

HCS SS SB 221 -- CIVIL JURISPRUDENCE

SPONSOR: Schroer

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 13 to 0. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 8 to 0.

The following is a summary of the House Committee Substitute for SB 221.

This bill specifies that the income and principal of the Endowed Care Trust Fund is determined under the laws applicable to trusts, with an exception that the trustee has no power: of adjustment; of conversion; to determine or modify the unitrust rate or to determine applicable value to compute the unitrust amount beyond that granted by law. A unitrust definition of income must be determined by the cemetery operator in the terms of the Endowed Care Trust Fund Agreement and not by the trustee. Further, no principal from the Trust Fund will be distributed except if a unitrust amount is required under the Agreement. The cemetery operator can instruct by record for the trustee to distribute less than all the income distributable for the year if the cemetery operator determines that the money is not needed.

The bill establishes the "Missouri Uniform Fiduciary Income and Principal Act" (MUFIPA). Certain provisions of the current Principal and Income Act (PIA) are updated to achieve compliance with the MUFIPA.

This bill modifies certain definitions and adds definitions. It also removes reference to current definitions of "income beneficiary", "qualified beneficiary", and "remainder beneficiary".

The bill provides that the MUFIPA applies to a trust or estate and 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, except as otherwise provided in the terms of a trust or in MUFIPA. In addition, the MUFIPA applies when Missouri 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.

This bill details the fiduciary's duties including the power to adjust or convert an income trust to a unitrust and vice versa. In addition, the bill specifies the business or other activity conducted by the fiduciary that the fiduciary may account separately, as specified in the bill. This bill calls for the

application of MUFIPA to a trust or estate existing or created on or after August 28, 2025, with exceptions.

The bill defines "unitrust" to mean a trust for which net income is an amount computed by multiplying a determined value of a trust by a determined percentage, including a trust for which under the terms the income or net income must or can be calculated in such way.

The provisions that apply to unitrusts do not create a duty to take or consider action or to inform a beneficiary about the applicability of the provisions. A fiduciary that in good faith takes or fails to take an action under the unitrust provisions is not liable to a person affected by the action or inaction. The bill details the actions that the fiduciary can take without court approval.

The bill specifies determinations, considerations, and procedures required of a fiduciary in taking actions. The requirements include sending a notice in a record, describing and proposing to take the action, to certain persons all as detailed in the bill. The MUFIPA includes provisions allowing these persons to object to a proposed action, where the fiduciary or a beneficiary can request the court to have the proposed action taken as proposed, taken with modifications, or prevented. The bill contains requirements relating to the unitrust policy and unitrust rate.

This bill provides for uniformity in the interpretation and application of the MUFIPA; contains a severability clause; and explains MUFIPA's interaction with the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et Seq.

These provisions are the same as HB 83 and HCS HB 176 (2025).

This bill specifies that an offender can petition the sentencing Court for limited driving privileges upon successful completion of a Department of Corrections substance abuse treatment program or a 120-day institutional treatment program recommended by the Court.

This provision is the same as HCS HBs 1539 & 939 (2025).

The bill permits the Labor and Industrial Relations Commission to change the name, information, or fee arrangement of the attorney or law firm representing a claimant upon the filing of a written agreement, signed by both the claimant and the attorney, with the Commission. Additionally, a lifetime payment for permanent total disability will be suspended during the time in which an employee is restored to his or her regular work or its equivalent through

the use of glasses, prosthetic appliances, or physical rehabilitation.

Current law requires a retention vote be taken by the Administrative Law Judge Review Committee with respect to each workers' compensation Administrative Law Judge (ALJ). Additionally, the Committee is required to conduct performance audits periodically and make recommendations of confidence or no confidence with respect to each ALJ. This bill repeals these requirements and instead creates new provisions for filing complaints against and removing ALJs.

Prior to filing a complaint, the Director must notify the ALJ in writing of the reasons for the complaint. Special provisions are included if the reason for the complaint is willful neglect of duty or incompetency.

Upon a finding by the Administrative Hearing Commission (AHC) that the grounds for disciplinary action are met, the Director can, singly or in combination, issue the disciplinary actions against the ALJ, as specified in the bill, including removal or suspension from office. If there are no grounds for disciplinary action, the ALJ will immediately resume duties and receive any attorneys' fees due under current law.

The bill repeals a requirement that the Committee's members 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. The bill additionally repeals a requirement that all members of the Committee have a working knowledge of workers' compensation.

The bill provides that the compensation for an ALJ and chief administrative law judges will be determined solely by the rate outlined in law and will not increase when pay raises for executive employees are appropriated. The bill furthermore repeals reference to the position of Chief Legal Counsel.

The bill repeals a prohibition on the payment of any retirement benefits under workers' compensation law to any administrative law judge who has been removed from office by impeachment or for misconduct, or to any person who has been disbarred from the practice of law, or to the beneficiary of any such persons.

Currently, a limited liability company (LLC) can be dissolved involuntarily by a decree of the circuit court located in the county of the registered office of the LLC upon application by or

for a member of the LLC when it is not reasonably practicable to carry on business in conformity with the operating agreement.

This bill expands the circumstances under which an LLC can be dissolved to include when a court determines that:

- (1) Dissolution is reasonably necessary for the protection of the rights or interests of complaining members;
- (2) The business of the LLC has been abandoned;
- (3) The management of the LLC is deadlocked or subject to internal dissension;
- (4) The business operations of the LLC are substantially impaired, or
- (5) Those in control of the LLC have been found guilty of, or have knowingly allowed persistent and pervasive fraud, mismanagement, or abuse of authority.

These provision are the same as HB 83 (2025).

The bill amends the definitions of "adult" and "child" in Chapter 455, RSMo, related to protective orders resulting from adult abuse. Currently, "adult" is defined as any person 17 years of age or older, and "child" is defined as any person under 17 years of age. This bill increases the age references from 17 to 18.

This provision is the same as HB 736 (2025).

A trustee is required to notify qualified beneficiaries of a proposed transfer of a trust's principal place of administration. This bill adds to the requirements of the content of the notice to include an explanation that a change in the place of administration can result in a change of governing law, which can affect the rights of beneficiaries in ways that are different from current law.

This provision is the same as HB 174 (2025).

This bill establishes the "Missouri Electronic Wills and Electronic Estate Planning Documents Act", which specifies that an electronic will is considered a will for all purposes of the law of this State and that any written estate planning document can be executed electronically. Types of estate planning documents include a power of attorney or durable power of attorney, a health care declaration, an advance directive, an irrevocable trust, and a beneficiary deed, as well as other types of documents. The bill

establishes a process by which an electronic will can be made self-proved as well as how all or part of an electronic will can be revoked.

If there is evidence that a testator signed an electronic will and neither an electronic will nor a certified paper copy of the electronic will can be found after the testator's death, there will be a presumption that the testator revoked the electronic will even if no instrument or later will revoking the electronic will can be located. A person can create a certified paper copy of an electronic will or an electronic estate planning document by affirming under penalty of perjury that a paper copy of the electronic will is a complete, true, and accurate copy of the electronic will or the estate planning document.

The provisions of this bill apply to the will of a decedent who dies on or after August 28, 2025, and to each other written estate planning document signed or remotely witnessed on or after August 28, 2025.

This provision is the same as HB 176 (2025).

This bill specifies that certain estate planning documents that were executed during the period between April 6, 2020, and December 31, 2021, during which a state of emergency existed due to COVID-19 and there was a temporary suspension of physical appearance requirements, will be deemed to have satisfied the physical presence requirements if certain requirements, specified in the bill, were met.

This provision is the same as HB 178 (2025).

Currently, an interpreter's or translator's fees and expenses in a criminal proceeding are payable by the State from funds appropriated for that purpose. This bill allows such fees and expenses in any civil, juvenile, or criminal proceeding to be paid by the State from the appropriated funds.

This provision is the same as HB 182 (2025).

This bill specifies that a parent, spouse, child, or personal representative of a person who was convicted of a misdemeanor offense can petition the court to have the record of the offense made confidential in any automated case management system if the person has been deceased for six months or more. The petition must be accompanied by a copy of a death certificate. Before making the record confidential in the system, the court must determine whether any person would be unfairly prejudiced by having the record made confidential in the system.

This provision is the same as HB 143 (2025).

This bill amends the Judicial Privacy Act to replace the definition for "judicial officer" with a definition for "court-related officer", which includes various judges, prosecuting and circuit attorneys, circuit clerks, court administrators, deputy circuit clerks, division clerks, municipal clerks, and juvenile officers and chief deputy juvenile officers.

The definition of "written request" is amended to exclude a court-related officer's personal information. The bill specifies that the prohibition on a government agency publicly posting or displaying publicly available content of a court-related officer does not apply to a court-related officer's personal information that is included in any records of court proceedings of this State contained in any statewide court automation system.

These provisions are the same as HCS HB 1457 (2025).

Currently, the "Basic Civil Legal Services Fund" is set to expire on December 31, 2025. The money in the Fund is used to provide legal representation to eligible low-income persons in civil matters. This bill repeals that expiration date. The bill also corrects an incorrect reference to a provision in the Missouri Constitution.

This provision is the same as HB 124 (2025).

The bill adds mental health treatment courts to the list of treatment court divisions, defined as a court focused on addressing the mental health disorder or co-occurring disorder of defendants charged with a criminal offense. This bill specifies that a mental health treatment court can 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.

This provision is the same as HB 83 and SB 218 (2025).

This bill requires the clerk of the Missouri Supreme Court to notify the Revisor of Statutes of any authorized new circuit judgeships, and the Revisor must publish a footnote listing the authorized judgeships and the corresponding judicial circuits. Any new judgeship authorized under the provisions of this bill will be elected at the next general election and every six years thereafter, unless the judgeship is in a circuit where the circuit judges are selected under the Missouri Nonpartisan Court Plan.

The bill authorizes the following additional judgeships:

- (1) Three circuit judges in the 6th judicial circuits;
- (2) One additional associate circuit judge in the 23rd judicial circuit. This judgeship will not be included in the statutory formula for authorizing additional associate circuit judgeships. The Governor will appoint the judge, who will serve until January 1, 2029, and a judge will be elected in 2028;
- (3) One additional circuit judge in the 11th judicial circuit. The Governor will appoint the judge, who will serve until January 1, 2029, and a judge will be elected in 2028;
- (4) One additional circuit judge in the 13th judicial circuit. The judge will be elected in 2030 and ever six years thereafter;
- (5) One additional circuit judge in the 25th judicial circuit. The Governor will appoint the judge, who will serve until January 1, 2027, and a judge will be elected in 2026 and every six years thereafter;
- (6) One additional associate circuit judge in the 26th judicial circuit. This judgeship will not be included in the statutory formula for authorizing additional associate circuit judgeships. The Governor will appoint the judge, who will serve until January 1, 2029, and a judge will be elected in 2028 and every four years thereafter. The bill also clarifies that a circuit judgeship in division three in this circuit is for a term of six years; and
- (7) One additional circuit judge in the 32nd judicial circuit. The additional judge will be appointed initially by the Governor, and then elected in 2028.

These provisions are the same as HCS HBs 93 & 1139 (2025).

This bill amends the base salary structure for circuit clerks by increasing the base salaries, depending on classification of county, starting September 1, 2025. The bill also repeals a provision related to child support payments ordered by a judge in Marion County to be paid through the circuit clerk. The bill also requires a initial appropriation to fully fund the increase before the increase will go into effect.

This provision is the same as HCS HB 756 (2025).

This bill specifies that each grand and petit juror will receive at least \$6 per day for every day the juror actually serves and a mileage reimbursement rate as provided by law for State employees. Each county and the City of St. Louis can authorize additional

compensation for its jurors. Alternatively, a governing body, as specified in the bill, can, by a majority vote, vote to restructure juror compensation so that grand and petit jurors do not get paid for the first two days of service but thereafter will receive \$50 per day, as well as mileage reimbursement at the rate provided by law for state employees for necessary travel from the juror's residence to the courthouse and back, to be paid by the county.

This provision is the same as HB 131 (2025).

This bill establishes the "Uniform Interstate Depositions and Discovery Act". The bill specifies the procedures and processes for when a subpoena for discovery or a deposition is submitted in Missouri by a party in a foreign jurisdiction.

These provisions apply to requests for discovery in cases pending August 28, 2025.

This provision is the same as HB 128 (2025).

This bill repeals a provision related to judicial review of actions by state agencies. The bill requires a court or officer hearing an administrative action to review the meaning and effect of a statute, rule, regulation, or other subregulatory document de novo rather than relying on a state agency's interpretation of the statute, rule, regulation, or other document. In an action brought by or against a state agency, the court or officer hearing the administrative action, after applying customary tools of interpretation, must decide any remaining doubt in favor of a reasonable interpretation that limits agency power and maximizes individual liberty.

This provision is the same as HB 663 (2025).

This bill excludes any civilian review board in the City of Columbia from the limitations of power placed on civilian review boards, and it allows the City of Columbia to grant to a civilian review board, division, or any other entity the power to receive, investigate, make findings, and recommend disciplinary action upon complaints by members of the public against members of the police department.

This provision is the same as HB 1186 (2025).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the Senate Perfected version of the bill.

PROPONENTS: Supporters say that this aims to modify the standard of judicial review concerning State agencies' interpretations of statutes, rules, and regulations and would require courts and administrative hearing commissions to interpret texts anew rather than relying on the opinion of the State agency or department. Courts should not defer to State agencies when there is ambiguity. It restores proper checks and balances within the government. This would align Missouri with other states that have moved away from judicial deference to state agencies, reinforcing the separation of powers. This will provide a better system for judicial review. There needs to be more discussion and debate in this area.

Testifying in person for the bill were Senator Schroer; Pacific Legal Foundation; Associated Industries of Missouri; Americans For Prosperity; and Arnie Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.