the family.

6. A juvenile treatment court may be established by the juvenile division of any circuit court. The juvenile division may refer a juvenile to the juvenile treatment court if the juvenile is determined to have committed acts that

violate the criminal laws of the state or ordinances of a municipality or county and a substance use disorder or co-occurring disorder contributed to the commission of the offense.

7. The general assembly finds and declares that it is the public policy of this state to encourage and provide an alternative method for the disposal of cases for military veterans and current military personnel with substance use disorders, mental health disorders, or co-occurring disorders. In order to effectuate this public policy, a veterans treatment court may be established by any circuit court, or combination of circuit courts upon agreement of the presiding judges of such circuit courts, to provide an alternative for the judicial system to dispose of cases that stem from a substance use disorder, mental health disorder, or co-occurring disorder of military veterans or current military personnel. A veterans treatment court shall combine judicial supervision, drug or alcohol testing, and substance use and mental health disorder treatment to participants who have served or are currently serving the United States Armed Forces, including members of the Reserves or National Guard, with preference given to individuals who have combat service. For the purposes of this section, combat service shall be shown through military service documentation that reflects service in a combat theater, receipt of combat service medals, or receipt of imminent danger or hostile fire pay or tax benefits. Except for good cause found by the court, a veterans treatment court shall make a referral for substance use or mental health disorder treatment, or a combination of substance use and mental health disorder treatment, through the Department of Defense health care, the Veterans Administration, or a community-based substance use disorder treatment program. Community-based programs utilized shall receive state or federal funds in connection with such referral and shall only refer the individual to a program certified by the department of mental health, unless no appropriate certified treatment program is located within the same circuit as the veterans treatment court.

8. A mental health treatment court may be established by any circuit court to provide an alternative for the judicial system to dispose of cases that stem from a mental health disorder or co-occurring disorder.

487.110. The uniform child custody jurisdiction **and enforcement** act, as enacted in sections ~~[452.440 to 452.550]~~ **452.700 to 452.930**, shall apply to all **child** custody proceedings, **as defined in section 452.705**, in the family court.

488.040. ~~[4-] Each grand and petit juror shall, pursuant to the provisions of section 494.455, receive six dollars per day for every day he or she may actually serve as such and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county.~~

~~2. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to subsection 3 of this section in the amount of at least six dollars per day in addition to the amount required by subsection 1 of this section, a person shall receive an additional six dollars per day, pursuant to the provisions of section 494.455, to be reimbursed by the state of Missouri so that the total compensation payable shall be at least eighteen dollars, plus mileage as indicated in subsection 1 of this section, for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a grand juror during a term of a grand jury. The state shall reimburse the county for six dollars of the additional juror compensation provided by this subsection.~~

~~3. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional compensation and mileage allowance authorized by this subsection only if the governing body of the county or the city not within a county authorizes the additional compensation. The provisions of this subsection authorizing additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which results in the state of Missouri being obligated or required to pay any such additional compensation even if such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county.~~

~~4. When each panel of jurors summoned and attending court has completed its service, the board of jury commissioners shall cause to be submitted to the governing body of the county or a city not within a county a statement of fees earned by each juror. Within thirty days of the submission of the statement of fees, the governing body shall cause payment to be made to those jurors summoned the fees earned during their service as jurors]~~ **receive daily compensation and mileage allowance in the amount provided by law pursuant to section 494.455.**

488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in addition to all other deposits required by law or court rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County, **the circuit court in the city of St. Louis**, or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners under and pursuant to section 487.020, may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County, **the circuit court in the city of St. Louis**, or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners under and pursuant to section 487.020 may change the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until further changed.

3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are paid by the county or state or any city.

~~[4. In addition to any fee authorized by subsection 1 of this section, any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants may impose an additional fee of ten dollars excluding cases concerning adoption and those in small claims court. The provisions of this subsection shall expire on December 31, 2019.]~~

~~494.455. 1. [Each county or city not within a county may elect to compensate its jurors pursuant to subsection 2 of this section except as otherwise provided in subsection 3 of this section.~~

~~2.]~~ Each grand and petit juror shall receive **a minimum of six dollars per day**, for every day ~~he or she~~ **the juror** may actually serve as ~~such~~ **a juror**, and ~~seven cents~~ **the mileage rate as provided by section 33.095 for state employees** for every mile ~~he or she~~ **the juror** may necessarily travel going from ~~his or her~~ **the juror's** place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county. **Each county or city not within a county may elect to compensate its jurors pursuant to subsection 2 of this section, except as otherwise provided in subsection 3 of this section.**

2. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional compensation and mileage allowance authorized by this subsection only if the governing body of the county or the city not within a county authorizes the additional compensation. The provisions of this subsection authorizing additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which results in the state of Missouri being obligated or required to pay any such additional compensation even if such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to this subsection in the amount of at least six dollars per day in addition to the amount required by ~~this~~ **subsection 1 of this section**, a person shall receive an additional six dollars per day to be reimbursed by the state of Missouri so that the total compensation payable shall be at least eighteen dollars, plus mileage for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a grand juror during a term of a grand jury. The state shall reimburse the county for six dollars of the additional juror compensation provided by this subsection.

3. ~~[In any county of the first classification without a charter form of government and with a population of at least two hundred thousand inhabitants, no grand or petit juror shall receive compensation for the first two days of service, but shall receive fifty dollars per day for the third day and each subsequent day he or she may actually serve as such, and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county.]~~ **Notwithstanding the provisions of subsection 1 or 2 of this section to the contrary, by a majority vote, the governing body of a county or a city not within a county may adopt a system for juror compensation in the county or a city not within a county as follows: each grand or petit juror shall receive fifty dollars per day for the third day the juror may actually serve as a juror and for each subsequent day of actual service, and the mileage rate as provided by section 33.095 for state employees for every mile the juror may necessarily travel from the juror's place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county, provided that no grand or petit juror shall receive compensation for the first two days the juror may actually serve as such.**

4. When each panel of jurors summoned and attending court has completed its service, the board of jury commissioners shall cause to be submitted to the governing body of the county or a city not within a county a

statement of fees earned by each juror. Within thirty days of the submission of the statement of fees, the governing body shall cause payment to be made to those jurors summoned the fees earned during their service as jurors.

509.520. 1. Notwithstanding any provision of law to the contrary, beginning August 28, 2023, pleadings, attachments, exhibits filed with the court in any case, as well as any judgments or orders issued by the court, or other records of the court shall not include the following confidential and personal identifying information:

- (1) The full Social Security number of any party or any child;
- (2) The full credit card number, financial institution account number, personal identification number, or password used to secure an account of any party;
- (3) The full motor vehicle operator license number;
- (4) ~~[Victim] Information[, including the name, address, and other contact information of the]~~ **concerning a victim or witness in a criminal case that is confidential as otherwise provided by statute or as prescribed in the Missouri supreme court rules of criminal procedure or operating rules;**
- (5) ~~[Witness information, including the name, address, and other contact information of the witness;~~
- ~~(6)]~~ Any other full state identification number;
- ~~[(7)]~~ **(6)** The name, address, and date of birth of a minor and, if applicable, any next friend; ~~[(8)]~~
- ~~(8)]~~ **(7)** The full date of birth of any party; however, the year of birth shall be made available, except for a minor; **or**

(8) Any other information redacted for good cause by order of the court.

2. The information provided under subsection 1 of this section shall be provided in a confidential information filing sheet contemporaneously filed with the court or entered by the court, which shall not be subject to public inspection or availability.

3. Nothing in this section shall preclude an entity including, but not limited to, a financial institution, insurer, insurance support organization, or consumer reporting agency that is otherwise permitted by law to access state court records from using a person's unique identifying information to match such information contained in a court record to validate that person's record.

4. The Missouri supreme court shall promulgate rules to administer this section.

5. Contemporaneously with the filing of every petition for dissolution of marriage, legal separation, motion for modification, action to establish paternity, and petition or motion for support or custody of a minor child, the filing party shall file a confidential case filing sheet with the court which shall not be subject to public inspection and which provides:

- (1) The name and address of the current employer and the Social Security number of the petitioner or movant, if a person;
- (2) If known to the petitioner or movant, the name and address of the current employer and the Social Security number of the respondent; and
- (3) The names, dates of birth, and Social Security numbers of any children subject to the action.

6. Contemporaneously with the filing of every responsive pleading petition for dissolution of marriage, legal separation, motion for modification, action to establish paternity, and petition or motion for support or custody of a minor child, the responding party shall file a confidential case filing sheet with the court which shall not be subject to public inspection and which provides:

- (1) The name and address of the current employer and the Social Security number of the responding party, if a person;
- (2) If known to the responding party, the name and address of the current employer and the Social Security number of the petitioner or movant; and
- (3) The names, dates of birth, and Social Security numbers of any children subject to the action.

7. The full Social Security number of any party or child subject to an order of custody or support shall be retained by the court on the confidential case filing sheet or other confidential record maintained in conjunction with the administration of the case. The full credit card number or other financial account number of any party may be retained by the court on a confidential record if it is necessary to maintain the number in conjunction with the administration of the case.

8. Any document described in subsection 1 of this section shall, in lieu of the full number, include only the last four digits of any such number.

9. Except as provided in section 452.430, the clerk shall not be required to redact any document described in subsection 1 of this section issued or filed before August 28, 2009, prior to releasing the document to the public.

10. For good cause shown, the court may release information contained on the confidential case filing sheet; except that, any state agency acting under authority of chapter 454 shall have access to information contained herein without court order in carrying out their official duty.

510.500. Sections 510.500 to 510.521 shall be known and may be cited as the "Uniform Interstate Depositions and Discovery Act".

510.503. As used in sections 510.500 to 510.521, the following terms mean:

- (1) "Foreign jurisdiction", a state other than this state;
- (2) "Foreign subpoena", a subpoena issued under authority of a court of record of a foreign jurisdiction;
- (3) "Person", an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or political subdivision, agency or instrumentality, or any other legal or commercial entity;
- (4) "State", a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States;
- (5) "Subpoena", a document, however denominated, issued under authority of a court of record requiring a person to:
 - (a) Attend and give testimony at a deposition;
 - (b) Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible items in the possession, custody, or control of the person; or
 - (c) Permit inspection of premises under the control of the person.

510.506. 1. To request issuance of a subpoena under this section, a party shall submit a foreign subpoena to a clerk of court in the county in which discovery is sought to be conducted in this state. A request for the issuance of a subpoena under sections 510.500 to 510.521 shall not constitute an appearance in the courts of this state.

2. If a party submits a foreign subpoena to a clerk of court in this state, the clerk, in accordance with such court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

3. A subpoena under subsection 2 of this section shall:

- (1) Incorporate the terms used in the foreign subpoena; and
- (2) Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

510.509. A subpoena issued by a clerk of court under section 510.506 shall be served in compliance with the Missouri supreme court rules of civil procedure and laws of this state.

510.512. The Missouri supreme court rules of civil procedure and laws of this state, and any amendments thereto, apply to subpoenas issued under section 510.506.

510.515. An application to the court for a protective order or to enforce, quash, or modify a subpoena issued by a clerk of court under section 510.506 shall comply with the Missouri supreme court rules of civil procedure and the laws of this state and be submitted to the court in the county in which discovery is to be conducted.

510.518. In applying and construing sections 510.500 to 510.521, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

510.521. Sections 510.500 to 510.521 apply to requests for discovery in cases pending on August 28, 2025.

537.529. 1. This section shall be known and may be cited as the "Uniform Public Expression Protection Act".

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

- (1) "Goods or services", does not include a dramatic, literary, musical, political, journalistic, or artistic work;
- (2) "Governmental unit", any city, county, or other political subdivision of this state, or any department, division, board, or other agency of any political subdivision of this state;
- (3) "Person", an individual, estate, trust, partnership, business or nonprofit entity, governmental unit, or other legal entity.

3. Except as otherwise provided in subsection 4 of this section, the provisions of this section shall apply to a cause of action asserted in a civil action against a person based on the person's:

(1) Communication in a legislative, executive, judicial, administrative, or other governmental proceeding;

(2) Communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or

(3) Exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the Constitution of the United States or the Constitution of the state of Missouri, on a matter of public concern.

4. The provisions of this section shall not apply to a cause of action asserted:

(1) Against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity;

(2) By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety; or

(3) Against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication related to the person's sale or lease of the goods or services.

5. No later than sixty days after a party is served with a complaint, crossclaim, counterclaim, third-party claim, or other pleading that asserts a cause of action to which this section applies, or at a later time on a showing of good cause, the party may file a special motion to dismiss the cause of action or part of the cause of action.

6. (1) Except as otherwise provided in this subsection:

(a) All other proceedings between the moving party and responding party in an action, including discovery and a pending hearing or motion, are stayed on the filing of a motion under subsection 5 of this section; and

(b) On motion by the moving party, the court may stay:

a. A hearing or motion involving another party if the ruling on the hearing or motion would adjudicate a legal or factual issue that is material to the motion under subsection 5 of this section; or

b. Discovery by another party if the discovery relates to a legal or factual issue that is material to the motion under subsection 5 of this section.

(2) A stay under subdivision (1) of this subsection remains in effect until entry of an order ruling on the motion filed under subsection 5 of this section and the expiration of the time to appeal the order.

(3) If a party appeals from an order ruling on a motion under subsection 5 of this section, all proceedings between all parties in an action are stayed. The stay remains in effect until the conclusion of the appeal.

(4) During a stay under subdivision (1) of this subsection, the court may allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden imposed by subdivision (1) of subsection 9 of this section and is not reasonably available without discovery.

(5) A motion for costs and expenses under subsection 12 of this section shall not be subject to a stay under this section.

(6) A stay under this subsection does not affect a party's ability to voluntarily dismiss a cause of action or part of a cause of action or move to sever a cause of action.

(7) During a stay under this section, the court for good cause may hear and rule on:

(a) A motion unrelated to the motion under subsection 5 of this section; and

(b) A motion seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

7. (1) The court shall hear a motion under subsection 5 of this section no later than sixty days after filing of the motion, unless the court orders a later hearing:

(a) To allow discovery under subdivision (4) of subsection 6 of this section; or

(b) For other good cause.

(2) If the court orders a later hearing under paragraph (a) of subdivision (1) of this subsection, the court shall hear the motion under subsection 5 of this section no later than sixty days after the court order allowing the discovery, subject to paragraph (b) of subdivision (1) of this subsection.

8. In ruling on a motion under subsection 5 of this section, the court shall consider the parties' pleadings, the motion, any replies and responses to the motion, and any evidence that could be considered in ruling on a motion for summary judgment.

9. (1) In ruling on a motion under subsection 5 of this section, the court shall dismiss with prejudice a cause of action or part of a cause of action if:

- (a) The moving party establishes under subsection 3 of this section that this section applies;**
- (b) The responding party fails to establish under subsection 4 of this section that this section does not apply; and**
- (c) Either:**
 - a. The responding party fails to establish a prima facie case as to each essential element of the cause of action; or**
 - b. The moving party establishes that:**
 - (i) The responding party failed to state a cause of action upon which relief can be granted; or**
 - (ii) There is no genuine issue as to any material fact and the party is entitled to judgment as a matter of law on the cause of action or part of the cause of action.**

(2) A voluntary dismissal without prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under subsection 5 of this section does not affect a moving party's right to obtain a ruling on the motion and seek costs, reasonable attorney's fees, and reasonable litigation expenses under subsection 12 of this section.

(3) A voluntary dismissal with prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under subsection 5 of this section establishes for the purpose of subsection 12 of this section that the moving party prevailed on the motion.

10. The court shall rule on a motion under subsection 5 of this section no later than sixty days after the hearing under subsection 7 of this section.

11. A moving party may appeal within twenty-one days as a matter of right from an order denying, in whole or in part, a motion under subsection 5 of this section.

12. On a motion under subsection 5 of this section, the court shall award costs, reasonable attorney's fees, and reasonable litigation expenses related to the motion:

- (1) To the moving party if the moving party prevails on the motion; or**
- (2) To the responding party if the responding party prevails on the motion and the court finds that the motion was frivolous or filed solely with intent to delay the proceeding.**

13. This section shall be broadly construed and applied to protect the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association, guaranteed by the Constitution of the United States or the Constitution of the state of Missouri.

14. In applying and construing this section, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

15. This section applies to a civil action filed or cause of action asserted in a civil action on or after August 28, 2025.

559.125. 1. The clerk of the court shall keep in a permanent file all applications for probation or parole by the court, and shall keep in such manner as may be prescribed by the court complete and full records of all presentence investigations requested, probations or paroles granted, revoked or terminated and all discharges from probations or paroles. All court orders relating to any presentence investigation requested and probation or parole granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like manner, and, if the defendant subject to any such order is subject to an investigation or is under the supervision of the division of probation and parole, a copy of the order shall be sent to the division of probation and parole. In any county where a parole board ceases to exist, the clerk of the court shall preserve the records of that parole board.

2. **Except in criminal proceedings**, information and data obtained by a probation or parole officer shall be privileged information and shall not be receivable in any court. Such information shall not be disclosed directly or indirectly to anyone other than the members of a parole board and the judge entitled to receive reports, except the court, the division of probation and parole, or the parole board may in its discretion permit the inspection of the report, or parts of such report, by the defendant, or offender or his or her attorney, or other person having a proper interest therein.

3. The provisions of subsection 2 of this section notwithstanding, the presentence investigation report shall be made available to the state and all information and data obtained in connection with preparation of the presentence investigation report may be made available to the state at the discretion of the court upon a showing that the receipt of the information and data is in the best interest of the state.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of

the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020 and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health and senior services. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

4. The remaining funds collected under subsection 1 of this section shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on September 1, 2004, and on the first of each month, the director of revenue or the director's designee shall deposit fifty percent of the balance of funds available to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100.

5. The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the department of public safety.

6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on September 1, 2004, and on the first of each month the director of revenue or the director's designee shall deposit fifty percent of the balance of funds available to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100.

7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

8. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C ~~or~~, D, or E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri law except for those in chapter 252 relating to fish and game, chapter 302 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

9. The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of

the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

10. The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection 16 of this section and shall maintain separate records of collection for alcohol-related offenses.

11. The state courts administrator shall include in the annual report required by section 476.350 the circuit court caseloads and the number of crime victims' compensation judgments entered.

12. All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080 requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

13. When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

14. All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

15. Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

16. The department may receive gifts and contributions for the benefit of crime victims. Such gifts and contributions shall be credited to the crime victims' compensation fund as used solely for compensating victims under the provisions of sections 595.010 to 595.075.

621.045. 1. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in those cases when, under the law, a license issued by any of the following agencies may be revoked or suspended or when the licensee may be placed on probation or when an agency refuses to permit an applicant to be examined upon his or her qualifications or refuses to issue or renew a license of an applicant who has passed an examination for licensure or who possesses the qualifications for licensure without examination:

Missouri State Board of Accountancy

Missouri State Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Board of Barber Examiners

Board of Cosmetology

Board of Chiropractic and Podiatry

Board of Chiropractic Examiners

Missouri Dental Board

Board of Embalmers and Funeral Directors

Board of Registration for the Healing Arts

Board of Nursing

Board of Optometry
Board of Pharmacy
Missouri Real Estate Commission
Missouri Veterinary Medical Board
Supervisor of Liquor Control
Department of Health and Senior Services
Department of Commerce and Insurance
Department of Mental Health
Board of Private Investigator Examiners.

2. If in the future there are created by law any new or additional administrative agencies which have the power to issue, revoke, suspend, or place on probation any license, then those agencies are under the provisions of this law.

3. The administrative hearing commission is authorized to conduct hearings and make findings of fact and conclusions of law in those cases brought by the Missouri state board for architects, professional engineers, professional land surveyors and landscape architects against unlicensed persons under section 327.076.

4. **The administrative hearing commission is authorized to conduct hearings and make findings of fact and conclusions of law in those cases brought by the division of workers' compensation of the department of labor and industrial relations against administrative law judges under section 287.610.**

5. Notwithstanding any other provision of this section to the contrary, after August 28, 1995, in order to encourage settlement of disputes between any agency described in subsection 1 or 2 of this section and its licensees, any such agency shall:

(1) Provide the licensee with a written description of the specific conduct for which discipline is sought and a citation to the law and rules allegedly violated, together with copies of any documents which are the basis thereof and the agency's initial settlement offer, or file a contested case against the licensee;

(2) If no contested case has been filed against the licensee, allow the licensee at least sixty days, from the date of mailing, to consider the agency's initial settlement offer and to contact the agency to discuss the terms of such settlement offer;

(3) If no contested case has been filed against the licensee, advise the licensee that the licensee may, either at the time the settlement agreement is signed by all parties, or within fifteen days thereafter, submit the agreement to the administrative hearing commission for determination that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee; and

(4) In any contact under this subsection by the agency or its counsel with a licensee who is not represented by counsel, advise the licensee that the licensee has the right to consult an attorney at the licensee's own expense.

~~[5-]~~ 6. If the licensee desires review by the administrative hearing commission under subdivision (3) of subsection ~~[4]~~ 5 of this section at any time prior to the settlement becoming final, the licensee may rescind and withdraw from the settlement and any admissions of fact or law in the agreement shall be deemed withdrawn and not admissible for any purposes under the law against the licensee. Any settlement submitted to the administrative hearing commission shall not be effective and final unless and until findings of fact and conclusions of law are entered by the administrative hearing commission that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee.

~~[6-]~~ 7. When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under sections 536.067 and 621.100 upon a properly pled writing filed to initiate the contested case under this chapter or chapter 536, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.

~~[469.409. 1. Any claim for breach of a trustee's duty to impartially administer a trust-related, directly or indirectly, to an adjustment made by a fiduciary to the allocation between principal and income pursuant to subsection 1 of section 469.405 or any allocation made by the~~

fiduciary pursuant to any authority or discretion specified in subsection 1 of section 469.403, unless previously barred by adjudication, consent or other limitation, shall be barred as provided in this section.

(1) Any such claim brought by a qualified beneficiary is barred if not asserted in a judicial proceeding commenced within two years after the trustee has sent a report to that qualified beneficiary that adequately discloses the facts constituting the claim.

(2) Any such claim brought by a beneficiary (other than a qualified beneficiary) with any interest whatsoever in the trust, no matter how remote or contingent, or whether or not the beneficiary is ascertainable or has the capacity to contract, is barred if not asserted in a judicial proceeding commenced within two years after the first to occur of:

(a) The date the trustee sent a report to all qualified beneficiaries that adequately discloses the facts constituting the claim; or

(b) The date the trustee sent a report to a person that represents the beneficiary under the provisions of subdivision (2) of subsection 2 of this section.

2. For purposes of this section the following rules shall apply:

(1) A report adequately discloses the facts constituting a claim if it provides sufficient information so that the beneficiary should know of the claim or reasonably should have inquired into its existence;

(2) Section 469.402 shall apply in determining whether a beneficiary (including a qualified beneficiary) has received notice for purposes of this section;

(3) The determination of the identity of all qualified beneficiaries shall be made on the date the report is deemed to have been sent; and

(4) This section does not preclude an action to recover for fraud or misrepresentation related to the report.]

[469.411. 1. (1) If the provisions of this section apply to a trust, the unitrust amount determined for each accounting year of the trust shall be a percentage between three and five percent of the average net fair market value of the trust, as of the first day of the trust's current accounting year. The percentage applicable to a trust shall be that percentage specified by the terms of the governing instrument or by the election made in accordance with subdivision (2) of subsection 5 of this section.

(2) The unitrust amount for the current accounting year computed pursuant to this section shall be proportionately reduced for any distributions, in whole or in part, other than distributions of the unitrust amount, and for any payments of expenses, including debts, disbursements and taxes, from the trust within a current accounting year that the trustee determines to be material and substantial, and shall be proportionately increased for the receipt, other than a receipt that represents a return on investment, of any additional property into the trust within a current accounting year.

(3) For purposes of this section, the net fair market values of the assets held in the trust on the first business day of a prior accounting quarter shall be adjusted to reflect any reduction, in the case of a distribution or payment, or increase, in the case of a receipt, for the prior accounting year pursuant to subdivision (1) of this subsection, as if the distribution, payment or receipt had occurred on the first day of the prior accounting year.

(4) In the case of a short accounting period, the trustee shall prorate the unitrust amount on a daily basis.

(5) In the case where the net fair market value of an asset held in the trust has been incorrectly determined in any quarter, the unitrust amount shall be increased in the case of an undervaluation, or be decreased in the case of an overvaluation, by an amount equal to the difference between the unitrust amount determined based on the correct valuation of the asset and the unitrust amount originally determined.

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

(1) "Average net fair market value", a rolling average of the fair market value of the assets held in the trust on the first business day of the lesser of the number of accounting quarters of the trust from the date of inception of the trust to the determination of the trust's average net fair market value, or twelve accounting quarters of the trust, regardless of whether this section applied to the ascertainment of net income for all valuation quarters;

~~(2) "Current accounting year", the accounting period of the trust for which the unitrust amount is being determined.~~

~~3. In determining the average net fair market value of the assets held in the trust, there shall not be included the value of:~~

~~(1) Any residential property or any tangible personal property that, as of the first business day of the current valuation year, one or more income beneficiaries of the trust have or had the right to occupy, or have or had the right to possess or control, other than in a capacity as trustee, and instead the right of occupancy or the right to possession or control shall be deemed to be the unitrust amount with respect to the residential property or the tangible personal property; or~~

~~(2) Any asset specifically given to a beneficiary under the terms of the trust and the return on investment on that asset, which return on investment shall be distributable to the beneficiary.~~

~~4. In determining the average net fair market value of the assets held in the trust pursuant to subsection 1 of this section, the trustee shall, not less often than annually, determine the fair market value of each asset of the trust that consists primarily of real property or other property that is not traded on a regular basis in an active market by appraisal or other reasonable method or estimate, and that determination, if made reasonably and in good faith, shall be conclusive as to all persons interested in the trust. Any claim based on a determination made pursuant to this subsection shall be barred if not asserted in a judicial proceeding brought by any beneficiary with any interest whatsoever in the trust within two years after the trustee has sent a report to all qualified beneficiaries that adequately discloses the facts constituting the claim. The rules set forth in subsection 2 of section 469.409 shall apply to the barring of claims pursuant to this subsection.~~

~~5. This section shall apply to the following trusts:~~

~~(1) Any trust created after August 28, 2001, with respect to which the terms of the trust clearly manifest an intent that this section apply;~~

~~(2) Any trust created under an instrument that became irrevocable on, before, or after August 28, 2001, if the trustee, in the trustee's discretion, elects to have this section apply unless the instrument creating the trust specifically prohibits an election under this subdivision. The trustee shall deliver notice to all qualified beneficiaries and the settlor of the trust, if he or she is then living, of the trustee's intent to make such an election at least sixty days before making that election. The trustee shall have sole authority to make the election. Section 469.402 shall apply for all purposes of this subdivision. An action or order by any court shall not be required. The election shall be made by a signed writing delivered to the settlor of the trust, if he or she is then living, and to all qualified beneficiaries. The election is irrevocable, unless revoked by order of the court having jurisdiction of the trust. The election may specify the percentage used to determine the unitrust amount pursuant to this section, provided that such percentage is between three and five percent, or if no percentage is specified, then that percentage shall be three percent. In making an election pursuant to this subsection, the trustee shall be subject to the same limitations and conditions as apply to an adjustment between income and principal pursuant to subsections 3 and 4 of section 469.405; and~~

~~(3) No action of any kind based on an election made by a trustee pursuant to subdivision (2) of this subsection shall be brought against the trustee by any beneficiary of that trust three years from the effective date of that election.~~

~~6. (1) Once the provisions of this section become applicable to a trust, the net income of the trust shall be the unitrust amount.~~

~~(2) Unless otherwise provided by the governing instrument, the unitrust amount distributed each year shall be paid from the following sources for that year up to the full value of the unitrust amount in the following order:~~

~~(a) Net income as determined if the trust were not a unitrust;~~

~~(b) Other ordinary income as determined for federal income tax purposes;~~

~~(c) Assets of the trust principal for which there is a readily available market value;~~

~~and~~

~~(d) Other trust principal.~~

~~(3) Additionally, the trustee may allocate to trust income for each taxable year of the trust, or portion thereof:~~

~~(a) Net short term capital gain described in the Internal Revenue Code, 26 U.S.C. Section 1222(5), for such year, or portion thereof, but only to the extent that the amount so allocated together with all other amounts to trust income, as determined under the provisions of this chapter without regard to this section, for such year, or portion thereof, does not exceed the unitrust amount for such year, or portion thereof;~~

~~(b) Net long term capital gain described in the Internal Revenue Code, 26 U.S.C. Section 1222(7), for such year, or portion thereof, but only to the extent that the amount so allocated together with all other amounts, including amounts described in paragraph (a) of this subdivision, allocated to trust income for such year, or portion thereof, does not exceed the unitrust amount for such year, or portion thereof.~~

~~7. A trust with respect to which this section applies on August 28, 2011, may calculate the unitrust amount in accordance with the provisions of this section, as it existed either before or after such date, as the trustee of such trust shall determine in a writing kept with the records of the trust in the trustee's discretion.]~~

~~[469.461. 1. A fiduciary may make adjustments between principal and income to offset the shifting of economic interests or tax benefits between income beneficiaries and remainder beneficiaries which arise from:~~

~~(1) Elections and decisions, other than those described in subsection 2 of this section, that the fiduciary makes from time to time regarding tax matters;~~

~~(2) An income tax or any other tax that is imposed upon the fiduciary or a beneficiary as a result of a transaction involving or a distribution from the estate or trust; or~~

~~(3) The ownership by an estate or trust of an interest in an entity whose taxable income, whether or not distributed, is includable in the taxable income of the estate, trust or a beneficiary.~~

~~2. If the amount of an estate tax marital deduction or charitable contribution deduction is reduced because a fiduciary deducts an amount paid from principal for income tax purposes instead of deducting it for estate tax purposes, and as a result estate taxes paid from principal are increased and income taxes paid by an estate, trust or beneficiary are decreased, each estate, trust or beneficiary that benefits from the decrease in income tax shall reimburse the principal from which the increase in estate tax is paid. The total reimbursement shall equal the increase in the estate tax to the extent that the principal used to pay the increase would have qualified for a marital deduction or charitable contribution deduction but for the payment. The proportionate share of the reimbursement for each estate, trust or beneficiary whose income taxes are reduced shall be the same as its proportionate share of the total decrease in income tax. An estate or trust shall reimburse principal from income.]~~

~~[537.528. 1. Any action against a person for conduct or speech undertaken or made in connection with a public hearing or public meeting, in a quasi judicial proceeding before a tribunal or decision-making body of the state or any political subdivision of the state is subject to a special motion to dismiss, motion for judgment on the pleadings, or motion for summary judgment that shall be considered by the court on a priority or expedited basis to ensure the early consideration of the issues raised by the motion and to prevent the unnecessary expense of litigation. Upon the filing of any special motion described in this subsection, all discovery shall be suspended pending a decision on the motion by the court and the exhaustion of all appeals regarding the special motion.~~

~~2. If the rights afforded by this section are raised as an affirmative defense and if a court grants a motion to dismiss, a motion for judgment on the pleadings or a motion for summary judgment filed within ninety days of the filing of the moving party's answer, the court shall award reasonable attorney fees and costs incurred by the moving party in defending the action. If the court finds that a special motion to dismiss or motion for summary judgment is frivolous or solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney fees to the party prevailing on the motion.~~

~~3. Any party shall have the right to an expedited appeal from a trial court order on the special motions described in subsection 2 of this section or from a trial court's failure to rule on the motion on an expedited basis.~~

~~4. As used in this section, a "public meeting in a quasi-judicial proceeding" means and includes any meeting established and held by a state or local governmental entity, including without limitations meetings or presentations before state, county, city, town or village councils, planning commissions, review boards or commissions.~~

~~5. Nothing in this section limits or prohibits the exercise of a right or remedy of a party granted pursuant to another constitutional, statutory, common law or administrative provision, including civil actions for defamation.~~

~~6. If any provision of this section or the application of any provision of this section to a person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.~~

~~7. The provisions of this section shall apply to all causes of actions.]; and~~

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

Representative Jobe raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair took the point of order under advisement.

Representative Jobe withdrew his point of order.

Representative Black offered **House Amendment No. 1 to House Amendment No. 2.**

*House Amendment No. 1
to
House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 176, Page 71, Lines 24-39, Page 72, Lines 1-38, Page 73, Lines 1-39, Page 74, Lines 1-38, and Page 75, Lines 1-3, by deleting said pages and lines from the amendment; and

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

On motion of Representative Black, **House Amendment No. 1 to House Amendment No. 2** was adopted.

Representative Riley moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

Allen	Amato	Baker	Billington	Black
Bromley	Brown 149	Brown 16	Casteel	Caton
Chappell	Christ	Christensen	Coleman	Collins
Costlow	Davidson	Davis	Dolan	Durnell
Ealy	Elliott	Falkner	Farnan	Fowler

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Gallick	Gragg	Haden	Haley	Harbison
Hausman	Hewkin	Hinman	Hovis	Hruza
Hurlbert	Ingle	Irwin	Jones 12	Jordan
Kalberloh	Keathley	Kelley	Knight	Lewis
Loy	Lucas	Martin	Matthiesen	Mayhew
McGaugh	McGill	Meirath	Miller	Murphy
Myers	Nolte	Oehlerking	Overcast	Owen
Parker	Perkins	Peters	Pollitt	Proudie
Reuter	Riggs	Riley	Roberts	Sassmann
Schmidt	Seitz	Self	Sharpe 4	Steinmeyer
Taylor 48	Thompson	Titus	Van Schoiack	Veit
Verneti	Violet	Voss	Waller	Wellenkamp
West	Whaley	Williams	Wilson	Wolfen
Wright	Mr. Speaker			

NOES: 041

Anderson	Appelbaum	Aune	Barnes	Bosley
Boykin	Boyko	Burton	Bush	Butz
Clemens	Crossley	Dean	Doll	Douglas
Fogle	Fountain Henderson	Fuchs	Hales	Hein
Jacobs	Jamison	Jobe	Mansur	Mosley
Murray	Price	Rush	Sharp 37	Smith 46
Smith 68	Smith 74	Steinmetz	Strickler	Taylor 84
Terry	Thomas	Weber	Woods	Young
Zimmermann				

PRESENT: 001

Mackey

ABSENT WITH LEAVE: 028

Banderman	Boggs	Busick	Byrnes	Cook
Cupps	Deaton	Diehl	Griffith	Hardwick
Johnson	Jones 88	Justus	Kimble	Laubinger
Phelps	Plank	Pouche	Reed	Reedy
Schulte	Shields	Simmons	Sparks	Steinhoff
Stinnett	Walsh Moore	Warwick		

VACANCIES: 001

On motion of Representative Veit, **House Amendment No. 2, as amended**, was adopted by the following vote, the ayes and noes having been demanded pursuant to Article III, Section 26 of the Constitution:

AYES: 089

Allen	Amato	Anderson	Appelbaum	Aune
Baker	Banderman	Barnes	Billington	Black
Bosley	Boyko	Bromley	Brown 149	Brown 16
Burton	Butz	Casteel	Caton	Christ
Clemens	Coleman	Collins	Crossley	Dolan
Doll	Ealy	Falkner	Farnan	Fogle
Fowler	Fuchs	Gallick	Griffith	Haden
Haley	Harbison	Hausman	Hinman	Hovis
Hruza	Hurlbert	Ingle	Irwin	Jamison

Jobe	Johnson	Jones 12	Kalberloh	Keathley
Knight	Lewis	Mackey	Martin	McGaugh
McGill	Meirath	Myers	Oehlerking	Owen
Parker	Perkins	Peters	Phelps	Pollitt
Pouche	Price	Proudie	Reuter	Riggs
Riley	Roberts	Sassmann	Sharpe 4	Shields
Smith 46	Steinmeyer	Terry	Thompson	Van Schoiack
Veit	Violet	Waller	Weber	Wilson
Woods	Wright	Young	Mr. Speaker	

NOES: 042

Bush	Chappell	Christensen	Davidson	Davis
Dean	Douglas	Durnell	Elliott	Gragg
Hales	Hardwick	Jacobs	Jordan	Kelley
Laubinger	Loy	Lucas	Mansur	Matthiesen
Mayhew	Miller	Mosley	Nolte	Overcast
Schmidt	Seitz	Self	Sharp 37	Smith 68
Smith 74	Steinmetz	Strickler	Taylor 48	Taylor 84
Thomas	Titus	Verneti	West	Whaley
Williams	Wolfen			

PRESENT: 011

Boykin	Fountain Henderson	Hein	Hewkin	Murphy
Murray	Rush	Simmons	Steinhoff	Voss
Zimmermann				

ABSENT WITH LEAVE: 020

Boggs	Busick	Byrnes	Cook	Costlow
Cupps	Deaton	Diehl	Jones 88	Justus
Kimble	Plank	Reed	Reedy	Schulte
Sparks	Stinnett	Walsh Moore	Warwick	Wellenkamp

VACANCIES: 001

On motion of Representative Parker, **HCS HB 176, as amended**, was adopted.

On motion of Representative Parker, **HCS HB 176, as amended**, was ordered perfected and printed.

HB 707, relating to the offense of financial institution accounts fraud, was taken up by Representative Oehlerking.

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

House Amendment No. 1

AMEND House Bill No. 707, Page 1, In the Title, Lines 2 and 3, by deleting the phrase "the offense of financial institution accounts fraud" and inserting in lieu thereof the phrase "financial institutions"; and

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

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

Representative Murphy raised a point of order that there was no discussion on **House Amendment No. 1**.

The Chair ruled the point of order not well taken.

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

House Amendment No. 2

AMEND House Bill No. 707, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"130.011. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) "Appropriate officer" or "appropriate officers", the person or persons designated in section 130.026 to receive certain required statements and reports;

(2) "Ballot measure" or "measure", any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition, referendum petition, or by the general assembly or any local governmental body having authority to refer proposals to the voter;

(3) "Candidate", an individual who seeks nomination or election to public office. The term "candidate" includes an elected officeholder who is the subject of a recall election, an individual who seeks nomination by the individual's political party for election to public office, an individual standing for retention in an election to an office to which the individual was previously appointed, an individual who seeks nomination or election whether or not the specific elective public office to be sought has been finally determined by such individual at the time the individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an individual who is a write-in candidate as defined in subdivision (28) of this section. A candidate shall be deemed to seek nomination or election when the person first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the person's candidacy for office; or

(b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are being reserved with the intent to promote the person's candidacy for office; except that, such individual shall not be deemed a candidate if the person files a statement with the appropriate officer within five days after learning of the receipt of contributions, the making of expenditures, or the reservation of space or facilities disavowing the candidacy and stating that the person will not accept nomination or take office if elected; provided that, if the election at which such individual is supported as a candidate is to take place within five days after the person's learning of the above-specified activities, the individual shall file the statement disavowing the candidacy within one day; or

(c) Announces or files a declaration of candidacy for office;

(4) "Cash", currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor;

(5) "Check", a check drawn on a state or federal bank, or a draft on a negotiable order of withdrawal account in a savings and loan association or a share draft account in a credit union;

(6) "Closing date", the date through which a statement or report is required to be complete;

(7) "Committee", a person or any combination of persons, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for the purpose of contributing funds to another committee:

(a) "Committee", does not include:

a. A person or combination of persons, if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds five hundred dollars and if no single contributor has contributed more than two hundred fifty dollars of such aggregate contributions;

b. An individual, other than a candidate, who accepts no contributions and who deals only with the individual's own funds or property;

c. A corporation, cooperative association, partnership, proprietorship, or joint venture organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure, and it accepts no contributions, and all expenditures it makes are from its own funds or property obtained in the usual course of business or in any commercial or other transaction and which are not contributions as defined by subdivision (12) of this section;

d. A labor organization organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates, or the qualification, passage, or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the organization are from its own funds or property received from membership dues or membership fees which were given or solicited for the purpose of supporting the normal and usual activities and functions of the organization and which are not contributions as defined by subdivision (12) of this section;

e. A person who acts as an authorized agent for a committee in soliciting or receiving contributions or in making expenditures or incurring indebtedness on behalf of the committee if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable, an accurate account of each receipt or other transaction in the detail required by the treasurer to comply with all record-keeping and reporting requirements of this chapter;

f. Any department, agency, board, institution or other entity of the state or any of its subdivisions or any officer or employee thereof, acting in the person's official capacity;

(b) The term "committee" includes, but is not limited to, each of the following committees: campaign committee, candidate committee, continuing committee and political party committee;

(8) "Campaign committee", a committee, other than a candidate committee, which shall be formed by an individual or group of individuals to receive contributions or make expenditures and whose sole purpose is to support or oppose the qualification and passage of one or more particular ballot measures in an election or the retention of judges under the nonpartisan court plan, such committee shall be formed no later than thirty days prior to the election for which the committee receives contributions or makes expenditures, and which shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election, except that no committee retiring debt shall engage in any other activities in support of a measure for which the committee was formed;

(9) "Candidate committee", a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed. Any candidate for elective office shall have only one candidate committee for the elective office sought, which is controlled directly by the candidate for the purpose of making expenditures. A candidate committee is presumed to be under the control and direction of the candidate unless the candidate files an affidavit with the appropriate officer stating that the committee is acting without control or direction on the candidate's part;

(10) "Continuing committee", a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee or campaign committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. "Continuing committee" includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters. Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures;

(11) "Connected organization", any organization such as a corporation, a labor organization, a membership organization, a cooperative, or trade or professional association which expends funds or provides services or facilities to establish, administer or maintain a committee or to solicit contributions to a committee from its members, officers, directors, employees or security holders. An organization shall be deemed to be the connected organization if more than fifty percent of the persons making contributions to the committee during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses;

(12) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification, passage or defeat of any ballot measure, or for the support of any committee supporting or opposing candidates or ballot measures or for paying debts or obligations of any candidate or committee previously incurred for the above purposes. A contribution of anything of value shall be deemed to have a money value equivalent to the fair market value. "Contribution" includes, but is not limited to:

(a) A candidate's own money or property used in support of the person's candidacy other than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office;

(b) Payment by any person, other than a candidate or committee, to compensate another person for services rendered to that candidate or committee;

(c) Receipts from the sale of goods and services, including the sale of advertising space in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets or political merchandise;

(d) Receipts from fund-raising events including testimonial affairs;

(e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other obligation by a third party, or payment of a loan or debt or other obligation by a third party if the loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in an election campaign or used or intended for the payment of such debts or obligations of a candidate or committee previously incurred, or which was made or received by a committee;

(f) Funds received by a committee which are transferred to such committee from another committee or other source, except funds received by a candidate committee as a transfer of funds from another candidate committee controlled by the same candidate but such transfer shall be included in the disclosure reports;

(g) Facilities, office space or equipment supplied by any person to a candidate or committee without charge or at reduced charges, except gratuitous space for meeting purposes which is made available regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions;

(h) The direct or indirect payment by any person, other than a connected organization, of the costs of establishing, administering, or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee;

(i) "Contribution" does not include:

a. Ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of or in opposition to a candidate, committee or ballot measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given;

b. An offer or tender of a contribution which is expressly and unconditionally rejected and returned to the donor within ten business days after receipt or transmitted to the state treasurer;

c. Interest earned on deposit of committee funds;

d. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

(13) "County", any one of the several counties of this state or the city of St. Louis;

(14) "Disclosure report", an itemized report of receipts, expenditures and incurred indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at the times and places prescribed;

(15) "Election", any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections;

(16) **"Electronic means", any instrument, device, or service that facilitates an electronic withdrawal of funds from a bank account including, but not limited to, credit cards, debit cards, and the presentation of a credit or debit card account number;**

(17) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee; a payment, or an agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods,

services, property, facilities or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee. An expenditure of anything of value shall be deemed to have a money value equivalent to the fair market value.

"Expenditure" includes, but is not limited to:

- (a) Payment by anyone other than a committee for services of another person rendered to such committee;
- (b) The purchase of tickets, goods, services or political merchandise in connection with any testimonial affair or fund-raising event of or for candidates or committees, or the purchase of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;
- (c) The transfer of funds by one committee to another committee;
- (d) The direct or indirect payment by any person, other than a connected organization for a committee, of the costs of establishing, administering or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee; but

(e) "Expenditure" does not include:

a. Any news story, commentary or editorial which is broadcast or published by any broadcasting station, newspaper, magazine or other periodical without charge to the candidate or to any person supporting or opposing a candidate or ballot measure;

b. The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity of information advocating the election or defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors, officers, members, employees or security holders, provided that the cost incurred is reported pursuant to subsection 2 of section 130.051;

c. Repayment of a loan, but such repayment shall be indicated in required reports;

d. The rendering of voluntary personal services by an individual of the sort commonly performed by volunteer campaign workers and the payment by such individual of the individual's necessary and ordinary personal expenses incidental to such volunteer activity, provided no compensation is, directly or indirectly, asked or given;

e. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

f. The use of a candidate's own money or property for expense of the candidate's personal food, lodging, travel, and payment of any fee necessary to the filing for public office, if such expense is not reimbursed to the candidate from any source;

~~[(17)]~~ (18) "Exploratory committees", a committee which shall be formed by an individual to receive contributions and make expenditures on behalf of this individual in determining whether or not the individual seeks elective office. Such committee shall terminate no later than December thirty-first of the year prior to the general election for the possible office;

~~[(18)]~~ (19) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee, testimonial, rally, auction or similar affair through which contributions are solicited or received by such means as the purchase of tickets, payment of attendance fees, donations for prizes or through the purchase of goods, services or political merchandise;

~~[(19)]~~ (20) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a form other than money;

~~[(20)]~~ (21) "Labor organization", any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

~~[(21)]~~ (22) "Loan", a transfer of money, property or anything of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part and which was contracted, used, or intended for use in an election campaign, or which was made or received by a committee or which was contracted, used, or intended to pay previously incurred campaign debts or obligations of a candidate or the debts or obligations of a committee;

~~[(22)]~~ (23) "Person", an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political

party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity;

~~[(23)]~~ (24) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising event or to the general public for publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot measure;

~~[(24)]~~ (25) "Political party", a political party which has the right under law to have the names of its candidates listed on the ballot in a general election;

~~[(25)]~~ (26) "Political party committee", a state, district, county, city, or area committee of a political party, as defined in section 115.603, which may be organized as a not-for-profit corporation under Missouri law, and which committee is of continuing existence, and has the primary or incidental purpose of receiving contributions and making expenditures to influence or attempt to influence the action of voters on behalf of the political party;

~~[(26)]~~ (27) "Public office" or "office", any state, judicial, county, municipal, school or other district, ward, township, or other political subdivision office or any political party office which is filled by a vote of registered voters;

~~[(27)]~~ (28) "Regular session", includes that period beginning on the first Wednesday after the first Monday in January and ending following the first Friday after the second Monday in May;

~~[(28)]~~ (29) "Write-in candidate", an individual whose name is not printed on the ballot but who otherwise meets the definition of candidate in subdivision (3) of this section.

130.021. 1. Every committee shall have a treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and reside in the district or county in which the committee sits. A committee may also have a deputy treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and reside in the district or county in which the committee sits, to serve in the capacity of committee treasurer in the event the committee treasurer is unable for any reason to perform the treasurer's duties.

2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed a statement of exemption pursuant to that subsection and every candidate for offices listed in subsection 6 of section 130.016 who is not excluded from filing a statement of organization and disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee and appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by such candidate and any of the candidate's own funds to be used in support of the person's candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made through the candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing in this chapter shall prevent a candidate from appointing himself or herself as a committee of one and serving as the person's own treasurer, maintaining the candidate's own records and filing all the reports and statements required to be filed by the treasurer of a candidate committee.

3. A candidate who has more than one candidate committee supporting the person's candidacy shall designate one of those candidate committees as the committee responsible for consolidating the aggregate contributions to all such committees under the candidate's control and direction as required by section 130.041.

4. (1) Every committee shall have a single official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan association, or a federally or state-chartered credit union in which the committee shall open and thereafter maintain at least one official depository account in its own name. An "official depository account" shall be a checking account or some type of negotiable draft or negotiable order of withdrawal account, and the official fund depository shall, regarding an official depository account, be a type of financial institution which provides a record of deposits, cancelled checks or other cancelled instruments of withdrawal evidencing each transaction by maintaining copies within this state of such instruments and other transactions. All contributions which the committee receives in money, checks and other negotiable instruments shall be deposited in a committee's official depository account. Contributions shall not be accepted and expenditures shall not be made by a committee except by or through an official depository account and the committee treasurer, deputy treasurer or candidate; **however, a committee may utilize a credit card or debit card in the name of the committee when authorized by the treasurer, deputy treasurer, or candidate, provided that all expenditures made by the committee through a credit card are paid through the official depository account.** Contributions received by a committee shall not be commingled with any funds of an agent of the committee, a candidate or any other person, except that contributions from a candidate of the candidate's own funds to the person's candidate committee shall be deposited to an official depository account of the person's candidate committee. No expenditure shall be made by a committee when the office of committee treasurer is vacant except that when the office of a candidate committee treasurer is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

(2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a committee's official depository account and deposit such funds in one or more savings accounts in the committee's name in any bank, savings and loan association or credit union within this state, and may also withdraw funds from an official depository account for investment in the committee's name in any certificate of deposit, bond or security. Proceeds from interest or dividends from a savings account or other investment or proceeds from withdrawals from a savings account or from the sale of an investment shall not be expended or reinvested, except in the case of renewals of certificates of deposit, without first redepositing such proceeds in an official depository account. Investments, other than savings accounts, held outside the committee's official depository account at any time during a reporting period shall be disclosed by description, amount, any identifying numbers and the name and address of any institution or person in which or through which it is held in an attachment to disclosure reports the committee is required to file. Proceeds from an investment such as interest or dividends or proceeds from its sale, shall be reported by date and amount. In the case of the sale of an investment, the names and addresses of the persons involved in the transaction shall also be stated. Funds held in savings accounts and investments, including interest earned, shall be included in the report of money on hand as required by section 130.041.

(3) Notwithstanding any other provision of law to the contrary, funds held in candidate committees, campaign committees, debt service committees, and exploratory committees shall be liquid such that these funds shall be readily available for the specific and limited purposes allowed by law. These funds may be invested only in short-term treasury instruments or short-term bank certificates with durations of one year or less, or that allow the removal of funds at any time without any additional financial penalty other than the loss of interest income. Continuing committees, political party committees, and other committees such as out-of-state committees not formed for the benefit of any single candidate or ballot issue shall not be subject to the provisions of this subdivision. This subdivision shall not be interpreted to restrict the placement of funds in an interest-bearing checking account.

5. The treasurer or deputy treasurer acting on behalf of any person or organization or group of persons which is a committee by virtue of the definitions of committee in section 130.011 and any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046. The statement of organization shall contain the following information:

(1) The name, mailing address and telephone number, if any, of the committee filing the statement of organization. If the committee is deemed to be affiliated with a connected organization as provided in subdivision (11) of section 130.011, the name of the connected organization, or a legally registered fictitious name which reasonably identifies the connected organization, shall appear in the name of the committee. If the committee is a candidate committee, the name of the candidate shall be a part of the committee's name;

(2) The name, mailing address and telephone number of the candidate;

(3) The name, mailing address and telephone number of the committee treasurer, and the name, mailing address and telephone number of its deputy treasurer if the committee has named a deputy treasurer;

(4) ~~The names, mailing addresses and titles of its officers, if any;~~

~~(5) The name and mailing address of any connected organizations with which the committee is affiliated;~~

(5) The names, mailing addresses, and titles of its officers, if any;

(6) The name and mailing address of its depository, ~~and~~ the name and account number of each account the committee has in the depository, **and the account number and issuer of any credit card in the committee's name.** The account number of each account shall be redacted prior to disclosing the statement to the public;

(7) Identification of the major nature of the committee such as a candidate committee, campaign committee, continuing committee, political party committee, incumbent committee, or any other committee according to the definition of committee in section 130.011;

(8) In the case of the candidate committee designated in subsection 3 of this section, the full name and address of each other candidate committee which is under the control and direction of the same candidate, together with the name, address and telephone number of the treasurer of each such other committee;

(9) The name and office sought of each candidate supported or opposed by the committee;

(10) The ballot measure concerned, if any, and whether the committee is in favor of or opposed to such measure.

6. A committee may omit the information required in subdivisions (9) and (10) of subsection 5 of this section if, on the date on which it is required to file a statement of organization, the committee has not yet determined the particular candidates or particular ballot measures it will support or oppose.

7. A committee which has filed a statement of organization and has not terminated shall not be required to file another statement of organization, except that when there is a change in any of the information previously reported as required by subdivisions (1) to (8) of subsection 5 of this section an amended statement of organization shall be filed within twenty days after the change occurs, but no later than the date of the filing of the next report required to be filed by that committee by section 130.046.

8. Upon termination of a committee, a termination statement indicating dissolution shall be filed not later than ten days after the date of dissolution with the appropriate officer or officers with whom the committee's statement of organization was filed. The termination statement shall include: the distribution made of any remaining surplus funds and the disposition of any deficits; and the name, mailing address and telephone number of the individual responsible for preserving the committee's records and accounts as required in section 130.036.

9. Any statement required by this section shall be signed and attested by the committee treasurer or deputy treasurer, and by the candidate in the case of a candidate committee.

10. A committee domiciled outside this state shall be required to file a statement of organization and appoint a treasurer residing in this state and open an account in a depository within this state; provided that either of the following conditions prevails:

(1) The aggregate of all contributions received from persons domiciled in this state exceeds twenty percent in total dollar amount of all funds received by the committee in the preceding twelve months; or

(2) The aggregate of all contributions and expenditures made to support or oppose candidates and ballot measures in this state exceeds one thousand five hundred dollars in the current calendar year.

11. If a committee domiciled in this state receives a contribution of one thousand five hundred dollars or more from any committee domiciled outside of this state, the committee domiciled in this state shall file a disclosure report with the commission. The report shall disclose the full name, mailing address, telephone numbers and domicile of the contributing committee and the date and amount of the contribution. The report shall be filed within forty-eight hours of the receipt of such contribution if the contribution is received after the last reporting date before the election.

12. Each legislative and senatorial district committee shall retain only one address in the district it sits for the purpose of receiving contributions.

130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

2. ~~[Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash,]~~ Each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check **signed by the committee treasurer, deputy treasurer, or candidate or by other electronic means authorized by the treasurer, deputy treasurer, or candidate** and drawn on the committee's depository ~~[and signed by the committee treasurer, deputy treasurer or candidate]~~ **or credit card in the name of the committee and authorized by the treasurer, deputy treasurer, or candidate.** A single expenditure ~~[from a petty]~~ of cash ~~[fund]~~ shall not exceed fifty dollars, and the aggregate of all expenditures ~~[from a petty]~~ of cash ~~[fund]~~ during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. ~~[A check made payable to "cash" shall not be made except to replenish a petty cash fund.]~~

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

6. Notwithstanding the provisions of subsection 5 of this section, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

(1) There are twenty-five or more contributing participants in the activity or event;

(2) The candidate, committee treasurer, deputy treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of one hundred dollars unless the contribution is accompanied by the name and address of the contributor;

(3) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than one hundred dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the record-keeping requirements of section 130.036;

(4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:

(a) The name and mailing address of the person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;

(b) The date on which the event occurred;

(c) The name and address of the location where the event occurred and the approximate number of participants in the event;

(d) A brief description of the type of event and the fund-raising methods used;

(e) The gross receipts from the event and a listing of the expenditures incident to the event;

(f) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions and an explanation of why it was not possible to obtain the names and addresses of such participants;

(g) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained pursuant to section 130.036.

7. No candidate or committee in this state shall accept contributions from any out-of-state committee unless the out-of-state committee from whom the contributions are received has filed a statement of organization pursuant to section 130.021 or has filed the reports required by sections 130.049 and 130.050, whichever is applicable to that committee.

8. Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but "printed matter" is defined to exclude materials printed and purchased prior to May 20, 1982, if the candidate or committee can document that delivery took place prior to May 20, 1982; any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.

(1) In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.

(2) In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.

(3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

(4) In regard to any printed matter paid for by an individual or individuals, it shall be sufficient identification to print the name of the individual or individuals and the respective mailing address or addresses, except that if more than five individuals join in paying for printed matter it shall be sufficient identification to print the words "For a list of other sponsors contact:" followed by the name and address of one such individual responsible for causing the matter to be printed, and the individual identified shall maintain a record of the names and amounts paid by other individuals and shall make such record available for review upon the request of any person. No person shall accept for publication or printing nor shall such work be completed until the printed matter is properly identified as required by this subsection.

9. Any broadcast station transmitting any matter relative to any candidate for public office or ballot measure as defined by this chapter shall identify the sponsor of such matter as required by federal law.

10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for elective federal office, provided that persons causing matter to be printed or broadcast concerning such candidacies shall comply with the requirements of federal law for identification of the sponsor or sponsors.

11. It shall be a violation of this chapter for any person required to be identified as paying for printed matter pursuant to subsection 8 of this section or paying for broadcast matter pursuant to subsection 9 of this section to refuse to provide the information required or to purposely provide false, misleading, or incomplete information.

12. It shall be a violation of this chapter for any committee to offer chances to win prizes or money to persons to encourage such persons to endorse, send election material by mail, deliver election material in person or contact persons at their homes; except that, the provisions of this subsection shall not be construed to prohibit hiring and paying a campaign staff.

130.036. 1. The candidate, treasurer or deputy treasurer of a committee shall maintain accurate records and accounts on a current basis. The records and accounts shall be maintained in accordance with accepted normal bookkeeping procedures and shall contain the bills, receipts, deposit records, cancelled checks, **credit card statements, and records** and other detailed information necessary to prepare and substantiate any statement or report required to be filed pursuant to this chapter. Every person who acts as an agent for a committee in receiving contributions, making expenditures or incurring indebtedness for the committee shall, on request of that committee's treasurer, deputy treasurer or candidate, but in any event within five days after any such action, render to the candidate, committee treasurer or deputy treasurer a detailed account thereof, including names, addresses, dates, exact amounts and any other details required by the candidate, treasurer or deputy treasurer to comply with this chapter. Notwithstanding the provisions of subsection 4 of section 130.021 prohibiting commingling of funds, an individual, trade or professional association, business entity, or labor organization which acts as an agent for a committee in receiving contributions may deposit contributions received on behalf of the committee to the agent's account within a financial institution within this state, for purposes of facilitating transmittal of the contributions to the candidate, committee treasurer or deputy treasurer. Such contributions shall not be held in the agent's account for more than five days after the date the contribution was received by the agent, and shall not be transferred to the account of any other agent or person, other than the committee treasurer.

2. Unless a contribution is rejected by the candidate or committee and returned to the donor or transmitted to the state treasurer within ten business days after its receipt, it shall be considered received and accepted on the date received, notwithstanding the fact that it was not deposited by the closing date of a reporting period.

3. Notwithstanding the provisions of section 130.041 that only contributors of more than one hundred dollars shall be reported by name and address for all committees, the committee's records shall contain a listing of each contribution received by the committee, including those accepted and those which are rejected and either returned to the donor or transmitted to the state treasurer. Each contribution, regardless of the amount, shall be recorded by date received, name and address of the contributor and the amount of the contribution, except that any contributions from unidentifiable persons which are received through fund-raising activities and events as permitted in subsection 6 of section 130.031 shall be recorded to show the dates and amounts of all such contributions received together with information contained in statements required by subsection 6 of section 130.031. The

procedure for recording contributions shall be of a type which enables the candidate, committee treasurer or deputy treasurer to maintain a continuing total of all contributions received from any one contributor.

4. ~~[Notwithstanding the provisions of section 130.041 that certain expenditures need not be identified in reports by name and address of the payee,]~~ The committee's records shall include a listing of each expenditure made and each contract, promise or agreement to make an expenditure, showing the date and amount of each transaction, the name and address of the person to whom the expenditure was made or promised, and the purpose of each expenditure made or promised.

5. In the case of a committee which makes expenditures for both the support or opposition of any candidate and the passage or defeat of a ballot measure, the committee treasurer shall maintain records segregated according to each candidate or measure for which the expenditures were made.

6. Records shall indicate which transactions, either contributions received or expenditures made, were cash transactions or in-kind transactions.

7. Any candidate who, pursuant to section 130.016, is exempt from the requirements to form a committee shall maintain records of each contribution received or expenditure made in support of his candidacy. Any other person or combination of persons who, although not deemed to be a committee according to the definition of the term "committee" in section 130.011, accepts contributions or makes expenditures, other than direct contributions from the person's own funds, for the purpose of supporting or opposing the election or defeat of any candidate or for the purpose of supporting or opposing the qualifications, passage or defeat of any ballot measure shall maintain records of each contribution received or expenditure made. The records shall include name, address and amount pertaining to each contribution received or expenditure made and any bills, receipts, cancelled checks or other documents relating to each transaction.

8. All records and accounts of receipts and expenditures shall be preserved for at least three years after the date of the election to which the records pertain. Records and accounts regarding supplemental disclosure reports or reports not required pursuant to an election shall be preserved for at least three years after the date of the report to which the records pertain. Such records shall be available for inspection by the ~~[campaign finance review board]~~ **Missouri ethics commission** and its duly authorized representatives.

130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

- (1) The full name, as required in the statement of organization pursuant to subsection 5 of section 130.021, and mailing address of the committee filing the report and the full name, mailing address and telephone number of the committee's treasurer and deputy treasurer if the committee has named a deputy treasurer;
- (2) The amount of money, including cash on hand at the beginning of the reporting period;
- (3) Receipts for the period, including:
 - (a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received one or more contributions which in the aggregate total in excess of one hundred dollars and shall make a reasonable effort to obtain and report a description of any contractual relationship over five hundred dollars between the contributor and the state if the candidate is seeking election to a state office or between the contributor and any political subdivision of the state if the candidate is seeking election to another political subdivision of the state;
 - (b) Total amount of all anonymous contributions accepted;
 - (c) Total amount of all monetary contributions received through fund-raising events or activities from participants whose names and addresses were not obtained with such contributions, with an attached statement or copy of the statement describing each fund-raising event as required in subsection 6 of section 130.031;
 - (d) Total dollar value of all in-kind contributions received;
 - (e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution;
 - (f) A listing of each loan received by name and address of the lender and date and amount of the loan. For each loan of more than one hundred dollars, a separate statement shall be attached setting forth the name and address of the lender and each person liable directly, indirectly or contingently, and the date, amount and terms of the loan;

- (4) Expenditures for the period, including:
 - (a) The total dollar amount of expenditures made by check drawn on the committee's depository;
 - (b) The total dollar amount of expenditures made in cash;
 - (c) The total dollar value of all in-kind expenditures made;
 - (d) **The total dollar amount of expenditures made via electronic means;**
 - (e) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker;
 - ~~(e)~~ (f) A list of each loan made, by name and mailing address of the person receiving the loan, together with the amount, terms and date;
 - (5) The total amount of cash on hand as of the closing date of the reporting period covered, including amounts in depository accounts and in petty cash fund;
 - (6) The total amount of outstanding indebtedness as of the closing date of the reporting period covered;
 - (7) The amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought. For the purpose of disclosure reports, expenditures made in support of more than one candidate or ballot measure or both shall be apportioned reasonably among the candidates or ballot measure or both. In apportioning expenditures to each candidate or ballot measure, political party committees and continuing committees need not include expenditures for maintaining a permanent office, such as expenditures for salaries of regular staff, office facilities and equipment or other expenditures not designed to support or oppose any particular candidates or ballot measures; however, all such expenditures shall be listed pursuant to subdivision (4) of this subsection;
 - (8) A separate listing by full name and address of any committee including a candidate committee controlled by the same candidate for which a transfer of funds or a contribution in any amount has been made during the reporting period, together with the date and amount of each such transfer or contribution;
 - (9) A separate listing by full name and address of any committee, including a candidate committee controlled by the same candidate from which a transfer of funds or a contribution in any amount has been received during the reporting period, together with the date and amount of each such transfer or contribution;
 - (10) Each committee that receives a contribution which is restricted or designated in whole or in part by the contributor for transfer to a particular candidate, committee or other person shall include a statement of the name and address of that contributor in the next disclosure report required to be filed after receipt of such contribution, together with the date and amount of any such contribution which was so restricted or designated by that contributor, together with the name of the particular candidate or committee to whom such contribution was so designated or restricted by that contributor and the date and amount of such contribution.
2. For the purpose of this section and any other section in this chapter except sections 130.049 and 130.050 which requires a listing of each contributor who has contributed a specified amount, the aggregate amount shall be computed by adding all contributions received from any one person during the following periods:
- (1) In the case of a candidate committee, the period shall begin on the date on which the candidate became a candidate according to the definition of the term "candidate" in section 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an election or at 11:59 p.m. on the day of the general election. If the candidate has a general election held after a primary election, the next aggregating period shall begin at 12:00 midnight on the day after the primary election day and shall close at 11:59 p.m. on the day of the general election. Except that for contributions received during the thirty-day period immediately following a primary election, the candidate shall designate whether such contribution is received as a primary election contribution or a general election contribution;
 - (2) In the case of a campaign committee, the period shall begin on the date the committee received its first contribution and end on the closing date for the period for which the report or statement is required;
 - (3) In the case of a political party committee or a continuing committee, the period shall begin on the first day of January of the year in which the report or statement is being filed and end on the closing date for the period for which the report or statement is required; except, if the report or statement is required to be filed prior to the first day of July in any given year, the period shall begin on the first day of July of the preceding year.
3. The disclosure report shall be signed and attested by the committee treasurer or deputy treasurer and by the candidate in case of a candidate committee.

4. The words "consulting or consulting services, fees, or expenses", or similar words, shall not be used to describe the purpose of a payment as required in this section. The reporting of any payment to such an independent contractor shall be on a form supplied by the appropriate officer, established by the ethics commission and shall include identification of the specific service or services provided including, but not limited to, public opinion polling, research on issues or opposition background, print or broadcast media production, print or broadcast media purchase, computer programming or data entry, direct mail production, postage, rent, utilities, phone solicitation, or fund raising, and the dollar amount prorated for each service.

427.300. 1. This section shall be known and may be cited as the "Commercial Financing Disclosure Law".

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

(1) "Account";

(a) Includes:

a. A right to payment of a monetary obligation, regardless of whether earned by performance, for one of the following:

(i) Property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of;

(ii) Services rendered or to be rendered;

(iii) A policy of insurance issued or to be issued;

(iv) A secondary obligation incurred or to be incurred;

(v) Energy provided or to be provided;

(vi) The use or hire of a vessel under a charter or other contract;

(vii) Arising out of the use of a credit or charge card or information contained on or for use with the card;

or

(viii) As winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state; and

b. Health-care-insurance receivables; and

(b) Does not include:

a. Rights to payment evidenced by chattel paper or an instrument;

b. Commercial tort claims;

c. Deposit accounts;

d. Investment property;

e. Letter-of-credit rights or letters of credit; or

f. Rights to payment for moneys or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card;

(2) "Accounts receivable purchase transaction", any transaction in which the business forwards or otherwise sells to the provider all or a portion of the business's accounts or payment intangibles at a discount to their expected value. The provider's characterization of an accounts receivable purchase transaction as a purchase is conclusive that the accounts receivable purchase transaction is not a loan or a transaction for the use, forbearance, or detention of money;

(3) "Broker", any person who, for compensation or the expectation of compensation, obtains a commercial financing transaction or an offer for a commercial financing transaction from a third party that would, if executed, be binding upon that third party and communicates that offer to a business located in this state. The term broker excludes a provider, or any individual or entity whose compensation is not based or dependent on the terms of the specific commercial financing transaction obtained or offered;

(4) "Business", an individual or group of individuals, sole proprietorship, corporation, limited liability company, trust, estate, cooperative, association, or limited or general partnership engaged in a business activity;

(5) "Business purpose transaction", any transaction where the proceeds are provided to a business or are intended to be used to carry on a business and not for personal, family, or household purposes. For purposes of determining whether a transaction is a business purpose transaction, the provider may rely on any written statement of intended purpose signed by the business. The statement may be a separate statement or may be contained in an application, agreement, or other document signed by the business or the business owner or owners;

(6) "Commercial financing facility", a provider's plan for purchasing multiple accounts receivable from the recipient over a period of time pursuant to an agreement that sets forth the terms and conditions governing the use of the facility;

(7) "Commercial financing transaction", any commercial loan, accounts receivable purchase transaction, commercial open-end credit plan or each to the extent the transaction is a business purpose transaction;

- (8) "Commercial loan", a loan to a business, whether secured or unsecured;
 - (9) "Commercial open-end credit plan", commercial financing extended by any provider under a plan in which:
 - (a) The provider reasonably contemplates repeat transactions; and
 - (b) The amount of financing that may be extended to the business during the term of the plan, up to any limit set by the provider, is generally made available to the extent that any outstanding balance is repaid;
 - (10) "Depository institution", any of the following:
 - (a) A bank, trust company, or industrial loan company doing business under the authority of, or in accordance with, a license, certificate, or charter issued by the United States, this state, or any other state, district, territory, or commonwealth of the United States that is authorized to transact business in this state;
 - (b) A federally chartered savings and loan association, federal savings bank, or federal credit union that is authorized to transact business in this state; or
 - (c) A savings and loan association, savings bank, or credit union organized under the laws of this or any other state that is authorized to transact business in this state;
 - (11) "General intangible", any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. General intangible also includes payment intangibles and software;
 - (12) "Payment intangible", a general intangible under which the account debtor's principal obligation is a monetary obligation;
 - (13) "Provider", a person who consummates more than five commercial financing transactions to a business located in this state in any calendar year. Provider also includes a person that enters into a written agreement with a depository institution to arrange for the extension of a commercial financing transaction by the depository institution to a business via an online lending platform administered by the person. The fact that a provider extends a specific offer for a commercial financing transaction on behalf of a depository institution shall not be construed to mean that the provider engaged in lending or financing or originated that loan or financing.
3. (1) A provider that consummates a commercial financing transaction shall disclose the terms of the commercial financing transaction as required by this section. The disclosures shall be provided at or before consummation of the transaction. Only one disclosure is required for each commercial financing transaction, and a disclosure is not required as a result of the modification, forbearance, or change to a consummated commercial financing transaction.
- (2) A provider shall disclose the following in connection with each commercial financing transaction:
 - (a) The total amount of funds provided to the business under the terms of the commercial financing transaction agreement. This disclosure shall be labeled "Total Amount of Funds Provided";
 - (b) The total amount of funds disbursed to the business under the terms of the commercial financing transaction, if less than the total amount of funds provided, as a result of any fees deducted or withheld at disbursement and any amount paid to a third party on behalf of the business. This disclosure shall be labeled "Total Amount of Funds Disbursed";
 - (c) The total amount to be paid to the provider pursuant to the commercial financing transaction agreement. This disclosure shall be labeled "Total of Payments";
 - (d) The total dollar cost of the commercial financing transaction under the terms of the agreement, derived by subtracting the total amount of funds provided from the total of payments. This calculation shall include any fees or charges deducted by the provider from the "Total Amount of Funds Provided". This disclosure shall be labeled "Total Dollar Cost of Financing";
 - (e) The manner, frequency, and amount of each payment. This disclosure shall be labeled "Payments". If the payments may vary, the provider shall instead disclose the manner, frequency, and the estimated amount of the initial payment labeled "Estimated Payments" and the commercial financing transaction agreement shall include a description of the methodology for calculating any variable payment and the circumstances when payments may vary;
 - (f) A statement of whether there are any costs or discounts associated with prepayment of the commercial financing product including a reference to the paragraph in the agreement that creates the contractual rights of the parties related to prepayment. This disclosure shall be labeled "Prepayment"; and
 - (3) A provider that consummates a commercial financing facility may provide disclosures of this subsection which are based on an example of a transaction that could occur under the agreement. The example shall be based on an accounts receivable total face amount owed of ten thousand dollars. Only one disclosure is required for each commercial financing facility, and a disclosure is not required as result of a modification, forbearance, or change to the facility. A new disclosure is not required each time accounts receivable are purchased under the facility.

4. The provisions of this section shall not apply to the following:
- (1) A provider that is a depository institution or a subsidiary or affiliate;
 - (2) A provider that is a service corporation to a depository institution that is:
 - (a) Owned and controlled by a depository institution; and
 - (b) Regulated by a federal banking agency;
 - (3) A provider that is a lender regulated under the federal Farm Credit Act, 12 U.S.C. Section 2001, et seq.;
 - (4) A commercial financing transaction that is:
 - (a) Secured by real property;
 - (b) A lease; or
 - (c) A purchase money obligation that is incurred as all or part of the price of the collateral or for value given to enable the business to acquire rights in or the use of the collateral if the value is in fact so used;
 - (5) A commercial financing transaction in which the recipient is a motor vehicle dealer or an affiliate of such a dealer, or a vehicle rental company, or an affiliate of such a company, pursuant to a commercial loan or commercial open-end credit plan of at least fifty thousand dollars or a commercial financing transaction offered by a person in connection with the sale or lease of products or services that such person manufactures, licenses, or distributes, or whose parent company or any of its directly or indirectly owned and controlled subsidiaries manufactures, licenses, or distributes;
 - (6) A commercial financing transaction that is a factoring transaction, purchase, sale, advance, or similar of accounts receivable owed to a health care provider because of a patient's personal injury treated by the health care provider;
 - (7) A provider that is licensed as a money transmitter in accordance with a license, certificate, or charter issued by this state or any other state, district, territory, or commonwealth of the United States;
 - (8) A provider that consummates no more than five commercial financing transactions in this state in a twelve-month period; ~~or~~
 - (9) A commercial financing transaction of more than five hundred thousand dollars; **or**
 - (10) **A commercial financing product that is a premium finance agreement, as defined in subdivision (3) of section 364.100, offered or entered into by a provider that is a registered premium finance company.**
5. (1) No person shall engage in business as a broker within this state for compensation, unless prior to conducting such business, the person has filed a registration with the division of finance within the department of commerce and insurance and has on file a good and sufficient bond as specified in this subsection. The registration shall be effective upon receipt by the division of finance of a completed registration form and the required registration fee, and shall remain effective until the time of renewal.
- (2) After filing an initial registration form, a broker shall file, on or before January thirty-first of each year, a renewal registration form along with the required renewal registration fee.
 - (3) The broker shall pay a one-hundred-dollar registration fee upon the filing of an initial registration and a fifty-dollar renewal registration fee upon the filing of a renewal registration.
 - (4) The registration form required by this subsection shall include the following:
 - (a) The name of the broker;
 - (b) The name in which the broker is transacted if different from that stated in paragraph (a) of this subdivision;
 - (c) The address of the broker's principal office, which may be outside this state;
 - (d) Whether any officer, director, manager, operator, or principal of the broker has been convicted of a felony involving an act of fraud, dishonesty, breach of trust, or money laundering; and
 - (e) The name and address in this state of a designated agent upon whom service of process may be made.
 - (5) If information in a registration form changes or otherwise becomes inaccurate after filing, the broker shall not be required to file a further registration form prior to the time of renewal.
 - (6) Every broker shall obtain a surety bond issued by a surety company authorized to do business in this state. The amount of the bond shall be ten thousand dollars. The bond shall be in favor of the state of Missouri. Any person damaged by the broker's breach of contract or of any obligation arising therefrom, or by any violation of this section, may bring an action against the bond to recover damages suffered. The aggregate liability of the surety shall be only for actual damages and in no event shall exceed the amount of the bond.
 - (7) Employees regularly employed by a broker who has complied with this subsection shall not be required to file a registration or obtain a surety bond when acting within the scope of their employment for the broker.

6. (1) Any person who violates any provision of this section shall be punished by a fine of five hundred dollars per incident, not to exceed twenty thousand dollars, for all aggregated violations arising from the use of the transaction documentation or materials found to be in violation of this section. Any person who violates any provision of this section after receiving written notice of a prior violation from the attorney general shall be punished by a fine of one thousand dollars per incident, not to exceed fifty thousand dollars, for all aggregated violations arising from the use of the transaction documentation or materials found to be in violation of this section.

(2) Violation of any provision of this section shall not affect the enforceability or validity of the underlying agreement.

(3) This section shall not create a private right of action against any person or other entity based upon compliance or noncompliance with its provisions.

(4) Authority to enforce compliance with this section is vested exclusively in the attorney general of this state.

7. The requirements of subsections 3 and 5 of this section shall take effect upon either:

(1) Six months after the division of finance finalizes promulgating rules, if the division intends to promulgate rules; or

(2) February 28, 2025, if the division does not intend to promulgate rules.

8. The division of finance may promulgate rules implementing this section. If the division of finance intends to promulgate rules, it shall declare its intent to do so no later than February 28, 2025. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2024, shall be invalid and void."; and

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

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

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

House Amendment No. 3

AMEND House Bill No. 707, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"361.909. Sections 361.900 to 361.1035 shall not apply to:

(1) An operator of a payment system to the extent that it provides processing, clearing, or settlement services between or among persons exempted under this section or licensees in connection with wire transfers, credit card transactions, debit card transactions, stored value transactions, automated clearinghouse transfers, or similar funds transfers;

(2) A person appointed as an agent of a payee to collect and process a payment from a payer to the payee for goods or services, other than money transmission itself, provided to the payer by the payee, provided that:

(a) There exists a written agreement between the payee and the agent directing the agent to collect and process payments from a payer on the payee's behalf;

(b) The payee holds the agent out to the public as accepting payments for goods or services on the payee's behalf; and

(c) Payment for the goods and services is treated as received by the payee upon receipt by the agent so that the payer's obligation is extinguished and there is no risk of loss to the payer if the agent fails to remit the funds to the payee;

(3) A person that acts as an intermediary by processing payments between an entity that has directly incurred an outstanding money transmission obligation to a sender and the sender's designated recipient, provided that the entity:

(a) Is properly licensed or exempt from licensing requirements under sections 361.900 to 361.1035;

(b) Provides a receipt, electronic record, or other written confirmation to the sender identifying the entity as the provider of money transmission in the transaction; and

(c) Bears sole responsibility to satisfy the outstanding money transmission obligation to the sender, including the obligation to make the sender whole in connection with any failure to transmit the funds to the sender's designated recipient;

(4) The United States or a department, agency, or instrumentality thereof, or its agent;

(5) Money transmission by the United States Postal Service or by an agent of the United States Postal Service;

(6) A state, county, city, or any other governmental agency or governmental subdivision or instrumentality of a state, or its agent;

(7) A federally insured depository financial institution; bank holding company; office of an international banking corporation; foreign bank that establishes a federal branch under the International Bank Act, 12 U.S.C. Section 3102, as amended or recodified from time to time; corporation organized under the Bank Service Corporation Act, 12 U.S.C. Sections 1861-1867, as amended or recodified from time to time; or corporation organized under the Edge Act, 12 U.S.C. Sections 611-633, as amended or recodified from time to time, under the laws of a state or the United States;

(8) Electronic funds transfer of governmental benefits for a federal, state, county, or governmental agency by a contractor on behalf of the United States or a department, agency, or instrumentality thereof, or on behalf of a state or governmental subdivision, agency, or instrumentality thereof;

(9) A board of trade designated as a contract market under the federal Commodity Exchange Act, 7 U.S.C. Sections 1-25, as amended or recodified from time to time, or a person that, in the ordinary course of business, provides clearance and settlement services for a board of trade to the extent of its operation as or for such a board;

(10) A registered futures commission merchant under the federal commodities laws to the extent of its operation as such a merchant;

(11) A person registered as a securities broker-dealer under federal or state securities laws to the extent of its operation as such a broker-dealer;

(12) An individual employed by a licensee, authorized delegate, or any person exempted from the licensing requirements under sections 361.900 to 361.1035 if acting within the scope of employment and under the supervision of the licensee, authorized delegate, or exempted person as an employee and not as an independent contractor;

(13) A person expressly appointed as a third-party service provider to or agent of an entity exempt under subdivision (7) of this section solely to the extent that:

(a) Such service provider or agent is engaging in money transmission on behalf of and under a written agreement with the exempt entity that sets forth the specific functions that the service provider or agent is to perform; and

(b) The exempt entity assumes all risk of loss and all legal responsibility for satisfying the outstanding money transmission obligations owed to purchasers and holders of the outstanding money transmission obligations upon receipt of the purchaser's or holder's money or monetary value by the service provider or agent.

(14) A person appointed as an agent of a payor for purposes of providing payroll processing services for which the agent would otherwise need to be licensed, provided all of the following apply:

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

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

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

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

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

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

House Amendment No. 4

AMEND House Bill No. 707, Page 1, Section A, Line 2, by inserting after all of said line and section the following:

"362.020. 1. The articles of agreement mentioned in this chapter shall set out:

- (1) The corporate name of the proposed corporation. The corporate name shall not be a name, or an imitation of a name, used within the preceding fifty years as a corporate title of a bank or trust company incorporated in this state;
- (2) The name of the city or town and county in this state in which the corporation is to be located;
- (3) The amount of the capital stock of the corporation, the number of shares into which it is divided, and the par value thereof; that the same has been subscribed in good faith and all thereof actually paid up in lawful money of the United States and is in the custody of the persons named as the first board of directors or managers;
- (4) The names and places of residences of the several shareholders and number of shares subscribed by each;
- (5) The number and the names of the first directors;
- (6) The purposes for which the corporation is formed;
- (7) Any provisions relating to the preemptive rights of a shareholder as provided in section 351.305.

The articles of agreement may provide for the issuance of additional shares of capital stock or other classes of stock pursuant to the same procedures and conditions as provided under section 351.180, provided that such terms and procedures are acceptable to the director of finance and, provided that any notice or other approval required to be given or obtained from the state of Missouri shall be given or obtained from the director of the division of finance.

2. The articles of agreement may designate the number of directors necessary to constitute a quorum, and may provide for the number of years the corporation is to continue, or may provide that the existence of the corporation shall continue until the corporation shall be dissolved by consent of the stockholders or by proceedings instituted by the state under any statute now in force or hereafter enacted.

362.247. 1. A majority of the full board of directors shall constitute a quorum for the transaction of business unless another number is required by the articles of agreement, the bylaws or by law. The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors unless the act of a greater number is required by the articles of agreement, the bylaws or by law.

2. Unless otherwise prohibited by statute or ~~regulation,~~ **an order or memorandum of understanding entered into with the director of finance related to bank safety and soundness,** directors may attend board meetings by telephonic conference call or video conferencing, and the bank or trust company may include in a quorum directors who are not physically present but are allowed to vote ~~[-, provided the bank or trust company has a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System of the Federal Financial Institution Examination Counsel (FFIEC)].~~

3. Any director remotely attending a board meeting via telephone or video conferencing may be counted toward a quorum for such meeting and, if the director is not otherwise prohibited, may vote on matters before the bank or trust company's board so long as the meeting minutes identify the director appearing remotely and reflect that the remote director:

- (1) Received formal notice of the board meeting for which he or she is attending or waived such notice as otherwise provided by law;
- (2) Received the board meeting information required for each board of director's meeting as provided by section 362.275;
- (3) Was alone when participating in such board meeting or was in the physical presence of no one not a director of such bank or trust company; and
- (4) Was able to clearly hear such board meeting discussion from its beginning to end.

4. The director of the division of finance may promulgate additional regulations, reasonable in scope, to provide for the integrity of the board of directors' operations when directors attend board meetings remotely, the safety and soundness of the bank or trust company's operation, and the bank or trust company's interest in minimizing the cost of compliance with such regulation.

362.275. 1. The board of directors of every bank and trust company organized or doing business pursuant to this chapter shall hold a regular meeting at least once each month, or, upon application to and acceptance by the director of finance, at such other times, not less frequently than once each calendar quarter as the director of finance shall approve, which approval may be rescinded at any time. There shall be submitted to the meeting a list giving the

aggregate of loans, discounts, acceptances and advances, including overdrafts, to each individual, partnership, corporation or person whose liability to the bank or trust company has been created, extended, renewed or increased since the cut-off date prior to the regular meeting by more than an amount to be determined by the board of directors, which minimum amount shall not exceed five percent of the bank's legal loan limit, except the minimum amount shall in no case be less than ten thousand dollars; a second list of the aggregate indebtedness of each borrower whose aggregate indebtedness exceeds five times such minimum amount, except the aggregate indebtedness shall in no case be less than fifty thousand dollars; **and** a third list showing all paper past due thirty days or more or alternatively, the third list shall report the total past-due ratio for loans thirty days or more past due, nonaccrual loans divided by total loans, and a listing of past-due loans in excess of the minimum amount to be determined by the board of directors, which minimum amount shall not exceed five percent of the bank's legal loan limit, except the minimum amount shall in no case be less than ten thousand dollars~~]; and a fourth list showing the aggregate of the then-existing indebtedness and liability to the bank or trust company of each of the directors, officers, and employees thereof~~. The information called for in the second~~]; and third~~~~], and fourth~~ lists shall be submitted as of the date of the regular meeting or as of a reasonable date prior thereto. No bills payable shall be made, and no bills shall be rediscounted by the bank or trust company except with the consent or ratification of the board of directors; provided, however, that if the bank or trust company is a member of the federal reserve system, rediscounts may be made to it by the officers in accordance with its rules, a list of all rediscounts to be submitted to the next regular meeting of the board. The director of finance may require, by order, that the board of directors of a bank or trust company approve or disapprove every purchase or sale of securities and every discount, loan, acceptance, renewal or other advance including every overdraft over an amount to be specified in the director's order and may also require that the board of directors review, at each monthly meeting, a list of the aggregate indebtedness of each borrower whose aggregate indebtedness exceeds an amount to be specified in the director's order. The minutes of the meeting shall indicate the compliance with the requirements of this section. Furthermore, the debtor's identity on the information required in this subsection may be masked by code to conceal the actual debtor's identity only for information mailed to or otherwise provided directors who are not physically present at the board meeting. The code used shall be revealed to all directors at the beginning of each board meeting for which this procedure is used.

2. For any issue in need of immediate action, the board of directors or the executive committee of the board as defined in section 362.253 may enter into a unanimous consent agreement as permitted by subsection 2 of section 351.340. Such consent may be communicated by facsimile transmission or by other authenticated record, separately by each director, provided each consent is signed by the director and the bank has no indication such signature is not the director's valid consent. When the bank or trust company has received unanimous consent from the board or executive committee, the action voted on shall be considered approved.

362.295. 1. Within ten days after service upon it of the notice provided for by section 361.130, every bank and trust company shall make a written report to the director, which report shall be in the form and shall contain the matters prescribed by the director and shall specifically state the items of capital, deposits, specie and cash items, public securities and private securities, real estate and real estate securities, and such other items as may be necessary to inform the public as to the financial condition and solvency of the bank or trust company, or which the director may deem proper to include therein. In lieu of requiring direct filing of reports of condition, the director may accept reports of condition or their equivalent as filed with federal regulatory agencies and may require verification and the filing of supplemental information as the director deems necessary.

2. Every report shall be verified by the oaths of the president or vice president and cashier or secretary or assistant cashier or assistant secretary, and the verification shall state that the report is true and correct in all respects to the best of the knowledge and belief of the persons verifying it, and the report shall be attested by three directors, and shall be a report of the actual condition of the bank or trust company at the close of business on the day designated and which day shall be prior to the call. If the director of finance obtains the data pursuant to subsection 3 of section 361.130, the director may rely on the verification provided to the federal regulatory agency.

3. ~~Every report, exclusive of the verification, shall, within thirty days after it shall have been filed with the director, be published by the bank or trust company in one newspaper of the place where its place of business is located, or if no newspaper is published there, in a newspaper of general circulation in the town and community in which the bank or trust company is located; the newspaper to be designated by the board of directors and a copy of the publication, with the affidavit of the publisher thereto, shall be attached to the report; provided, if the bank or trust company is located in a town or city having a population exceeding ten thousand inhabitants, then the publication must be in a daily newspaper, if published in that city; but if the bank or trust company is located in a town or city having a population of ten thousand inhabitants or less, then the publication may be in either a daily or~~

~~weekly newspaper published in the town or city as aforesaid; and in all cases a copy of the statement shall be posted in the banking house accessible to all.~~

4.] The bank and trust company shall also make such other special reports to the director as he may from time to time require, in such form and at such date as may be prescribed by him, and the report shall, if required by him, be verified in such manner as he may prescribe.

[5-] 4. If the bank or trust company shall fail to make any report required by this section on or before the day designated for the making thereof, or shall fail to include therein any matter required by the director, the bank or trust company shall forfeit to the state the sum of one hundred dollars for every day that the report shall be delayed or withheld, and for every day that it shall fail to report any omitted matter, unless the time therefor shall have been extended by the director. Should any president, cashier or secretary of the bank or trust company or any director thereof fail to make the statement so required of him or them, or willfully and corruptly make a false statement, he or they, and each of them, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, upon information, punished by a fine for each offense not exceeding five hundred dollars and not less than one hundred dollars, or by imprisonment not less than one or more than twelve months in the city or county jail, or by both such fine and imprisonment.

[6-] 5. A bank or trust company ~~[may provide each written]~~ shall provide a paper or electronic copy of any regular periodic report required to be ~~[published free of charge to the public; and when each bank or trust company notifies their customers that such information is available; and when one copy of such information is available]~~ filed under section 361.130 to each ~~[person]~~ customer that requests it~~[-, the newspaper publication provisions of this section shall not be enforced against such bank or trust company].~~

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

(1) "Bank", includes any state or federally chartered bank, savings bank, or savings and loan association providing banking services to customers;

(2) "Trusted contact", any adult person designated by a bank customer that a bank may contact in the event of an emergency or loss of contact with the customer, or suspected third party fraud or financial exploitation targeting the customer.

2. Notwithstanding any other provision of law to the contrary, any bank may report suspected fraudulent activity or financial exploitation targeting any of its customers to a federal, state, county, or municipal law enforcement agency or any appropriate public protective agency and shall be immune from civil liability in doing so.

3. Notwithstanding any other provision of law to the contrary, any bank, on a voluntary basis, may offer a trusted contact program to customers who may designate one or more trusted contacts for the bank to contact in the event a customer is not responsive to bank communications, the bank is presented with an urgent matter or emergency involving the customer and the bank is unable to locate the customer, or the bank suspects fraudulent activity or financial exploitation targeting the customer or the account has been deemed dormant and the bank is attempting to verify the status and location of the customer. The bank may establish such procedures, requirements, and forms as it deems appropriate and necessary should the bank opt to implement a trusted contact program.

4. Notwithstanding any other provision of law to the contrary, any bank may voluntarily offer customers an account with convenience and security features that set transaction limits and permit limited access to view account activity for one or more trusted contacts designated by the customer.

5. No bank shall be liable for the actions of a trusted contact.

6. No bank shall be liable for declining to interact with a trusted contact when the bank, in good faith and exercising reasonable care, determines that a trusted contact is not acting in the best interests of the customer.

7. A person designated by a customer as a trusted contact who acts in good faith and exercises reasonable care shall be immune from liability.

8. A customer may withdraw any appointment of a person as a trusted contact at any time and any trusted contact may withdraw from status as a trusted contact at any time. The bank may require such documentation or verification as it deems necessary to establish the withdrawal or termination of a trusted contact.

9. No bank shall be civilly liable for implementing or not implementing or for actions or omissions related to providing or administering a trusted contact program.

362.490. 1. Notwithstanding any provision of law of this state or of any political subdivision thereof requiring security for deposits in the form of collateral, surety bond or in any other form, security for such deposits shall not be required to the extent said deposits are insured under the provisions of an act of congress creating and

establishing the Federal Deposit Insurance Corporation or similar agency created and established by the Congress of the United States.

2. (1) As an alternative to the requirements for direct pledging of security for deposit of public funds in excess of the amount that is federally insured or guaranteed pursuant to sections 110.010, 110.020, and 110.060, a banking institution authorized as legal depository for public funds may secure the deposits of any governmental entity by granting a security interest in a single pool of securities to secure the repayment of all public funds deposited in the banking institution by such governmental entities and not otherwise federally insured or secured pursuant to law.

(2) A banking institution may secure the deposit of public funds using the direct method as provided in chapter 110, or the single bank pooled method provided in this section, or may elect to offer government entities the choice of either method to secure the deposit of public funds.

(3) Under the direct method a banking institution may secure the deposit of public funds of each government entity separately by furnishing securities pursuant to sections 110.010, 110.020, and 110.060.

(4) Under the single bank pooled method a banking institution may secure the deposit of public funds of one or more government entities through a pool of eligible securities held in custody and safekeeping with one or more other banking institutions or safe depositories, to be held subject to the order of the director of the division of finance or the administrator appointed pursuant to subsection 3 of this section for the benefit of the government entities having public funds deposited with such banking institution as set forth in this section.

3. (1) The director of the division of finance shall have exclusive authority to appoint a bank, trust company, or association for Missouri banks which is chartered or incorporated in Missouri, to serve as the administrator with respect to a single bank pooled method. The administrator shall act as an agent for banking institutions and as the nominee of the government entities for purposes of administering the pool of securities pledged to secure uninsured public fund deposits. The fees and expenses of such administrator shall be paid by the banking institutions utilizing the single bank pooled method. The single bank pooled method shall not be utilized by any banking institution unless an administrator has been appointed by the director pursuant to this section and is acting as the administrator. The director may require the administrator to post a surety bond or security to the director in an amount up to one hundred thousand dollars to assure the faithful performance of the duties of the administrator.

(2) At all times the aggregate market value of the pool of securities so deposited, pledged, or in which a security interest is granted shall be at least equal to one hundred two percent of the amount on deposit which is in excess of the amount so insured.

(3) Each banking institution shall carry on its accounting records at all times a general ledger or other appropriate account of the total amount of all public funds to be secured by the pool of securities as determined at the opening of business each day, and the aggregate market value of the pool of securities pledged, or in which a security interest is granted to secure such public funds.

(4) If a banking institution elects to secure the deposit of public funds through the use of the single bank pooled method, such banking institution shall notify the administrator in writing that it has elected to utilize the single bank pooled method and the proposed effective date thereof and enter such agreement as the administrator may require.

(5) A banking institution may not retain any deposit of public funds which is required to be secured unless it has secured the deposits for the benefit of the government entities having public funds with such banking institution pursuant to this section.

(6) Only the securities and collateral described or listed pursuant to section 30.270 for the safekeeping and payment of deposits by the state treasurer may be provided and accepted as security for the deposit of public funds and shall be eligible as collateral. The administrator shall not accept any securities which are not described or listed pursuant to section 30.270.

(7) The administrator may establish such procedures and reporting requirements as necessary for depository banking institutions and their safekeeping banks or depositories to confirm the amount of insured public fund deposits, the pledge of securities to the administrator to secure the deposit of public funds, as agent for each participating banking institution, and to monitor the market value of pledged securities as reported by the custody agents, and to add, substitute, or remove securities held in the single bank pool as directed by the depository banking institution.

(8) In the event of the failure and insolvency of a banking institution using the single bank pooled method, subject to any order of the director pursuant to powers vested under chapter 361, the administrator shall direct the safekeeping banks or depositories to sell the pledged securities and direct proceeds to the payment of the uninsured public fund deposits or to transfer the pledged securities to that banking institution's primary supervisory agency or the duly appointed receiver for the banking institution to be liquidated to pay out the uninsured public fund deposits.

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

(1) "Credit union", any state or federally chartered credit union providing financial services to members;

(2) "Trusted contact", any adult person designated by a credit union member that a credit union may contact in the event of an emergency or loss of contact with the member, or suspected third party fraud or financial exploitation targeting the member.

2. Notwithstanding any other provision of law to the contrary, any credit union may report suspected fraudulent activity or financial exploitation targeting any of its members to a federal, state, county, or municipal law enforcement agency or any appropriate public protective agency and shall be immune from civil liability in doing so.

3. Notwithstanding any other provision of law to the contrary, any credit union, on a voluntary basis, may offer a trusted contact program to members who may designate one or more trusted contacts for the credit union to contact in the event a member is not responsive to credit union communications, the credit union is presented with an urgent matter or emergency involving the member and the credit union is unable to locate the member, or the credit union suspects fraudulent activity or financial exploitation targeting the member or the account has been deemed dormant and the credit union is attempting to verify the status and location of the member. The credit union may establish such procedures, requirements, and forms as it deems appropriate and necessary should the credit union opt to implement a trusted contact program.

4. Notwithstanding any other provision of law to the contrary, any credit union may voluntarily offer members an account with convenience and security features that set transaction limits and permit limited access to view account activity for one or more trusted contacts designated by the member.

5. No credit union shall be liable for the actions of a trusted contact.

6. No credit union shall be liable for declining to interact with a trusted contact when the credit union, in good faith and exercising reasonable care, determines that a trusted contact is not acting in the best interests of the member.

7. A person designated by a member as a trusted contact who acts in good faith and exercises reasonable care shall be immune from liability.

8. A member may withdraw any appointment of a person as a trusted contact at any time and any trusted contact may withdraw from status as a trusted contact at any time. The credit union may require such documentation or verification as it deems necessary to establish the withdrawal or termination of a trusted contact.

9. No credit union shall be civilly liable for implementing or not implementing or for actions or omissions related to providing or administering a trusted contact program.

425.310. 1. A debt collector, including a debt collection attorney or law firm, shall be authorized to collect a payment transaction fee from a person, business, or other payor making a credit card or an electronic payment not to exceed the lesser of twenty-five dollars or three percent of the payment amount, not including the fee, provided the following are disclosed to the person, business, or other payor prior to the time the transaction is complete:

(1) That a payment transaction fee is to be collected;

(2) The amount of the payment transaction fee or method of its calculation, which includes a percentage as limited under this section; and

(3) At least one alternative payment method for which there would be no payment transaction fee.

2. A notice in substantially the following form complies with the provisions under subsection 1 of this section:

"NOTICE: A payment transaction fee will be collected to complete this method of payment in the amount of (\$___) (___% of the amount to be paid, limited to three percent). If you want to avoid this payment transaction fee, you may instead pay by (set out available nonfee payment methods(s))."; and

Further amend said bill, Page 2, Section 570.148, Line 28, by inserting after all of said section and line the following:

~~"[447.200. 1. If any consumer deposit account with a banking organization or financial organization, as such terms are defined in and under section 447.503, is determined to be or to have been inactive for a period of twelve or more months and if inactivity fees apply to such account, such banking organization, bank or financial organization shall notify the person or depositor named on such inactive account of such inactivity. Notice may be delivered by first class mail, with postage prepaid, and marked "Address Correction Requested", or alternatively, the notice may be sent or delivered electronically if the consumer has consented to receiving electronic disclosures in accordance with the federal Truth in Savings Act, 12 U.S.C. Sections 4301 to 4313, and the regulations promulgated pursuant thereto.~~

~~2. Notwithstanding any provision of law to the contrary, for any consumer deposit account with a banking organization, bank or financial organization that is or that has been inactive for twelve months or more, such bank or financial organization shall issue annual statements to the person or depositor named on the account. The organization or a bank may charge a service fee of up to five dollars for any statement issued under this subsection, provided that such fee shall be withdrawn from the inactive account.~~

~~3. If any consumer deposit account with a banking organization, bank or financial organization is determined to be or to have been inactive for a period of five years, the funds from such account shall be remitted to the abandoned fund account established under section 447.543.~~

~~4. For purposes of this section, the word "inactive" means a prescribed period during which there is no activity or contact initiated by the person or depositor named on the account, which results in an inactivity fee or fees being charged to the account.]; and~~

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

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

On motion of Representative Oehlerking, **HB 707, as amended**, was ordered perfected and printed.

HCS HB 378, relating to motor vehicle temporary permits, was taken up by Representative Pollitt.

Representative Pollitt moved that the title of **HCS HB 378** be agreed to.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 378, Page 1, In the Title, Line 3, by deleting the words "temporary permits" and inserting in lieu thereof the word "registration"; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 378, Page 1, Section A, Line 2, by inserting after said section and line the following:

"301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is ~~ten years of age or less~~ **model year 2012 or newer** and has less than one hundred fifty thousand miles on the odometer, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of ten years after the receipt of such information.

This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, autocycle, bus, or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is ~~ten years of age or less~~ **model year 2012 or newer** and has less than one hundred fifty thousand miles on the odometer, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of ten years after the receipt of such information. This subsection shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of an amount not less than one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making a contribution not less than one dollar as prescribed in this subsection.

9. An applicant for registration may make a donation of one dollar to the Missouri medal of honor recipients fund. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the Missouri medal of honor recipients fund as established in section 226.925. Moneys in the medal of honor recipients fund shall be used solely for the purposes established in section 226.925, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection."; and

Further amend said bill, Page 6, Section 301.140, Line 167, by inserting after said section and line the following:

"301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer, unless the motor vehicle was acquired under section 301.213 or subsection 5 of section 301.210 in which case the applicant shall make application within thirty days after receiving title from the dealer, upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or

trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application. When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of ownership.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536 indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, or where the motor vehicle was acquired under section 301.213 or subsection 5 of section 301.210 and the applicant fails to make application within thirty days after receiving title from the dealer, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer, or where the motor vehicle was acquired under section 301.213 or subsection 5 of section 301.210 and the applicant fails to make application within thirty days after receiving title from the dealer, or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which the person should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been applied for as provided in this section.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. Notwithstanding any provision of the law to the contrary, an owner presenting a motor vehicle which has been issued a salvage title and which is ten years of age or older to a vehicle examination described in this subsection in order to obtain a certificate of ownership with the designation prior salvage motor vehicle shall not be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and the fees required by section 307.365 and section 643.315 shall be charged to the owner.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri or as required by section 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307, **except that such inspection may be completed by an employee of a licensed new or used motor vehicle dealer for a motor vehicle sold to a person who lives outside of this state and intends to register the vehicle outside of this state or for a motor vehicle having less than thirty thousand miles for the three-year period following the model year of manufacture.** The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station **or, in the case of a motor vehicle sold to a person who lives outside of this state and intends to register the vehicle outside of this state or a motor vehicle having less than thirty thousand miles for the three-year period following the model year of manufacture, the licensed new or used motor vehicle dealer** shall collect the same fee as authorized in section 307.365 for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and only the fees required by section 307.365 and section 643.315 shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin. **A licensed new or used motor vehicle dealer completing the inspection under this section shall be subject to disciplinary action up to and including suspension or revocation of their dealer's license for knowingly completing such inspection with incorrect information. Such disciplinary action shall take place in accordance with department of revenue regular procedures for disciplinary action.**

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection

required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

15. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current model year, and which has a value of three thousand dollars or less shall be accompanied by:

- (1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;
- (2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle;
- (3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and
- (4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles.

The department of revenue shall issue the owner a certificate of ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

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

- (1) Motor vehicles having less than one hundred fifty thousand miles [~~for the ten year period following their model year of manufacture~~] **and of model year 2012 or newer**, excluding prior salvage vehicles immediately following a rebuilding process and vehicles subject to the provisions of section 307.380;
- (2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and
- (3) Historic motor vehicles registered pursuant to section 301.131;
- (4) Vehicles registered in excess of twenty-four thousand pounds for a period of less than twelve months;

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

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

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

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

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

2. At the seller's expense every used motor vehicle of the type required to be inspected by section 307.350 shall immediately prior to sale be fully inspected regardless of any current certificate of inspection and approval, and an appropriate new certificate of inspection and approval, sticker, seal or other device shall be obtained **no more than sixty days prior to the date of sale, except that such inspection shall not be required for a motor vehicle sold to a person who lives outside of this state and intends to register the vehicle outside of this state or for a motor vehicle having less than thirty thousand miles for the three-year period following the model year of manufacture when:**

(1) Sold by a private seller; or

(2) Sold by a licensed new or used motor vehicle dealer, provided that such dealer has sold at least two hundred motor vehicles in the previous calendar year.

The seller of a motor vehicle required to be inspected under this subsection shall present the certificate of inspection and approval to the buyer at the point of sale and the buyer shall be required to submit the certificate of inspection when applying for registration of the vehicle.

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

vehicle for inspection and obtained an official certificate of inspection and approval, sticker, seal or other device for such vehicle.

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

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 378, Page 6, Section 301.140, Line 167, by inserting after said section and line the following:

"301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

- (1) "Department", the department of revenue;
 - (2) "Director", the director of the department of revenue;
 - (3) "Other authorized health care practitioner" includes advanced practice registered nurses licensed pursuant to chapter 335, physician assistants licensed pursuant to chapter 334, chiropractors licensed pursuant to chapter 331, podiatrists licensed pursuant to chapter 330, assistant physicians, physical therapists licensed pursuant to chapter 334, and optometrists licensed pursuant to chapter 336;
 - (4) "Physically disabled", a natural person who is blind, as defined in section 8.700, or a natural person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows:
 - (a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or
 - (b) The person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
 - (c) Is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or
 - (d) Uses portable oxygen; or
 - (e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
 - (f) Except as otherwise provided in subdivision (3) of subsection 16 of this section, a person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of sections 301.141 to 301.143;
 - (5) "Physician", a person licensed to practice medicine pursuant to chapter 334;
 - (6) "Physician's statement", a statement personally signed by a duly authorized person which certifies that a person is disabled as defined in this section;
 - (7) "Temporarily disabled person", a disabled person as defined in this section whose disability or incapacity is expected to last no more than one hundred eighty days;
 - (8) "Temporary windshield placard", a placard to be issued to persons who are temporarily disabled persons as defined in this section, certification of which shall be indicated on the physician's statement;
 - (9) "Windshield placard", a placard to be issued to persons who are physically disabled as defined in this section, certification of which shall be indicated on the physician's statement.
2. Other authorized health care practitioners may furnish to a disabled or temporarily disabled person a physician's statement for only those physical health care conditions for which such health care practitioner is legally authorized to diagnose and treat.
3. A physician's statement shall:
- (1) Be on a form prescribed by the director of revenue;

(2) Set forth the specific diagnosis and medical condition which renders the person physically disabled or temporarily disabled as defined in this section;

(3) Include the physician's or other authorized health care practitioner's license number; and

(4) Be personally signed by the issuing physician or other authorized health care practitioner.

4. If it is the professional opinion of the physician or other authorized health care practitioner issuing the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the physician or other authorized health care practitioner shall note on the statement the anticipated length of the disability, which shall determine the expiration date for the temporary windshield placard, and which period shall not exceed one hundred eighty days. If the physician or health care practitioner fails to record an expiration date on the physician's statement, the director shall issue a temporary windshield placard for a period of thirty days.

5. A physician or other authorized health care practitioner who issues or signs a physician's statement so that disabled plates or a disabled windshield placard may be obtained shall maintain in such disabled person's medical chart documentation that such a certificate has been issued, the date the statement was signed, the diagnosis or condition which existed that qualified the person as disabled pursuant to this section and shall contain sufficient documentation so as to objectively confirm that such condition exists.

6. The medical or other records of the physician or other authorized health care practitioner who issued a physician's statement shall be open to inspection and review by such practitioner's licensing board, in order to verify compliance with this section. Information contained within such records shall be confidential unless required for prosecution, disciplinary purposes, or otherwise required to be disclosed by law.

7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to primarily transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application to the director accompanied by the documents and fees provided for in this section, a current physician's statement which has been issued within ninety days preceding the date the application is made, and proof of compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "DISABLED" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. If at any time an individual who obtained disabled license plates issued under this subsection no longer occupies a residence with a physically disabled person, or no longer owns a vehicle that is operated at least fifty percent of the time by a physically disabled person, such individual shall surrender the disabled license plates to the department within thirty days of becoming ineligible for their use.

8. The director shall further issue, upon request, to such applicant one, and for good cause shown, as the director may define by rule and regulations, not more than two, removable disabled windshield hanging placards for use when the disabled person is occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle license plate or disabled windshield hanging placard.

9. No additional fee shall be paid to the director for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards

may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person, and shall be surrendered to the department, within thirty days, if a group, organization, or entity that obtained the removable windshield placard due to the transportation of more than one physically disabled person no longer transports more than one disabled person. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The removable windshield placard shall be renewed every ~~four~~ **eight** years. **The department shall have the authority to automatically renew current valid disabled placards for a duration of eight years, or for the duration that correlates with the disabled person's current physician's statement expiration date, until all permanent disabled placards are on an eight-year renewal cycle.** The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard may be issued to an applicant who has not been issued disabled person license plates.

12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, and for good cause shown, one additional temporary windshield placard may be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to this section is supplied to the director of revenue at the time of renewal.

13. A windshield placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when the physically disabled occupant for whom the disabled plate or placard was issued is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected. A disabled license plate and/or a removable windshield hanging placard are not transferable and may not be used by any other person whether disabled or not.

14. At the time the disabled plates or windshield hanging placards are issued, the director shall issue a registration certificate which shall include the applicant's name, address, and other identifying information as prescribed by the director, or if issued to an agency, such agency's name and address. This certificate shall further contain the disabled license plate number or, for windshield hanging placards, the registration or identifying number stamped on the placard. The validated registration receipt given to the applicant shall serve as the registration certificate.

15. The director shall, upon issuing any disabled registration certificate for license plates and/or windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act.

16. (1) Except as otherwise provided in this subsection, every applicant for issuance of a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application, and for renewal applications a physician's statement dated no more than ninety days prior to such application shall be required every eighth year.

(2) Notwithstanding any provision of law to the contrary, if the applicant has presented proof of disability in the form of a statement from the United States Department of Veterans Affairs verifying that the person is permanently disabled, the applicant shall not be required to provide a physician's statement for the purpose of issuance or renewal of disabled person license plates or windshield placards.

(3) Notwithstanding the provisions of paragraph (f) of subdivision (4) of subsection 1 of this section, any person seventy-five years of age or older who provided a physician's statement with the original application shall not be required to provide a physician's statement for the purpose of renewal of disabled person license plates or windshield placards.

17. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, or the Missouri state board of nursing established in section 335.021, with respect to physician's statements signed by advanced practice registered

nurses, or the Missouri state board of chiropractic examiners established in section 331.090, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law.

18. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the director, establish a list of all Missouri physicians and other authorized health care practitioners and of any other information necessary to administer this section.

19. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit a statement stating this fact, in addition to the physician's statement. The statement shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this statement with each application for license plates. No person shall willingly or knowingly submit a false statement and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420.

20. The director of revenue shall retain all physicians' statements and all other documents received in connection with a person's application for disabled license plates and/or disabled windshield placards.

21. The director of revenue shall enter into reciprocity agreements with other states or the federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons.

22. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of the decedent or such other person who may come into or otherwise take possession of the disabled license plates or disabled windshield placard shall return the same to the director of revenue under penalty of law. Failure to return such plates or placards shall constitute a class B misdemeanor.

23. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards.

24. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

25. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be four dollars.

26. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis."; and

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

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

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 378, Page 2, Section 301.140, Line 37, by inserting after the number "4." the number "(1)"; and

Further amend said bill, page, and section, Lines 39-40, by deleting said lines and inserting in lieu thereof the following:

"of a motor vehicle or trailer by a buyer for not more than thirty days, [~~or no more than ninety days if issued by a dealer selling the motor vehicle under the provisions of section 301.213,~~] or"; and

Further amend said bill, page, and section, Line 45, by inserting after the word "upon" the phrase "**satisfaction of all applicable taxes under chapter 144, upon**"; and

Further amend said bill and section, Page 3, Line 78, by inserting after said line the following:

"(2) The provisions of subdivision (1) of this subsection requiring satisfaction of all applicable taxes under chapter 144 shall become effective only upon notification by the director of the department of revenue that implementation of such requirements are technologically feasible following the development and maintenance of a modernized, integrated system for the titling of vehicles, the issuance and renewal of vehicle registrations, the issuance and renewal of drivers' licenses and identification cards, and the perfection and release of liens and encumbrances on vehicles."; and

Further amend said bill and section, Page 6, Line 167, by inserting after said section and line the following:

"301.558. 1. A motor vehicle dealer, **trailer dealer**, boat dealer, or powersport dealer may fill in the blanks on standardized forms in connection with the sale or lease of a new or used motor vehicle, **trailer**, vessel, or vessel trailer if the motor vehicle dealer, **trailer dealer**, boat dealer, or powersport dealer does not charge for the services of filling in the blanks or otherwise charge for preparing documents.

2. A motor vehicle dealer, **trailer dealer**, boat dealer, or powersport dealer may charge an administrative fee in connection with the sale or lease of a new or used motor vehicle, **trailer**, vessel, or vessel trailer for the storage of documents or any other administrative or clerical services not prohibited by this section. A portion of the administrative fee may result in profit to the motor vehicle dealer, **trailer dealer**, boat dealer, or powersport dealer.

3. (1) Ten percent of any fee authorized under this section and charged by motor vehicle dealers **or trailer dealers** shall be remitted to the motor vehicle administration technology fund established in this subsection, for the development of the system specified in this subsection. Following the development of the system specified in this subsection, the director of the department of revenue shall notify motor vehicle dealers **and trailer dealers**, and implement the system, and the percentage of any fee authorized under this section required to be remitted to the fund shall be reduced to [~~one~~] **three and one-half** percent, which shall be used for maintenance of the system. This subsection shall expire on January 1, 2037.

(2) There is hereby created in the state treasury the "Motor Vehicle Administration Technology Fund", which shall consist of money collected as specified in this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of revenue for the purpose of development and maintenance of a modernized, integrated system for the titling of vehicles, issuance and renewal of vehicle registrations, issuance and renewal of driver's licenses and identification cards, and perfection and release of liens and encumbrances on vehicles.

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

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

4. No motor vehicle dealer, **trailer dealer**, boat dealer, or powersport dealer that sells or leases new or used motor vehicles, **trailers**, vessels, or vessel trailers and imposes an administrative fee of five hundred dollars or less in connection with the sale or lease of a new or used **motor** vehicle, **trailer**, vessel, or vessel trailer for the storage of documents or any other administrative or clerical services shall be deemed to be engaging in the unauthorized practice of law. The maximum administrative fee permitted under this subsection shall be increased annually by an amount equal to the percentage change in the annual average of the Consumer Price Index for All Urban Consumers or its successor index, as reported by the federal Bureau of Labor Statistics or its successor agency, or by zero, whichever is greater. The director of the department of revenue shall annually furnish the maximum administrative fee determined under this section to the secretary of state, who shall publish such value in the Missouri Register as soon as practicable after January fourteenth of each year.

5. If an administrative fee is charged under this section, the same administrative fee shall be charged to all retail customers unless the fee is limited by the dealer's franchise agreement to certain classes of customers. The fee shall be disclosed on the retail buyer's order form as a separate itemized charge.

6. A preliminary worksheet on which a sale price is computed and that is shown to the purchaser, a retail buyer's order form from the purchaser, or a retail installment contract shall include, in reasonable proximity to the place on the document where the administrative fee authorized by this section is disclosed, the amount of the administrative fee and the following notice in type that is boldfaced, capitalized, underlined, or otherwise conspicuously set out from the surrounding written material:

"AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN A PROFIT TO DEALER. NO PORTION OF THIS ADMINISTRATIVE FEE IS FOR THE DRAFTING, PREPARATION, OR COMPLETION OF DOCUMENTS OR THE PROVIDING OF LEGAL ADVICE. THIS NOTICE IS REQUIRED BY LAW."

7. The general assembly believes that an administrative fee charged in compliance with this section is not the unauthorized practice of law or the unauthorized business of law so long as the activity or service for which the fee is charged is in compliance with the provisions of this section and does not result in the waiver of any rights or remedies. Recognizing, however, that the judiciary is the sole arbitrator of what constitutes the practice of law, in the event that a court determines that an administrative fee charged in compliance with this section, and that does not waive any rights or remedies of the buyer, is the unauthorized practice of law or the unauthorized business of law, then no person who paid that administrative fee may recover said fee or treble damages, as permitted under section 484.020, and no person who charged that fee shall be guilty of a misdemeanor, as provided under section 484.020."; and

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

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

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 378, Page 6, Section 301.140, Line 167, by inserting after said section and line the following:

"301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

- (1) "Department", the department of revenue;
- (2) "Director", the director of the department of revenue;
- (3) "Other authorized health care practitioner" includes advanced practice registered nurses licensed pursuant to chapter 335, physician assistants licensed pursuant to chapter 334, chiropractors licensed pursuant to chapter 331, podiatrists licensed pursuant to chapter 330, assistant physicians, physical therapists licensed pursuant to chapter 334, **occupational therapists licensed pursuant to chapter 324**, and optometrists licensed pursuant to chapter 336;
- (4) "Physically disabled", a natural person who is blind, as defined in section 8.700, or a natural person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows:
 - (a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or
 - (b) The person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
 - (c) Is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

- (d) Uses portable oxygen; or
 - (e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
 - (f) Except as otherwise provided in subdivision (3) of subsection 16 of this section, a person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of sections 301.141 to 301.143;
 - (5) "Physician", a person licensed to practice medicine pursuant to chapter 334;
 - (6) "Physician's statement", a statement personally signed by a duly authorized person which certifies that a person is disabled as defined in this section;
 - (7) "Temporarily disabled person", a disabled person as defined in this section whose disability or incapacity is expected to last no more than one hundred eighty days;
 - (8) "Temporary windshield placard", a placard to be issued to persons who are temporarily disabled persons as defined in this section, certification of which shall be indicated on the physician's statement;
 - (9) "Windshield placard", a placard to be issued to persons who are physically disabled as defined in this section, certification of which shall be indicated on the physician's statement.
2. Other authorized health care practitioners may furnish to a disabled or temporarily disabled person a physician's statement for only those physical health care conditions for which such health care practitioner is legally authorized to diagnose and treat.
3. A physician's statement shall:
- (1) Be on a form prescribed by the director of revenue;
 - (2) Set forth the specific diagnosis and medical condition which renders the person physically disabled or temporarily disabled as defined in this section;
 - (3) Include the physician's or other authorized health care practitioner's license number; and
 - (4) Be personally signed by the issuing physician or other authorized health care practitioner.
4. If it is the professional opinion of the physician or other authorized health care practitioner issuing the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the physician or other authorized health care practitioner shall note on the statement the anticipated length of the disability, which shall determine the expiration date for the temporary windshield placard, and which period shall not exceed one hundred eighty days. If the physician or health care practitioner fails to record an expiration date on the physician's statement, the director shall issue a temporary windshield placard for a period of thirty days.
5. A physician or other authorized health care practitioner who issues or signs a physician's statement so that disabled plates or a disabled windshield placard may be obtained shall maintain in such disabled person's medical chart documentation that such a certificate has been issued, the date the statement was signed, the diagnosis or condition which existed that qualified the person as disabled pursuant to this section and shall contain sufficient documentation so as to objectively confirm that such condition exists.
6. The medical or other records of the physician or other authorized health care practitioner who issued a physician's statement shall be open to inspection and review by such practitioner's licensing board, in order to verify compliance with this section. Information contained within such records shall be confidential unless required for prosecution, disciplinary purposes, or otherwise required to be disclosed by law.
7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to primarily transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application to the director accompanied by the documents and fees provided for in this section, a current physician's statement which has been issued within ninety days preceding the date the application is made, and proof of compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "DISABLED" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. If at any time an individual who obtained disabled license plates issued under this subsection no longer occupies a

residence with a physically disabled person, or no longer owns a vehicle that is operated at least fifty percent of the time by a physically disabled person, such individual shall surrender the disabled license plates to the department within thirty days of becoming ineligible for their use.

8. The director shall further issue, upon request, to such applicant one, and for good cause shown, as the director may define by rule and regulations, not more than two, removable disabled windshield hanging placards for use when the disabled person is occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle license plate or disabled windshield hanging placard.

9. No additional fee shall be paid to the director for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person, and shall be surrendered to the department, within thirty days, if a group, organization, or entity that obtained the removable windshield placard due to the transportation of more than one physically disabled person no longer transports more than one disabled person. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The removable windshield placard shall be renewed every four years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard may be issued to an applicant who has not been issued disabled person license plates.

12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, and for good cause shown, one additional temporary windshield placard may be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to this section is supplied to the director of revenue at the time of renewal.

13. A windshield placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when the physically disabled occupant for whom the disabled plate or placard was issued is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected. A disabled license plate and/or a removable windshield hanging placard are not transferable and may not be used by any other person whether disabled or not.

14. At the time the disabled plates or windshield hanging placards are issued, the director shall issue a registration certificate which shall include the applicant's name, address, and other identifying information as prescribed by the director, or if issued to an agency, such agency's name and address. This certificate shall further

contain the disabled license plate number or, for windshield hanging placards, the registration or identifying number stamped on the placard. The validated registration receipt given to the applicant shall serve as the registration certificate.

15. The director shall, upon issuing any disabled registration certificate for license plates and/or windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act.

16. (1) Except as otherwise provided in this subsection, every applicant for issuance of a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application, and for renewal applications a physician's statement dated no more than ninety days prior to such application shall be required every eighth year.

(2) Notwithstanding any provision of law to the contrary, if the applicant has presented proof of disability in the form of a statement from the United States Department of Veterans Affairs verifying that the person is permanently disabled, the applicant shall not be required to provide a physician's statement for the purpose of issuance or renewal of disabled person license plates or windshield placards.

(3) Notwithstanding the provisions of paragraph (f) of subdivision (4) of subsection 1 of this section, any person seventy-five years of age or older who provided a physician's statement with the original application shall not be required to provide a physician's statement for the purpose of renewal of disabled person license plates or windshield placards.

17. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, or the Missouri state board of nursing established in section 335.021, with respect to physician's statements signed by advanced practice registered nurses, or the Missouri state board of chiropractic examiners established in section 331.090, with respect to physician's statements signed by licensed chiropractors, or ~~with~~ the board of optometry established in section 336.130, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, with respect to physician's statements signed by physicians of the foot or podiatrists, **or the Missouri board of occupational therapy established in section 324.063, with respect to physician's statements signed by licensed occupational therapists**, to determine whether the physician is duly licensed and registered pursuant to law.

18. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the director, establish a list of all Missouri physicians and other authorized health care practitioners and of any other information necessary to administer this section.

19. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit a statement stating this fact, in addition to the physician's statement. The statement shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this statement with each application for license plates. No person shall willingly or knowingly submit a false statement and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420.

20. The director of revenue shall retain all physicians' statements and all other documents received in connection with a person's application for disabled license plates and/or disabled windshield placards.

21. The director of revenue shall enter into reciprocity agreements with other states or the federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons.

22. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of the decedent or such other person who may come into or otherwise take possession of the disabled license plates or disabled windshield placard shall return the same to the director of revenue under penalty of law. Failure to return such plates or placards shall constitute a class B misdemeanor.

23. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards.

24. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

25. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be four dollars.

26. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist [ø], optometrist, **or occupational therapist** to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis."; and

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

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

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

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 378, Page 6, Section 301.140, Line 167, by inserting after all of the said section and line the following:

"301.469. 1. Any vehicle owner may receive license plates as prescribed in this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri conservation heritage foundation. The foundation hereby authorizes the use of its official emblems to be affixed on multiyear license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblems.

2. Upon annual application and payment of a twenty-five dollar emblem-use authorization fee to the Missouri conservation heritage foundation, the foundation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the director of the department of revenue at the time of registration of a motor vehicle.

3. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the regular registration fees and documents which may be required by law, the director of the department of revenue shall issue a license plate, which shall bear an emblem of the Missouri conservation heritage foundation in a form prescribed by the director, to the vehicle owner. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

4. Application for the emblem-use authorization and payment of the twenty-five-dollar contribution may also be made at the time of registration to the director of the department of revenue, who shall deposit the contribution to the credit of the Missouri conservation heritage foundation.

5. A vehicle owner, who was previously issued a plate with a Missouri conservation heritage foundation emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the foundation emblem, as otherwise provided by law.

[5-] 6. The director of the department of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536. This section and

chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

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

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

Representative Riley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Amato	Baker	Banderman	Billington
Black	Bromley	Busick	Byrnes	Casteel
Caton	Chappell	Christ	Christensen	Collins
Cook	Davidson	Davis	Diehl	Dolan
Elliott	Falkner	Farnan	Fowler	Gallick
Gragg	Griffith	Haley	Harbison	Hardwick
Hewkin	Hinman	Hruza	Hurlbert	Irwin
Jones 12	Jordan	Kalberloh	Keathley	Knight
Loy	Lucas	Martin	Mayhew	McGaugh
Meirath	Miller	Murphy	Myers	Nolte
Oehlerking	Owen	Parker	Perkins	Peters
Phelps	Pollitt	Pouche	Reedy	Reuter
Riggs	Riley	Sassmann	Schmidt	Schulte
Seitz	Self	Sharpe 4	Shields	Steinmeyer
Stinnett	Titus	Van Schoiack	Veit	Vernetti
Violet	Voss	Waller	Wellenkamp	West
Whaley	Williams	Wolfen	Wright	Mr. Speaker

NOES: 038

Anderson	Appelbaum	Aune	Barnes	Boykin
Boyko	Burton	Bush	Butz	Clemens
Doll	Douglas	Fogle	Fountain Henderson	Fuchs
Hales	Hein	Jacobs	Jamison	Jobe
Johnson	Mansur	Mosley	Murray	Proudie
Rush	Sharp 37	Smith 68	Smith 74	Steinhoff
Steinmetz	Taylor 84	Terry	Thomas	Weber
Woods	Young	Zimmermann		

PRESENT: 001

Hovis

ABSENT WITH LEAVE: 038

Boggs	Bosley	Brown 149	Brown 16	Coleman
Costlow	Crossley	Cupps	Dean	Deaton
Durnell	Ealy	Haden	Hausman	Ingle
Jones 88	Justus	Kelley	Kimble	Laubinger
Lewis	Mackey	Matthiesen	McGill	Overcast
Plank	Price	Reed	Roberts	Simmons

Smith 46 Sparks Strickler Taylor 48 Thompson
Walsh Moore Warwick Wilson

VACANCIES: 001

On motion of Representative Pollitt, **HCS HB 378, as amended**, was adopted.

On motion of Representative Pollitt, **HCS HB 378, as amended**, was ordered perfected and printed.

HCS HB 661, relating to reimbursement of costs associated with utility facility relocation, was taken up by Representative Keathley.

On motion of Representative Keathley, the title of **HCS HB 661** was agreed to.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 661, Page 1, Section 67.1849, Line 2, by deleting the word "**contrary**" and inserting in lieu thereof the word "**contrary**"; and

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

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

Representative Riley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Allen	Amato	Baker	Banderman	Billington
Black	Bromley	Brown 149	Busick	Bynes
Casteel	Caton	Chappell	Christ	Christensen
Collins	Cook	Costlow	Davidson	Davis
Diehl	Dolan	Falkner	Fowler	Gallick
Gragg	Griffith	Haden	Haley	Harbison
Hardwick	Hausman	Hewkin	Hinman	Hovis
Hruza	Hurlbert	Johnson	Jones 12	Jordan
Kalberloh	Keathley	Kelley	Lucas	Martin
Mayhew	McGaugh	McGirl	Meirath	Miller
Murphy	Nolte	Oehlerking	Owen	Parker
Perkins	Peters	Phelps	Pollitt	Pouche
Reedy	Reuter	Riley	Roberts	Sassmann
Schmidt	Schulte	Seitz	Self	Sharpe 4
Shields	Simmons	Steinmeyer	Stinnett	Titus
Van Schoiack	Verneti	Violet	Voss	Waller
Wellenkamp	West	Whaley	Williams	Wilson
Wolfen				

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NOES: 043

Anderson	Appelbaum	Aune	Barnes	Bosley
Boykin	Boyko	Burton	Bush	Clemens
Crossley	Doll	Douglas	Fogle	Fountain Henderson
Fuchs	Hales	Hein	Ingle	Irwin
Jacobs	Jamison	Jobe	Mackey	Mansur
Mosley	Murray	Price	Proudie	Rush
Sharp 37	Smith 46	Smith 68	Smith 74	Steinhoff
Steinmetz	Taylor 84	Terry	Thomas	Weber
Woods	Young	Zimmermann		

PRESENT: 000

ABSENT WITH LEAVE: 033

Boggs	Brown 16	Butz	Coleman	Cupps
Dean	Deaton	Durnell	Ealy	Elliott
Farnan	Jones 88	Justus	Kimble	Knight
Laubinger	Lewis	Loy	Matthiesen	Myers
Overcast	Plank	Reed	Riggs	Sparks
Strickler	Taylor 48	Thompson	Veit	Walsh Moore
Warwick	Wright	Mr. Speaker		

VACANCIES: 001

On motion of Representative Keathley, **HCS HB 661, as amended**, was adopted.

On motion of Representative Keathley, **HCS HB 661, as amended**, was ordered perfected and printed.

HB 49, relating to offenses involving the trafficking of drugs, was taken up by Representative Haley.

On motion of Representative Haley, the title of **HB 49** was agreed to.

Representative Riley moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Allen	Amato	Baker	Banderman	Billington
Black	Bromley	Brown 149	Busick	Byrnes
Casteel	Caton	Chappell	Christ	Christensen
Cook	Costlow	Davidson	Davis	Diehl
Dolan	Falkner	Farnan	Fowler	Gallick
Gragg	Griffith	Haden	Haley	Harbison
Hardwick	Hausman	Hewkin	Hinman	Hovis
Hurlbert	Irwin	Jones 12	Jordan	Kalberloh
Kelley	Lewis	Lucas	Martin	Mayhew
McGaugh	McGirl	Miller	Murphy	Nolte
Oehlerking	Owen	Parker	Perkins	Peters
Phelps	Pollitt	Pouche	Reedy	Reuter

Riley	Roberts	Sassmann	Schmidt	Schulte
Seitz	Self	Shields	Simmons	Steinmeyer
Stinnett	Taylor 48	Van Schoiack	Verneti	Violet
Voss	Waller	Wellenkamp	West	Whaley
Williams	Wilson	Wolfen	Mr. Speaker	

NOES: 046

Anderson	Appelbaum	Aune	Barnes	Bosley
Boykin	Boyko	Burton	Bush	Butz
Clemens	Crossley	Dean	Doll	Douglas
Ealy	Fogle	Fountain Henderson	Fuchs	Hales
Hein	Ingle	Jacobs	Jamison	Jobe
Johnson	Mackey	Mansur	Mosley	Murray
Price	Proudie	Rush	Sharp 37	Smith 46
Smith 68	Smith 74	Steinhoff	Steinmetz	Taylor 84
Terry	Thomas	Weber	Woods	Young
Zimmermann				

PRESENT: 000

ABSENT WITH LEAVE: 032

Boggs	Brown 16	Coleman	Collins	Cupps
Deaton	Durnell	Elliott	Hruza	Jones 88
Justus	Keathley	Kimble	Knight	Laubinger
Loy	Matthiesen	Meirath	Myers	Overcast
Plank	Reed	Riggs	Sharpe 4	Sparks
Strickler	Thompson	Titus	Veit	Walsh Moore
Warwick	Wright			

VACANCIES: 001

On motion of Representative Haley, **HB 49** was ordered perfected and printed.

HB 147, relating to police pensions, was taken up by Representative Hovis.

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

House Amendment No. 1

AMEND House Bill No. 147, Page 1, In the Title, Line 3, by deleting the phrase "police pensions" and inserting in lieu thereof the phrase "retirement"; and

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

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

Representative Haley assumed the Chair.

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

House Amendment No. 2

AMEND House Bill No. 147, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"70.630. 1. The membership of the system shall include the following persons:

(1) All employees who are neither policemen nor firemen who are in the employ of a political subdivision the day preceding the date such political subdivision becomes an employer and who continue in such employ on and after such date shall become members of the system.

(2) All persons who become employed by a political subdivision as neither policemen nor firemen on or after the date such political subdivision becomes an employer shall become members of the system.

(3) If his employing political subdivision has elected to cover present and future policemen, all policemen who are in the employ of a political subdivision the day preceding the date such political subdivision covers policemen hereunder and who continue in such employ as a policeman on and after such date, and all persons who become employed by a political subdivision as a policeman on or after the date the political subdivision covers policemen shall become members of the system.

(4) If his employing political subdivision has elected to cover only future policemen, all persons who become employed by a political subdivision as a policeman on or after the date such political subdivision covers policemen hereunder shall become members of the system.

(5) If his employing political subdivision has elected to cover present and future firemen, all firemen who are in the employ of a political subdivision the day preceding the date such political subdivision covers firemen hereunder and who continue in such employ as a fireman on and after such date, and all persons who become employed by a political subdivision as a fireman on or after the date the political subdivision covers firemen hereunder shall become members of the system.

(6) If his employing political subdivision has elected to cover only future firemen, all persons who become employed by a political subdivision as a fireman on or after the date such political subdivision covers firemen hereunder shall become members of the system.

2. ~~In no event shall an employee become a member if continuous employment to time of retirement will leave the employee with less than minimum number of years of credited service specified in section 70.645.~~

3.] In any case of question as to the system membership status of any person, the board shall decide the question.

70.655. 1. Upon a member's retirement he or she shall receive an allowance for life in accordance with the applicable benefit program elected by the member's employer, as follows:

(1) Benefit program L-1. A member with credited service covered by benefit program L-1 shall receive an allowance for life equal to one percent of the member's final average salary multiplied by the number of years of such credited service;

(2) Benefit program L-3. A member with credited service covered by benefit program L-3 shall receive an allowance for life equal to one and one-quarter percent of the member's final average salary multiplied by the number of years of such credited service;

(3) Benefit program LT-4. A member with credited service covered by benefit program LT-4 shall receive an allowance for life equal to one percent of the member's final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-two, then such member shall receive a temporary allowance equal to one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or the member's attainment of age sixty-two;

(4) Benefit program LT-5. A member with credited service covered by benefit program LT-5 shall receive an allowance for life equal to one and one-quarter percent of the member's final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-two, then such member shall receive a temporary allowance equal to three-quarters of one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or the member's attainment of age sixty-two;

(5) Benefit program L-6. A member with credited service covered by benefit program L-6 shall receive an allowance for life equal to two percent of the member's final average salary multiplied by the number of years of such credited service;

(6) Benefit program L-7. A member with credited service covered by benefit program L-7 shall receive an allowance for life equal to one and one-half percent of the member's final average salary multiplied by the number of years of such credited service;

(7) Benefit program LT-8. A member with credited service covered by benefit program LT-8 shall receive an allowance for life equal to one and one-half percent of the member's final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-two, then such member shall receive a temporary allowance equal to one-half of one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or the member's attainment of age sixty-two;

(8) Benefit program LT-4(65). A member with credited service covered by benefit program LT-4(65) shall receive an allowance for life equal to one percent of the member's final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or the member's attainment of age sixty-five;

(9) Benefit program LT-5(65). A member with credited service covered by benefit program LT-5(65) shall receive an allowance for life equal to one and one-quarter percent of the member's final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to three-quarters of one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or the member's attainment of age sixty-five;

(10) Benefit program LT-8(65). A member with credited service covered by benefit program LT-8(65) shall receive an allowance for life equal to one and one-half percent of the member's final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to one-half of one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or the member's attainment of age sixty-five;

(11) Benefit program L-9. A member with credited service covered by benefit program L-9 shall receive an allowance for life equal to one and six-tenths percent of the member's final average salary multiplied by the number of years of such credited service;

(12) Benefit program LT-10(65). A member with credited service covered by benefit program LT-10(65) shall receive an allowance for life equal to one and six-tenths percent of the members' final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645 or section 70.650 or section 70.670, and if such member's age at retirement is younger than age sixty-five, then such member shall receive a temporary allowance equal to four-tenths of one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death; or the member's attainment of age sixty-five;

(13) Benefit program L-11. Benefit program L-11 may cover employment in a position only if such position is not concurrently covered by federal Social Security; in addition, if such position was previously covered by federal Social Security, benefit program L-11 may cover only employment rendered after cessation of federal Social Security coverage. A member with credited service covered by benefit program L-11 shall receive an allowance for life equal to two and one-half percent of the member's final average salary multiplied by the number of years of such credited service;

(14) Benefit program L-12. A member with credited service covered by benefit program L-12 shall receive an allowance for life equal to one and three-quarter percent of the member's final average salary multiplied by the number of years of such credited service;

(15) Benefit program LT-14(65). A member with credited service covered by benefit program LT-14(65) shall receive an allowance for life equal to one and three-quarter percent of the member's final average salary multiplied by the number of years of such credited service. In addition, if such member is retiring as provided in section 70.645, 70.650, or 70.670, then such member shall receive a temporary allowance equal to one-quarter of one percent of the member's final average salary multiplied by the number of years of such credited service. Such temporary allowance shall terminate at the end of the calendar month in which the earlier of the following events occurs: such member's death or the member's attainment of age sixty-five.

2. If each portion of a member's credited service is not covered by the same benefit program, then the member's total allowance for life shall be the total of the allowance for life determined under each applicable benefit program.

3. Each employer shall have the credited service of each of its members covered by benefit program L-1 provided for in this section unless such employer shall have elected another benefit program provided for in this section.

4. Except as otherwise provided in this subsection, each political subdivision, by majority vote of its governing body, may elect from time to time to cover its members, whose political subdivision employment is concurrently covered by federal Social Security, under one of the benefit programs provided for in this section. Each political subdivision, by majority vote of its governing body, may elect from time to time to cover its members, whose political subdivision employment is not concurrently covered by federal Social Security, under one of the benefit programs provided for in this section. The clerk or secretary of the political subdivision shall certify the election of the benefit program to the board within ten days after such vote. The effective date of the political subdivision's benefit program is the first day of the calendar month specified by such governing body, or the first day of the calendar month next following receipt by the board of the certification of election of benefit program, or the effective date of the political subdivision becoming an employer, whichever is the latest. Such election of benefit program may be changed from time to time by such vote, but not more often than biennially. If such changed benefit program provides larger allowances than the benefit program previously in effect, then such larger benefit program shall be applicable to the past and future employment with the employer by present and future employees. If such changed benefit program provides smaller allowances than the benefit program previously in effect, then such changed benefit program shall be applicable only to credited service for employment rendered from and after the effective date of such change. After August 28, 1994, political subdivisions shall not elect coverage under benefit program LT-4, benefit program LT-5, or benefit program LT-8. After August 28, 2005, political subdivisions shall not elect coverage under benefit program L-9 or benefit program LT-10(65).

5. Should an employer change its election of benefit program as provided in this section, the employer contributions shall be correspondingly changed effective the same date as the benefit program change.

6. The limitation on increases in an employer's contribution provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer electing a benefit program which provides larger allowances.

7. Subject to the provisions of subsections **8 and 9** ~~and 10~~ of this section, for an allowance becoming effective on September 28, 1975, or later, and beginning with the October first which is at least twelve full months after the effective date of the allowance, the amount of the allowance shall be redetermined effective each October first and such redetermined amount shall be payable for the ensuing year. Subject to the limitations stated in the next sentence, such redetermined amount shall be the amount of the allowance otherwise payable multiplied by the following percent: one hundred percent, plus two percent for each full year (excluding any fraction of a year) in the period from the effective date of the allowance to the current October first. In no event shall such redetermined amount (1) be less than the amount of the allowance otherwise payable nor (2) be more than the amount of the allowance otherwise payable multiplied by the following fraction: the numerator shall be the Consumer Price Index for the month of June immediately preceding such October first (but in no event an amount less than the denominator below) and the denominator shall be the Consumer Price Index for the month of June immediately preceding the effective date of the allowance. As used herein, "Consumer Price Index" means **a measure of the Consumer Price Index [for Urban Wage Earners and Clerical Workers,] as determined by the United States Department of Labor and adopted by the board of trustees [in effect January 1, 1975; provided, should such Consumer Price Index be restructured subsequent to 1974 in a manner materially changing its character, the board shall change the application of the Consumer Price Index so that as far as is practicable the 1975 intent of the use of the Consumer Price Index shall be continued].** As used herein "the amount of the allowance otherwise payable" means the amount of the allowance which would be payable without regard to these provisions redetermining allowance amounts after retirement.

8. ~~Subject to the provisions of subsections 9 and 10 of this section, for an allowance becoming effective on September 28, 1975, or later, the maximum allowance payable under the provisions of section 70.685 shall be redetermined each October first in the same manner as an allowance is redetermined under the provisions of subsection 7 of this section.~~

~~9.]~~ (1) The system establishes reserves for the payment of future allowances to retirants and beneficiaries. Should the board determine, after consulting with the actuary, that the established reserves are more than sufficient to provide such allowances, the board may increase the annual increase rate provided for in ~~subsections~~ **subsection 7 [and 8]** of this section, as it applies to any allowance payable, but in no event shall the total of all redetermined amounts as of October first of any year be greater than one hundred four percent of the allowances which would have been payable that October first without such redeterminations; provided, as of any redetermination date the same annual increase rate shall be applied to all allowances with effective dates in the range of November first to October first of the following year. The board may extend the provisions of ~~subsections~~ **subsection 7 [and 8]** of this section to allowances which became effective before September 28, 1975; provided such an action by the board shall not increase an employer contribution rate then in effect;

(2) After August 28, 1993, the annual increase rate established by this subsection shall be a compound rate, compounded annually, and the four percent annual maximum rate shall also be a compound rate, compounded annually; provided, the use of such compounding shall not begin until October 1, 1993, and shall not affect redeterminations made prior to that date.

~~[10.]~~ **9.** Should the board determine that the provisions of subsections 7~~[, 8]~~ and **9] 8** of this section are jeopardizing the financial solvency of the system, the board shall suspend these provisions redetermining allowance amounts after retirement for such periods of time as the board deems appropriate.

70.680. 1. Any member in service with five or more years of credited service who has not attained the age and service requirements of section 70.645 and who becomes totally and permanently physically or mentally incapacitated for his duty as an employee, as the result of a personal injury or disease, may be retired by the board upon written application filed with the board by or on behalf of the member; provided, that after a medical examination of such member made by or under the direction of a medical committee consisting of three physicians, one of whom shall be selected by the board, one by or on behalf of such member, and the third by the first two physicians so named, the medical committee reports to the board, by majority opinion in writing, that such member is physically or mentally totally incapacitated for the further performance of duty, that such incapacity will probably be permanent and that such member should be retired.

2. Upon disability retirement, as provided in subsection 1 of this section, a member shall receive an allowance for life provided for in section 70.655 and shall have the right to elect an option provided for in section 70.660. His or her disability retirement and allowance shall be subject to the provisions of subsection 5 of this section ~~[and to the provisions of section 70.685]~~.

3. Any member in service who becomes totally and permanently physically or mentally incapacitated for his duty as an employee, as the natural and proximate result of a personal injury or disease which the board finds to have arisen out of and in the course of his actual performance of duty as an employee, may be retired by the board upon written application filed with the board by or on behalf of the member; provided, that after a medical examination of such member made by or under the direction of a medical committee consisting of three physicians, one of whom shall be selected by the board, one by or on behalf of such member, and the third by the first two physicians so named, the medical committee reports to the board, by majority opinion in writing, that such member is physically or mentally totally incapacitated for the further performance of duty, that such incapacity will probably be permanent, and that such member should be retired.

4. Upon disability retirement as provided in subsection 3 of this section, a member shall receive an allowance for life provided for in section 70.655; provided, that for the sole purpose of computing the amount of such allowance, he or she shall be given credited service for the period from the date of his or her disability retirement to the date he or she would attain age sixty. He or she shall have the right to elect an option provided for in section 70.660. His or her disability retirement and allowance shall be subject to the provisions of subsection 5 of this section ~~[and to the provisions of section 70.685]~~.

5. At least once each year during the first five years following a member's retirement on account of disability, and at least once in each three-year period thereafter, the board shall require any disability retirant who has not attained his minimum service retirement age to undergo a medical examination to be made by a physician designated by the board. If the retirant refuses to submit to medical examination in any such period, his disability allowance shall be suspended by the board until his withdrawal of such refusal. If such refusal continues for one

year, all his rights in and to a disability allowance shall be revoked by the board. If, upon medical examination of the retirant, the physician reports to the board that the retirant is physically and mentally able and capable of resuming his duty as an employee in the position held by him at the time of his disability retirement, then the board shall, if demanded by the retirant, arrange a further medical examination of such member made by or under the direction of a medical committee consisting of three physicians, one of whom shall be selected by the board, one by or on behalf of the member, and the third by the first two physicians named. Should the medical committee concur, by majority opinion in writing to the board, the disability retirant is capable of resumption of duty, his disability retirement shall terminate and he shall be returned to duty and he shall immediately again become a member of the system, his credited service at the time of disability retirement shall be restored to his credit, and the amount of his accumulated contributions at the time of his disability retirement shall be restored to his credit in the members deposit fund. If he was in receipt of a duty disability allowance provided for in subsection 3 of this section, he shall also be given service credit for the period he was in receipt of the duty disability allowance.

70.690. 1. In the event a member ceases to be a member other than by death before the date he becomes entitled to retire with an allowance payable by the system, he shall be paid, upon his written application filed with the board, his accumulated contributions standing to his credit in the members deposit fund.

2. In the event a member dies, and no allowance becomes or will become payable by the system on account of his death, his accumulated contributions standing to his credit in the members deposit fund at the time of his death shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the board. If there be no such designated person or persons surviving such member, such accumulated contributions shall be paid to his surviving spouse, or to his estate if there is no surviving spouse.

3. In the event a member's membership in the system terminates, and no allowance becomes or will become payable on his account, any accumulated contributions standing to his credit in the members deposit fund unclaimed by such member or his legal representative within ~~three~~ ten years after the date his membership terminated, shall be transferred to the income-expense fund. If thereafter proper application is made for such accumulated contributions, the board shall pay them from the income-expense fund, but without interest after the date payment was first due.

70.745. 1. The board shall be the trustees of the funds of the system. Subject to the provisions of any applicable federal or state laws, the board shall have full power to invest and reinvest the moneys of the system, and to hold, purchase, sell, assign, transfer or dispose of any of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys.

2. The board of trustees may deliberate about, or make tentative or final decisions on, investments or other financial matters in a closed meeting under chapter 610 if disclosure of the deliberations or decisions would jeopardize the ability to implement a decision or to achieve investment objectives. A record of the retirement system that discloses deliberations about, or a tentative decision on, investments or other financial matters is not a public record under chapter 610 to the extent and so long as its disclosure would jeopardize the ability to implement a decision or to achieve investment objectives.

70.746. Notwithstanding any other provision of law to the contrary, the board of trustees may delegate to its duly appointed investment counselor authority to act in place of the board in the investment and reinvestment of all or part of the moneys of the system, and may also delegate to such counselor the authority to act in place of the board in the holding, purchasing, selling, assigning, transferring, or disposing of any or all of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys. ~~[Such investment counselor shall be registered as an investment advisor with the United States Securities and Exchange Commission.]~~ In exercising or delegating its investment powers and authority, members of the board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. In so doing, the board shall consider the long- and short-term needs of the system in carrying out its purposes, the system's present and anticipated financial requirements, the expected total return on the system's investment, general economic conditions, income, growth, long-term net appreciation, and probable safety of funds. No member of the board shall be liable for any action taken or omitted with respect to the exercise of or delegation of these powers and authority if such member shall have discharged the duties of his or her position in good faith and with that degree of diligence, care, and skill which prudent men and women would ordinarily exercise under similar circumstances in a like position.

70.747. Notwithstanding any other provision of law to the contrary, the board shall have full power to invest and reinvest the funds and moneys of the system in improved real estate, including collective real estate funds and real estate investment trusts, wherever situated~~]; provided, however, that not more than one tenth of the funds and moneys of the system at the time of such investment shall be so invested].~~

70.748. 1. Notwithstanding the provisions of section 105.662 to the contrary, the board may set up and maintain a local government employee retirement systems of Missouri investment fund account in which investment and reinvestment of all or part of the moneys of the retirement system may be placed and be available for investment purposes.

2. For the purpose of investing the funds of the retirement system, the funds may be combined with the funds of any retirement plan that is administered by the retirement system under section 70.621 and any retirement plan established for the purpose of providing benefits for employees of the system, but the funds of each plan shall be accounted for separately and for all other reporting purposes shall be separate.

3. The board of trustees may promulgate such rules and regulations consistent with the provisions of this section as deemed necessary for its proper administration, pursuant to the provisions of this section and this chapter. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2025, shall be invalid and void.";
and

Further amend said bill, Page 4, Section 86.200, Line 118, by inserting after all of said section and line the following:

"105.688. The assets of a system may be invested, reinvested and managed by an investment fiduciary subject to the terms, conditions and limitations provided in sections 105.687 to 105.689. An investment fiduciary shall discharge his or her duties in the interest of the participants in the system and their beneficiaries and shall:

(1) Act with the same care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a similar capacity and familiar with those matters would use in the conduct of a similar enterprise with similar aims;

(2) Act with due regard for the management, reputation, and stability of the issuer and the character of the particular investments being considered;

(3) Make investments for the purposes of providing benefits to participants and participants' beneficiaries, and of defraying reasonable expenses of investing the assets of the system;

(4) Give appropriate consideration to those facts and circumstances that the investment fiduciary knows or should know are relevant to the particular investment or investment course of action involved, including the role of the investment or investment course of action plays in that portion of the system's investments for which the investment fiduciary has responsibility. For purposes of this subdivision, "appropriate consideration" shall include, but is not necessarily limited to a determination by the investment fiduciary that a particular investment or investment course of action is reasonably designed, as part of the investments of the system, to further the purposes of the system, taking into consideration the risk of loss and the opportunity for gain or other return associated with the investment or investment course of action; and consideration of the following factors as they relate to the investment or investment course of action:

(a) The diversification of the investments of the system;

(b) The liquidity and current return of the investments of the system relative to the anticipated cash flow requirements of the system; and

(c) The projected return of the investments of the system relative to the funding objectives of the system;

(5) Give appropriate consideration to investments which would enhance the general welfare of this state and its citizens if those investments offer the safety and rate of return comparable to other investments available to the investment fiduciary at the time the investment decision is made; **and**

(6) Not be prohibited from closing records to the extent that such records relate to information submitted by an individual, corporation, or other business entity in connection with investments in or financial transactions with business entities for investment purposes."; and

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

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

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

House Amendment No. 3

AMEND House Bill No. 147, Page 4, Section 86.200, Line 118, by inserting after all of said section and line the following:

"87.140. 1. The general administration and the responsibility for the proper operation of the retirement system shall be vested in a board of trustees of nine persons. The board shall be constituted as follows:

- (1) The chief of the fire department of the city, ex officio;
- (2) The comptroller or deputy comptroller of the city, ex officio;
- (3) Two members to be appointed by the mayor of the city to serve for a term of two years;
- (4) Three members to be elected by the members of the retirement system for a term of three years who shall be members of the system and hold office only while members of the system;
- (5) Two members who shall be retired firemen to be elected by the retired firemen of the city and who shall hold office for a term of three years.

2. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

3. The trustees shall serve without compensation, but they shall be reimbursed from the expense fund for all necessary expenses which they may incur through service on the board.

4. Each trustee shall, within ten days after his appointment or election, take an oath of office before the clerk of circuit court of the city, that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the board and that he will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. The oath shall be subscribed to by the member making it and certified by the clerk of circuit court and filed in his office.

5. Each trustee shall be entitled to one vote on the board. Five votes shall be necessary for a decision by the trustees at any meeting of the board.

6. Notwithstanding any provision of sections 87.120 to 87.371 to the contrary, the board of trustees of the retirement system shall not be prevented from simultaneously acting as the trustees of any other pension plan that provides retirement, disability, and death benefits for firefighters employed by any city not within a county and the firefighters' covered dependents. The administration of the other pension plan shall be in accordance with the terms of such pension plan. Nothing in this subsection shall prevent the board of aldermen of a city not within a county from adopting ordinances to govern the pensioning of firefighters and such firefighters' covered dependents in any other pension plan simultaneously administered by the board of trustees of the retirement system.

87.145. The board of trustees shall have exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for benefits and refunds under this law, and its action, decision or determination in any matter shall be reviewable under chapter 536 only, and any party to the proceedings shall have a right of appeal from the decision of the reviewing court. Subject to the limitations of sections 87.120 to 87.370, the board of trustees shall, from time to time, establish rules and regulations for the administration of funds created by this law, for the transaction of its business, and for the limitation of the time within which claims may be filed. **The administration of any pension plan other than the retirement system includes the ability of the board of trustees, from time to time, to establish rules and regulations for the administration of funds of such other pension plan and for the transaction of such other pension plan's business. Nothing in this section shall prevent the board of aldermen of a city not within a county from adopting ordinances to govern the pensioning of firefighters and such firefighters' covered dependents in any other pension plan simultaneously administered by the board of trustees of the retirement system.**

87.155. 1. The board of trustees shall keep in convenient form such data as is necessary for actuarial valuation of the funds of the retirement system and for checking the experience of the system.

2. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

3. To the extent the board of trustees administers a pension plan other than the retirement system, the board of trustees shall maintain separate records of all proceedings of such other pension plan.

87.260. The board of trustees of the firefighters' retirement system shall have the exclusive authority and discretion to invest and reinvest the funds in property of any kind, real or personal. The board of trustees shall invest and manage the fund as a prudent investor would, by considering the purposes, terms, distribution requirements, and other circumstances of the firefighters' retirement system. In satisfying this standard, the board of trustees shall exercise reasonable care, skill, and caution. No trustee shall have any interest as a trustee in the gains or profits made on any investment, except benefits from interest in investments common to all members of the plan, if entitled thereto. **To the extent the board of trustees administers a pension plan other than the retirement system, the board of trustees shall also have the authority and discretion to invest and reinvest the funds of such other pension plan in property of any kind, real or personal. The board of trustees may choose to invest the funds of the retirement system and the funds of the other pension plan in the same investments so long as the amounts invested and the gains, profits, or losses on such investments are accounted for separately. No benefits due to the firefighters or such firefighters' covered dependents from the other pension plan shall be paid from the funds of the retirement system. Nothing in this section shall prevent the board of aldermen of a city not within a county from adopting ordinances to govern the pensioning of firefighters and such firefighters' covered dependents in any other pension plan simultaneously administered by the board of trustees of the retirement system.**

87.350. The expense fund shall be the fund to which shall be credited all money provided to pay the administration expenses of the retirement system and from which shall be paid all the expenses necessary in connection with the administration and operation of the system. Annually the board of trustees shall estimate the amount of money necessary to be paid into the expense fund during the ensuing year to provide for the expense of operation of the retirement system. Such estimate shall be provided by the board of trustees from interest and other earnings on assets of the retirement system. **In no event shall any expenses, including administrative expenses, incurred by the board of trustees in the administration of any pension plan other than the retirement system or in the investment of any funds of any pension plan other than the retirement system be paid from the funds of the retirement system. Such expenses shall be paid entirely from the funds of the other pension plan.**"; and

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

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

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

House Amendment No. 4

AMEND House Bill No. 147, Page 4, Section 86.200, Line 118, by inserting after all of said section and line the following:

"143.124. 1. Other provisions of law to the contrary notwithstanding, for tax years ending on or before December 31, 2006, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person except as provided in subsection 4 of this section, shall be subject to tax pursuant to the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, "annuity, pension, retirement benefit, or retirement allowance" shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include 401(k) plans, deferred compensation plans, self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, but not including Roth IRAs, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. An individual taxpayer shall only be allowed a maximum deduction equal to the amounts provided under this section for each taxpayer on the combined return.

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than eight thousand dollars.

3. ~~[For the tax years beginning on or after January 1, 1990, but ending on or before December 31, 2006,] There shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, [a maximum of the first six thousand dollars of retirement benefits received by each taxpayer from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of the first one thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and a maximum of the first three thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1999, but before January 1, 2000, and a maximum of the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000, but before January 1, 2001, and a maximum of the first five thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2001, but before January 1, 2002, and] a maximum of the first six thousand dollars of any retirement allowance received by each taxpayer from any privately funded sources for tax years beginning on or after January 1, 2002, but before January 1, 2026, and a maximum of the first twelve thousand dollars of any retirement allowance received from any privately funded sources for tax years beginning on or after January 1, 2026. A taxpayer shall be entitled to the maximum exemption provided by this subsection:~~

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars **for all tax years ending on or before December 31, 2025, and less than fifty thousand dollars for all tax years beginning on or after January 1, 2026;** or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars **for all tax years ending on or before December 31, 2025, and less than sixty-four thousand dollars for all tax years beginning on or after January 1, 2026;** or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than sixteen thousand dollars **for all tax years ending on or before December 31, 2025, and less than thirty-two thousand six hundred dollars for all tax years beginning on or after January 1, 2026.**

4. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for such taxpayer's filing status, as provided in subdivisions (1), (2) and (3) of subsection 3 of this section, such taxpayer shall be entitled to an exemption equal to the greater of zero or the maximum exemption provided in subsection 3 of this section reduced by one dollar for every dollar such taxpayer's income exceeds the ceiling for his or her filing status.

5. For purposes of this subsection, the term "maximum Social Security benefit available" shall mean thirty-two thousand five hundred dollars for the tax year beginning on or after January 1, 2007, and for each subsequent tax year such amount shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumers, or its successor index, as such index is defined and officially reported by the United States Department of Labor, or its successor agency. For the tax year beginning on or after January 1, 2007, but ending on or before December 31, 2007, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or twenty percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2008, but ending on or before December 31, 2008, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or thirty-five percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after

January 1, 2009, but ending on or before December 31, 2009, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or fifty percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2010, but ending on or before December 31, 2010, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or sixty-five percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2011, but ending on or before December 31, 2011, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or eighty percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For all tax years beginning on or after January 1, 2012, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to one hundred percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For all tax years beginning on or before December 31, 2023, a taxpayer shall be entitled to the maximum exemption provided by this subsection:

(1) If the taxpayer's filing status is married filing combined, and their combined Missouri adjusted gross income is equal to or less than one hundred thousand dollars; or

(2) If the taxpayer's filing status is single, head of household, qualifying widow(er), or married filing separately, and the taxpayer's Missouri adjusted gross income is equal to or less than eighty-five thousand dollars.

For all tax years beginning on or after January 1, 2024, a taxpayer shall be entitled to the maximum exemption provided by this subsection regardless of the taxpayer's filing status or the amount of the taxpayer's Missouri adjusted gross income.

6. For all tax years beginning on or before December 31, 2023, if a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for such taxpayer's filing status, as provided in subdivisions (1) and (2) of subsection 5 of this section, such taxpayer shall be entitled to an exemption, less any applicable reduction provided under subsection 7 of this section, equal to the greater of zero or the maximum exemption provided in subsection 5 of this section reduced by one dollar for every dollar such taxpayer's income exceeds the ceiling for his or her filing status.

7. For purposes of calculating the subtraction provided in subsection 5 of this section, such subtraction shall be decreased by an amount equal to any Social Security benefit exemption provided under section 143.125.

8. For purposes of this section, any Social Security benefits otherwise included in Missouri adjusted gross income shall be subtracted; but Social Security benefits shall not be subtracted for purposes of other computations pursuant to this chapter, and are not to be considered as retirement benefits for purposes of this section.

9. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of Social Security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of Social Security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

10. The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated pursuant to this chapter but subject to taxation under Internal Revenue Code Section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

11. For purposes of this section, retirement benefits received shall not include any withdrawals from qualified retirement plans which are subsequently rolled over into another retirement plan.

12. The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035.

13. The exemptions provided for in this section shall apply to any annuity, pension, or retirement allowance as defined in subsection 1 of this section to the extent that such amounts are included in the taxpayer's federal adjusted gross income and not otherwise deducted from the taxpayer's federal adjusted gross income in the calculation of Missouri taxable income. This subsection shall not apply to any individual who qualifies under federal guidelines to be one hundred percent disabled."; and

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

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

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

House Amendment No. 5

AMEND House Bill No. 147, Page 4, Section 86.200, Line 118, by inserting after all of said section and line the following:

"105.688. The assets of a system may be invested, reinvested and managed by an investment fiduciary subject to the terms, conditions and limitations provided in sections 105.687 to 105.689. An investment fiduciary shall discharge his or her duties in the interest of the participants in the system and their beneficiaries and shall:

(1) Act with the same care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a similar capacity and familiar with those matters would use in the conduct of a similar enterprise with similar aims;

(2) Act with due regard for the management, reputation, and stability of the issuer and the character of the particular investments being considered;

(3) Make investments for the purposes of providing benefits to participants and participants' beneficiaries, and of defraying reasonable expenses of investing the assets of the system;

(4) Give appropriate consideration to those facts and circumstances that the investment fiduciary knows or should know are relevant to the particular investment or investment course of action involved, including the role of the investment or investment course of action plays in that portion of the system's investments for which the investment fiduciary has responsibility. For purposes of this subdivision, "appropriate consideration" shall include, but is not necessarily limited to a determination by the investment fiduciary that a particular investment or investment course of action is reasonably designed, as part of the investments of the system, to further the purposes of the system, taking into consideration the risk of loss and the opportunity for gain or other return associated with the investment or investment course of action; and consideration of the following factors as they relate to the investment or investment course of action:

(a) The diversification of the investments of the system;

(b) The liquidity and current return of the investments of the system relative to the anticipated cash flow requirements of the system; and

(c) The projected return of the investments of the system relative to the funding objectives of the system;

(5) Give appropriate consideration to investments which would enhance the general welfare of this state and its citizens if those investments offer the safety and rate of return comparable to other investments available to the investment fiduciary at the time the investment decision is made;

(6) Not consider environmental, social, or governance characteristics in a manner that would override his or her fiduciary duties as defined in this section;

(7) Not be subject to any legislative, regulatory, or other mandates to invest with environmentally, socially, or other noneconomically motivated influence unless they are consistent with the fiduciary's responsibility as provided in this section or as provided in the system's governing statutes with respect to the investment of system assets or other duties imposed by law relating to the investment, management, deposit, or custody of system assets; and

(8) Not be subject to any legislative, regulatory, or other mandates for divestment from any indirect holdings in actively or passively managed investment funds or in private assets.

105.692. 1. All shares of common stock held directly by a system, as defined under section 105.687, shall be voted solely in the economic interest of plan participants. Voting shares for the purposes of furthering noneconomic environmental, social, political, ideological, or other goals is prohibited.

2. A system shall vote all proxies associated with its directly held shares of common stock by one of the following methods:

- (1) By internal system staff; or**
- (2) By an investment manager or proxy voting service provider who has committed in writing to vote the shares pursuant to proxy voting guidelines chosen by the system or has committed in writing to vote the shares in a manner consistent with the obligation to act solely in the economic interest of plan participants.";** 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 Clemens offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Bill No. 147, Page 4, Section 86.200, Line 118, by inserting after all of said section and line the following:

- "169.490. 1. All the assets of the retirement system shall be held as one fund.
2. (1) For any member hired before January 1, 2018, the employing board shall cause to be deducted from the compensation of each member at every payroll period five percent of his or her compensation.
 - (2) Beginning January 1, 2018, the percentage in subdivision (1) of this subsection shall increase one-half of one percent annually until such time as the percentage equals nine percent.
 - (3) For any member hired for the first time on or after January 1, 2018, the employing board shall cause to be deducted from the compensation of each member at every payroll period nine percent of such member's compensation.
 - (4) The amounts so deducted shall be transferred to the board of trustees and credited to the individual account of each member from whose compensation the deduction was made. In determining the amount earnable by a member in any payroll period, the board of trustees may consider the rate of earnable compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period; it may omit deduction from compensation for any period less than a full payroll period if the employee was not a member on the first day of the payroll period; and to facilitate the making of the deductions, it may modify the deduction required of any member by such amount as shall not exceed one-tenth of one percent of the compensation upon the basis of which such deduction was made.
 - (5) The deductions provided for herein are declared to be a part of the salary of the member and the making of such deductions shall constitute payments by the member out of his or her salary or earnings and such deductions shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for his or her full salary or compensation, and the making of said deductions and the payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.410 to 169.540.
 - (6) The employing board may elect to pay member contributions required by this section as an employer pick up of employee contributions under Section 414(h)(2) of the Internal Revenue Code of 1986, as amended, and such contributions picked up by the employing board shall be treated as contributions made by members for all purposes of sections 169.410 to 169.540.
3. If a retired member receiving a pension pursuant to sections 169.410 to 169.540 is restored to active service and again becomes an active member of the retirement system, there shall be credited to his or her individual account an amount equal to the excess, if any, of his or her accumulated contributions at retirement over the total pension benefits paid to him or her.

4. Annually, the actuary for the retirement system shall calculate each employer's contribution as an amount equal to a certain percentage of the total compensation of all members employed by that employer. The percentage shall be fixed on the basis of the liabilities of the retirement system as shown by the annual actuarial valuation. The annual actuarial valuation shall be made on the basis of such actuarial assumptions and the actuarial cost method adopted by the board of trustees, provided that the actuarial cost method adopted shall be in accordance with generally accepted actuarial standards and that the unfunded actuarial accrued liability, if any, shall be amortized by level annual payments over a period not to exceed thirty years. The provisions of this subsection shall expire on December 31, 2017; thereafter subsection 5 of this section shall apply.

5. (1) For calendar year 2018, the rate of contribution payable by each employer shall equal sixteen percent of the total compensation of all members employed by that employer. For each calendar year thereafter, the percentage rate of contribution payable by each employer of the total compensation of all members employed by that employer shall decrease one-half of one percent annually until calendar year ~~[2032]~~ **2025** when the rate of contribution payable by each employer shall equal ~~[nine]~~ **twelve and one-half** percent of the total compensation of all members employed by that employer~~[- For subsequent calendar years after 2032],~~ **except as provided under subdivision (2) of this subsection.**

(2) **Beginning on the effective date of this section and for all subsequent calendar years after,** the rate of contribution payable by each employer shall equal ~~[nine]~~ **fourteen** percent of the total compensation of all members employed by that employer.

6. The expense and contingency reserve shall be a reserve for investment contingencies and estimated expenses of administration of the retirement system as determined annually by the board of trustees.

7. Gifts, devises, bequests and legacies may be accepted by the board of trustees to be held and invested as a part of the assets of the retirement system and shall not be separately accounted for except where specific direction for the use of a gift is made by a donor."; and

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

On motion of Representative Clemens, **House Amendment No. 6** was adopted.

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

House Amendment No. 7

AMEND House Bill No. 147, Page 4, Section 86.200, Line 118, by inserting after all of said section and line the following:

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

(1) **"Board", the governing board or decision-making body of a system that is authorized by law to administer the system;**

(2) **"Control":**

(a) **The same meaning as such term is defined in the Investment Company Act of 1940, 15 U.S.C. Section 80a-2(a); or**

(b) **Involvement in an entity's governance structure, monitoring, or internal human resources decisions consistent with the objectives set out in the Opinion on Strengthening the United Front Work of the Private Economy in the New Era issued by the General Office of the Central Committee of the Chinese Communist Party (2020) or a successor or similar document;**

(3) **"Divest", a sale, redemption, replacement, or any other activity that terminates an investment;**

(4) **"Fund", the retirement benefit fund of a system;**

(5) **"Investment", any investment, as such term is defined in section 105.687, that the board or system is authorized to make;**

(6) **"Person", an individual or entity;**

(7) **"Restricted entity", the following, including wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, and affiliates that exist for profit-making purposes:**

(a) **Any person, other than a U.S. person, as the term "U.S. person" is defined in 15 CFR 772.1, that is identified for the People's Republic of China on the Entity List, Supplement No. 4 to 15 CFR 744, as a person reasonably believed to be involved, or to pose a significant risk of being or becoming involved, in**

activities contrary to the national security or foreign policy interests of the United States until the End-User Review Committee of the Bureau of Industry and Security in the United States Department of Commerce determines that the person no longer meets that criteria and removes the person from the list;

(b) Any person that:

a. The United States Secretary of Defense has listed as a Communist Chinese military company operating directly or indirectly in the United States or in any of its territories or possessions under Section 1237 of the Strom Thurmond National Defense Authorization Act of Fiscal Year 1999, P.L. 105-261, as amended by Section 1233 of P.L. 106-398 and Section 1222 of P.L. 108-375, 50 U.S.C. Section 1701 note, until such time as the United States Secretary of Defense removes the person from such list;

b. The United States Secretary of Defense, in consultation with the United States Secretary of the Treasury, determines is a Communist Chinese military company operating directly or indirectly in the United States or in any of its territories or possessions and therefore lists as such under Section 1237 of the Strom Thurmond National Defense Authorization Act of Fiscal Year 1999, P.L. 105-261, as amended by Section 1233 of P.L. 106-398 and Section 1222 of P.L. 108-375, 50 U.S.C. Section 1701 note, until such time as the United States Secretary of Defense removes the person from such list; or

c. The United States Secretary of the Treasury publicly lists as meeting the criteria in Section 1237(b)(4)(B) of the Strom Thurmond National Defense Authorization Act of Fiscal Year 1999, P.L. 105-261, as amended by Section 1222 of P.L. 108-375, 50 U.S.C. Section 1701 note, or publicly lists as a subsidiary of a person already determined to be a Communist Chinese military company, until the United States Secretary of the Treasury determines that the person no longer meets that criteria and removes the person from such list;

(c) Any organization or citizen that is identified by the appropriate government agencies to be required by the National Intelligence Law of the People's Republic of China (2017), as amended in 2018, or any successor to support, assist, and cooperate with the state intelligence work of the People's Republic of China and keep the secrets of the national intelligence work of the People's Republic of China; or

(d) Any person that is listed on the Specially Designated Nationals and Blocked Persons List published by the Office of Foreign Assets Control of United States Department of the Treasury;

(8) "Restricted investment product", an investment product that:

(a) Is managed by one or more persons:

a. That are not employed by the system; and

b. In which the system on behalf of the fund owns investments together with investors other than the system; and

(b) Holds investments in a restricted entity;

(9) "System", any state or local public retirement system or plan established by the state or any political subdivision or instrumentality of the state for the purpose of providing plan benefits for elected or appointed public officials or employees of the state or any political subdivision or instrumentality of the state.

2. After August 28, 2025, a system shall not knowingly invest in a restricted entity or a restricted investment product and shall divest any investment that the system has on behalf of a fund in accordance with this section.

3. Before December 1, 2025, and at least annually on or before December first of each subsequent year, the board shall make a good faith effort to identify all restricted entities and restricted investment products in which the system holds an investment. The board may use an independent research firm to assist the board.

4. (1) If the board determines after a review under subsection 3 of this section that the system has investments in a restricted entity or a restricted investment product, the board shall establish a plan to divest the investment and complete the divestment as soon as financially prudent. Except as provided in subdivision (2) of this subsection, the investment shall be divested no later than August 28, 2026.

(2) The investment may be divested after August 28, 2026, but shall be divested no later than August 28, 2028, if the board finds that the following conditions exist:

(a) The divestment of the investment by August 28, 2026, would result in the system incurring aggregate transaction costs in excess of five hundred thousand dollars;

(b) The selling of global public equity interests would result in a loss on secondary markets; or

(c) The divestment of the investment by August 28, 2026, would otherwise fail to comply with federal or state law or other legal obligations.

5. Prior to divesting any commingled fund required by this section in which the divestment would result in a realized loss, the staff of the system shall notify the board and if, within two business days, a majority of the trustees of the board object, no further action shall be taken until a special or regular meeting of the board.

6. The board shall determine whether to cease or defer divestment in the entity or product initiated under this section and resume investment in the entity or product during any period in which the entity or product has not returned to being a restricted entity or restricted investment product if any of the following conditions are met:

(1) The entity or product meets or exceeds the rules and standards of the Public Company Accounting Oversight Board and the Sarbanes-Oxley Act of 2002, P.L. 107-204, 116 Stat. 745; or

(2) The board determines that a fund has holdings in a passively managed commingled fund that includes a restricted entity and the estimated cost of divestment of the commingled fund is greater than ten percent of the total value of the restricted entities held in the commingled fund.

7. (1) On or before December 31, 2025, and annually on or before December thirty-first of each subsequent year, the board shall submit a report to the general assembly.

(2) The report shall include at least the following information, as of the date of the report:

(a) A copy of the restricted entity list;

(b) All publicly traded securities sold, redeemed, divested, or withdrawn in compliance with this section;

(c) All commingled funds that are exempted from divestment under subsection 5 or 6 of this section; and

(d) Any progress made under subsection 6 of this section.

8. With respect to actions taken in compliance with this section, including all good faith determinations regarding restricted entities and restricted investment products, the board and the system are exempt from any conflicting statutory or common law obligations, including any obligations with respect to choice of asset managers, investment fiduciaries, investment funds, or investments for fund investment portfolios.

9. The state and any political subdivision of the state; its officers, agents, and employees; and the board and employees of a system shall be immune from civil liability for any act or omission related to the removal of an asset from a fund under this section and are entitled to indemnification from the system for all losses, costs, and expenses, including reasonable attorney's fees, associated with defending against any claim or suit relating to an act authorized under section.

10. (1) Notwithstanding any provision of law to the contrary, the provisions of this section do not apply to investments in private market funds.

(2) Notwithstanding any provision of law to the contrary, the provisions of this section do not apply to indirect holdings in actively managed investment funds.

(3) If a manager or investment fiduciary creates a similar actively managed investment fund without the restricted entities, the board shall replace all applicable investments with the investments in the similar actively managed investment fund within a period consistent with prudent investing standards."; and

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

On motion of Representative Hovis, **House Amendment No. 7** was adopted.

On motion of Representative Hovis, **HB 147, as amended**, was ordered perfected and printed.

HCS HB 169, relating to cotton trailers, was taken up by Representative Brown (149).

On motion of Representative Brown (149), the title of **HCS HB 169** was agreed to.

Representative Brown (149) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 169, Page 10, Section 307.010, Line 11, by deleting all of said line and inserting in lieu thereof the following:

"becomes dislodged and falls from the cotton trailer, and the goods are or material is:

- (1) Immobilized, such so that it cannot shift or tip to the extent that the vehicle's stability or maneuverability is adversely affected;**
- (2) Transported in a sided vehicle that has walls of adequate strength, such that each article of cargo within the vehicle is in contact with, or sufficiently close to a wall or other articles, so that it cannot shift or tip to the extent that the vehicle's stability or maneuverability is adversely affected;**
- (3) Fully contained within the structure of the vehicle, and firmly immobilized or secured on or within the vehicle by structures of adequate strength, dunnage or dunnage bags, shoring bars, tiedowns, or a combination of these; or**
- (4) Otherwise secured in accordance with federal law."; and**

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

Representative Riley moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Allen	Amato	Banderman	Billington	Black
Bromley	Brown 149	Brown 16	Busick	Byrnes
Casteel	Caton	Chappell	Christ	Collins
Cook	Costlow	Davidson	Davis	Diehl
Dolan	Elliott	Falkner	Farnan	Fowler
Gallick	Gragg	Griffith	Haden	Haley
Harbison	Hardwick	Hausman	Hewkin	Hinman
Hovis	Hruza	Hurlbert	Irwin	Jones 88
Jordan	Kalberloh	Laubinger	Lewis	Lucas
Martin	Mayhew	McGaugh	McGill	Meirath
Miller	Murphy	Myers	Nolte	Oehlerking
Overcast	Owen	Parker	Perkins	Peters
Phelps	Pollitt	Pouche	Reedy	Reuter
Riggs	Riley	Roberts	Sassmann	Schmidt
Schulte	Seitz	Self	Sharpe 4	Shields
Simmons	Steinmeyer	Stinnett	Taylor 48	Thompson
Titus	Van Schoiack	Veit	Verneti	Violet
Voss	Waller	Wellenkamp	West	Whaley
Williams	Wilson	Wolfen	Wright	Mr. Speaker

NOES: 043

Anderson	Aune	Barnes	Bosley	Boykin
Boyko	Burton	Bush	Butz	Clemens
Crossley	Dean	Doll	Douglas	Ealy
Fogle	Fountain Henderson	Fuchs	Hales	Hein
Ingle	Jacobs	Jamison	Jobe	Johnson
Kimble	Mansur	Mosley	Murray	Price
Proudie	Rush	Sharp 37	Smith 46	Smith 68
Smith 74	Steinhoff	Steinmetz	Taylor 84	Terry
Weber	Young	Zimmermann		

PRESENT: 000

ABSENT WITH LEAVE: 024

Appelbaum	Baker	Boggs	Christensen	Coleman
Cupps	Deaton	Durnell	Jones 12	Justus
Keathley	Kelley	Knight	Loy	Mackey
Matthiesen	Plank	Reed	Sparks	Strickler
Thomas	Walsh Moore	Warwick	Woods	

VACANCIES: 001

On motion of Representative Brown (149), **House Amendment No. 1** was adopted.

Representative Riley moved the previous question.

Which motion was adopted by the following vote:

AYES: 094

Allen	Amato	Banderman	Billington	Black
Bromley	Brown 149	Brown 16	Busick	Byrnes
Casteel	Caton	Chappell	Christ	Collins
Cook	Costlow	Davidson	Davis	Diehl
Dolan	Durnell	Elliott	Falkner	Farnan
Fowler	Gallick	Gragg	Griffith	Haden
Haley	Harbison	Hardwick	Hewkin	Hinman
Hovis	Hruza	Hurlbert	Irwin	Jones 88
Jordan	Kalberloh	Kelley	Knight	Laubinger
Lewis	Lucas	Martin	Mayhew	McGaugh
McGill	Meirath	Miller	Murphy	Myers
Nolte	Oehlerking	Overcast	Owen	Perkins
Peters	Phelps	Pouche	Reedy	Reuter
Riggs	Riley	Roberts	Sassmann	Schmidt
Schulte	Seitz	Self	Sharpe 4	Shields
Simmons	Steinmeyer	Taylor 48	Thompson	Titus
Van Schoiack	Veit	Verneti	Violet	Voss
Waller	Wellenkamp	West	Whaley	Williams
Wilson	Wolfen	Wright	Mr. Speaker	

NOES: 044

Anderson	Aune	Barnes	Bosley	Boykin
Boyko	Burton	Bush	Butz	Clemens
Crossley	Dean	Doll	Douglas	Ealy
Fogle	Fountain Henderson	Fuchs	Hales	Hein
Jacobs	Jamison	Jobe	Johnson	Kimble
Mansur	Mosley	Murray	Price	Proudie
Rush	Sharp 37	Smith 46	Smith 68	Smith 74
Steinhoff	Steinmetz	Taylor 84	Terry	Thomas
Weber	Woods	Young	Zimmermann	

PRESENT: 000

ABSENT WITH LEAVE: 024

Appelbaum	Baker	Boggs	Christensen	Coleman
Cupps	Deaton	Hausman	Ingle	Jones 12
Justus	Keathley	Loy	Mackey	Matthiesen
Parker	Plank	Pollitt	Reed	Sparks
Stinnett	Strickler	Walsh Moore	Warwick	

VACANCIES: 001

On motion of Representative Brown (149), **HCS HB 169, as amended**, was adopted.

On motion of Representative Brown (149), **HCS HB 169, as amended**, was ordered perfected and printed.

HCS HBs 493 & 635, relating to a sales tax exemption, was taken up by Representative Van Schoiack.

On motion of Representative Van Schoiack, the title of **HCS HBs 493 & 635** was agreed to.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 493 & 635, Page 13, Section 144.615, Line 27, by inserting after said section and line the following:

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

- (1) **"Machinery and equipment used to provide broadband communications service", includes, but is not limited to, wires, cables, fiber, conduits, antennas, poles, switches, routers, amplifiers, rectifiers, repeaters, receivers, multiplexers, duplexers, transmitters, circuit cards, insulating and protective materials and cases, power equipment, backup power equipment, diagnostic equipment, storage devices, customer premise equipment, modems, software, cable modem termination system components and Wi-Fi equipment, and other general central office or headend and hub equipment, such as channel cards, frames, and cabinets, or equipment used in successor technologies, including items used to monitor, test, maintain, enable, or facilitate qualifying equipment, machinery, ancillary components, appurtenances, accessories, or other infrastructure that is used in whole or in part to provide broadband communications service;**
- (2) **"Broadband communications service", internet access as defined in 47 U.S.C. Section 151, note, telecommunications service, video programming service, or any combination thereof;**
- (3) **"Broadband communications service provider", a person engaged in the provision of broadband communications service or an affiliate of such person;**
- (4) **"Person", the same meaning as such term is defined under section 144.010.**

2. For all tax years beginning on or after January 1, 2026, in addition to the exemptions granted under the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.746, and section 238.235; the provisions of any local sales tax law, as defined in section 32.085; the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525, sections 144.600 to 144.746, and section 238.235; and the provisions of any local sales tax law, as defined in section 32.085, all sales, purchases, or use of machinery and equipment used to provide broadband communications service by a broadband communications service provider.

3. To qualify for the exemption provided under this section, the broadband communications service provider shall furnish to the seller a certificate in writing to the effect that an exemption under this section is

applicable to the machinery and equipment used to provide broadband communications service so purchased or used. The director of revenue shall permit any such broadband communications service provider to enter into a direct pay agreement with the department of revenue, pursuant to which such provider may pay directly to the department of revenue any applicable sales and use taxes on such equipment."; and

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

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

Representative Riley moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Amato	Baker	Banderman	Billington
Black	Bromley	Brown 149	Brown 16	Busick
Byrnes	Casteel	Caton	Chappell	Christ
Cook	Costlow	Davidson	Davis	Deaton
Diehl	Dolan	Durnell	Elliott	Falkner
Farnan	Fowler	Gallick	Gragg	Griffith
Haden	Haley	Harbison	Hardwick	Hausman
Hewkin	Hinman	Hovis	Hruza	Hurlbert
Irwin	Jones 88	Jordan	Justus	Kalberloh
Keathley	Kelley	Knight	Laubinger	Lewis
Loy	Lucas	Martin	Mayhew	McGaugh
McGill	Miller	Murphy	Myers	Nolte
Oehlerking	Owen	Parker	Perkins	Peters
Phelps	Pollitt	Pouche	Reedy	Reuter
Riley	Roberts	Sassmann	Schmidt	Schulte
Seitz	Self	Shields	Simmons	Steinmeyer
Stinnett	Taylor 48	Titus	Van Schoiack	Veit
Vernetti	Violet	Waller	Wellenkamp	West
Whaley	Williams	Wilson	Wolfen	Wright
Mr. Speaker				

NOES: 044

Anderson	Aune	Bosley	Boykin	Boyko
Burton	Bush	Butz	Collins	Crossley
Dean	Doll	Douglas	Ealy	Fogle
Fountain Henderson	Fuchs	Hales	Hein	Ingle
Jacobs	Jamison	Jobe	Johnson	Kimble
Mackey	Mansur	Murray	Price	Proudie
Rush	Sharp 37	Smith 46	Smith 68	Smith 74
Steinhoff	Steinmetz	Taylor 84	Terry	Thomas
Weber	Woods	Young	Zimmermann	

PRESENT: 000

ABSENT WITH LEAVE: 022

Appelbaum	Barnes	Boggs	Christensen	Clemens
Coleman	Cupps	Jones 12	Matthiesen	Meirath
Mosley	Overcast	Plank	Reed	Riggs

Sharpe 4
Walsh Moore

Sparks
Warwick

Strickler

Thompson

Voss

VACANCIES: 001

On motion of Representative Van Schoiack, **HCS HBs 493 & 635, as amended**, was adopted.

On motion of Representative Van Schoiack, **HCS HBs 493 & 635, as amended**, was ordered perfected and printed.

HCS HBs 44 & 426, relating to private pension taxation, was taken up by Representative McGirl.

On motion of Representative McGirl, the title of **HCS HBs 44 & 426** was agreed to.

On motion of Representative McGirl, **HCS HBs 44 & 426** was adopted.

On motion of Representative McGirl, **HCS HBs 44 & 426** was ordered perfected and printed.

HCS HBs 145 & 59, relating to the sunshine law, was taken up by Representative Falkner.

On motion of Representative Falkner, the title of **HCS HBs 145 & 59** was agreed to.

Representative Taylor (84) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 145 & 59, Page 5, Section 610.021, Line 135, by inserting after the word "utility" the phrase "**or a utility operated by any political subdivision created by Article VI, Section 30(a) of the Constitution of Missouri**"; and

Further amend said bill, page, and section, Line 136, by inserting after the word "utility" the phrase "**or a utility operated by any political subdivision created by Article VI, Section 30(a) of the Constitution of Missouri**"; and

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

On motion of Representative Taylor (84), **House Amendment No. 1** was adopted.

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill Nos. 145 & 59, Page 5, Section 610.021, Line 145, by inserting after the word "a" the words "**county park, municipal park, or**"; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill Nos. 145 & 59, Page 5, Section 610.021, Line 143, by deleting the second instance of the word "**and**"; and

Further amend said bill, page, and section, Line 146, by inserting after the word "**visitor**" the following:

"**; and**

(29) Records to protect the specific location of a plant or animal species considered endangered, threatened, critically imperiled, imperiled, or vulnerable when the known location may cause the species to be at an increased risk of peril"; and

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

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

On motion of Representative Falkner, **HCS HBs 145 & 59, as amended**, was adopted.

On motion of Representative Falkner, **HCS HBs 145 & 59, as amended**, was ordered perfected and printed.

HCS HB 105, to authorize the conveyance of certain state property, was taken up by Representative Verneti.

On motion of Representative Verneti, the title of **HCS HB 105** was agreed to.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 105, Page 6, Section 1, Line 200, by inserting after said section and line the following:

"Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the County of Jackson, Missouri, to the state highways and transportation commission. The real property to be conveyed is a tract of land being a portion of the tract described in the warranty deed, recorded in book 656, at page 111, at the Jackson County, Missouri, recorder of deeds office and located in part of the southwest quarter of the northeast quarter of section 8, township 47 north, range 31 west in the City of Lee's Summit, Jackson County, Missouri, and being more particularly described as follows:

Commencing at the southeast corner of the southwest quarter of the northeast quarter of said section 8, thence along the east line of said southeast quarter, north 02°18'16" east, 556.74 feet; thence leaving said east line, north 87°49'52" west, 61.56 feet, to a point on the north line of said tract, and being a point on the west right-of-way line of north highway 291, the point of beginning; Thence from the point of beginning, along said west right-of-way line, south 03°13'16" west, 165.09 feet, to a point on the northerly right-of-way line of highway 50, as now established; thence along said

northerly right-of-way line, south 43°45'38" west, 35.96 feet; thence leaving said northerly right-of-way line, along a non-tangent curve to the right, having a radius of 3647.77 feet, an arc length of 47.96 feet, a chord bearing of north 06°05'02" east, and a chord length of 47.96 feet; thence along a non-tangent line to the last described curve, north 06°06'36" east, 43.60 feet; thence along a non-tangent curve to the left, having a radius of 162.00 feet, an arc length of 99.35 feet, a chord bearing of north 70°59'36" west, and a chord length of 97.80 feet; thence north 01°12'54" east, 72.29 feet, to a point on the north line of said tract; thence along the north line of said tract, south 87°49'52" east, 115.44 feet, to the point of beginning and contains 11,237 square feet, more or less.

2. The office of administration and the state highways and transportation commission shall set the terms and conditions for the conveyance, including the consideration, except that such consideration shall not exceed one dollar. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 3. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the County of Jackson, Missouri, to the state highways and transportation commission. The real property to be conveyed is a tract of land being a portion of the tract described in the warranty deed, recorded in book 656, at page 111, at the Jackson County, Missouri, recorder of deeds office and located in part of the southwest quarter of the northeast quarter of section 8, township 47 north, range 31 west in the City of Lee's Summit, Jackson County, Missouri, and being more particularly described as follows:

Commencing at the southeast corner of the southwest quarter of the northeast quarter of said section 8, thence along the east line of said southeast quarter, north 02°18'16" east, 556.74 feet; thence leaving said east line, north 87°49'52" west, 61.56 feet, to a point on the north line of said tract, and being a point on the west right-of-way line of north highway 291; thence along the north line of said tract, north 87°49'52" west, 115.44 feet, to the point of beginning;

Thence from the point of beginning, leaving said north line, south 01°12'54" west, 72.29 feet; thence along a non-tangent curve to the right, having a radius of 162.00 feet, an arc length of 99.35 feet, a chord bearing of south 70°59'36" east, and a chord length of 97.80 feet; thence along a nontangent line to the last described curve, south 06°06'36" west, 43.60 feet; thence along a nontangent curve to the left, having a radius of 3647.77 feet, an arc length of 47.96 feet, a chord bearing of south 06°05'02" west, a chord length of 47.96 feet to a point on the northerly right-of-way line of highway 50, as now established; thence along said northerly right-of-way line, the following 4 calls and distances; thence south 43°45'38" west, 109.45 feet; thence south 47°03'17" west, 88.50 feet; thence along a tangent curve to the right, having a radius of 418.31 feet, an arc length of 228.27 feet, a chord bearing of south 62°41'17" west, and a chord length of 225.45 feet; thence along a line non-tangent to the last described curve, south 81°35'49" west, 75.63 feet, to a point on the west line of said tract; thence along the west line of said tract, north 02°18'31" east, 461.34 feet, to the northwest corner of said tract; thence along the north line of said tract, south 87°49'52" east, 316.04 feet, to the point of beginning and contains 142,042 square feet, more or less.

2. The office of administration and the state highways and transportation commission shall set the terms and conditions for the conveyance, including the consideration, except that such consideration shall not exceed one dollar. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance."; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 105, Page 6, Section 1, Line 200, by inserting after all of said section and line the following:

"Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in Webster County, Missouri, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

A PART OF THE GRANTOR'S LAND AS DESCRIBED IN A WARRANTY DEED RECORDED IN BOOK 0237 AT PAGE 0109 OF THE WEBSTER COUNTY RECORDER'S OFFICE, BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 34, AND OF THE SOUTHWEST QUARTER OF SECTION 35, BOTH IN TOWNSHIP 29 NORTH, RANGE 18 WEST, WEBSTER COUNTY, MISSOURI, DESCRIBED FROM THE SURVEYED CENTERLINE OF SOUTH OUTER ROAD AS FOLLOWS:

THE SURVEYED CENTERLINE OF A PORTION OF THE SOUTH OUTER ROAD IN SECTIONS 33, 34, 35, AND 36, ALL IN TOWNSHIP 29 NORTH, RANGE 18 WEST, IN WEBSTER COUNTY, MISSOURI IS DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 34 (PER LAND CORNER DOCUMENT NO. 600-107434); THENCE NORTH 69 DEGREES 12 MINUTES 36 SECONDS WEST, A DISTANCE OF 1128.41 FEET TO THE POINT OF BEGINNING, HEREINAFTER DESIGNATED AS SOUTH OUTER ROAD CENTERLINE STATION 68+80.16; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 48 DEGREES 25 MINUTES 00 SECONDS, WITH A RADIUS OF 2200.00 FEET, AND A 1804.24 FEET LONG CHORD WHICH BEARS NORTH 81 DEGREES 24 MINUTES 42 SECONDS EAST, AN ARC DISTANCE OF 1859.06 FEET TO CENTERLINE STATION 87+39.22; THENCE NORTH 57 DEGREES 12 MINUTES 12 SECONDS EAST, A DISTANCE OF 310.84 FEET TO CENTERLINE STATION 90+50.06; THENCE ALONG A CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 20 DEGREES 52 MINUTES 38 SECONDS, WITH A RADIUS OF 995.00 FEET, AND A 360.55 FEET LONG CHORD WHICH BEARS NORTH 67 DEGREES 38 MINUTES 31 SECONDS EAST, AN ARC DISTANCE OF 362.55 FEET TO CENTERLINE STATION 94+12.62; THENCE NORTH 78 DEGREES 04 MINUTES 50 SECONDS EAST, A DISTANCE OF 421.19 FEET TO CENTERLINE STATION 98+33.81; THENCE ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 31 DEGREES 51 MINUTES 26 SECONDS, WITH A RADIUS OF 995.00 FEET, AND A 546.13 FEET LONG CHORD WHICH BEARS NORTH 62 DEGREES 09 MINUTES 07 SECONDS EAST, AN ARC DISTANCE OF 553.23 FEET TO CENTERLINE STATION 103+87.04; THENCE NORTH 46 DEGREES 13 MINUTES 24 SECONDS EAST, A DISTANCE OF 224.65 FEET TO CENTERLINE STATION 106+11.69; THENCE ALONG A CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 37 DEGREES 03 MINUTES 33 SECONDS, WITH A RADIUS OF 995.00 FEET, AND A 632.41 FEET LONG CHORD WHICH BEARS NORTH 64 DEGREES 45 MINUTES 10 SECONDS EAST, AN ARC DISTANCE OF 643.57 FEET TO CENTERLINE STATION 112+55.26; THENCE NORTH 83 DEGREES 16 MINUTES 57 SECONDS EAST, A DISTANCE OF 848.89 FEET TO CENTERLINE STATION 121+04.15; THENCE ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 29 DEGREES 09 MINUTES 29 SECONDS, WITH A RADIUS OF 1840.00 FEET, AND A 926.31 FEET LONG CHORD WHICH BEARS NORTH 68 DEGREES 42 MINUTES 12 SECONDS EAST, AN ARC DISTANCE OF 936.38 FEET TO CENTERLINE STATION 130+40.53; THENCE NORTH 54 DEGREES 07 MINUTES 28 SECONDS EAST, A DISTANCE OF 3287.67 FEET TO CENTERLINE STATION 163+28.20; THENCE ALONG A CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 35 DEGREES 16 MINUTES 26 SECONDS, WITH A RADIUS OF 1190.00 FEET, AND A 721.11 FEET LONG CHORD WHICH BEARS NORTH 71 DEGREES 45 MINUTES 41 SECONDS EAST, AN ARC DISTANCE OF 732.62 FEET TO CENTERLINE STATION 170+60.82; THENCE NORTH 89 DEGREES 23 MINUTES 54 SECONDS EAST, A DISTANCE OF 664.12 FEET TO CENTERLINE STATION 177+24.94; THENCE ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 27 DEGREES 28 MINUTES 22 SECONDS, WITH A RADIUS OF 650.00 FEET, AND A 308.69 FEET LONG CHORD WHICH

BEARS NORTH 75 DEGREES 39 MINUTES 43 SECONDS EAST, AN ARC DISTANCE OF 311.67 FEET TO CENTERLINE STATION 180+36.61; THENCE NORTH 61 DEGREES 55 MINUTES 32 SECONDS EAST, A DISTANCE OF 195.92 FEET TO CENTERLINE STATION 182+32.53 FOR A TERMINUS. SAID TERMINUS LIES SOUTH 69 DEGREES 45 MINUTES 32 SECONDS EAST, A DISTANCE OF 1145.31 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 36 (PER LAND CORNER DOCUMENT NO. 600-107037). BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM 1983, CENTRAL ZONE. ALL THAT PART OF THE GRANTOR'S LAND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 81.71 FEET LEFT OF SOUTH OUTER ROAD CENTERLINE STATION 109+37.35, BEING ON THE EXISTING WEST LINE OF HONOR CAMP LANE, AND ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF THE BNSF RAILWAY; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, ALONG A NON-TANGENT CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 02 DEGREES 01 MINUTES 57 SECONDS, WITH A RADIUS OF 1916.50 FEET AND A 67.98 FEET LONG CHORD WHICH BEARS NORTH 81 DEGREES 57 MINUTES 39 SECONDS EAST, AN ARC DISTANCE OF 67.98 FEET TO A POINT 63.86 FEET LEFT OF CENTERLINE STATION 109+98.48; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 83 DEGREES 08 MINUTES 42 SECONDS EAST, A DISTANCE OF 33.28 FEET TO A POINT 55.93 FEET LEFT OF CENTERLINE STATION 110+28.97, BEING AT THE EAST LINE OF HONOR CAMP LANE; THENCE SOUTH 01 0 21 1 52" WEST, ALONG SAID EAST LINE, A DISTANCE OF 92.73 FEET TO A POINT 30.00 FEET RIGHT OF CENTERLINE STATION 109+94.52; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 06 DEGREES 37 MINUTES 59 SECONDS, WITH A RADIUS OF 965.00 FEET AND A 111.66 FEET LONG CHORD WHICH BEARS SOUTH 64 DEGREES 57 MINUTES 05 SECONDS WEST, AN ARC DISTANCE OF 111.72 FEET TO A POINT 30.00 FEET RIGHT OF CENTERLINE STATION 108+79.33, BEING ON THE WEST LINE OF HONOR CAMP LANE; THENCE NORTH 01 0 21 1 52" EAST, ALONG SAID WEST LINE, A DISTANCE OF 126.54 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 0.250 ACRES (10,880 SQ. FT.)

ALSO, A TEMPORARY CONSTRUCTION EASEMENT DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 30.00 FEET RIGHT OF CENTERLINE STATION 109+94.52, ON THE EAST LINE OF HONOR CAMP LANE; THENCE SOUTH 01 0 21'52 '1 WEST, ALONG SAID EAST LINE, A DISTANCE OF 200.43 FEET TO A POINT 210.42 FEET RIGHT OF CENTERLINE STATION 108+94.64; THENCE NORTH 88 0 38 1 08" WEST A DISTANCE OF 100.00 FEET TO A POINT 157.57 FEET RIGHT OF CENTERLINE STATION 107+90.38, BEING ON THE WEST LINE OF HONOR CAMP LANE; THENCE NORTH 01 0 21 1 52" EAST, ALONG SAID WEST LINE, A DISTANCE OF 150.76 FEET TO A POINT 30.00 FEET RIGHT OF CENTERLINE STATION 108+79.33; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 06 DEGREES 37 MINUTES 59 SECONDS, WITH A RADIUS OF 965.00 FEET AND A 111.66 FEET LONG CHORD WHICH BEARS NORTH 64 DEGREES 57 MINUTES 05 SECONDS EAST, AN ARC DISTANCE OF 111.72 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TEMPORARY CONSTRUCTION EASEMENT CONTAINS 0.406 ACRES (17,680 SQ. FT.)

UPON COMPLETION AND ACCEPTANCE OF THE PROJECT, THE TEMPORARY CONSTRUCTION EASEMENTS RIGHTS SHALL CEASE AND NO LONGER BE IN EFFECT.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance."; and

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

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

On motion of Representative Verneti, **HCS HB 105, as amended**, was adopted.

On motion of Representative Verneti, **HCS HB 105, as amended**, was ordered perfected and printed.

HB 42, relating to catalytic converters, was taken up by Representative Billington.

On motion of Representative Billington, the title of **HB 42** was agreed to.

On motion of Representative Billington, **HB 42** was ordered perfected and printed.

HCS HB 489, relating to the confiscation of animals, was taken up by Representative Van Schoiack.

On motion of Representative Van Schoiack, the title of **HCS HB 489** was agreed to.

Representative Riley moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Allen	Amato	Baker	Billington	Black
Bromley	Brown 149	Brown 16	Busick	Casteel
Caton	Chappell	Christ	Christensen	Cook
Costlow	Davidson	Davis	Diehl	Dolan
Durnell	Elliott	Falkner	Farnan	Fowler
Gallick	Gragg	Griffith	Haden	Haley
Harbison	Hardwick	Hausman	Hewkin	Hinman
Hovis	Hruza	Hurlbert	Irwin	Jordan
Justus	Kalberloh	Kelley	Knight	Laubinger
Loy	Lucas	Martin	Matthiesen	Mayhew
McGaugh	McGill	Miller	Nolte	Oehlerking
Owen	Parker	Perkins	Peters	Phelps
Pollitt	Pouche	Reedy	Reuter	Riley
Roberts	Sassmann	Schmidt	Schulte	Seitz
Self	Sharpe 4	Shields	Simmons	Steinmeyer
Stinnett	Taylor 48	Thompson	Titus	Van Schoiack
Veit	Verneti	Violet	Waller	West
Whaley	Williams	Wolfen	Wright	

NOES: 039

Anderson	Aune	Barnes	Boykin	Boyko
Burton	Bush	Butz	Collins	Crossley
Dean	Doll	Douglas	Ealy	Fogle
Fountain Henderson	Fuchs	Hein	Ingle	Jacobs
Jamison	Jobe	Johnson	Kimble	Mackey
Mansur	Murray	Price	Proudie	Rush
Sharp 37	Smith 68	Steinhoff	Taylor 84	Terry
Weber	Woods	Young	Zimmermann	

PRESENT: 000

ABSENT WITH LEAVE: 034

Appelbaum	Banderman	Boggs	Bosley	Byrnes
Clemens	Coleman	Cupps	Deaton	Hales
Jones 12	Jones 88	Keathley	Lewis	Meirath
Mosley	Murphy	Myers	Overcast	Plank
Reed	Riggs	Smith 46	Smith 74	Sparks
Steinmetz	Strickler	Thomas	Voss	Walsh Moore
Warwick	Wellenkamp	Wilson	Mr. Speaker	

VACANCIES: 001

On motion of Representative Van Schoiack, **HCS HB 489** was adopted.

On motion of Representative Van Schoiack, **HCS HB 489** was ordered perfected and printed.

HB 520, relating to mail sent by state departments, was taken up by Representative Griffith.

On motion of Representative Griffith, the title of **HB 520** was agreed to.

On motion of Representative Griffith, **HB 520** was ordered perfected and printed.

HCS HB 794, relating to local election authorities, was taken up by Representative Baker.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 794, Page 1, In the Title, Lines 2-3, by deleting "local election authorities" and inserting in lieu thereof "elections"; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 794, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"115.105. 1. The chair of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present ~~[until all]~~ **while** ballots are cast on ~~[the day of]~~ **election day, or in first class counties and charter counties, during the absentee voting period,** and a challenger for each location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. No later than four business days before ~~[the election]~~ **a challenger may enter a**

polling location, the chair of each county committee of each political party named on the ballot shall provide signed official designation forms with the names of the designated challengers and substitutes to the local election authority for confirmation of eligibility to serve as a challenger. The local election authority, after verifying the eligibility of each designated and substitute challenger, shall sign off on the official designation forms, unless the challenger is found not to have the qualifications established by subsection 4 of this section. If the election authority determines that a challenger does not meet the qualifications of subsection 4 of this section, the designating party chair may designate a replacement challenger and provide the local election authority with the name of the replacement challenger before 5:00 p.m. of the Monday preceding the election. The designating chair may substitute challengers at his or her discretion during such hours.

2. Challenges may only be made when the challenger believes the election laws of this state have been or will be violated, and each challenger shall report any such belief to the election judges, or to the election authority if not satisfied with the decision of the election judges.

3. Prior to the close of the polls, challengers may list and give out the names of those who have voted. The listing and giving out of names of those who have voted by a challenger shall not be considered giving information tending to show the state of the count.

4. All persons selected as challengers shall have the same qualifications required by section 115.085 for election judges, except that such challenger shall be a registered voter in the jurisdiction of the election authority for which the challenger is designated as a challenger.

5. Any challenge by a challenger to a voter's identification for validity shall be made only to the election judges or other election authority. If the poll challenger is not satisfied with the decision of the election judges, then he or she may report his or her belief that the election laws of this state have been or will be violated to the election authority as allowed under this section.

115.107. 1. At every election, the chairman of the county committee of each political party named on the ballot shall have the right to designate a watcher for each place votes are counted. **No later than four business days before a watcher may enter a polling or counting location, the chair of each county committee of each political party named on the ballot shall provide signed official designation forms with the names of the designated watchers and substitutes to the local election authority for confirmation of eligibility to serve as a watcher. The local election authority, after verifying the eligibility of each designated and substitute watcher, shall sign off on the official designation forms, unless the watcher is found not to have the qualifications established by subsection 5 of this section. If the election authority determines that a watcher does not meet the qualifications of subsection 5 of this section, the designating party chair may designate a replacement watcher and provide the local election authority with the name of the replacement watcher before 5:00 p.m. of the Monday preceding the election. The designating chair may substitute watchers at his or her discretion during such hours.**

2. Watchers are to observe the counting of the votes and present any complaint of irregularity or law violation to the election judges, or to the election authority if not satisfied with the decision of the election judges. No watcher may be substituted for another on election day.

3. No watcher shall report to anyone the name of any person who has or has not voted.

4. A watcher may remain present until all closing certification forms are completed, all equipment is closed and taken down, the transportation case for the ballots is sealed, election materials are returned to the election authority or to the designated collection place for a polling place, and any other duties or procedures required under sections 115.447 to 115.491 are completed. A watcher may also remain present at each **in-person absentee voting location in first class counties and charter counties** at which absentee ballots are counted **or prepared for counting** and may remain present while such ballots are being prepared for counting and counted.

5. All persons selected as watchers shall have the same qualifications required by section 115.085 for election judges, except that such watcher shall be a registered voter in the jurisdiction of the election authority for which the watcher is designated as a watcher."; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 794, Page 4, Section 115.1630, Line 94, by inserting after all of said section and line the following:

"130.170. For purposes of sections 130.170 to 130.188, the following terms mean:

- (1) "Committee", the same meaning as otherwise provided in section 130.011, except it shall not include candidate committees;**
- (2) "Directly or indirectly", acting either alone or jointly with, through, or on behalf of any other committee, organization, person, or other entity;**
- (3) "Foreign national", any of the following:**
 - (a) An individual who is not a citizen or lawful permanent resident of the United States of America;**
 - (b) A government, or subdivision, of a foreign country or municipality thereof;**
 - (c) A foreign political party;**
 - (d) Any entity, such as a partnership, association, corporation, organization, or other combination of persons, that is organized under the laws of, or has its principal place of business in, a foreign country; or**
 - (e) Any entity organized pursuant to the laws of the United States of America or any state thereof that is wholly or majority owned by a person or entity described in paragraphs (a) to (d) of this subdivision, unless:**
 - a. Any contribution or expenditure it makes derives entirely from funds generated by the entity's United States operations; and**
 - b. All decisions concerning the contribution or expenditure are made by individuals who are United States citizens or lawful permanent residents, except for setting overall budget amounts;**
- (4) "Funds obtained through the usual course of business", funds generated entirely by the entity's United States operations;**
- (5) "Lobbyist", the same meaning as in section 105.470;**
- (6) "Prohibited sources", contributions from or expenditures by a foreign national made with the intent to use such funds to influence an election on a ballot measure;**
- (7) "Preliminary activity", includes, but is not limited to, conducting a poll, drafting ballot measure language, conducting a focus group, making telephone calls, and travel;**
- (8) "Tax-exempt organization", an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code. A political organization organized pursuant to section 527 of such Code shall not be considered a tax-exempt organization.**

130.173. 1. Upon creating, forming, or registering a committee, the treasurer shall file an accompanying certification that no preliminary activity was funded by prohibited sources, whether directly or indirectly.

2. After a committee has been created, formed, or registered the committee shall not knowingly or willfully receive, solicit, or accept contributions from a prohibited source, whether directly or indirectly.

3. Any report filed pursuant to this chapter shall include an affirmation that the committee has not knowingly or willfully received, solicited, or accepted, directly or indirectly, contributions from a prohibited source.

4. Any committee or person that makes an expenditure in support of or in opposition to a ballot measure shall keep records of any contribution or expenditure and retain such records in the same manner and for the same period of time as is required by section 130.036.

130.176. 1. Upon a committee's receipt of a contribution of more than two thousand dollars, the treasurer shall obtain from the donor an affirmation that the donor is not a foreign national and has not knowingly or willfully accepted funds, directly or indirectly, aggregating in excess of ten thousand dollars from one or more prohibited sources within the two-year period immediately preceding the date the contribution is made, in the case of an individual, or within the four-year period immediately preceding the date the contribution is made, in case of any other entity. Receipt of an affirmation by a committee pursuant to this subsection shall create a rebuttable presumption of compliance with this subsection on the part of the committee. Nothing in this subsection shall prohibit the attorney general from pursuing any action pursuant to section 130.188 if the attorney general has found a willful violation of this subsection.

2. Each disclosure report filed pursuant to section 130.041 shall require the treasurer of a committee to affirm that the donor associated with each contribution is not a foreign national and has not knowingly or willfully received, solicited, or accepted, whether directly or indirectly, contributions from one or more prohibited sources aggregating in excess of ten thousand dollars within the four-year period immediately preceding the date of the contribution.

3. Within forty-eight hours of making one or more expenditures supporting or opposing a ballot measure, the entity making the expenditure shall affirm to the Missouri ethics commission that it has not knowingly or willfully accepted funds, directly or indirectly, aggregating in excess of ten thousand dollars from one or more prohibited sources within the four-year period immediately preceding the date the expenditure is made and that it will not do so through the remainder of the calendar year in which the ballot measure will appear on the ballot. Each disclosure report filed pursuant to section 130.041 shall require the entity making the expenditure to affirm that it has not knowingly or willfully accepted funds, directly or indirectly, aggregating in excess of ten thousand dollars from one or more prohibited sources within the four-year period immediately preceding the date the expenditure is made. Receipt of an affirmation from a donor that it is not a foreign national shall create a rebuttable presumption that the entity has not knowingly or willingly accepted funds, directly or indirectly, aggregating in excess of ten thousand dollars from one or more prohibited sources. Nothing in this subsection shall prohibit the attorney general from pursuing any action pursuant to section 130.188 if the attorney general has found a willful violation of this subsection.

4. Notwithstanding any provision of this section to the contrary, a donor or entity that makes a contribution to a committee or an expenditure in support of or in opposition to a ballot measure from its own funds obtained through the usual course of business or in any commercial or other transaction from any source and which are not contributions does not violate this section.

5. A committee shall not accept an in-kind contribution from any foreign national or from any individual or entity that has knowingly or willfully accepted funds, directly or indirectly, aggregating in excess of ten thousand dollars from one or more foreign nationals within the four year period immediately preceding the date the in-kind contribution is made. A foreign national shall not make an in-kind expenditure for the purpose of supporting or opposing any ballot measure.

130.179. 1. A foreign national may not direct, dictate, control or directly or indirectly participate in the decision-making process of any person with regard to that person's activities to influence an election on a ballot measure, such as decisions concerning the making of contributions to influence an election on a ballot measure.

2. A foreign national may not solicit, directly or indirectly, the making of a donation, contribution or expenditure by another person to influence an election on a ballot measure.

3. Nothing in sections 130.170 to 130.188 shall be deemed to create or eliminate any existing rights or duties beyond those specifically enumerated in such sections.

130.185. 1. Lawful donors to a tax-exempt organization possess a right of privacy in their donations. Any investigation of an alleged violation of sections 130.170 to 130.188 shall occur in a manner that shields the identity of lawful donors as much as possible. The attorney general shall not collect or require the submission of information on the identity of any donor to a tax-exempt organization other than those directly related to an alleged violation of sections 130.170 to 130.188. Any collection or required submission of information by the attorney general regarding the identity of any donor to a tax-exempt organization beyond that permitted by sections 130.170 to 130.188 shall be deemed a violation of section 105.1500.

2. The attorney general shall not disclose to the public, or another government official not directly involved in the investigation, information revealing the identity of the entity under investigation or any donor to a tax-exempt organization, unless the information is regarding the identity of the entity or of a donor that engaged in conduct prohibited by sections 130.170 to 130.188 after a final determination has been made that the entity or donor violated sections 130.170 to 130.188. The unlawful disclosure of information revealing the identity of any entity under investigation or donor to a tax-exempt organization in connection with a committee shall be deemed a violation of section 105.1500.

130.188. 1. (1) If the attorney general has reasonable cause to believe that a person or entity has engaged in, is engaging in, or is about to engage in, a violation of sections 130.170 to 130.185, the attorney general may execute in writing and cause to be served upon any person who is believed to have information, documentary material, or physical evidence relevant to the alleged or suspected violation, a civil investigative demand requiring such person to appear and testify, or to produce relevant documentary material or physical evidence or examination, at such reasonable time and place as may be stated in the civil investigative demand, concerning the subject matter of the investigation. Service of any civil investigative demand, notice,

or subpoena may be made by any person authorized by law to serve process or by any duly authorized employee of the attorney general.

(2) In the process of a civil investigative demand being executed pursuant to subdivision (1) of this subsection, the provisions of sections 407.040 to 407.090 shall apply.

2. (1) If the attorney general has reasonable cause to believe that a committee, person, or other entity has engaged in, is engaging in, or is about to engage in, a violation of sections 130.170 to 130.185, the attorney general may bring a civil action to enforce sections 130.170 to 130.188. The provisions of section 130.054 and 105.957 to 105.963 shall not apply to violations of sections 130.170 to 130.188.

(2) A committee, person, or other entity alleged to have violated sections 130.170 to 130.188 shall be provided a notice of the civil action, with opportunity for discovery and opportunity to be heard as provided by law for civil actions generally before being found liable for a violation of sections 130.170 to 130.188.

(3) In all actions brought pursuant to this section, the burden of proof shall be on the attorney general.

(4) (a) Prior to discovery, the court shall set a hearing to determine if there is probable cause to believe that a committee, person, or other entity has violated sections 130.170 to 130.188.

(b) If, after the hearing, the court determines that no probable cause exists to believe that a violation of sections 130.170 to 130.188 has occurred, the court shall enter an order of dismissal.

(c) If, after the hearing, the court determines that probable cause does exist to believe that a violation of sections 130.170 to 130.188 has occurred, the court shall enter an order to that effect and the case should proceed to trial on an expedited basis.

(5) Subject to the provisions of section 130.185, the committee, person, or other entity alleged to have violated sections 130.170 to 130.188 may, at a time to be determined by the court prior to the scheduling of trial, present evidence sufficient to rebut the probable cause finding by making an ex parte presentation of records to the court for in camera review.

(6) A non-prevailing party under paragraph (c) of subdivision (4) of this subsection has the right to:

(a) An interlocutory expedited appeal; and

(b) A stay of proceedings in the trial court.

3. (1) Within thirty days of a court finding that a committee has violated sections 130.170 to 130.188, the committee shall refund the contribution to the original contributor. In the event of an appeal, the contribution shall be placed in escrow, after which the funds shall be disbursed in accordance with the final order.

(2) If the committee is unable to return the funds, the directors, officers or executive members of the campaign committee shall be liable in their personal capacity, jointly and severally, for the refund of said funds.

4. Within thirty days of a court finding that a committee, person, or other entity making an expenditure covered by sections 130.170 to 130.188 has violated such sections, the committee, person, or other entity shall disgorge to the attorney general funds in an amount equal to the reported cost of the expenditure. If the committee, person, or entity is unable to disgorge the requisite funds, the person or the directors, officers or executive members of the committee or other entity shall be liable in their personal capacities, jointly and severally, for the payment of the amount due. In the event of an appeal, the funds subject to disgorgement shall be placed in escrow, after which they shall be disbursed in accordance with the final order.

5. If any lobbyist violates any of the provisions of sections 130.170 to 130.188, the lobbyist's registration may be revoked or suspended and the lobbyist may be enjoined from receiving compensation or making expenditures for lobbying.

6. If the attorney general prevails in an action brought under this section, the court shall award:

(1) Injunctive relief sufficient to prevent the defendant from violating sections 130.170 to 130.188 or engaging in acts that aid or abet violations of such sections; and

(2) Statutory damages up to twice the amount of the prohibited contribution or expenditure.

7. In addition to the penalties in subsection 6 of this section and any other remedies provided by law, if the court finds a knowingly or willful violation of sections 130.170 to 130.188, the court may assess a penalty of up to three times the statutory damages."; and

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

Representative Riley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Amato	Baker	Billington	Boggs
Brown 149	Brown 16	Busick	Byrnes	Casteel
Caton	Chappell	Christ	Collins	Cook
Costlow	Davidson	Davis	Diehl	Dolan
Durnell	Elliott	Falkner	Farnan	Fowler
Gallick	Gragg	Griffith	Haden	Haley
Harbison	Hausman	Hewkin	Hinman	Hovis
Hruza	Hurlbert	Irwin	Jordan	Justus
Kalberloh	Keathley	Kelley	Laubinger	Loy
Lucas	Matthiesen	Mayhew	McGaugh	McGill
Miller	Nolte	Oehlerking	Owen	Parker
Perkins	Peters	Phelps	Pollitt	Reedy
Reuter	Riley	Sassmann	Schmidt	Schulte
Seitz	Self	Sharpe 4	Shields	Steinmeyer
Taylor 48	Thompson	Titus	Van Schoiack	Veit
Verneti	Violet	Voss	Waller	West
Whaley	Williams	Wolfen	Wright	Mr. Speaker

NOES: 045

Anderson	Aune	Barnes	Bosley	Boykin
Boyko	Burton	Bush	Butz	Clemens
Crossley	Dean	Doll	Douglas	Ealy
Fogle	Fountain Henderson	Fuchs	Hales	Hein
Jacobs	Jamison	Johnson	Kimble	Mackey
Mansur	Martin	Mosley	Murray	Price
Proudie	Rush	Sharp 37	Smith 46	Smith 68
Smith 74	Steinhoff	Steinmetz	Taylor 84	Terry
Thomas	Weber	Woods	Young	Zimmermann

PRESENT: 001

Simmons

ABSENT WITH LEAVE: 031

Appelbaum	Banderman	Black	Bromley	Christensen
Coleman	Cupps	Deaton	Hardwick	Ingle
Jobe	Jones 12	Jones 88	Knight	Lewis
Meirath	Murphy	Myers	Overcast	Plank
Pouche	Reed	Riggs	Roberts	Sparks
Stinnett	Strickler	Walsh Moore	Warwick	Wellenkamp
Wilson				

VACANCIES: 001

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

Representative Riley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Amato	Baker	Billington	Boggs
Brown 149	Brown 16	Busick	Byrnes	Casteel
Caton	Chappell	Christ	Cook	Costlow
Davidson	Davis	Diehl	Dolan	Durnell
Elliott	Falkner	Farnan	Fowler	Gallick
Gragg	Griffith	Haden	Haley	Harbison
Hausman	Hewkin	Hinman	Hovis	Hruza
Hurlbert	Irwin	Jordan	Justus	Kalberloh
Keathley	Kelley	Laubinger	Loy	Lucas
Martin	Matthiesen	Mayhew	McGaugh	McGirl
Miller	Nolte	Oehlerking	Owen	Parker
Perkins	Peters	Phelps	Pollitt	Reedy
Reuter	Riley	Sassmann	Schmidt	Schulte
Seitz	Self	Sharpe 4	Shields	Steinmeyer
Taylor 48	Thompson	Titus	Van Schoiack	Veit
Verneti	Violet	Voss	Waller	West
Whaley	Williams	Wolfen	Wright	Mr. Speaker

NOES: 044

Anderson	Aune	Barnes	Bosley	Boykin
Boyko	Burton	Bush	Butz	Crossley
Dean	Doll	Douglas	Ealy	Fogle
Fountain Henderson	Fuchs	Hales	Hein	Ingle
Jacobs	Jamison	Johnson	Kimble	Mackey
Mansur	Mosley	Murray	Price	Proudie
Rush	Sharp 37	Smith 46	Smith 68	Smith 74
Steinhoff	Steinmetz	Taylor 84	Terry	Thomas
Weber	Woods	Young	Zimmermann	

PRESENT: 002

Collins	Simmons
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ABSENT WITH LEAVE: 031

Appelbaum	Banderman	Black	Bromley	Christensen
Clemens	Coleman	Cupps	Deaton	Hardwick
Jobe	Jones 12	Jones 88	Knight	Lewis
Meirath	Murphy	Myers	Overcast	Plank
Pouche	Reed	Riggs	Roberts	Sparks
Stinnett	Strickler	Walsh Moore	Warwick	Wellenkamp
Wilson				

VACANCIES: 001

On motion of Representative Baker, **HCS HB 794, as amended**, was adopted.

On motion of Representative Baker, **HCS HB 794, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE RESOLUTIONS

The following House Resolution was referred to the Committee indicated:

HR 1289 - Consent and Procedure

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 202 - Fiscal Review

HCS HB 497 - Fiscal Review

HB 780 - Fiscal Review

HCS HB 1175 - Fiscal Review

HB 404 - Pensions

HB 579 - Commerce

HB 1526 - Pensions

COMMITTEE REPORTS

Committee on Agriculture, Chairman Justus reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 1317**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (19): Brown (149), Clemens, Diehl, Elliott, Farnan, Fuchs, Haden, Haley, Harbison, Jobe, Justus, Knight, Nolte, Pollitt, Price, Sharpe (4), Van Schoiack, Weber and Young

Noes (1): Whaley

Absent (3): Busick, Durnell and Plank

Mr. Speaker: Your Committee on Agriculture, to which was referred **SS SB 28**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (20): Brown (149), Clemens, Diehl, Elliott, Farnan, Fuchs, Haden, Haley, Harbison, Jobe, Justus, Knight, Nolte, Pollitt, Price, Sharpe (4), Van Schoiack, Weber, Whaley and Young

Noes (0)

Absent (3): Busick, Durnell and Plank

Committee on Budget, Chairman Deaton reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute with a time limit of six hours of debate on Perfection pursuant to Rule 24(4)(d)** by the following vote:

Ayes (29): Black, Boggs, Brown (149), Chappell, Crossley, Cupps, Davidson, Deaton, Douglas, Fogle, Hausman, Hein, Kalberloh, Kimble,

Lewis, Martin, Mayhew, Murray, Proudie, Riggs, Sharpe (4), Steinhoff, Steinmeyer, Taylor (48), Taylor (84), Verneti, Voss, Warwick and Young

Noes (0)

Present (1): Christensen

Absent (1): Owen

Mr. Speaker: Your Committee on Budget, to which was referred **HB 3**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute with a time limit of six hours of debate on Perfection pursuant to Rule 24(4)(d)** by the following vote:

Ayes (30): Black, Boggs, Brown (149), Chappell, Christensen, Crossley, Cupps, Davidson, Deaton, Douglas, Fogle, Hausman, Hein, Kalberloh, Kimble, Lewis, Martin, Mayhew, Murray, Proudie, Riggs, Sharpe (4), Steinhoff, Steinmeyer, Taylor (48), Taylor (84), Verneti, Voss, Warwick and Young

Noes (0)

Absent (1): Owen

Mr. Speaker: Your Committee on Budget, to which was referred **HB 4**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute with a time limit of six hours of debate on Perfection pursuant to Rule 24(4)(d)** by the following vote:

Ayes (27): Black, Boggs, Brown (149), Christensen, Crossley, Cupps, Davidson, Deaton, Douglas, Fogle, Hausman, Hein, Kalberloh, Kimble, Lewis, Martin, Murray, Proudie, Riggs, Sharpe (4), Steinmeyer, Taylor (48), Taylor (84), Verneti, Voss, Warwick and Young

Noes (3): Chappell, Mayhew and Steinhoff

Absent (1): Owen

Mr. Speaker: Your Committee on Budget, to which was referred **HB 5**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute with a time limit of six hours of debate on Perfection pursuant to Rule 24(4)(d)** by the following vote:

Ayes (30): Black, Boggs, Brown (149), Chappell, Christensen, Crossley, Cupps, Davidson, Deaton, Douglas, Fogle, Hausman, Hein, Kalberloh, Kimble, Lewis, Martin, Mayhew, Murray, Proudie, Riggs, Sharpe (4), Steinhoff, Steinmeyer, Taylor (48), Taylor (84), Verneti, Voss, Warwick and Young

Noes (0)

Absent (1): Owen

Mr. Speaker: Your Committee on Budget, to which was referred **HB 6**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute with a time limit of six hours of debate on Perfection pursuant to Rule 24(4)(d)** by the following vote:

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Ayes (30): Black, Boggs, Brown (149), Chappell, Christensen, Crossley, Cupps, Davidson, Deaton, Douglas, Fogle, Hausman, Hein, Kalberloh, Kimble, Lewis, Martin, Mayhew, Murray, Proudie, Riggs, Sharpe (4), Steinhoff, Steinmeyer, Taylor (48), Taylor (84), Vernetti, Voss, Warwick and Young

Noes (0)

Absent (1): Owen

Mr. Speaker: Your Committee on Budget, to which was referred **HB 7**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute with a time limit of six hours of debate on Perfection pursuant to Rule 24(4)(d)** by the following vote:

Ayes (29): Black, Boggs, Brown (149), Chappell, Christensen, Crossley, Cupps, Davidson, Deaton, Douglas, Fogle, Hausman, Hein, Kalberloh, Kimble, Lewis, Martin, Mayhew, Murray, Proudie, Riggs, Sharpe (4), Steinhoff, Steinmeyer, Taylor (48), Taylor (84), Voss, Warwick and Young

Noes (0)

Present (1): Vernetti

Absent (1): Owen

Mr. Speaker: Your Committee on Budget, to which was referred **HB 8**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute with a time limit of six hours of debate on Perfection pursuant to Rule 24(4)(d)** by the following vote:

Ayes (30): Black, Boggs, Brown (149), Chappell, Christensen, Crossley, Cupps, Davidson, Deaton, Douglas, Fogle, Hausman, Hein, Kalberloh, Kimble, Lewis, Martin, Mayhew, Murray, Proudie, Riggs, Sharpe (4), Steinhoff, Steinmeyer, Taylor (48), Taylor (84), Vernetti, Voss, Warwick and Young

Noes (0)

Absent (1): Owen

Mr. Speaker: Your Committee on Budget, to which was referred **HB 9**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute with a time limit of six hours of debate on Perfection pursuant to Rule 24(4)(d)** by the following vote:

Ayes (30): Black, Boggs, Brown (149), Chappell, Christensen, Crossley, Cupps, Davidson, Deaton, Douglas, Fogle, Hausman, Hein, Kalberloh, Kimble, Lewis, Martin, Mayhew, Murray, Proudie, Riggs, Sharpe (4), Steinhoff, Steinmeyer, Taylor (48), Taylor (84), Vernetti, Voss, Warwick and Young

Noes (0)

Absent (1): Owen

Mr. Speaker: Your Committee on Budget, to which was referred **HB 10**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute with a time limit of six hours of debate on Perfection pursuant to Rule 24(4)(d)** by the following vote:

Ayes (30): Black, Boggs, Brown (149), Chappell, Christensen, Crossley, Cupps, Davidson, Deaton, Douglas, Fogle, Hausman, Hein, Kalberloh, Kimble, Lewis, Martin, Mayhew, Murray, Proudie, Riggs, Sharpe (4), Steinhoff, Steinmeyer, Taylor (48), Taylor (84), Vernetti, Voss, Warwick and Young

Noes (0)

Absent (1): Owen

Mr. Speaker: Your Committee on Budget, to which was referred **HB 11**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute with a time limit of six hours of debate on Perfection pursuant to Rule 24(4)(d)** by the following vote:

Ayes (30): Black, Boggs, Brown (149), Chappell, Christensen, Crossley, Cupps, Davidson, Deaton, Douglas, Fogle, Hausman, Hein, Kalberloh, Kimble, Lewis, Martin, Mayhew, Murray, Proudie, Riggs, Sharpe (4), Steinhoff, Steinmeyer, Taylor (48), Taylor (84), Vernetti, Voss, Warwick and Young

Noes (0)

Absent (1): Owen

Mr. Speaker: Your Committee on Budget, to which was referred **HB 12**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute with a time limit of six hours of debate on Perfection pursuant to Rule 24(4)(d)** by the following vote:

Ayes (19): Boggs, Brown (149), Chappell, Cupps, Davidson, Deaton, Hausman, Kalberloh, Lewis, Martin, Mayhew, Riggs, Sharpe (4), Steinmeyer, Taylor (48), Taylor (84), Vernetti, Voss and Warwick

Noes (6): Fogle, Hein, Kimble, Proudie, Steinhoff and Young

Present (5): Black, Christensen, Crossley, Douglas and Murray

Absent (1): Owen

Mr. Speaker: Your Committee on Budget, to which was referred **HB 13**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute with a time limit of six hours of debate on Perfection pursuant to Rule 24(4)(d)** by the following vote:

Ayes (30): Black, Boggs, Brown (149), Chappell, Christensen, Crossley, Cupps, Davidson, Deaton, Douglas, Fogle, Hausman, Hein, Kalberloh, Kimble, Lewis, Martin, Mayhew, Murray, Proudie, Riggs, Sharpe (4), Steinhoff, Steinmeyer, Taylor (48), Taylor (84), Vernetti, Voss, Warwick and Young

Noes (0)

Absent (1): Owen

Mr. Speaker: Your Committee on Budget, to which was referred **HB 17**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute with a time limit of six hours of debate on Perfection pursuant to Rule 24(4)(d)** by the following vote:

Ayes (30): Black, Boggs, Brown (149), Chappell, Christensen, Crossley, Cupps, Davidson, Deaton, Douglas, Fogle, Hausman, Hein, Kalberloh, Kimble, Lewis, Martin, Mayhew, Murray, Proudie, Riggs, Sharpe (4), Steinhoff, Steinmeyer, Taylor (48), Taylor (84), Vernetti, Voss, Warwick and Young

Noes (0)

Absent (1): Owen

Committee on Children and Families, Chairman Jones (88) reporting:

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 927**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (15): Costlow, Gragg, Hausman, Jamison, Jones (88), Kelley, Laubinger, Loy, Mansur, Peters, Proudie, Schmidt, Steinmetz, Terry and Violet

Noes (0)

Absent (1): Dolan

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 1012** and **HB 1376**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (16): Costlow, Dolan, Gragg, Hausman, Jamison, Jones (88), Kelley, Laubinger, Loy, Mansur, Peters, Proudie, Schmidt, Steinmetz, Terry and Violet

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 1386**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (16): Costlow, Dolan, Gragg, Hausman, Jamison, Jones (88), Kelley, Laubinger, Loy, Mansur, Peters, Proudie, Schmidt, Steinmetz, Terry and Violet

Noes (0)

Absent (0)

Committee on Economic Development, Chairman Gallick reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 682**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (14): Brown (16), Casteel, Dean, Gallick, Hales, Hruza, Jacobs, Johnson, Jones (12), Martin, Rush, Thompson, Vernetti and Wilson

Noes (0)

Absent (3): Amato, Riggs and Titus

Mr. Speaker: Your Committee on Economic Development, to which was returned **HB 953**, 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 (12): Brown (16), Casteel, Dean, Gallick, Hales, Jacobs, Johnson, Jones (12), Martin, Rush, Verneti and Wilson

Noes (0)

Present (1): Hruza

Absent (4): Amato, Riggs, Thompson and Titus

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 1346**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (14): Brown (16), Casteel, Dean, Gallick, Hales, Hruza, Jacobs, Johnson, Jones (12), Martin, Rush, Thompson, Verneti and Wilson

Noes (0)

Absent (3): Amato, Riggs and Titus

Special Committee on Tax Reform, Chairman Coleman reporting:

Mr. Speaker: Your Special Committee on Tax Reform, to which was referred **HB 988**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (5): Christ, Coleman, Pouche, Simmons and Warwick

Noes (3): Butz, Jobe and Strickler

Absent (2): Costlow and Keathley

Committee on Transportation, Chairman Hurlbert reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 858**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (14): Bromley, Brown (149), Burton, Busick, Butz, Caton, Fountain Henderson, Hurlbert, Johnson, Jordan, Mayhew, Riggs, Strickler and Waller

Noes (0)

Absent (6): Boggs, Chappell, Cupps, Ealy, Jones (12) and Shields

Committee on Consent and Procedure, Chairman Pouche reporting:

Mr. Speaker: Your Committee on Consent and Procedure, to which was referred **HR 929**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Appelbaum, Falkner, Hovis, Kalberloh, Mosley, Pouche, Sharp (37) and Thompson

Noes (0)

Absent (2): Byrnes and Matthiesen

REFERRAL OF HOUSE BILLS - RULES

The following House Bills were referred to the Committee indicated:

HCS HB 234 - Rules - Administrative
HCS HB 638 - Rules - Legislative
HB 738 - Rules - Administrative
HCS HB 775 - Rules - Administrative
HCS HB 927 - Rules - Administrative
HCS#2 HB 953 - Rules - Administrative
HB 1265 - Rules - Administrative

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 **SCS SB 110** entitled:

An act to amend chapter 9, RSMo, by adding thereto one new section relating to Kappa Alpha Psi Day in Missouri.

In which the concurrence of the House is respectfully requested.

Read the first time.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 111** entitled:

An act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of September as ovarian cancer awareness month.

In which the concurrence of the House is respectfully requested.

Read the first time.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 125** entitled:

An act to repeal section 68.080, RSMo, and to enact in lieu thereof one new section relating to port authorities.

In which the concurrence of the House is respectfully requested.

Read the first time.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 189** entitled:

An act to repeal section 304.022 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 304.022 as enacted by senate bill no. 26 merged with senate bills nos. 53 & 60, one hundred first general assembly, first regular session, and to enact in lieu thereof one new section relating to emergency vehicles, with a penalty provision.

In which the concurrence of the House is respectfully requested.

Read the first time.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 348** entitled:

An act to amend chapters 9 and 227, RSMo, by adding thereto thirteen new sections relating to state designations.

In which the concurrence of the House is respectfully requested.

Read the first time.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 396** entitled:

An act to repeal section 182.645, RSMo, and to enact in lieu thereof one new section relating to consolidated public library districts.

In which the concurrence of the House is respectfully requested.

Read the first time.

COMMITTEE CHANGES

March 26, 2025

Mr. Joseph Engler
Chief Clerk
Missouri House of Representatives
State Capitol, Room 310
Jefferson City, MO 65101

Dear Mr. Engler:

I hereby make the following change to the Emerging Issues committee:

I hereby appoint Representative Mike Jones to the committee.

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If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Jonathan Patterson
Speaker of the House

March 26, 2025

Mr. Joseph Engler
Chief Clerk
Missouri House of Representatives
State Capitol, Room 310
Jefferson City, MO 65101

Dear Mr. Engler:

I hereby make the following change to the Transportation committee:

I hereby remove Representative Mike Jones from the committee.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Jonathan Patterson
Speaker of the House

March 26, 2025

Mr. Joseph Engler
Chief Clerk
Missouri House of Representatives
State Capitol, Room 310
Jefferson City, MO 65101

Dear Mr. Engler:

I hereby make the following changes to the Special Committee on Rural Issues:

I hereby remove Representative Martin Jacobs from the position of Ranking Minority Member.

I hereby appoint Representative Michael Burton to the position of Ranking Minority Member.

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Jonathan Patterson
Speaker of the House

MESSAGES FROM THE GOVERNOR

March 26, 2025

TO THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES
103rd GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you **Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 495**:

AN ACT

To repeal sections 43.503, 43.505, 56.265, 56.265, 56.750, 57.010, 82.1000, 84.020, 84.030, 84.100, 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, 105.726, 217.825, 217.827, 217.829, 217.831, 217.833, 217.835, 217.837, 217.839, 217.841, 304.012, 455.095, 513.605, 556.061, 566.210, 566.211, 568.045, 570.030, 574.050, 575.133, 575.150, 576.030, 577.150, 590.040, 595.209, and 650.058, RSMo, and section 56.265 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 56.265 as enacted by senate bill no. 275, ninetieth general assembly, first regular session, and to enact in lieu thereof forty-two new sections relating to public safety, with penalty provisions and an emergency clause for certain sections.

On March 26, 2025, I approved **Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 495**.

Sincerely,

/s/ Mike Kehoe
Governor

Having been returned from the Governor with his approval, **SS#2 SCS HCS#2 HB 495** was delivered to the Secretary of State by the Chief Clerk of the House.

ADJOURNMENT

On motion of Representative Riley, the House adjourned until 10:00 a.m., Thursday, March 27, 2025.

COMMITTEE HEARINGS

CONSENT AND PROCEDURE

Tuesday, April 1, 2025, 4:00 PM or upon adjournment (whichever is later),
House Hearing Room 5.

Public hearing will be held: HR 1166, HR 1289

Executive session will be held: HR 1166, HR 1289

CONSERVATION AND NATURAL RESOURCES

Monday, March 31, 2025, 1:00 PM, House Hearing Room 7.

Public hearing will be held: SS SCS SB 82, HB 1271

Executive session will be held: HB 1461

ETHICS

Wednesday, April 2, 2025, 8:00 AM, House Hearing Room 4.

Portions of this meeting may be closed under the authority of Article III, Sections 18 and 20, of the Missouri Constitution, House Rule 37, House Resolution 141, and RSMo 610.021(1), (3), (13) and (14) to discuss Complaint 25-01.

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 § 610.021(3).

FISCAL REVIEW

Thursday, March 27, 2025, 8:30 AM, House Hearing Room 4.

Executive session will be held: HB 416, SS HCS HBs 737 & 486

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

LEGISLATIVE REVIEW

Thursday, March 27, 2025, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HCS HBs 440 & 1160

Executive session will be held: HB 48, HB 985

PENSIONS

Thursday, March 27, 2025, 9:00 AM, House Hearing Room 1.

Public hearing will be held: HB 1172

RULES - ADMINISTRATIVE

Thursday, March 27, 2025, 9:30 AM, House Hearing Room 4.

Executive session will be held: HCS HB 1007, HB 205, HB 757, HB 1218, HCS HB 328, HCS HB 716, HB 957

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

Time change.

CORRECTED

HOUSE CALENDAR

FORTY-FOURTH DAY, THURSDAY, MARCH 27, 2025

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 67 - McGaugh

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

HCS HB 2, (6 hours total debate on Perfection) - Deaton

HCS HB 3, (6 hours total debate on Perfection) - Deaton

HCS HB 4, (6 hours total debate on Perfection) - Deaton
HCS HB 5, (6 hours total debate on Perfection) - Deaton
HCS HB 6, (6 hours total debate on Perfection) - Deaton
HCS HB 7, (6 hours total debate on Perfection) - Deaton
HCS HB 8, (6 hours total debate on Perfection) - Deaton
HCS HB 9, (6 hours total debate on Perfection) - Deaton
HCS HB 10, (6 hours total debate on Perfection) - Deaton
HCS HB 11, (6 hours total debate on Perfection) - Deaton
HCS HB 12, (6 hours total debate on Perfection) - Deaton
HCS HB 13, (6 hours total debate on Perfection) - Deaton
HCS HB 17, (6 hours total debate on Perfection) - Deaton

HOUSE BILLS FOR PERFECTION

HB 107 - Verneti
HCS HB 941 - Lewis
HB 183 - Parker
HCS HB 83 - Veit
HCS HBs 126 & 367 - Veit
HCS HB 368 - Banderman
HB 770 - Banderman
HCS HB 50 - Haley
HB 969 - Knight
HB 478 - Oehlerking
HCS HB 991 - Phelps
HB 714 - Griffith
HCS HBs 516, 290 & 778 - Matthiesen

HOUSE BILLS FOR PERFECTION - INFORMAL

HB 1200 - Reuter
HCS HBs 735 & 686 - Deaton
HB 262 - Brown (16)
HB 1193 - West
HB 74 - Taylor (48)
HCS HB 970 - Hardwick
HB 284 - Proudie
HCS HB 531 - Hausman
HB 116 - Murphy
HCS HBs 222 & 580 - Schulte
HB 457 - Taylor (48)
HCS HB 593 - Perkins
HCS HB 119 - Murphy
HCS HB 326 - Shields
HB 349 - Reuter
HB 431 - Caton

HCS HB 806 - Taylor (48)
HCS HB 344 - Keathley
HB 783 - Keathley
HCS HBs 408, 306 & 854 - Gragg
HB 138 - Justus
HB 671 - Harbison
HB 398 - Peters
HB 242 - Sharpe (4)
HB 37 - Billington
HCS HB 712 - Pollitt
HCS HB 507 - McGaugh
HCS HB 708 - Oehlerking
HB 543 - Cook
HCS HB 436 - Hardwick
HB 475 - Pollitt
HCS HB 477 - Oehlerking
HCS HB 572 - Hurlbert
HCS HB 606 - Haley
HB 608 - Thompson
HB 657 - Owen
HB 723 - Peters
HB 232 - Gallick
HCS HB 916 - Perkins
HB 200 - Falkner
HCS HBs 862, 314 & 389 - Hovis

HOUSE BILLS FOR PERFECTION - CONSENT

(03/19/2025)

HCS HBs 1017 & 291 - Brown (16)
HB 241 - Sharpe (4)

HOUSE BILLS FOR THIRD READING

HB 416, (Fiscal Review 3/25/25) - Shields
HCS HBs 575 & 551 - Banderman
HCS HBs 195 & 1119 - Seitz
HB 437 - Hardwick
HCS HB 497, (Fiscal Review 3/26/25), E.C. - Christ
HB 207 - Hinman
HB 825 - Stinnett
HCS HB 268 - Shields
HB 58 - Sassmann
HB 122 - Veit
HB 397 - Peters
HB 325 - Murphy
HB 765 - Stinnett

HCS HB 1175, (Fiscal Review 3/26/25) - Hardwick
HCS HB 202, (Fiscal Review 3/26/25) - Casteel
HB 780, (Fiscal Review 3/26/25) - Chappell

HOUSE BILLS FOR THIRD READING - INFORMAL

HCS HB 236, E.C. - Gallick

SENATE BILLS FOR SECOND READING

SCS SB 110
SB 111
SB 125
SB 189
SCS SB 348
SB 396

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HBs 737 & 486, as amended (Fiscal Review 3/13/25) - Schmidt

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

SS SCS HCS HB 2002 - Deaton
SS SCS HCS HB 2003 - Deaton
SS SCS HCS HB 2004 - Deaton
SS SCS HCS HB 2005 - Deaton
SS SCS HCS HB 2006 - Deaton
SS SCS HCS HB 2007 - Deaton
SS SCS HCS HB 2008 - Deaton
SS SCS HCS HB 2009 - Deaton
SS SCS HCS HB 2010 - Deaton
SS SCS HCS HB 2011 - Deaton
SS SCS HCS HB 2012 - Deaton
SS SCS HCS HB 2013 - Deaton
SS SCS HCS HB 2017 - Deaton
SS SCS HCS HB 2018 - Deaton
SS SCS HCS HB 2019 - Deaton
SS SCS HCS HB 2020 - Deaton

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