Journal of the Senate

SECOND REGULAR SESSION

SIXTIETH DAY - TUESDAY, MAY 7, 2024

The Senate met pursuant to adjournment.

Senator Bernskoetter in the Chair.

The Reverend Stephen George offered the following prayer:

"And we know that in all things God works for the good of those who love Him, who have been called according to His purpose." (Romans 8:28 NIV)

Almighty God, as we begin this senate meeting, we acknowledge our dependence on Your wisdom and guidance. Grant us clarity of thought and unity of purpose as we seek to fulfill our duties and responsibilities. Bless our work and our efforts, and help us to trust that You are working on our behalf—for our good and the good of our state. We ask this in Your Holy Name, Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day's proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Cierpiot	Coleman	Crawford	Eigel	Eslinger
Fitzwater	Gannon	Hoskins	Hough	Koenig	Luetkemeyer	May
McCreery	Moon	Mosley	O'Laughlin	Rizzo	Roberts	Rowden
Schroer	Thompson Rehder	Trent	Washington	Williams—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

RESOLUTIONS

Senator Thompson Rehder offered Senate Resolution No. 1000, regarding Andrew L. Seabaugh, Oak Ridge, which was adopted.

Senator Thompson Rehder offered Senate Resolution No. 1001, regarding Dr. Bethany Deal, Scott City, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Thompson Rehder, Chair of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **HCS** for **HBs 2134** and **1956**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR
STATE OF MISSOURI
April 29, 2024

To the Senate of the 102nd General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment:

Darryl Gray, 5083 Waterman Blvd., Saint Louis, Saint Louis County, Missouri 63108, as a member of the Missouri Workforce Development Board, for a term ending March 3, 2027, and until his successor is duly appointed and qualified; vice, Todd Spencer, resigned.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
April 29, 2024

To the Senate of the 102nd General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment:

Daniel Isom, 2931 St. Vincent Ave., Saint Louis, Saint Louis County, Missouri 63104, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 10, 2026, and until his successor is duly appointed and qualified; vice, Fred Pestello, term expired.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
April 29, 2024

To the Senate of the 102nd General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment:

Lyda Krewson, Democrat, 502 Lake Ave, Saint Louis, Saint Louis County, Missouri 63108, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2027, and until her successor is duly appointed and qualified; vice, Julia Brncic, term expired.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
April 29, 2024

To the Senate of the 102nd General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment:

Winston Calvert, 7044 Waterman Ave., University City, Saint Louis County, Missouri 63130, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 11, 2024, and until his successor is duly appointed and qualified; vice, Rose Windmiller, term expired.

Respectfully submitted,
Michael L. Parson
Governor

President Pro Tem Rowden moved that the above appointments be returned to the Governor per his request, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1750**, entitled:

An Act to repeal section 523.010, RSMo, and to enact in lieu thereof one new section relating to eminent domain for utility purposes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2075**, entitled:

An Act to repeal sections 332.081, 332.211, 332.281, and 376.427, RSMo, and to enact in lieu thereof seventeen new sections relating to the dental professions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2650**, entitled:

An Act to repeal sections 23.295, 30.756, 160.575, 170.012, 173.095, 173.100, 173.105, 173.110, 173.115, 173.125, 173.130, 173.141, 173.150, 173.160, 173.170, 173.180, 173.186, 173.187, 173.236, 173.239, 173.262, 173.264, 173.265, 173.385, 173.475, 173.775, 173.778, 173.781, 173.784, 173.787, 173.790, 173.793, 173.796, 178.550, 178.585, 186.019, 288.040, 620.010, 620.484, 620.490, 620.511, 620.512, 620.513, 620.515, 620.552, 620.554, 620.556, 620.558, 620.560, 620.562, 620.564, 620.566, 620.568, 620.570, 620.572, 620.574, and 640.030, RSMo, and section 167.910 as enacted by house bill no. 1606, ninety-ninth general assembly, second regular session, and section 167.910 as enacted by house

bill no. 1415, ninety-ninth general assembly, second regular session, and to enact in lieu thereof seventeen new sections relating to higher education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCR 30**.

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 30

WHEREAS, Israel has been granted her lands under and through the oldest deed, as recorded in the Torah or Old Testament, a tome of scripture held sacred and revered by Jews and Christians alike; and

WHEREAS, Missouri recognizes the claim and presence of the Jewish people in Israel that has remained constant throughout the past four thousand years; and

WHEREAS, Missouri recognizes Israel's declared independence and self-governance that began on May 14, 1948, with the goal of reestablishing its legally recognized lands as a homeland for the Jewish people; and

WHEREAS, Missouri's son, U.S. President Harry S. Truman, was the first world leader to officially recognize Israel as a legitimate Jewish state on May 14, 1948, only eleven minutes after its creation; and

WHEREAS, Missouri agrees with and supports the U.S. presidential decision by Donald J. Trump on December 6, 2017, to recognize Jerusalem as the eternal capital of Israel; and

WHEREAS, the United States of America and the state of Missouri have enjoyed a close and mutually beneficial relationship with Israel and its people; and

WHEREAS, Israel is a great friend and ally of the United States of America in the Middle East; and

WHEREAS, beginning on October 7, 2023, Hamas attacked Israel, indiscriminately raping, torturing, and killing over 1,200 innocent persons, including Israelis, Americans, and other nationals, among whom were babies and Holocaust survivors, and taking 240 Israelis, Americans, and other civilians as hostages; and

WHEREAS, since October 7, 2023, Hamas terrorists and their allies have launched over 7,400 rockets into southern and central Israel, the sole goal of which was to kill Israeli civilians; and

WHEREAS, Missouri aims to express solidarity with the people of Israel in its fight against terrorism; and

WHEREAS, civilian casualties are a concern in any conflict, and holding those responsible for such casualties accountable is a shared value; and

WHEREAS, Missouri acknowledges Israel's sovereign right and duty to defend its citizens and therefore to prosecute the war until the threat posed by Hamas and other terrorist organizations is eradicated; and

WHEREAS, Israel has a long history of standing in strong support of the United States, its people, and its democratic values, in stark contrast to the extremist regimes that are providing financing and other support for the terrorist organizations that threaten Israel:

NOW THEREFORE BE IT RESOLVED, that the members of the House of Representatives of the One Hundred Second General Assembly, Second Regular Session, the Senate concurring therein, hereby commend Israel for its cordial and mutually beneficial relationship with the United States of America and the state of Missouri since 1948 and believe that the relationship shall continue to strengthen and be valued in this state and in this country, in all its dimensions; and

BE IT FURTHER RESOLVED that Missouri supports Israel's right to exist and recognizes Jerusalem as the eternal capital of Israel; and

BE IT FURTHER RESOLVED that Missouri stands in unequivocal support of Israel in its efforts to defend its citizens and eliminate the threat posed by Hamas and other terrorist organizations, including Islamic Jihad; and

BE IT FURTHER RESOLVED that Missouri supports Israel's inalienable right to prosecute the war until the threat posed by Hamas and other terrorist organizations is meradicated, with the hope for a swift and just resolution to the conflict; and

BE IT FURTHER RESOLVED that Missouri unequivocally hold Hamas and other terrorist organizations accountable for all civilian casualties as Israel seeks to eradicate Hamas and the threat it poses to innocent lives; and

BE IT FURTHER RESOLVED that Missouri calls on the United States government to continue to stand with the people of Israel in their time of need, support the victims of the recent terrorist attack against the State of Israel, and work towards the total eradication of the threat posed by Hamas; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Consul General Maor Elbaz-Starinsky, Miami, Florida, members of the Missouri Congressional delegation, and the President of the United States, Joseph R. Biden, Jr.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Rowden referred **HCS** for **HB 1775**, with **SCS**, **HB 2170**, with **SCS**, **HCS** for **HB 2064** and **HCS No. 2** for **HB 1886**, with **SCS**, **HCS** for **HJRs 68** and **79**, **HCS** for **HB 1564**, with **SCS**, **HCS** for **HB 2153**, with **SCS**, **HJR 132**, and **HCS** for **HB 2797**, with **SCS**, to the Committee on Fiscal Oversight.

President Pro Tem Rowden referred **SR 983** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON THIRD READING

At the request of Senator Trent, **HB 2062** was placed on the Informal Calendar.

At the request of Senator Luetkemeyer, **HCS** for **HB 1659**, with **SCS**, was placed on the Informal Calendar.

HB 2111, introduced by Representative Christofanelli, entitled:

An Act to repeal sections 29.005, 29.235, 374.250, and 610.021, RSMo, and to enact in lieu thereof five new sections relating to powers of the state auditor.

Was taken up by Senator Fitzwater.

Senator Arthur offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 2111, Page 3, Section 29.225, Line 9, by inserting after all of said line the following:

"**3. The provisions of this section shall expire on January 1, 2029.**".

Senator Arthur moved that the above amendment be adopted, which motion failed on a standing division vote.

On motion of Senator Fitzwater, **HB 2111** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (26th Dist.)
Carter	Cierpiot	Coleman	Crawford	Eigel	Eslinger	Fitzwater
Gannon	Hoskins	Hough	Koenig	Luetkemeyer	May	McCreery
Moon	Mosley	O'Laughlin	Rizzo	Roberts	Rowden	Schroer
Thompson Rehder	Trent	Washington	Williams—32			

NAYS—Senators—None

Absent—Senator Brown (16th Dist.)—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Fitzwater, title to the bill was agreed to.

Senator Fitzwater moved that the vote by which the bill passed be reconsidered.

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

HCS for **HBs 2134** and **1956**, with **SCS**, entitled:

An Act to repeal sections 644.016, 644.041, 644.051, and 644.145, RSMo, and to enact in lieu thereof four new sections relating to the Missouri clean water law, with an emergency clause.

Was taken up by Senator Carter.

SCS for **HCS** for **HBs 2134** and **1956**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 2134 and 1956

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

Was taken up.

Senator Carter moved that **SCS** for **HBs 2134** and **1956** be adopted.

Senator Carter offered **SS** for **SCS** for **HCS** for **HBs 2134** and **1956**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 2134 and 1956

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

Senator Carter moved that **SS** for **SCS** for **HCS** for **HBs 2134** and **1956** be adopted.

Senator Thompson Rehder assumed the Chair.

Senator Fitzwater assumed the Chair.

Senator Roberts offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 2134 and 1956, Page 1, In the Title, Line 4, by striking "pollution" and inserting in lieu thereof the following: "systems"; and

Further amend said bill and page, section A, line 4, by inserting after all of said line the following:

"68.080. 1. There is hereby established in the state treasury the "Waterways and Ports Trust Fund". The fund shall consist of revenues appropriated to it by the general assembly.

2. The fund may also receive any gifts, contributions, grants, or bequests received from federal, private, or other sources.

3. The fund shall be a revolving trust fund exempt from the provisions of section 33.080 relating to the transfer of unexpended balances by the state treasurer to the general revenue fund of the state. All interest earned upon the balance in the fund shall be deposited to the credit of the fund.

4. Moneys in the fund shall be withdrawn only **at the request of a Missouri port authority for statutorily permitted port purposes and** upon appropriation by the general assembly, to be administered by the state highways and transportation commission and the department of transportation, in consultation with Missouri public ports, for the purposes in subsection 2 of section 68.035 and for no other purpose. To be eligible to receive an appropriation from the fund, a project shall be:

(1) A capital improvement project implementing physical improvements designed to improve commerce or terminal and transportation facilities on or adjacent to the navigable rivers of this state;

(2) Located on land owned or held in long-term lease by a Missouri port authority**, or on land owned by a city not within a county and managed by a Missouri port authority**, or within a navigable river adjacent to such land, and within the boundaries of a port authority;

(3) Funded by alternate sources so that moneys from the fund comprise no more than eighty percent of the cost of the project;

(4) Selected and approved by the highways and transportation commission, in consultation with Missouri public ports, to support a statewide plan for waterborne commerce, in accordance with subdivision (1) of section 68.065; and

(5) Capable of completion within two years of approval by the highways and transportation commission.

5. Appropriations made from the fund established in this section may be used as a local share in applying for other grant programs.

6. The provisions of this section shall terminate on August 28, 2033, pending the discharge of all warrants. On December 31, 2033, the fund shall be dissolved and the unencumbered balance shall be transferred to the general revenue fund."; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion failed.

Senator Black offered **SA 2**:

SENATE AMENDMENT NO. 2

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

Senator Black moved that the above amendment be adopted, which motion prevailed.

Senator Schroer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 2134 and 1956, Page 1, In the Title, Line 4, by striking "water pollution" and inserting in lieu thereof the following: "the duties of the department of natural resources"; and

Further amend said bill and page, section A, line 4, by inserting after all of said line the following:

"**135.2550. 1. This section shall be known and may be cited as the "Missouri Nuclear Remediation Act".**

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

(1) "Department", the Missouri department of natural resources;

(2) "EPA designated superfund site", a site designated by the Environmental Protection Agency (EPA) as a location contaminated by hazardous waste and identified as a candidate for cleanup because it poses a risk to human health or the environment, specifically those sites where nuclear or radioactive waste was stored or buried;

(3) "Qualified activities", includes:

(a) Soil remediation activities aimed at removing residues from uranium ore, thorium ore, or radium;

(b) The construction of water treatment installations, including but not limited to reverse osmosis water treatment systems, designed to improve water quality and remove contaminants;

(c) Water testing for the presence and concentration of contaminants such as cesium-137, uranium, radium, or thorium;

(d) Soil testing for the presence and concentration of contaminants such as cesium-137, uranium, radium, or thorium;

(4) "Qualified taxpayer", an individual or business entity residing within a twenty-five mile radius of an EPA designated superfund site where nuclear or radioactive waste was stored or buried;

(5) "Soil remediation", the process of removing or neutralizing contaminants from soil, including residues from uranium ore, thorium ore, or radium;

(6) "Soil testing", the analysis of soil samples to detect the presence and concentration of contaminants, including but not limited to cesium-137, uranium, radium, or thorium;

(7) "Water testing", the analysis of water samples to detect the presence and concentration of contaminants, including but not limited to cesium-137, uranium, radium, or thorium;

(8) "Water treatment", processes that improve the quality of water for its designated end-use, including reverse osmosis water treatment systems.

3. (1) For all tax years beginning on or after January 1, 2025, a qualified taxpayer shall be eligible to claim a tax credit in the amount of fifty percent of the costs incurred for performing qualified activities.

(2) Tax credits authorized by this section shall not be transferred, sold, or assigned.

(3) Tax credits authorized by this section shall not be refundable, but may be carried forward for five subsequent tax years or until the full credit is redeemed, whichever occurs first.

4. The total amount of tax credits authorized pursuant to this section shall not exceed five million dollars per fiscal year.

5. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove 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.

6. Pursuant to section 23.253 of the Missouri Sunset Act:

(1) The program authorized pursuant to this section shall automatically sunset on December 31, 2031, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized pursuant to this section shall automatically sunset twelve years after the effective date of the reauthorization; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized pursuant to this section is sunset.

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department of revenue's ability to redeem tax credits authorized on or before the date the program authorized pursuant to this section expires, or a taxpayer's ability to redeem such tax credits."; and

Further amend the title and enacting clause accordingly.

Senator Schroer moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Eigel, Hoskins, and Koenig.

Senator Moon raised the point of order that **SA 3** violates Senate Rules 54 and 57.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Brattin offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 2134 and 1956, Page 1, In the Title, Line 4, by striking "pollution" and inserting in lieu thereof the following: "systems"; and

Further amend said bill, page 27, section 644.145, line 162, by inserting after all of said line the following:

"**Section 1. If a water supply district, subject to the provisions of chapter 247, has been supplying water to an area outside of its service area for more than twenty five years, the water supply district shall not discontinue service to such area.**"; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted.

Senator Moon raised the point of order that **SA 4** violates Senate Rules 54 and 57 and goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem.

At the Request of Senator Brattin, **SA 4** was withdrawn, rendering the point of order moot.

Senator Carter moved that **SS** for **SCS** for **HCS** for **HBs 2134** and **1956**, as amended, be adopted, which motion prevailed.

On motion of Senator Carter, **SS** for **SCS** for **HCS** for **HBs 2134** and **1956**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Cierpiot	Coleman	Crawford	Eigel	Fitzwater
Gannon	Hoskins	Hough	Koenig	Luetkemeyer	May	McCreery
Moon	Mosley	O'Laughlin	Rizzo	Roberts	Rowden	Thompson Rehder
Trent	Washington—30					

NAYS—Senator Schroer—1

Absent—Senators

Eslinger	Williams—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Cierpiot	Coleman	Crawford	Eigel	Fitzwater
Gannon	Hough	Koenig	Luetkemeyer	May	McCreery	Moon
Mosley	O'Laughlin	Rizzo	Roberts	Rowden	Thompson Rehder	Trent
Washington—29						

NAYS—Senator Schroer—1

Absent—Senators

Eslinger	Hoskins	Williams—3

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Carter, title to the bill was agreed to.

Senator Carter moved that the vote by which the bill passed be reconsidered.

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

HB 1909, introduced by Representative Taylor, entitled:

An Act to repeal section 115.615, RSMo, and to enact in lieu thereof one new section relating to county committee meetings.

Was called from the Informal Calendar and taken up by Senator Gannon.

On motion of Senator Gannon, **HB 1909** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Coleman	Crawford	Eigel	Fitzwater	Gannon

Hoskins	Hough	Koenig	Luetkemeyer	May	McCreery	Moon
Mosley	O'Laughlin	Rizzo	Roberts	Rowden	Thompson Rehder	Trent
Washington—29						

NAYS—Senator Schroer—1

Absent—Senators

Cierpiot	Eslinger	Williams—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gannon, title to the bill was agreed to.

Senator Gannon moved that the vote by which the bill passed be reconsidered.

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

HB 2057, introduced by Representative Keathley, entitled:

An Act to repeal section 67.2677, RSMo, and to enact in lieu thereof one new section relating to municipal franchise fees for video service providers.

Was called from the Informal Calendar and taken up by Senator Thompson Rehder.

Senator Thompson Rehder offered **SS** for **HB 2057**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2057

An Act to repeal sections 67.2677, 67.5122, 71.340, 137.010, 137.080, 137.115, 137.122, 143.121, 226.220, and 393.1506, RSMo, and to enact in lieu thereof twelve new sections relating to utility infrastructure.

Senator Moon raised a point of order that **SS** for **HB 2057** violates Senate Rules 54 and 57.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Crawford assumed the Chair.

At the request of Senator Thompson Rehder, **SS** for **HB 2057** was withdrawn.

Senator Bean assumed the Chair.

On motion of Senator Thompson Rehder, **HB 2057** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Black	Brattin	Brown (26th Dist.)	Carter
Cierpiot	Coleman	Crawford	Eigel	Eslinger	Fitzwater	Gannon
Hoskins	Hough	Koenig	Luetkemeyer	May	Moon	Mosley

O'Laughlin Rizzo Roberts Rowden Schroer Thompson Rehder Trent Washington—29

NAYS—Senators
Bernskoetter McCreery—2

Absent—Senators
Brown (16th Dist.) Williams—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Thompson Rehder, title to the bill was agreed to.

Senator Thompson Rehder moved that the vote by which the bill passed be reconsidered.

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

HCS for **HB 1659**, with **SCS**, entitled:

An Act to repeal sections 211.071, 217.345, 217.690, 547.031, 558.016, 558.019, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.653, and 600.042, RSMo, and to enact in lieu thereof twenty-two new sections relating to public safety, with penalty provisions and an emergency clause for certain sections.

Was called from the Informal Calendar and taken up by Senator Luetkemeyer.

SCS for **HCS** for **HB 1659**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1659

An Act to repeal sections 43.546, 210.482, 210.487, 211.031, 211.071, 217.345, 217.690, 491.641, 547.031, 556.021, 558.016, 558.019, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.033, 590.192, 590.653, 600.042, and 610.140, RSMo, and to enact in lieu thereof seventy-six new sections relating to public safety, with penalty provisions, an emergency clause for certain sections, and a delayed effective date for a certain section.

Was taken up.

Senator Luetkemeyer moved that **SCS** for **HCS** for **HB 1659** be adopted.

Senator Luetkemeyer offered **SS** for **SCS** for **HCS** for **HB 1659**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1659

An Act to repeal sections 43.080, 190.053, 190.101, 190.109, 190.142, 197.135, 210.1505, 211.031, 211.033, 211.071, 211.072, 211.326, 217.345, 217.690, 219.021, 221.044, 221.105, 221.400, 221.402, 221.405, 221.407, 221.410, 287.243, 292.606, 307.175, 324.035, 332.081, 337.618, 386.572, 455.010, 455.035, 455.513, 478.001, 490.692, 491.075, 491.641, 492.304, 547.031, 556.021, 556.061, 558.016, 558.019, 559.125, 565.240, 566.151, 567.030, 568.045, 571.015, 571.070, 575.010, 575.150, 575.205, 575.353, 578.007, 578.022, 579.065, 579.068, 589.401, 589.414, 590.033, 590.050, 590.192, 590.653, 595.045, 600.042, and 610.140, RSMo, and section 56.265 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, section 56.265 as enacted by senate bill no. 275, ninetieth general assembly, first regular session, 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 hundred twenty-six new sections relating to public safety, with penalty provisions, an emergency clause for certain sections, and a delayed effective date for a certain section.

Senator Luetkemeyer moved that **SS** for **SCS** for **HCS** for **HB 1659** be adopted.

Senator Crawford offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1659, Page 142, Section 492.304, Line 58, by inserting after all of said line the following:

"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; **[**or**]**

[(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."; and

Further amend the title and enacting clause accordingly.

Senator Crawford moved that the above amendment be adopted, which motion prevailed.

Senator May offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1659, Page 176, Section 558.019, Line 186, by inserting after all of said line the following:

"558.041. 1. Any offender committed to the department of corrections, except those persons committed pursuant to subsection 7 of section 558.016, or subsection 3 of section 566.125, **[**may**] or any offender convicted of a dangerous felony as defined in section 556.061, shall** receive additional credit in terms of days spent in confinement upon **[**recommendation for such credit by the offender's institutional superintendent**] calculation of such credit** when the offender meets the requirements for such credit as provided in subsections 3 and 4 of this section. Good time credit may be rescinded by the director or his or her designee pursuant to the divisional policy issued pursuant to subsection 3 of this section.

2. Any credit extended to an offender shall only apply to the sentence which the offender is currently serving.

3. **(1)** The director of the department of corrections shall issue a policy for awarding credit.

(2) The policy **[**may**] shall** reward an **[**inmate**] offender** who has served his or her sentence in an orderly and peaceable manner and has taken advantage of the rehabilitation programs available to him or her.

(3) Any **major conduct** violation of institutional rules **[**or**], violation of** the laws of this state **[**may**], parole revocation, or the accumulation of minor conduct violations exceeding six within a calendar year shall** result in the loss of all **[**or a portion of any**] prior** credit earned by the **[**inmate**] offender** pursuant to this section.

[4. The department shall cause the policy to be published in the code of state regulations.**]**

[5. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.**]**

(4) The policy shall specify the programs or activities for which credit shall be earned under this section; the criteria for determining productive participation in, or completion of, the programs or activities; and the criteria for awarding credit.

(5) The department shall award credit between five and three hundred sixty days, as determined by the department based on the length of the program, to any qualifying offender who successfully:

(a) Receives a high school diploma or equivalent, college diploma, or a vocational training certificate as provided under the department's policy;

(b) Completes an alcohol or drug abuse treatment program as provided under the department's policy, except that alcohol and drug abuse treatment programs ordered by the court or parole board shall not qualify;

(c) Completes one thousand hours of restorative justice; or

(d) Completes other programs as provided under the department's policy.

(6) An offender may earn a maximum of ninety days of credit in any twelve month period.

(7) Offenders sentenced under subsections 2 and 3 of section 558.019 shall be eligible for good time credit. Any good time credit earned shall be subtracted from the offender's entire sentence of imprisonment.

(8) Nothing in this section shall be construed to require that the offender be released as a result of good time credit. The parole board in its discretion shall determine the date of release.

4. Eligible offenders may petition the department to receive credit for programs or activities completed prior to August 28, 2024, as specified below:

(1) Eligible offenders can submit a petition from January 1, 2025, to December 31, 2025; and

(2) Offenders shall have completed the qualifying program or activity between January 1, 2010, and August 28, 2024.

5. No offender committed to the department who is sentenced to death or sentenced to life without probation or parole shall be eligible for good time credit under this section."; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator May offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1659, Page 27, Section 197.135, Line 82, by inserting after all of said line the following:

"210.1012. 1. There is hereby created a statewide program called the "Amber Alert System" referred to in this section as the "system" to aid in the identification and location of an abducted child.

2. For the purposes of this section, "abducted child" means a child whose whereabouts are unknown and who is:

(1) Less than eighteen years of age and reasonably believed to be the victim of the crime of kidnapping or kidnapping in the first degree as defined by section 565.110 as determined by local law enforcement;

(2) Reasonably believed to be the victim of the crime of child kidnapping as defined by section 565.115 as determined by local law enforcement; or

(3) Less than eighteen years of age and at least fourteen years of age and who, if under the age of fourteen, would otherwise be reasonably believed to be a victim of child kidnapping as defined by section 565.115 as determined by local law enforcement.

3. The department of public safety shall develop regions to provide the system. The department of public safety shall coordinate local law enforcement agencies and public commercial television and radio broadcasters to provide an effective system. In the event that a local law enforcement agency opts not to set up a system and an abduction occurs within the jurisdiction, it shall notify the department of public safety who will notify local media in the region.

4. The Amber alert system shall include all state agencies capable of providing urgent and timely information to the public together with broadcasters and other private entities that volunteer to participate in the dissemination of urgent public information. At a minimum, the Amber alert system shall include the department of public safety, highway patrol, department of transportation, department of health and senior services, and Missouri lottery.

5. The department of public safety shall have the authority to notify other regions upon verification that the criteria established by the oversight committee has been met.

6. Participation in an Amber alert system is entirely at the option of local law enforcement agencies and federally licensed radio and television broadcasters.

7. Any person who knowingly makes a false report that triggers an alert pursuant to this section is guilty of a class A misdemeanor.

8. It shall be unlawful to discriminate against any person because of race, color, religion, national origin, ancestry, sex, disability, or familial status when the department coordinates with local law enforcement agencies and public commercial television and radio broadcasters to provide an effective system."; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1659, Page 27, Section 197.135, Line 82, by inserting after all of said line the following:

"198.022. 1. Upon receipt of an application for a license to operate a facility, the department shall review the application, investigate the applicant and the statements sworn to in the application for license and conduct any necessary inspections. A license shall be issued if the following requirements are met:

(1) The statements in the application are true and correct;

(2) The facility and the operator are in substantial compliance with the provisions of sections 198.003 to 198.096 and the standards established thereunder;

(3) The applicant has the financial capacity to operate the facility;

(4) The administrator of an assisted living facility, a skilled nursing facility, or an intermediate care facility is currently licensed under the provisions of chapter 344;

(5) Neither the operator nor any principals in the operation of the facility have ever been convicted of a felony offense concerning the operation of a long-term health care facility or other health care facility or ever knowingly acted or knowingly failed to perform any duty which materially and adversely affected the health, safety, welfare or property of a resident, while acting in a management capacity. The operator of the facility or any principal in the operation of the facility shall not be under exclusion from participation in the Title XVIII (Medicare) or Title XIX (Medicaid) program of any state or territory;

(6) Neither the operator nor any principals involved in the operation of the facility have ever been convicted of a felony in any state or federal court arising out of conduct involving either management of a long-term care facility or the provision or receipt of health care;

(7) All fees due to the state have been paid.

2. Upon denial of any application for a license, the department shall so notify the applicant in writing, setting forth therein the reasons and grounds for denial.

3. The department may inspect any facility and any records and may make copies of records, at the facility, at the department's own expense, required to be maintained by sections 198.003 to 198.096 or by the rules and regulations promulgated thereunder at any time if a license has been issued to or an application for a license has been filed by the operator of such facility. Copies of any records requested by the department shall be prepared by the staff of such facility within two business days or as determined by the department. The department shall not remove or disassemble any medical record during any inspection of the facility, but may observe the photocopying or may make its own copies if the facility does not have the technology to make the copies. In accordance with the provisions of section 198.525, the department shall make at least one inspection per year, which shall be unannounced to the operator. The department may make such other inspections, announced or unannounced, as it deems necessary to carry out the provisions of sections 198.003 to 198.136.

4. Whenever the department has reasonable grounds to believe that a facility required to be licensed under sections 198.003 to 198.096 is operating without a license, and the department is not permitted access to inspect the facility, or when a licensed operator refuses to permit access to the department to inspect the facility, the department shall apply to the circuit court of the county in which the premises is located for an order authorizing entry for such inspection, and the court shall issue the order if it finds reasonable grounds for inspection or if it finds that a licensed operator has refused to permit the department access to inspect the facility.

5. Whenever the department is inspecting a facility in response to an application from an operator located outside of Missouri not previously licensed by the department, the department may request from the applicant the past five years compliance history of all facilities owned by the applicant located outside of this state.

6. If a licensee of a residential care facility or assisted living facility is accredited by a recognized accrediting entity, then the licensee may submit to the department documentation of the licensee's current accreditation status. If a licensee submits to the department documentation from a recognized accrediting entity that the licensee is in good standing, then the department shall not conduct an annual onsite inspection of the licensee. Nothing in this subsection shall preclude the department from conducting inspections for violations of standards or requirements contained within this chapter or any other applicable law or regulation. As used in this subsection, the term "recognized accrediting entity" shall mean the Joint Commission or another nationally-recognized accrediting entity approved by the department that has specific residential care facility or assisted living facility program standards equivalent to the standards established by the department under this chapter.

210.109. 1. The children's division shall establish a child protection system for the entire state.

2. The child protection system shall promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments and providing services in response to reports of child abuse or neglect. The system shall coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

3. In addition to any duties specified in section 210.145, in implementing the child protection system, the division shall:

(1) Maintain a central registry;

(2) Receive reports and establish and maintain an information system operating at all times, capable of receiving and maintaining reports;

(3) Attempt to obtain the name and address of any person making a report in all cases, after obtaining relevant information regarding the alleged abuse or neglect, although reports may be made anonymously; except that, reports by mandatory reporters under section 210.115, including employees of the children's division, juvenile officers, and school personnel shall not be made anonymously, provided that the reporter shall be informed, at the time of the report, that the reporter's name and any other personally identifiable information shall be held as confidential and shall not be made public as provided under this section and section 211.319;

(4) Upon receipt of a report, check with the information system to determine whether previous reports have been made regarding actual or suspected abuse or neglect of the subject child, of any siblings, and the perpetrator, and relevant dispositional information regarding such previous reports;

(5) Provide protective or preventive services to the family and child and to others in the home to prevent abuse or neglect, to safeguard their health and welfare, and to help preserve and stabilize the family whenever possible. The juvenile court shall cooperate with the division in providing such services;

(6) Collaborate with the community to identify comprehensive local services and assure access to those services for children and families where there is risk of abuse or neglect;

(7) Maintain a record which contains the facts ascertained which support the determination as well as the facts that do not support the determination;

(8) Whenever available and appropriate, contract for the provision of children's services through children's services providers and agencies in the community; except that the state shall be the sole provider of child abuse and neglect hotline services, the initial child abuse and neglect investigation, and the initial family assessment. **To assist in its child abuse and neglect investigation, the division may contract for services designed to ascertain child safety and provide preventative services; provided that a contractor providing child safety services for a child shall not also be a placement provider for that child.** The division shall attempt to seek input from child welfare service providers in completing the initial family assessment. In all legal proceedings involving children in the custody of the division, the division shall be represented in court by either division personnel or persons with whom the division contracts with for such legal representation. All children's services providers and agencies shall be subject to criminal background checks pursuant to chapter 43 and shall submit names of all employees to the family care safety registry; and

(9) Upon receipt of a report, attempt to ascertain whether the suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of any branch of the military, as defined under section 40.005, or is a member of the Armed Forces, as defined in section 41.030.

As used in this subsection, "report" includes any telephone call made pursuant to section 210.145.

210.112. 1. It is the policy of this state and its agencies to implement a foster care and child protection and welfare system focused on providing the highest quality of services and outcomes for children and their families. The department of social services shall implement such system subject to the following principles:

(1) The safety and welfare of children is paramount;

(2) All providers of direct services to children and their families will be evaluated in a uniform, transparent, objective, and consistent basis based on an evaluation tool established in this section;

(3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes, and such services shall be tracked and routinely evaluated through a quality assurance program;

(4) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with federal and state standards;

(5) Resources and efforts shall be committed to pursue the best possible opportunity for a successful outcome for each child. Successful outcomes may include preparing youth for a productive and successful life as an adult outside the foster care system, such as independent living. For those providers that work with children requiring intensive twenty-four-hour treatment services, successful outcomes shall be based on the least restrictive alternative possible based on the child's needs as well as the quality of care received; and

(6) All service providers shall prioritize methods of reducing or eliminating a child's need for residential treatment through community-based services and supports.

2. (1) In conjunction with the response and evaluation team established under subsection 3 of this section, as well as other individuals the division deems appropriate, the division shall establish an evaluation tool that complies with state and federal guidelines.

(2) The evaluation tool shall include metrics supporting best practices for case management and service provision including, but not limited to, the frequency of face-to-face visits with the child.

(3) There shall be a mechanism whereby providers may propose different evaluation metrics on a case-by-case basis if such case may have circumstances far beyond those that would be expected. Such cases shall be evaluated by the response and evaluation team under subsection 3 of this section.

(4) Data regarding all evaluation metrics shall be collected by the division on a monthly basis, and the division shall issue a quarterly report regarding the evaluation data for each provider, both public and private, by county. The response and evaluation team shall determine how to aggregate cases for the division and large contractors so that performance and outcomes may be compared effectively while also protecting confidentiality. Such reports shall be made public and shall include information by county.

(5) The standards and metrics developed through this evaluation tool shall be used to evaluate competitive bids for future contracts established under subsection 4 of this section.

3. The division shall create a response and evaluation team. Membership of the team shall be composed of five staff members from the division with experience in foster care appointed by the director of the division; five representatives, one from each contract region for foster care case management contracts under this section, who shall be annually rotated among contractors in each region, which shall appoint the agency; two experts working in either research or higher education on issues relating to child welfare and foster care appointed by the director of the division and who shall be actively working for either an academic institution or policy foundation; one juvenile officer or a Missouri juvenile justice director to be appointed by the Missouri Juvenile Justice Association; and one juvenile or family court judge appointed by the supreme court. The division shall provide the necessary staffing for the team's operations. All members shall be appointed and the team shall meet for the first time before January 1, 2021. The team shall:

(1) Review the evaluation tool and metrics set forth in subsection 2 of this section on a semiannual basis to determine any adjustments needed or issues that could affect the quality of such tools and approve or deny on a case-by-case basis:

(a) Cases that a provider feels are anomalous and should not be part of developing the case management tool under subsection 2 of this section;

(b) Alternative evaluation metrics recommended by providers based on the best interests of the child under subsections 2 and 5 of this section; or

(c) Review and recommend any structure for incentives or other reimbursement strategies under subsection 6 of this section;

(2) Develop and execute periodic provider evaluations of cases managed by the division and children service providers contracted with the state to provide foster care case management services, in the field under the evaluation tool created under subsection 2 of this section to ensure basic requirements of the

program are met, which shall include, but are not limited to, random file review to ensure documentation shows required visits and case management plan notes; and

(3) Develop a system for reviewing and working with providers identified under subdivision (2) of this subsection or providers who request such assistance from the division who show signs of performance weakness to ensure technical assistance and other services are offered to assist the providers in achieving successful outcomes for their cases.

4. The children's division and any other state agency deemed necessary by the division shall, in consultation with service providers and other relevant parties, enter into and implement contracts with qualified children's services providers and agencies to provide a comprehensive and deliberate system of service delivery for children and their families. Contracts shall be awarded through a competitive process and provided by qualified public and private not-for-profit or limited liability corporations owned exclusively by not-for-profit corporations children's services providers and agencies which have:

(1) A proven record of providing child welfare services within the state of Missouri which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004; and

(2) The ability to provide a range of child welfare services including, but not limited to, case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case management, planned permanent living services, and family reunification services.

No contracts under this section shall be issued for services related to the child abuse and neglect hotline, investigations of alleged abuse and neglect, and initial family assessments**, except for services designed to assist the division in ascertaining child safety and providing preventative services**. Any contracts entered into by the division shall be in accordance with all federal laws and regulations, and shall seek to maximize federal funding. Children's services providers and agencies under contract with the division shall be subject to all federal, state, and local laws and regulations relating to the provision of such services, and shall be subject to oversight and inspection by appropriate state agencies to assure compliance with standards which shall be consistent with the federal standards.

5. The division shall accept as prima facie evidence of completion of the requirements for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the following nationally recognized bodies: the Council on Accreditation of Services, Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities.

6. Payment to the children's services providers and agencies shall be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Any reimbursement increases made through enhanced appropriations for services shall be allocated to providers regardless of whether the provider is public or private. Such increases shall be considered additive to the existing contracts. In addition to payments reflecting the cost of services, contracts shall include incentives provided in recognition of performance based on the evaluation tool created under subsection 2 of this section and the corresponding savings for the state. The response and evaluation team under subsection 3 of this section shall review a formula to distribute such payments, as recommended by the division.

7. The division shall consider immediate actions that are in the best interests of the children served including, but not limited to, placing the agency on a corrective plan, halting new referrals, transferring cases to other performing providers, or terminating the provider's contract. The division shall take steps necessary to evaluate the nature of the issue and act accordingly in the most timely fashion possible.

8. By July 1, 2021, the children's division shall promulgate and have in effect rules to implement the provisions of this section and, pursuant to this section, shall define implementation plans and dates. 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, 2004, shall be invalid and void.

9. A provision in a service provider contract in which the state is indemnified, held harmless, or insured for damages, claims, losses, or expenses arising from any injury, including, but not limited to, bodily injury, mental anguish, property damage, or economic or noneconomic damages or loss caused by or resulting from the state's negligence, in whole or in part, shall be void as against public policy and unenforceable. As used in this subsection, "service provider contract" means a contract, agreement, or understanding between a provider of services and the division regarding the provision of services.

210.135. 1. Any person, official, **employee of the department of social services,** or institution complying with the provisions of sections **[**210.110**]** **210.109** to 210.165 in the making of a report, the taking of color photographs, or the making of radiologic examinations pursuant to sections **[**210.110**]** **210.109** to 210.165, or both such taking of color photographs and making of radiologic examinations, or the removal or retaining a child pursuant to sections **[**210.110**]** **210.109** to 210.165 **and chapter 211**, or in cooperating with the division, **or cooperating with a qualified individual pursuant to section 210.715,** or any other law enforcement agency, juvenile office, court, **state agency,** or child-protective service agency of this or any other state, in any of the activities pursuant to sections **[**210.110**]** **210.109** to 210.165 **and chapter 211**, or any other allegation of child abuse, neglect or assault, pursuant to sections 568.045 to 568.060, shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions. Provided, however, any person, official or institution intentionally filing a false report, acting in bad faith, or with ill intent, shall not have immunity from any liability, civil or criminal. Any such person, official, or institution shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

2. An employee, including a contracted employee, of a state-funded child assessment center, as provided for in subsection 2 of section 210.001, shall be immune from any civil liability that arises from the employee's participation in the investigation process and services by the child assessment center, unless such person acted in bad faith. This subsection shall not displace or limit any other immunity provided by law.

3. Any person, who is not a school district employee, who makes a report to any employee of the school district of child abuse by a school employee shall have immunity from any liability, civil or

criminal, that otherwise might result because of such report. Provided, however, that any such person who makes a false report, knowing that the report is false, or who acts in bad faith or with ill intent in making such report shall not have immunity from any liability, civil or criminal. Any such person shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

4. In a case involving the death or serious injury of a child after a report has been made under sections 210.109 to 210.165, the division shall conduct a preliminary evaluation in order to determine whether a review of the ability of the circuit manager or case worker or workers to perform their duties competently is necessary. The preliminary evaluation shall examine:

(1) The hotline worker or workers who took any reports related to such case;

(2) The division case worker or workers assigned to the investigation of such report; and

(3) The circuit manager assigned to the county where the report was investigated.

Any preliminary evaluation shall be completed no later than three days after the child's death. If the division determines a review and assessment is necessary, it shall be completed no later than three days after the child's death."; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Black offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1659, Page 9, Section 56.265, Line 57, by inserting after all of said line the following:

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

2. **(1)** The school district **or charter school** shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. **[**Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, screened volunteers, and nurses.**]**

(2) The school district **or charter school** shall also ensure that a criminal background check is conducted for school bus drivers **and drivers of other vehicles owned by the school district or charter school or operated under contract with a school district or charter school and used for the purpose**

of transporting school children. The **school** district **or charter school** may allow such drivers to operate buses pending the result of the criminal background check. **[**For bus drivers,**]** The school district **or charter school** shall be responsible for conducting the criminal background check on drivers employed by the school district **or charter school under section 43.540**.

(3) For drivers employed **or contracted** by a pupil transportation company under contract with the school district **or the governing board of a charter school**, the criminal background check shall be conducted **by the pupil transportation company** pursuant to section **[**43.540**]** **43.539** and conform to the requirements established in the National Child Protection Act of 1993, as amended by the Volunteers for Children Act.

(4) Personnel who have successfully undergone a criminal background check and a check of the family care safety registry as part of the professional license application process under section 168.021 and who have received clearance on the checks within one prior year of employment shall be considered to have completed the background check requirement.

(5) A criminal background check under this section shall include a search of any information publicly available in an electronic format through a public index or single case display.

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

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

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

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

7. If, as a result of the criminal history background check mandated by this section, it is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo contendere to, or

been found guilty of a crime or offense listed in section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, such information shall be reported to the department of elementary and secondary education.

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

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

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

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

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

Further amend the title and enacting clause accordingly.

Senator Black moved that the above amendment be adopted, which motion prevailed.

Senator Washington offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1659, Page 11, Section 190.076, Line 6, by inserting after all of said line the following:

"190.098. 1. In order for a person to be eligible for certification by the department as a community paramedic, an individual shall:

(1) Be currently **[**certified**]** **licensed** as a paramedic;

(2) Successfully complete or have successfully completed a community paramedic certification program from a college, university, or educational institution that has been approved by the department or accredited by a national accreditation organization approved by the department; and

(3) Complete an application form approved by the department.

2. **[**A community paramedic shall practice in accordance with protocols and supervisory standards established by the medical director. A community paramedic shall provide services of a health care plan if the plan has been developed by the patient's physician or by an advanced practice registered nurse through a collaborative practice arrangement with a physician or a physician assistant through a collaborative practice arrangement with a physician and there is no duplication of services to the patient from another provider.**]**

[3. Any ambulance service shall enter into a written contract to provide community paramedic services in another ambulance service area, as that term is defined in section 190.100. The contract that is agreed upon may be for an indefinite period of time, as long as it includes at least a sixty-day cancellation notice by either ambulance service.**] As used in this section, the term "community paramedic services" shall mean services provided by any entity that employs licensed paramedics who are certified by the department as community paramedics for services that are:**

(1) Provided in a nonemergent setting that is independent of an emergency telephone service, 911 system, or emergency summons;

(2) Consistent with the training and education requirements described in subdivision (2) of subsection 1 of this section, the scope of skill and practice for community paramedics, and the supervisory standard approved by the entity's medical director; and

(3) Reflected and documented in the entity's medical director-approved patient care plans or protocols in accordance with the provisions of section 190.142.

3. (1) Any ambulance service that seeks to provide community paramedic services outside of the ambulance service's service area:

(a) Shall have a memorandum of understanding (MOU) regarding the provision of such services with the ambulance service in that service area if that ambulance service is already providing community paramedic services; or

(b) Shall not be required to have an MOU with the ambulance service in that service area if that ambulance service is not already providing community paramedic services, provided that the ambulance service seeking to provide such services shall provide notification to the other ambulance service of the community paramedic services to be provided.

(2) Any emergency medical response agency (EMRA) that seeks to provide community paramedic services within its designated response service area may do so if the ground ambulance service area within which the EMRA operates does not already provide such services. If the ground ambulance service does provide community paramedic services, then the ground ambulance service may enter into an MOU with the EMRA in order to coordinate programs and avoid service duplication. If the EMRA provides community paramedic services in the ground ambulance service's service area prior to the provision of such services by the ground ambulance service, then

the EMRA and the ground ambulance service shall enter into an MOU for the coordination of services.

(3) Any community paramedic program shall notify the appropriate local ambulance service when providing services within the service area of an ambulance service.

(4) The department shall promulgate rules and regulations for the purpose of recognizing which community paramedic services entities have met the standards necessary to provide community paramedic services, including, but not limited to, physician medical oversight, training, patient record retention, formal relationships with primary care services as needed, and quality improvement policies. Community paramedic services entities shall be certified by the department, allowing such entities to provide community paramedic services for a period of five years.

4. A community paramedic is subject to the provisions of sections 190.001 to 190.245 and rules promulgated under sections 190.001 to 190.245.

5. No person shall hold himself or herself out as a community paramedic or provide the services of a community paramedic unless such person is certified by the department.

6. The medical director shall approve the implementation of the community paramedic program.

7. 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, 2013, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Washington moved that the above amendment be adopted, which motion prevailed.

Senator Brown (16) offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1659, Page 24, Section 190.166, Line 82, by inserting after all of said line the following:

"195.417. 1. The limits specified in this section shall not apply to any quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription.

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than seven and two-tenths grams, without regard to the number of transactions.

3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than three and six-tenths grams without regard to the number of transactions.

4. Within any twelve-month period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than **[**forty-three**]** **sixty-one** and two-tenths grams, without regard to the number of transactions.

5. All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

6. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this section in accordance with transmission methods and frequency established by the department by regulation.

7. No prescription shall be required for the dispensation, sale, or distribution of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in an amount within the limits described in subsections 2, 3, and 4 of this section. The superintendent of the Missouri state highway patrol shall report to the

revisor of statutes and the general assembly by February first when the statewide number of methamphetamine laboratory seizure incidents exceeds three hundred incidents in the previous calendar year. The provisions of this subsection shall expire on April first of the calendar year in which the revisor of statutes receives such notification.

8. This section shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

9. Any local ordinances or regulations enacted by any political subdivision of the state prior to August 28, 2020, requiring a prescription for the dispensation, sale, or distribution of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in an amount within the limits described in subsections 2, 3, and 4 of this section shall be void and of no effect and no such political subdivision shall maintain or enforce such ordinance or regulation.

10. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

11. All persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

12. The penalty for a knowing or reckless violation of this section is found in section 579.060."; and

Further amend said bill, page 198, section 579.022, line 15, by inserting after all of said line the following:

"579.060. 1. A person commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than seven and two-tenths grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Purchases, receives, or otherwise acquires within a thirty-day period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than seven and two-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(3) Purchases, receives, or otherwise acquires within a twenty-four-hour period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount

greater than three and six-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(4) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than **[**forty-three**]** **sixty-one** and two-tenths grams to the same individual within a twelve-month period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(5) Purchases, receives, or otherwise acquires within a twelve-month period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than **[**forty-three**]** **sixty-one** and two-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(6) Dispenses or offers drug products that are not excluded from Schedule V in subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed by a registered pharmacist or pharmacy technician under subsection 11 of section 195.017; or

(7) Holds a retail sales license issued under chapter 144 and knowingly sells or dispenses packages that do not conform to the packaging requirements of section 195.418.

2. A pharmacist, intern pharmacist, or registered pharmacy technician commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a total amount greater than three and six-tenth grams to the same individual within a twenty-four hour period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Fails to submit information under subsection 13 of section 195.017 and subsection 6 of section 195.417 about the sales of any compound, mixture, or preparation of products containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in accordance with transmission methods and frequency established by the department of health and senior services; or

(3) Fails to implement and maintain an electronic log, as required by subsection 12 of section 195.017, of each transaction involving any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers or ephedrine, its salts, optical isomers, or salts of optical isomers; or

(4) Sells, distributes, dispenses or otherwise provides to an individual under eighteen years of age without a valid prescription any number of packages of any drug product containing any detectable

quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

3. Any person who violates the packaging requirements of section 195.418 and is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale shall not be penalized if he or she documents that an employee training program was in place to provide the employee who made the unlawful retail sale with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

4. The offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs is a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Brown (16) moved that the above amendment be adopted, which motion prevailed.

Senator Brattin offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1659, Page 111, Section 386.572, Line 59, by inserting after all of said line the following:

"452.425. Any court order for the custody of, or visitation with, a child **[**may**]** **shall** include a provision that the sheriff or other law enforcement officer shall enforce the rights of any person to custody or visitation unless the court issues a subsequent order pursuant to chapter 210, 211, 452 or 455 to limit or deny the custody of, or visitations with, the child. Such sheriff or law enforcement officer shall not remove a child from a person who has actual physical custody of the child unless such sheriff or officer is shown a court order or judgment which clearly and convincingly verifies that such person is not entitled to the actual physical custody of the child, and there are not other exigent circumstances that would give the sheriff or officer reasonable suspicion to believe that the child would be harmed or that the court order presented to the sheriff or officer may not be valid."; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted.

At the request of Senator Luetkemeyer, **HCS** for **HB 1659**, with **SCS**, **SS** for **SCS**, and **SA 8** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 912**, entitled:

An Act to repeal sections 42.051, 115.085, 143.174, 143.175, 173.239, 301.142, 301.3030, 301.3061, and 302.188, RSMo, and to enact in lieu thereof forty-four new sections relating to military affairs, with a delayed effective date for a certain section.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 1359**, entitled:

An Act to repeal sections 208.151, 303.425, 303.430, 303.440, 361.700, 361.705, 361.707, 361.711, 361.715, 361.718, 361.720, 361.723, 361.725, 361.727, 374.190, 379.1640, 408.035, 408.140, and 442.210, RSMo, and to enact in lieu thereof fifty-nine new sections relating to financial institutions, with penalty provisions.

With House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 2 to House Amendment No. 6, House Amendment No. 6, as amended.

HOUSE AMENDMENT NO. 1

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

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

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

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

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

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

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

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

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

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

"**3. A regulated entity may establish its own internal standards, practices, methods, or**

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

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

HOUSE AMENDMENT NO. 2

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

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

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

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

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

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

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

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

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

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

4. Except as provided in subsection 5 of this section, this section shall not require any insurer, health services corporation, prepaid dental plan as defined in section 354.700, health maintenance corporation or preferred provider organization which directly contracts with certain members of a class of providers for

the delivery of health care services to issue payment as provided pursuant to this section to those members of the class which do not have a contract with the insurer.

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

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

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

HOUSE AMENDMENT NO. 3

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

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

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

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

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

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

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

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

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

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

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

(a) One or more family members; or

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

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

(a) A designated relative;

(b) Any person within the tenth degree of lineal kinship of a designated relative;

(c) Any person within the ninth degree of collateral kinship to a designated relative;

(d) The spouse of any person who qualifies under paragraphs (a) through (c) of this subdivision;

(e) Any former spouse of any person who qualifies under paragraphs (a) through (c) of this subdivision;

(f) The probate estate of any person who qualified as a family member under paragraphs (a) through (e) of this subdivision;

(g) A family affiliate;

(h) An irrevocable trust funded exclusively by one or more family members of which all permissible distributees, as defined under subdivision (16) of section 456.1-103, qualify under paragraphs (a) through (g) of this subdivision or are charitable foundations, charitable trusts, or other charitable entities;

(i) An irrevocable trust of which one or more family members are the only permissible distributees; or

(j) A revocable trust of which one or more family members are the sole settlors.

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

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

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

(a) A director, officer, manager, employee, or controlling stockholder or member of a family trust company; or

(b) A stockholder, member, or any other person as determined by the **[**secretary**]** **director** who participates in the affairs of a family trust company;

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

(a) Is licensed by the District of Columbia or a state in the United States other than this state;

(b) Has its principal place of business in the District of Columbia or a state in the United States other than this state;

(c) Is operated in accordance with family or private trust company laws of the District of Columbia or of the state in which it is licensed;

(d) Is subject to statutory or regulatory mandated oversight by the District of Columbia or state in which the principal place of business is located; and

(e) Is not owned by or a subsidiary of a corporation, limited liability company, or other business entity that is organized in or licensed by any foreign country;

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

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

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

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

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

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

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

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

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

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

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

362.1030. 1. There is hereby established in the state treasury the "Family Trust Company Fund", which shall consist of all fees collected by the **[**secretary**] director** from family trust companies registering as provided in this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund, and moneys in the fund shall be used solely to support the **[**secretary's**] director's** role and fulfillment of duties under sections 362.1010 to 362.1117. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium that exceed twenty thousand dollars shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. A family trust company that is not a foreign family trust company shall not conduct business in this state unless such family trust company:

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

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

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

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

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

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

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

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

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

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

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

(1) A statement attesting that the foreign family trust company:

(a) Will comply with the provisions of sections 362.1010 to 362.1117; and

(b) Is in compliance with the family trust company laws and regulations of the jurisdiction of its incorporation or organization;

(2) The current telephone number and street address of:

(a) The foreign family trust company's principal place of business in the jurisdiction of its incorporation or organization;

(b) The foreign family trust company's principal place of operations; and

(c) Any other offices located within this state;

(3) The name and current street address in this state of its registered agent;

(4) A certified copy of a certificate of good standing, or an equivalent document, authenticated by the official having custody of records in the jurisdiction where the foreign family trust company is incorporated or organized;

(5) Satisfactory proof, as determined by the **[**secretary**]** **director**, that the foreign family trust company is organized in a manner similar to a Missouri family trust company and is in compliance with the family trust company laws and regulations of the jurisdiction in which the foreign family trust company was incorporated or organized; and

(6) Any other information reasonably **[**and customarily**]** required by the **[**secretary of foreign corporations or foreign limited liability companies seeking to qualify to conduct business in this state**]** **director**.

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

2. A family trust company shall maintain:

(1) A physical office in this state where original or true copies, including electronic copies, of all material business records and accounts of the family trust company may be accessed and are readily available for examination by the **[**secretary**]** **director**. A family trust company may also maintain one or more branch offices within or outside of this state;

(2) A registered agent who maintains an office in this state;

(3) All applicable state and local business licenses, charters, and permits; and

(4) A deposit account with a state-chartered or national financial institution that has a principal or branch office in this state.

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

(1) Be in good standing in the jurisdiction in which it is incorporated or organized; and

(2) Stay in compliance with the family trust company laws and regulations of such jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Delegate duties and powers, including investment and management functions under section 469.909, in accordance with the powers granted to a trustee under chapter 456 or other applicable law and retain agents, attorneys, accountants, investment advisors, or other individuals or entities to advise or assist the family trust company in the exercise of its powers and duties under sections 362.1010 to 362.1117 and chapter 456. Such exercise of power may include, but is not limited to, retaining a bank trust department or a public trust company other than another family trust company; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

362.1095. If a family trust company fails to submit within the prescribed period its annual registration report or any other report required by sections 362.1010 to 362.1117 or rule, the **[**secretary**]** **director** may

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The books and records pertaining to customers, members, and stockholders of a family trust company shall be kept confidential by the company and its directors, managers, officers, and employees. The books and records of customers, members, and stockholders shall not be released except upon the express authorization of the customer as to his or her own accounts or a stockholder or member regarding his or her voting rights. However, information may be released without the authorization of a customer, member, or shareholder in a manner prescribed by the board of directors of a corporation or managers of a limited liability company for the purposes of verifying or corroborating the existence or amount of a customer's account if such information is reasonably provided to meet the needs of commerce and to ensure accurate credit information. Notwithstanding this subdivision, this subsection shall not prohibit a family trust company from disclosing financial information as permitted under 15 U.S.C. Section 6802, as amended.

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

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

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

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

(1) Full and complete records of the names and residences of all its shareholders or members;

(2) The number of shares or membership units held by each, as applicable; and

(3) The ownership percentage of each shareholder or member.

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

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

(1) Examination reports;

(2) Investigatory records;

(3) The organizational instrument of a family trust company; and

(4) The annual registration reports filed by a family trust company.

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

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

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

(1) Any personal identifying information appearing in records relating to a registration or an annual certification of a family trust company;

(2) Any personal identifying information appearing in records relating to an examination of a family trust company;

(3) Any personal identifying information appearing in reports of examinations, operations, or conditions of a family trust company, including working papers;

(4) Any portion of a list of names of the shareholders or members of a family trust company;

(5) Information received by the **[**secretary**]** **director** from a person from another state or nation or the federal government that is otherwise confidential or exempt under the laws of such state or nation or under federal law; and

(6) An emergency cease and desist order issued under section 362.1090 until the emergency order is made permanent, unless the **[**secretary**]** **director** finds that such confidentiality will result in substantial risk of financial loss to the public.

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

(1) The authorized representative or representatives of the family trust company under examination. The authorized representative or representatives shall be identified in a resolution or by written consent of the board of directors if a corporation or the managers if a limited liability company;

(2) A fidelity insurance company upon written consent of the family trust company's board of directors if a corporation or its managers if a limited liability company;

(3) An independent auditor upon written consent of the family trust company's board of directors if a corporation or its managers if a limited liability company;

(4) A liquidator, receiver, or conservator if appointed. However, any portion of the information that discloses the identity of a bondholder, customer, family member, member, or stockholder shall be redacted by the **[**secretary**]** **director** before releasing such information;

(5) Any other state, federal, or foreign agency responsible for the regulation or supervision of family trust companies;

(6) A law enforcement agency in the furtherance of such agency's official duties and responsibilities;

(7) The appropriate law enforcement or prosecutorial agency for the purpose of reporting any suspected criminal activity; or

(8) Comply with a legislative subpoena. A legislative body or committee that receives records or information pursuant to such subpoena shall maintain the confidential status of such records or information. However, in a case involving the investigation of charges against a public official subject to impeachment or removal, records or information may be disclosed to the extent necessary as determined by the legislative body or committee.

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

(1) A report required by federal law; or

(2) The name of the family trust company and the address of its registered agent.

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

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

362.1117. 1. Except as otherwise provided in sections 362.1010 to 362.1117, any interested person aggrieved by any order of the **[**secretary**]** **director** or **[**secretary's**]** **director's** designee under any provision of sections 362.1010 to 362.1117 shall be entitled to a hearing before the **[**secretary**]** **director** or the

[secretary's**]** **director's** authorized representative in accordance with the provisions of chapter 536. A cease and desist order issued by the **[**secretary**]** **director** or **[**secretary's**]** **director's** designee is subject to judicial review in accordance with the provisions of chapter 536 in the circuit court of Cole County.

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

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

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

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

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

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

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

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

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

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

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

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

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

HOUSE AMENDMENT NO. 4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HOUSE AMENDMENT NO. 5

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

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

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

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

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

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

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Bill No. 1359, Page 2, Line 11, by inserting after all of said line the following:

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

"375.020. 1. Beginning January 1, 2008, each insurance producer, unless exempt pursuant to section 375.016, licensed to sell insurance in this state shall successfully complete courses of study as required by

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

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

(1) American College Courses (CLU, ChFC);

(2) Life Underwriters Training Council (LUTC);

(3) Certified Insurance Counselor (CIC);

(4) Chartered Property and Casualty Underwriter (CPCU);

(5) Insurance Institute of America (IIA);

(6) Any other professional financial designation approved by the director by rule;

(7) An insurance-related course taught by an accredited college or university or qualified instructor who has taught a course of insurance law at such institution;

(8) A course or program of instruction or seminar developed or sponsored by any authorized insurer, recognized producer association or insurance trade association, or any other entity engaged in the business of providing education courses to producers. A local producer group may also be approved if the instructor receives no compensation for services.

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

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

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

(1) Serious physical injury or illness;

(2) Active duty in the armed services for an extended period of time;

(3) Residence outside the United States; or

(4) The licensee is at least seventy years of age.

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

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

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

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

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

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

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

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

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Bill No. 1359, Page 2, Line 11, by deleting said line and inserting in lieu thereof the following:

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

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

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

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

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

(b) Stocks**[**,**]****;**

(c) Bonds**[**, and**]** **that have:**

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

b. A final maturity of ten years or less;

(d) Money-market investments**; or**

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

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

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

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

(c) Money-market investments; or

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

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

2. The provisions of this section shall only apply if the hospital**[**:

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

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

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

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

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

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

may separately negotiate and enter into contractual agreements with the lessee as a condition of approval of any lease authorized pursuant to this subsection.

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

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

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

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

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

HOUSE AMENDMENT NO. 6

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

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

(1) "Depository", banking institution headquartered in or maintaining a full-service branch in this state which is selected by a municipality to hold and manage public funds;

(2) "Governing body", any city council, board of aldermen, or board of trustees;

(3) "Municipal depositories", any state-chartered or federally chartered banking institution as defined in Article IV, Section 15 of the Constitution of Missouri;

(4) "Municipality", any city or village in this state;

(5) "Public funds", funds owned or controlled by a municipality, including tax revenues, fees, grants, and other sources of income.

2. All municipalities shall select depositories through a competitive process in accordance with the provisions in this section. The governing body of each municipality shall develop and publish a

request for proposals which shall outline the requirements for selecting one or more municipal depositories. Such requirements shall address or include the following matters:

(1) The municipality shall use due diligence for determining the financial stability and soundness of the depository based on publicly available financial reports and other public sources;

(2) Safe custody and liquidity of public funds, including deposit insurance coverage and pledge of collateral or investment in appropriate government securities as authorized for public funds;

(3) Interest rates and fees offered;

(4) Services offered, including online banking, cash management, deposit sweep and repurchase accounts, investment in a common trust fund in eligible securities for municipalities and political subdivision, and other banking service options;

(5) Compliance with all applicable state and federal banking regulations;

(6) Convenient and efficient treasury functions, including if the location of the depository institution shall be required to be located within the municipality or in the same county as the municipality.

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

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

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

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

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

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

date of the bid and the next regular time for the selection of a depositary. It is a misdemeanor for the city clerk or other person to disclose directly or indirectly the amount of any bid to any person before the selection of the depositary.

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

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

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

[95.355. Boards of aldermen in cities of the fourth class, at their first regular meetings in the months of January, April, July and October of each year, may select a depositary for the funds of their respective cities, for the length of time and under the rules and regulations that are provided and prescribed by ordinance therefor. The rights and duties of the parties to the depositary contract are as provided in section 110.010. The deposits shall be secured by deposit of securities as required by sections 110.010 and 110.020. The depositary shall be a banking institution doing business within the city. If such depositary cannot be selected, or such satisfactory arrangements made, the boards of aldermen may invest the moneys upon the terms and under the conditions provided by law for the loaning of county and school moneys.**]**"; and

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

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HB 1495, introduced by Representative Griffith, entitled:

An Act to amend chapter 42, RSMo, by adding thereto one new section relating to the Missouri veterans commission.

Was called from the Informal Calendar and taken up by Senator Black.

Senator Black offered **SS** for **HB 1495**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1495

An Act to repeal section 301.3061, RSMo, and to enact in lieu thereof eleven new sections relating to veterans.

Senator Black moved that **SS** for **HB 1495** be adopted.

Senator Moon raised the point of order that **SS** for **HB 1495** violates Senate Rules 54 and 57.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Eigel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1495, Page 1, Section A, Line 5, by inserting after all of said line the following:

"**41.092. No member of the National Guard of this state shall be required by the governor or the adjutant general to receive a vaccination against COVID-19 as a condition of active state duty service pursuant to section 41.480 or as a condition for any other duty or training not in federal service.**"; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Thompson Rehder offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 1495, Page 2, Section 42.022, Line 31, by inserting after all of said line the following:

"**191.479. 1. For the purpose of this section, a "bona fide physician-patient relationship" means a relationship between a physician and a patient in which the physician:**

(1) Has completed an assessment of the patient's medical history and current medical condition, including an in-person examination of the patient;

(2) Has consulted with the patient with respect to the patient's medical condition; and

(3) Is available to provide follow-up care and treatment to the patient.

2. Notwithstanding the provisions of chapter 195 or 579 or any other provision of law to the contrary, any person who acquires, uses, produces, possesses, transfers, or administers psilocybin for the person's own therapeutic use shall not be in violation of state or local law and shall not be subject to a civil fine, penalty, or sanction so long as the following conditions are met:

(1) The person is a veteran, as defined in section 42.002, who resides in Missouri;

(2) The person is twenty-one years of age or older;

(3) The person suffers from posttraumatic stress disorder, major depressive disorder, or a substance use disorder or requires end-of-life care;

(4) The person has enrolled in a study regarding the use of psilocybin to treat posttraumatic stress disorder, major depressive disorder, or substance use disorders or for end-of-life care;

(5) The person informs the department of mental health that the person plans to acquire, use, produce, possess, transfer, or administer psilocybin in accordance with this section;

(6) The person provides the department with:

(a) Documentation from a physician with whom the patient has a bona fide physician-patient relationship that the person suffers from posttraumatic stress disorder, major depressive disorder, or a substance use disorder or requires end-of-life care;

(b) The name of the facilitator who will be present with the person when they use psilocybin, who is one of the following:

a. A physician licensed under chapter 334;

b. A psychologist licensed under chapter 337;

c. A master's-level mental health therapist with full clinical experience such as a licensed clinical social worker, marital and family therapist, or professional counselor, as such professions are licensed under chapter 337, or a registered art therapist;

d. A nurse licensed under chapter 335 with a doctor of nursing practice degree;

e. A physician assistant licensed under chapter 334; or

f. An advanced practice registered nurse licensed under chapter 335, including, but not limited to, a psychiatric-mental health nurse practitioner;

(c) The address of the location where the use of psilocybin will take place; and

(d) The time period, not to exceed twelve months, during which the person will use psilocybin;

(7) The person ensures that a laboratory licensed by the state to test controlled substances tests the psilocybin the person intends to ingest; and

(8) The person limits the use of psilocybin to no more than one hundred and fifty milligrams of psilocybin analyte (4-phosphoryloxy-N, N-dimethyltryptamine) during any twelve-month period.

3. (1) A facilitator described under subsection 2 of this section, in order to serve as a facilitator, shall have completed a training program specific to psilocybin consistent with the most current American Psychedelic Practitioners Association Professional Practice Guidelines for Psychedelic-Assisted Therapy and shall comply with such guidelines. The curriculum of a training program under this subsection shall cover all content areas set forth in the guidelines and shall consist of no less than thirty hours of synchronous learning. Facilitators, excluding those who are psychologists, psychiatrists, or psychiatric-mental health nurse practitioners, shall complete one and one half continuing education hours of training on the most current version of the Diagnostic and Statistical Manual of Mental Disorders within the facilitator's respective licensure renewal period and prior to facilitating a psilocybin session.

(2) An individual shall have training in posttraumatic stress disorder, complex posttraumatic stress disorder, major depressive disorder, substance use disorder, or end-of-life care in order to serve as a facilitator for a person seeking psilocybin-assisted psychotherapy to treat such conditions.

4. Notwithstanding the provisions of chapter 195 or 579 or any other provision of law to the contrary:

(1) Any person twenty-one years of age or older who assists another person in any of the acts allowed under subsection 2 of this section shall not be in violation of state or local law and shall not be subject to a civil fine, penalty, or sanction; and

(2) Any laboratory licensed by the state to test controlled substances or cannabis that tests psilocybin for a person engaged in acts allowed under subsection 2 of this section shall not be in violation of state or local law and shall not be subject to a civil fine, penalty, or sanction.

5. Subject to appropriation, the department shall provide grants totaling three million dollars for research on the use and efficacy of psilocybin for persons described in subsection 2 of this section.

6. The department shall prepare and submit to the governor, lieutenant governor, and the general assembly annual reports on any information collected by the department on the implementation and outcomes of the use of psilocybin as described in subsection 2 of this section.

7. The department shall maintain the confidentiality of any personally identifiable protected information collected from any persons who provide information to the department under subsection 2 of this section.

8. Notwithstanding any other provision of law to the contrary, the department, any health care providers, and any other person involved in the acts described in subsection 2 of this section shall not be subject to criminal or civil liability or sanction under the laws of this state for providing care to a person engaged in acts allowed under subsection 2 of this section, except in cases of gross negligence or willful misconduct. No health care provider shall be subject to discipline against his

or her professional license for providing care to a person engaged in acts allowed under subsection 2 of this section.

9. Notwithstanding any other provision of law to the contrary, a physician shall not be subject to criminal or civil liability or sanction under the laws of this state for providing documentation that a person suffers from posttraumatic stress disorder, major depressive disorder, or a substance use disorder or requires end-of-life care, and no state agency or regulatory board shall revoke, fail to renew, or take any other action against a physician's license issued under chapter 334 based solely on the physician's provision of documentation that a person suffers from posttraumatic stress disorder, major depressive disorder, or a substance use disorder or requires end-of-life care.

10. Notwithstanding any other provision of law to the contrary, no state agency, including employees therein, shall disclose to the federal government, any federal government employee, or any unauthorized third party the statewide list or any individual information of persons who meet the requirements of this section.

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

(1) "Eligible patient", a person who meets all of the following:

(a) Has a terminal**, life-threatening, or severely debilitating condition or** illness;

(b) Has considered all other treatment options currently approved by the United States Food and Drug Administration and all relevant clinical trials conducted in this state;

(c) Has received a prescription or recommendation from the person's physician for an investigational drug, biological product, or device;

(d) Has given written informed consent which shall be at least as comprehensive as the consent used in clinical trials for the use of the investigational drug, biological product, or device or, if the patient is a minor or lacks the mental capacity to provide informed consent, a parent or legal guardian has given written informed consent on the patient's behalf; and

(e) Has documentation from the person's physician that the person has met the requirements of this subdivision;

(2) "Investigational drug, biological product, or device", a drug, biological product, or device, any of which are used to treat the patient's terminal illness, that has successfully completed phase one of a clinical trial but has not been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial**[**. The term shall not include Schedule I controlled substances**]**;

(3) **"Life-threatening", diseases or conditions:**

(a) Where the likelihood of death is high unless the course of the disease is interrupted; and

(b) With potentially fatal outcomes, where the end point of clinical trial analysis is survival;

(4) "Severely debilitating", diseases or conditions that cause major irreversible morbidity;

(5) "Terminal illness", a disease that without life-sustaining procedures will result in death in the near future or a state of permanent unconsciousness from which recovery is unlikely.

2. A manufacturer of an investigational drug, biological product, or device may make available the manufacturer's investigational drug, biological product, or device to eligible patients under this section. This section does not require that a manufacturer make available an investigational drug, biological product, or device to an eligible patient. A manufacturer may:

(1) Provide an investigational drug, biological product, or device to an eligible patient without receiving compensation; or

(2) Require an eligible patient to pay the costs of or associated with the manufacture of the investigational drug, biological product, or device.

3. This section does not require a health care insurer to provide coverage for the cost of any investigational drug, biological product, or device. A health care insurer may provide coverage for an investigational drug, biological product, or device.

4. This section does not require the department of corrections to provide coverage for the cost of any investigational drug, biological product, or device.

5. Notwithstanding any other provision of law to the contrary, no state agency or regulatory board shall revoke, fail to renew, or take any other action against a physician's license issued under chapter 334 based solely on the physician's recommendation to an eligible patient regarding prescription for or treatment with an investigational drug, biological product, or device. Action against a health care provider's Medicare certification based solely on the health care provider's recommendation that a patient have access to an investigational drug, biological product, or device is prohibited.

6. If a provision of this section or its application to any person or circumstance is held invalid, the invalidity does 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. If the clinical trial is closed due to lack of efficacy or toxicity, the drug shall not be offered. If notice is given on a drug, product, or device taken by a patient outside of a clinical trial, the pharmaceutical company or patient's physician shall notify the patient of the information from the safety committee of the clinical trial.

8. Except in the case of gross negligence or willful misconduct, any person who manufactures, imports, distributes, prescribes, dispenses, or administers an investigational drug or device to an eligible patient with a terminal illness in accordance with this section shall not be liable in any action under state law for any loss, damage, or injury arising out of, relating to, or resulting from:

(1) The design, development, clinical testing and investigation, manufacturing, labeling, distribution, sale, purchase, donation, dispensing, prescription, administration, or use of the drug or device; or

(2) The safety or effectiveness of the drug or device."; and

Further amend said bill, by inserting after all of said line the following:

"**630.1170. 1. Notwithstanding the provisions of chapter 195 or 579 to the contrary, the department of mental health, in collaboration with a hospital operated by an institution of higher education in this state or contract research organizations conducting trials approved by the United States Food and Drug Administration, shall conduct a study on the efficacy of using alternative medicine and therapies, including, the use of psilocybin, in the treatment of patients who suffer from posttraumatic stress disorder, major depressive disorder, or substance abuse disorders or who require end-of-life care.**

2. (1) In conducting this study, the department, in collaboration with the hospitals or research organizations described in subsection 1 of this section and subject to appropriation, shall:

(a) Perform a study on the therapeutic efficacy of using psilocybin in the treatment of patients who suffer from posttraumatic stress disorder, major depressive disorder, or substance use disorders or who require end-of-life care; and

(b) Review current literature regarding:

a. The safety and efficacy of psilocybin in the treatment of patients who suffer from posttraumatic stress disorder, major depressive disorder, or substance use disorders or who require end-of-life care; and

b. The access that patients have to psilocybin for such treatment.

(2) The department shall prepare and submit to the governor, lieutenant governor, and the general assembly the following:

(a) Quarterly reports on the progress of the study; and

(b) A written report, submitted one year following the commencement of the study, which shall:

a. Contain the results of the study and any recommendations for legislative or regulatory action; and

b. Highlight those clinical practices that appear to be most successful as well as any safety or health concerns.

3. The department shall maintain the confidentiality of any personally identifiable protected information collected during the study described in this section.

4. Notwithstanding any other provision of law to the contrary, the department, any health care providers, and any other person involved in the study described in this section shall not be subject to criminal or civil liability or sanction under the laws of this state for participating in the study, except in cases of gross negligence or willful misconduct. No health care provider shall be subject to discipline against his or her professional license for participation in the study.

5. Notwithstanding any other provision of law to the contrary, a physician shall not be subject to criminal or civil liability or sanction under the laws of this state for referring a patient to the study described in this section, and no state agency or regulatory board shall revoke, fail to renew, or take any other action against a physician's license issued under chapter 334 based solely on the physician's referral of a patient to the study described in this section."; and

Further amend the title and enacting clause accordingly.

Senator Thompson Rehder moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Black, **SS** for **HB 1495** was withdrawn.

The Senate observed a moment of silence for veterans.

On motion of Senator Black, **HB 1495** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (26th Dist.)
Carter	Cierpiot	Coleman	Crawford	Eigel	Eslinger	Fitzwater
Gannon	Hoskins	Koenig	Luetkemeyer	May	McCreery	Moon
Mosley	O'Laughlin	Rizzo	Roberts	Rowden	Schroer	Thompson Rehder
Trent	Washington—30					

NAYS—Senators—None

Absent—Senators

Brown (16th Dist.)	Hough	Williams—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Black, title to the bill was agreed to.

Senator Black moved that the vote by which the bill passed be reconsidered.

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Brown (26) moved that **SS** for **SCS** for **SB 912**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 912**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 912

An Act to repeal sections 42.051, 115.085, 143.174, 143.175, 173.239, 301.142, 301.3030, 301.3061, and 302.188, RSMo, and to enact in lieu thereof forty-four new sections relating to military affairs, with a delayed effective date for a certain section.

Was taken up.

Senator Fitzwater assumed the Chair.

Senator Brown (26) moved that **HCS** for **SS** for **SCS** for **SB 912**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (26th Dist.)
Carter	Cierpiot	Coleman	Crawford	Eigel	Eslinger	Fitzwater
Gannon	Hoskins	Koenig	Luetkemeyer	May	McCreery	Mosley
O'Laughlin	Rizzo	Roberts	Rowden	Schroer	Thompson Rehder	Trent
Washington—29						

NAYS—Senator Moon—1

Absent—Senators

Brown (16th Dist.)	Hough	Williams—3

Absent with leave—Senators—None

Vacancies—1

Senator Bean assumed the Chair.

On motion of Senator Brown (26), **HCS** for **SS** for **SCS** for **SB 912** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (26th Dist.)
Carter	Cierpiot	Coleman	Crawford	Eigel	Eslinger	Fitzwater
Gannon	Hoskins	Koenig	Luetkemeyer	May	McCreery	Mosley
O'Laughlin	Rizzo	Roberts	Rowden	Schroer	Thompson Rehder	Trent
Washington—29						

NAYS—Senator Moon—1

Absent—Senators

Brown (16th Dist.)	Hough	Williams—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown (26), title to the bill was agreed to.

Senator Brown (26) moved that the vote by which the bill passed be reconsidered.

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 2062, introduced by Representative Brown (16), entitled:

An Act to amend chapter 535, RSMo, by adding thereto one new section relating to a moratorium on eviction proceedings.

Was called from the Informal Calendar and taken up by Senator Trent.

Senator Trent offered **SS** for **HB 2062**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2062

An Act to repeal sections 140.010, 140.250, 140.420, 140.980, 140.981, 140.982, 140.983, 140.984, 140.985, 140.986, 140.987, 140.988, 140.991, 140.1000, 140.1006, 140.1009, 140.1012, 141.220, 141.230, 141.250, 141.270, 141.290, 141.300, 141.320, 141.330, 141.360, 141.410, 141.440, 141.500, 141.520, 141.535, 141.540, 141.550, 141.560, 141.570, 141.580, 141.610, 141.620, 141.680, 141.700, 141.820, 141.830, 141.840, 141.850, 141.860, 141.870, 141.880, 141.890, 141.900, 141.910, 141.920, 141.930, 141.931, 141.940, 141.950, 141.960, 141.970, 141.980, 141.984, 141.1009, and 249.255, RSMo, and section 140.190 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 140.190 as enacted by house bill no. 821, one hundredth general assembly, first regular session, and to enact in lieu thereof fifty-four new sections relating to the use of real property, with penalty provisions.

Senator Trent moved that **SS** for **HB 2062** be adopted.

Senator Roberts offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 2062, Page 83, Section 249.255, Line 18, by inserting after all of said line the following:

"**253.544. Sections 253.544 to 253.559 shall be known and may be cited as the "Missouri Historic, Rural Revitalization, and Regulatory Streamlining Act".**

253.545. As used in sections **[**253.545**]** **253.544** to 253.559, the following terms mean, unless the context requires otherwise:

(1) **"Applicable percentage":**

(a) For the rehabilitation of a property that receives or intends to receive a state tax credit under sections 135.350 to 135.363, twenty-five percent;

(b) For the rehabilitation of a property located in a qualifying county approved for a state tax credit and that is not a property that receives or intends to receive a state tax credit under sections 135.350 to 135.363, thirty-five percent; or

(c) For the rehabilitation of a property not located in a qualifying county approved for a tax credit, twenty-five percent;

(2) "Certified historic structure", a **[**property**]** **building** located in Missouri and **either:**

(a) Listed individually on the National Register of Historic Places; **or**

(b) Located in a National Register-listed historic district or a local district that has been certified by the United States Department of the Interior and certified by the Secretary of the Interior or the state historic preservation office as a contributing resource in the district;

[(2)**] (3)** "Deed in lieu of foreclosure or voluntary conveyance", a transfer of title from a borrower to the lender to satisfy the mortgage debt and avoid foreclosure;

(4) "Department", the department of economic development;

[(3)**] (5)** "Eligible property", property located in Missouri and offered or used for residential or business purposes;

(6) "Eligible recipient", an individual taxpayer or nonprofit entity incurring expenses in connection with an eligible property;

(7) "Historic theater", any historic theater that is a certified historic structure or is located in a historic district;

(8) "Historic school", any historic school that is a certified historic structure or that is located in a historic district;

[(4)**] (9)** "Leasehold interest", a lease in an eligible property for a term of not less than thirty years;

[(5)**] (10)** "Principal", a managing partner, general partner, or president of a taxpayer;

[(6) "Projected net fiscal benefit", the total net fiscal benefit to the state or municipality, less any state or local benefits offered to the taxpayer for a project, as determined by the department of economic development;**]**

[(7)**] (11)** "Qualified census tract", a census tract **or census block** with a poverty rate of twenty percent or higher as determined by a map and listing of census tracts which shall be published by the department **[**of economic development**]** and updated on a five-year cycle, and which map and listing shall depict census tracts with twenty percent poverty rate or higher, grouped by census tracts with twenty percent to forty-two percent poverty, and forty-two percent to eighty-one percent poverty as determined by the most current five-year figures published by the American Community Survey conducted by the United States Census Bureau;

[(8) "Structure in a certified historic district", a structure located in Missouri which is certified by the department of natural resources as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places, or a local district that has been certified by the United States Department of the Interior;**]**

(12) "Qualified rehabilitation standards", the Secretary of the Interior's Standards for Rehabilitation, codified under 36 CFR 67;

(13) "Qualifying county", any county or portion thereof in this state that is not:

(a) Within a city with more than four hundred thousand inhabitants and located in more than one county; or

(b) A city not within a county;

[(9)**]** **(14)** "Taxpayer", any person, firm, partnership, trust, estate, limited liability company, or corporation.

253.550. 1. **(1)** Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, may, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under Section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.

(2) Any taxpayer incurring costs and expenses for the rehabilitation of eligible property that is in a qualifying county and is a certified historic structure shall, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed under chapters 143 and 148, excluding withholding tax imposed under sections 143.191 to 143.265, on such taxpayer in an amount equal to thirty-five percent of the total costs and expenses of rehabilitation incurred on or after July 1, 2024. Ten percent of the total costs and expenses of rehabilitation upon which the tax credit is based may be incurred for investigation assessments and building stabilization before the taxpayer submits the application for tax credits under sections 253.544 to 253.559. Such total costs and expenses of rehabilitation shall include, but not be limited to, qualified rehabilitation expenditures as defined under 26 U.S.C. Section 47(c)(2)(A), as amended, and related regulations, if:

(a) Such qualified rehabilitation expenditures exceed fifty percent of the total basis in the property; and

(b) The rehabilitation meets the qualified rehabilitation standards of the Secretary of the United States Department of the Interior for rehabilitation of historic structures.

(3) State historic rehabilitation standards shall not be more restrictive than the Secretary of the Interior's Standards for Rehabilitation set forth under 36 CFR 67.

2. (1) **[**During the period beginning on January 1, 2010, but ending on or after June 30, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections 4 and 10 of section 253.559 which, in the aggregate, exceed seventy million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, but ending before June 30, 2018, the department of economic development shall not approve applications for tax credits under the provisions of subsections 4 and 10 of section 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2018,**]** The department

[of economic development**]** shall not approve applications for tax credits **for properties not located in a qualified census tract** under the provisions of subsections **[**4**] 6** and **[**10**] 12** of section 253.559 which, in the aggregate, exceed ninety million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection **[**4**] 6** of section 253.559 for projects to receive less than **[**two**] four** hundred seventy-five thousand dollars in tax credits**, which number shall be annually adjusted 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, provided that no such adjustments shall be made after June 30, 2030**.

(2) For each fiscal year beginning on or after July 1, 2018, the department shall authorize an amount up to, but not to exceed, an additional thirty million dollars in tax credits issued under subsections **[**4**] 6** and **[**10**] 12** of section 253.559, provided that such tax credits are authorized solely for projects located in a qualified census tract. **Projects that receive preliminary approval that are located within a qualified census tract may receive an authorization of tax credit under either subdivision (1) of this subsection or this subdivision, but such projects shall first be authorized from the tax credit amount in this subdivision before being authorized from the tax credit amount in subdivision (1) of this subsection. The thirty million dollars in tax credits provided in this subdivision shall be annually adjusted 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, provided that no such adjustments shall be made after June 30, 2030.**

(3) For each fiscal year beginning on or after July 1, 2018, if the maximum amount of tax credits allowed in any fiscal year as provided under subdivisions (1) and (2) of this subsection is authorized, the maximum amount of tax credits allowed under **[**subdivision (1)**] subdivisions (1) and (2)** of this subsection shall be adjusted 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. Only one such adjustment shall be made for each instance in which the provisions of this subdivision apply. The director of the department **[**of economic development**]** shall publish such adjusted amount.

3. **(1)** For all applications for tax credits approved on or after January 1, 2010, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property **[**which**] that** is a **[**nonincome**] non-income-**producing single-family**[**, owner-occupied**]** residential property **occupied by the taxpayer applicant or any relative within the third degree of consanguinity or affinity of such applicant** and **that** is either a certified historic structure or a structure in a certified historic district.

(2) For all applications for tax credits, an amount equal to the applicable percentage may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property that is a non-income-producing single-family residential property occupied by the taxpayer applicant or any relative within the third degree of consanguinity or affinity of such applicant and that is either a certified historic structure or a structure in a certified historic district. For properties not located in a qualifying county, tax credits shall not be issued under this subdivision unless the property is located in a distressed community, as defined under section 135.530.

4. The limitations on tax credit authorization provided under the provisions of subsection 2 of this section shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to October 1, 2018; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before October 1, 2018, has filed an application with the department evidencing that such taxpayer:

(a) Has incurred costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars and received an approved Part I from the Secretary of the United States Department of Interior; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the **qualified rehabilitation** standards **[**consistent with the standards of the Secretary of the United States Department of the Interior**]**, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.

5. A single-resource certified historic structure of more than one million gross square feet with a Part I approval or on the National Register before January 1, 2024, shall be subject to the dollar caps under subsection 2 of section 253.550, provided that, for any such projects that are eligible for tax credits in an amount exceeding sixty million dollars, the total amount of tax credits for such project counted toward the annual limits provided in subsection 2 of section 253.550 shall be spread over a period of six years with one-sixth of such amount allocated each year if:

(1) The project otherwise meets all the requirements of this section;

(2) The project meets the ten percent incurred costs test under subsection 9 of section 253.559 within thirty-six months after an award is issued; and

(3) The taxpayer agrees with the department of economic development, on a form prescribed by the department, to then claim the entire award of the original "state historical tax credits" over three state fiscal years with the initial year being the calendar year when the tax credits are issued.

253.557. 1. If the amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back to any of the three preceding years and carried forward for credit against the taxes imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265 for the succeeding ten years, or until the full credit is used, whichever occurs first. Not-for-profit entities**[**,**]** including**,** but not limited to**,** corporations organized as not-for-profit corporations pursuant to chapter 355 shall be **[**ineligible**] eligible** for the tax credits authorized under sections **[**253.545 through 253.561**] 253.544 to 253.559**. Taxpayers eligible for **[**such**]** tax credits may transfer, sell**,** or assign the credits. Credits granted to a partnership, a limited liability company taxed as a partnership**,** or multiple owners of property shall be passed through to the partners, members**,** or owners respectively pro rata or pursuant to an executed agreement among the partners, members**,** or owners documenting an alternate distribution method.

2. The assignee of the tax credits, hereinafter the assignee for purposes of this subsection, may use acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265. The assignor shall perfect such

transfer by notifying the department **[**of economic development**]** in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department **[**of economic development**]** to administer and carry out the provisions of this section.

253.559. 1. To obtain approval for tax credits allowed under sections **[**253.545**]** **253.544** to 253.559, a taxpayer shall submit an application for tax credits to the department **[**of economic development**]**. **The department shall establish an application cycle that allows for year-round submission and year-round receipt and review of such applications.** Each application for approval, including any applications received for supplemental allocations of tax credits as provided under subsection **[**10**]** **12** of this section, shall be prioritized for review and approval, in the order of the date on which the application was postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed.

2. Each application shall be reviewed by the department **[**of economic development**]** for approval. In order to receive approval, an application, other than applications submitted under the provisions of subsection **[**10**]** **12** of this section, shall include:

(1) Proof of ownership or site control. Proof of ownership shall include evidence that the taxpayer is the fee simple owner of the eligible property, such as a warranty deed or a **[**closing statement**]** **county assessor record as proof of ownership**. Proof of site control may be evidenced by a leasehold interest or an option to acquire such an interest. If the taxpayer is in the process of acquiring fee simple ownership, proof of site control shall include an executed sales contract or an executed option to purchase the eligible property;

(2) Floor plans of the existing structure, architectural plans, and, where applicable, plans of the proposed alterations to the structure, as well as proposed additions;

(3) The estimated cost of rehabilitation, the anticipated total costs of the project, the actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total labor costs, the estimated project start date, and the estimated project completion date;

(4) Proof that the property is an eligible property and a certified historic structure or a structure in a certified historic district **or part 1 of a federal application or a draft national register of historic places nomination has been submitted to the state historic preservation office. In such instances, the application may proceed as a preliminary application concurrent with the associated federal process for nomination to the National Register of Historic Places**;

(5) A copy of **[**all**]** land use **[**and building approvals reasonably necessary for the commencement of the project**]** **plans**; and

(6) Any other information **[**which**]** the department **[**of economic development**]** may reasonably require to review the project for approval.

Only the property for which a property address is provided in the application shall be reviewed for approval. Once selected for review, a taxpayer shall not be permitted to request the review of another property for approval in the place of the property contained in such application. Any disapproved application shall be removed from the review process. If an application is removed from the review process, the department **[**of economic development**]** shall notify the taxpayer in writing of the decision to

remove such application. Disapproved applications shall lose priority in the review process. A disapproved application, which is removed from the review process, may be resubmitted, but shall be deemed to be a new submission for purposes of the priority procedures described in this section.

3. (1) In evaluating an application for tax credits submitted under this section, the department **[**of economic development**]** shall also consider:

(a) The amount of projected net fiscal benefit of the project to the state and local municipality**[**, and the period in which the state and municipality would realize such net fiscal benefit**] as calculated based on reasonable methods**;

(b) The overall size and quality of the proposed project, including**, but not limited to:**

a. The estimated number of new jobs **or housing units, or both,** to be created by the project**[**,**];**

b. The estimated number of construction jobs and professional jobs associated with the project that are included in total project costs;

c. Capital improvements created by a project and the potential of future community investments and improvements;

d. Increased revenues from sales or property taxes;

e. The potential multiplier effect of the project**[**,**];** and

f. Other similar factors; **and**

(c) **[**The level of economic distress in the area; and**]**

[(d)**]** Input from the local elected officials in the local municipality in which the proposed project is located as to the importance of the proposed project to the municipality. **[**For any proposed project in any city not within a county, input from the local elected officials shall include, but shall not be limited to, the president of the board of aldermen.**]**

(2) The provisions of this subsection shall not apply to **historic schools or theaters or** applications for projects to receive less than **[**two**] four** hundred seventy-five thousand dollars in tax credits**, which number shall be annually adjusted 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**.

4. **(1) The department shall promptly notify the state historic preservation office of each preliminary application for tax credits. After receipt of such notice, the state historic preservation office shall determine whether a rehabilitation satisfies the qualified rehabilitation standards within sixty days of a taxpayer filing an initial application for tax credits. The determination shall be based upon evidence that the rehabilitation will meet qualified rehabilitation standards, and that evidence shall consist of one of the following:**

(a) Preliminary approval by the state historic preservation office; or

(b) An approved part 2 of the federal application, which the state historic preservation office shall forward directly to the department without any additional review by such office.

(2) If the state historic preservation office approves the application for tax credits within the sixty-day determination period established in subdivision (1) of this subsection, such office shall forward the application with any review comments to the National Park Service and shall forward any such review comments to the applicant. If such office fails to approve the application within the sixty-day determination period, such office shall forward the application without any comments to the National Park Service and shall have no further opportunity to submit any comments on such application.

(3) Conditions on a state preliminary application or on part 2 of a federal application shall not delay preliminary state approval but shall be addressed by the applicant for final approval of such application.

(4) Any application for state tax credits that does not include an application for federal tax credits or a nomination to the federal National Register of Historic Places shall be reviewed by the state historic preservation office within sixty days of a notice received under subdivision (1) of this subsection.

(5) (a) An application for state tax credits may provide information indicating that the project is a phased rehabilitation project as described under 26 U.S.C. Section 47, as amended. Such application for a phased rehabilitation project shall include at least the following:

a. A schedule of the phases of the project with a beginning and end date for each phase and the expected costs for the whole project. The applicant may submit detailed plans for the project at a later time within the application process;

b. The adjusted total basis of such project, which shall be submitted with the schedule of phases of the project; and

c. A statement that the applicant agrees to begin each phase of such project within twelve months of the start date for such phase listed in the schedule of the phases.

(b) The applicant may submit a preliminary certification of costs upon the completion of each phase of the project.

(c) Upon approval of the cost certification submitted and the work completed on each phase of such project, the department shall issue eighty percent of the amount of the state tax credit for which the taxpayer is approved under this section. The remaining twenty percent of the amount of the state tax credit for which the taxpayer is approved under this section shall be issued upon the final approval of the project under this section.

(6) If the department determines that the amount of tax credits issued to a taxpayer under subdivision (5) of this subsection is in excess of the total amount of tax credits such taxpayer is eligible to receive, the department shall notify such taxpayer, and such taxpayer shall repay the department an amount equal to such excess.

5. If the department **[**of economic development**]** deems the application sufficient, the taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the amount provided under section 253.550 less any amount of tax credits previously approved. Such approvals shall be granted to applications in the order of priority established under this section and shall require full compliance

thereafter with all other requirements of law as a condition to any claim for such credits. If the department **[**of economic development**]** disapproves an application, the taxpayer shall be notified in writing of the reasons for such disapproval. A disapproved application may be resubmitted. **If the scope of a project for which an application has been approved under this section materially changes, the taxpayer shall be eligible to receive additional tax credits in the year in which the department is notified of and approves of such change in scope, subject to the provisions of subsection 2 of section 253.550 and subsection 7 of this section, if applicable; however, if such project was originally approved prior to August 28, 2018, the department shall evaluate the change in scope of the project under the criteria in effect prior to such date. A change in project scope shall be considered material under this subsection if:**

(1) The project was not previously subject to a material change in scope for which additional tax credits were approved; and

(2) The requested amount of tax credits for the project after the change in scope is higher than the originally approved amount of tax credits.

[5.**]** **6.** Following approval of an application, the identity of the taxpayer contained in such application shall not be modified except:

(1) The taxpayer may add partners, members, or shareholders as part of the ownership structure, so long as the principal remains **[**the same**]** **a principal of the taxpayer**, provided however, that subsequent to the commencement of renovation and the expenditure of at least ten percent of the proposed rehabilitation budget, removal of the principal for failure to perform duties and the appointment of a new principal thereafter shall not constitute a change of the principal; or

(2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy.

[6.**]** **7.** In the event that the department **[**of economic development**]** grants approval for tax credits equal to the total amount available **or authorized, as applicable,** under subsection 2 of section 253.550, or sufficient that when totaled with all other approvals, the amount available **or authorized, as applicable,** under subsection 2 of section 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter submitted for approval shall be notified by the department **[**of economic development**]** that no additional approvals shall be granted during the fiscal year and shall be notified of the priority given to such taxpayer's application then awaiting approval. Such applications shall be kept on file by the department **[**of economic development**]** and shall be considered for approval for tax credits in the order established in this section in the event that additional credits become available due to the rescission of approvals or when a new fiscal year's allocation of credits becomes available for approval **or authorized, as applicable**.

[7.**]** **8.** All taxpayers with applications receiving approval on or after July 1, 2019, shall submit within **[**sixty**]** **one hundred twenty** days following the award of credits evidence of the capacity of the applicant to finance the costs and expenses for the rehabilitation of the eligible property in the form of a line of credit or letter of commitment subject to the lender's termination for a material adverse change impacting the extension of credit. If the department **[**of economic development**]** determines that a taxpayer has failed to comply with the requirements under this subsection, then the department shall notify the applicant of

such failure and the applicant shall have a thirty-day period from the date of such notice to submit additional evidence to remedy the failure.

[8.**]** **9.** All taxpayers with applications receiving approval on or after the effective date of this act shall commence rehabilitation within **[**nine**]** **twenty-four** months of the date of issuance of the letter from the department **[**of economic development**]** granting the approval for tax credits. "Commencement of rehabilitation" shall mean that as of the date in which actual physical work, contemplated by the architectural plans submitted with the application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided in the application. Taxpayers with approval of a project shall submit evidence of compliance with the provisions of this subsection. **Taxpayers shall notify the department of any loss of site control or of any failure to exercise any option to obtain site control within the prescribed time period within ten days of such loss or failure.** If the department **[**of economic development**]** determines that a taxpayer has **lost or failed to obtain site control of the eligible property or otherwise** failed to comply with the requirements provided under this section, the approval for the amount of tax credits for such taxpayer shall be rescinded **[**and such amount of tax credits**]. A taxpayer may voluntarily forfeit such approval at any time by written notice to the department. Any approval rescinded or forfeited under this subsection** shall then be included in the total amount of tax credits **available in the year of such rescission or forfeiture**, provided under subsection 2 of section 253.550, from which approvals may be granted. Any taxpayer whose approval **[**shall be subject to rescission**]** **is rescinded or forfeited under this subsection** shall be notified of such from the department **[**of economic development**]** and, upon receipt of such notice, may submit a new application for the project. **If a taxpayer's approval is rescinded or forfeited under this subsection and such taxpayer later submits a new application for the same project, any expenditures eligible for tax credits under section 253.550 that are incurred by such taxpayer from and after the date of the rescinded or forfeited approval shall remain eligible expenditures for the purposes of determining the amount of tax credits that may be approved under section 253.550.**

[9.**]** **10. (1) (a)** To claim the credit authorized under sections **[**253.550**]** **253.544** to 253.559, a taxpayer with approval shall apply for final approval and issuance of tax credits from the department **[**of economic development**],** which**[**, in consultation with the department of natural resources,**]** shall determine the final amount of eligible rehabilitation costs and expenses and whether the completed rehabilitation meets the **qualified rehabilitation** standards **[**of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources**]**.

(b) Evidence that the completed rehabilitation meets the qualified rehabilitation standards shall be shown by one of the following:

a. Final approval by the state historic preservation office; or

b. An approved part 3 of the federal application.

(c) The state historic preservation office shall review each final application within sixty days and then forward the application to the National Park Service and send copies of any review comments to the applicant. If the state historic preservation office fails to review the application within sixty days, the application shall be forwarded without comments to the National Park Service

and the state historic preservation office shall have no further opportunity to submit comments on such application.

(d) An award of tax credits under sections 253.544 to 253.559 shall be contingent on and awarded upon the listing of such eligible property on the National Register of Historic Places.

(2) Within seventy-five days of the department's receipt of all materials required by the department for an application for final approval and issuance of tax credits, which shall include a state approval by the state historic preservation office or an approved part 3 of the federal application for projects receiving federal rehabilitation credits, the department shall issue to the taxpayer tax credit certificates in the amount of seventy-five percent of the lesser of:

(a) The total amount of the tax credits for which the taxpayer is eligible as provided in the taxpayer's certification of qualified expenses submitted with an application for final approval; or

(b) The total amount of tax credits approved for such project under subsection 3 of this section, including any amounts approved in connection with a material change in the scope of the project.

(3) Within one hundred twenty days of the department's receipt of all materials required by the department for an application of final approval and issuance of tax credits for a project, the department shall, unless such project is under appeal under subsection 14 of this section:

(a) Make a final determination of the total costs and expenses of rehabilitation and the amount of tax credits to be issued for such costs and expenses;

(b) Notify the taxpayer in writing of its final determination; and

(c) Issue to the taxpayer tax credit certificates in an amount equal to the remaining amount of tax credits such taxpayer is eligible to receive, as determined by the department, but was not issued in the initial tax credit issuance under subdivision (2) of this subsection.

(4) If the department determines that the amount of tax credits issued to a taxpayer in the initial tax credit issuance under subdivision (2) of this subsection is in excess of the total amount of tax credits such taxpayer is eligible to receive, the department shall notify such taxpayer, and such taxpayer shall repay the department an amount equal to such excess.

(5) For financial institutions credits authorized pursuant to sections **[**253.550 to 253.561**]** **253.544 to 253.559** shall be deemed to be economic development credits for purposes of section 148.064. The approval of all applications and the issuing of certificates of eligible credits to taxpayers shall be performed by the department **[**of economic development**]**. The department **[**of economic development**]** shall inform a taxpayer of final approval by letter and shall issue, to the taxpayer, tax credit certificates. The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

[10.**]** **11.** Except as expressly provided in this subsection, tax credit certificates shall be issued in the final year that costs and expenses of rehabilitation of the project are incurred, or within the twelve-month period immediately following the conclusion of such rehabilitation. In the event the amount of eligible rehabilitation costs and expenses incurred by a taxpayer would result in the issuance of an amount of tax credits in excess of the amount provided under such taxpayer's approval granted under subsection **[**4**]** **6** of this section, such taxpayer may apply to the department for issuance of tax credits in an amount equal to

such excess. Applications for issuance of tax credits in excess of the amount provided under a taxpayer's application shall be made on a form prescribed by the department. Such applications shall be subject to all provisions regarding priority provided under subsection 1 of this section.

[11.**]** **12.** The department **[**of economic development**]** shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property.

13. (1) With regard to an application submitted under sections 253.544 to 253.559, an applicant or an applicant's duly authorized representative may appeal any official decision, including all preliminary or final approvals, denials of approvals, or dollar amounts of issued tax credits, made by the department of economic development or the state historic preservation office. Such an appeal shall constitute an administrative review of the decision and shall not be conducted as an adjudicative proceeding.

(2) The department shall establish an equitable appeals process.

(3) The appeals process shall incorporate an independent review panel consisting of members of the private sector and the department.

(4) The department shall name an independent appeals officer as chair.

(5) An appeal shall be submitted to the designated appeals officer or review panel in writing within thirty days of receipt by the applicant or the applicant's duly authorized representative of the decision that is the subject of the appeal and shall include all information the appellant wishes the appeals officer or review panel to consider in deciding the appeal.

(6) Within fourteen days of receipt of an appeal, the appeals officer or review panel shall notify the department of economic development or the state historic preservation office that an appeal is pending, identify the decision being appealed, and forward a copy of the information submitted by the appellant. The department of economic development or the state historic preservation office may submit a written response to the appeal within thirty days.

(7) The appellant shall be entitled to one meeting with the appeals officer or review panel to discuss the appeal, and the appeals officer or review panel may schedule additional meetings at the officer's or panel's discretion. The department of economic development or the state historic preservation office may appear at any such meeting.

(8) The appeals officer or review panel shall consider the record of the decision in question; any further written submissions by the appellant, department of economic development, or state historic preservation office; and other available information and shall deliver a written decision to all parties as promptly as circumstances permit but no later than ninety days after the initial receipt of an appeal by the appeals officer or review panel.

(9) The appeals officer and the members of the review panel shall serve without compensation."; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Schroer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 2062, Page 84, Section 436.337, Line 6, by inserting after all of said line the following:

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

(1) "Homeowners' association", a nonprofit corporation or unincorporated association of homeowners created under a declaration to own and operate portions of a planned community or other residential subdivision that has the power under the declaration to assess association members to pay the costs and expenses incurred in the performance of the association's obligations under the declaration or tenants-in-common with respect to the ownership of common ground or amenities of a planned community or other residential subdivision. This term shall not include a condominium unit owners' association as defined and provided for in subdivision (3) of section 448.1-103 or a residential cooperative;

(2) "Political signs", any fixed, ground-mounted display in support of or in opposition to a person seeking elected office or a ballot measure excluding any materials that may be attached;

(3) "Solar panel or solar collector", a device used to collect and convert solar energy into electricity or thermal energy, including but not limited to photovoltaic cells or panels, or solar thermal systems.

2. (1) No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting the display of political signs.

(2) A homeowners' association has the authority to adopt reasonable rules, subject to any applicable statutes or ordinances, regarding the time, size, place, number, and manner of display of political signs.

(3) A homeowners' association may remove a political sign without liability if such sign is placed within the common ground, threatens the public health or safety, violates an applicable statute or ordinance, is accompanied by sound or music, or if any other materials are attached to the political sign. Subject to the foregoing, a homeowners' association shall not remove a political sign from the property of a homeowner or impose any fine or penalty upon the homeowner unless it has given such homeowner three days after providing written notice to the homeowner, which notice shall specifically identify the rule and the nature of the violation.

3. (1) No deed restrictions, covenants, or similar binding agreements running with the land shall limit or prohibit, or have the effect of limiting or prohibiting, the installation of solar panels or solar collectors on the rooftop of any property or structure.

(2) A homeowners' association may adopt reasonable rules, subject to any applicable statutes or ordinances, regarding the placement of solar panels or solar collectors to the extent that those rules do not prevent the installation of the device, impair the functioning of the device, restrict the use of the device, or adversely affect the cost or efficiency of the device.

(3) The provisions of this subsection shall apply only with regard to rooftops that are owned, controlled, and maintained by the owner of the individual property or structure.

4. (1) No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting the display of sale signs on the property of a homeowner or property owner including, but not limited to, any yard on the property, or nearby street corners.

(2) A homeowners' association has the authority to adopt reasonable rules, subject to any applicable statutes or ordinances, regarding the time, size, place, number, and manner of display of sale signs.

(3) A homeowners' association may remove a sale sign without liability if such sign is placed within the common ground, threatens the public health or safety, violates an applicable statute or ordinance, is accompanied by sound or music, or if any other materials are attached to the sale sign. Subject to the foregoing, a homeowners' association shall not remove a sale sign from the property of a homeowner or property owner or impose any fine or penalty upon the homeowner or property owner unless it has given such homeowner or property owner three business days after the homeowner or property owner receives written notice from the homeowners' association, which notice shall specifically identify the rule and the nature of the alleged violation.

5. (1) No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting ownership or pasturing of up to six chickens on a lot that is two tenths of an acre or larger, including prohibitions against a single chicken coop designed to accommodate up to six chickens.

(2) A homeowners' association may adopt reasonable rules, subject to applicable statutes or ordinances, regarding ownership or pasturing of chickens, including a prohibition or restriction on ownership or pasturing of roosters."; and

Further amend the title and enacting clause accordingly.

Senator Schroer moved that the above amendment be adopted, which motion prevailed.

Senator Washington offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 2062, Page 86, Section 534.602, Line 85, by striking "twenty-four" and inserting in lieu thereof the following: "**forty-eight**"; and further amend said page, lines 93-95, by striking all of said lines; and

Further amend said bill and section, page 87, lines 96-107, by striking all of said lines; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill, page 91, section 534.604, lines 16-17, by striking "E felony" and inserting in lieu thereof the following: "**A misdemeanor**" and

Further amend said bill and page, section 569.200, lines 4-5, by striking "E felony" and inserting in lieu thereof the following: "**A misdemeanor**".

Senator Washington moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Black offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 2062, Page 91, Section 569.200, Line 5, by inserting after all of said line the following:

"640.144. 1. All community water systems shall be required to create a valve inspection program that includes:

(1) Inspection of all valves every ten years;

(2) Scheduled repair or replacement of broken valves; and

(3) Within five years of August 28, 2020, identification of each shut-off valve location using a geographic information system or an alternative physical mapping system that accurately identifies the location of each valve.

2. All community water systems shall be required to create a hydrant inspection program that includes:

(1) **[**Annual**]** **Scheduled** testing of every hydrant in the community water system;

(2) Scheduled repair or replacement of broken hydrants;

(3) A plan to flush every hydrant and dead-end main;

(4) Maintenance of records of inspections, tests, and flushings for six years; and

(5) Within five years of August 28, 2020, identification of each hydrant location using a geographic information system or an alternative physical mapping system that accurately identifies the location of each hydrant.

3. The provisions of this section shall not apply to any state parks, cities with a population of more than thirty thousand inhabitants, a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, or a public service commission regulated utility with more than thirty thousand customers."; and

Further amend the title and enacting clause accordingly.

Senator Black moved that the above amendment be adopted, which motion prevailed.

Senator Brown (26) offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 2062, Page 5, Section 44.251, Line 110, by inserting after all of said line the following:

"**67.288. 1. For purposes of this section, the following terms mean:**

(1) "Electric vehicle", any vehicle that operates, either partially or exclusively, on electrical energy from the grid or an off-board source that is stored onboard for a motive purpose;

(2) "Electric vehicle charging station", a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other energy storage device in an electric vehicle.

2. Notwithstanding any other provision of law to the contrary, no political subdivision shall adopt any ordinance, resolution, regulation, code, or policy that requires electric vehicle charging stations or infrastructure for future installation of electric vehicle charging stations on any parking lot owned or leased to any church or nonprofit organization exempt from taxation under 26 U.S.C. Section 501(c)(3) of the Internal Code of 1986, as amended.

3. Nothing in this section shall prohibit a business owner or property owner from paying for the installation, maintenance, or operation of an electric vehicle charging station."; and

Further amend the title and enacting clause accordingly.

Senator Brown (26) moved that the above amendment be adopted, which motion prevailed.

Pursuant to Senate Rule 92 and having voted on the prevailing side, Senator Roberts moved that the vote that which **SA 1** was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Coleman	Crawford	Eigel	Eslinger	Gannon
Hoskins	Koenig	Luetkemeyer	May	McCreery	Moon	Mosley
O'Laughlin	Rizzo	Roberts	Rowden	Schroer	Thompson Rehder	Trent
Washington—29						

NAYS—Senators—None

Absent—Senators

Cierpiot	Fitzwater	Hough	Williams—4

Absent with leave—Senators—None

Vacancies—1

At the request of Senator Roberts, **SA 1** was withdrawn.

Senator Roberts offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Bill No. 2062, Page 83, Section 249.255, Line 18, by inserting after all of said line the following:

"**253.544. Sections 253.544 to 253.559 shall be known and may be cited as the "Missouri Historic, Rural Revitalization, and Regulatory Streamlining Act".**

253.545. As used in sections **[**253.545**]** **253.544** to 253.559, the following terms mean, unless the context requires otherwise:

(1) **"Applicable percentage":**

(a) For the rehabilitation of a property that receives or intends to receive a state tax credit under sections 135.350 to 135.363, twenty-five percent;

(b) For the rehabilitation of a property located in a qualifying county approved for a state tax credit and that is not a property that receives or intends to receive a state tax credit under sections 135.350 to 135.363, thirty-five percent; or

(c) For the rehabilitation of a property not located in a qualifying county approved for a tax credit, twenty-five percent;

(2) "Certified historic structure", a **[**property**]** **building** located in Missouri and **either:**

(a) Listed individually on the National Register of Historic Places; **or**

(b) Located in a National Register-listed historic district or a local district that has been certified by the United States Department of the Interior and certified by the Secretary of the Interior or the state historic preservation office as a contributing resource in the district;

[(2)**]** **(3)** "Deed in lieu of foreclosure or voluntary conveyance", a transfer of title from a borrower to the lender to satisfy the mortgage debt and avoid foreclosure;

(4) "Department", the department of economic development;

[(3)**]** **(5)** "Eligible property", property located in Missouri and offered or used for residential or business purposes;

(6) "Eligible recipient", an individual taxpayer or nonprofit entity incurring expenses in connection with an eligible property;

(7) "Historic theater", any historic theater that is a certified historic structure or is located in a historic district;

(8) "Historic school", any historic school that is a certified historic structure or that is located in a historic district;

[(4)**]** **(9)** "Leasehold interest", a lease in an eligible property for a term of not less than thirty years;

[(5)**]** **(10)** "Principal", a managing partner, general partner, or president of a taxpayer;

[(6) "Projected net fiscal benefit", the total net fiscal benefit to the state or municipality, less any state or local benefits offered to the taxpayer for a project, as determined by the department of economic development;**]**

[(7)**]** **(11)** "Qualified census tract", a census tract **or census block** with a poverty rate of twenty percent or higher as determined by a map and listing of census tracts which shall be published by the department **[**of economic development**]** and updated on a five-year cycle, and which map and listing shall depict census tracts with twenty percent poverty rate or higher, grouped by census tracts with twenty percent to forty-two percent poverty, and forty-two percent to eighty-one percent poverty as determined by the most current five-year figures published by the American Community Survey conducted by the United States Census Bureau;

[(8) "Structure in a certified historic district", a structure located in Missouri which is certified by the department of natural resources as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places, or a local district that has been certified by the United States Department of the Interior;**]**

(12) "Qualified rehabilitation standards", the Secretary of the Interior's Standards for Rehabilitation, codified under 36 CFR 67;

(13) "Qualifying county", any county or portion thereof in this state that is not:

(a) Within a city with more than four hundred thousand inhabitants and located in more than one county; or

(b) A city not within a county;

[(9)**]** **(14)** "Taxpayer", any person, firm, partnership, trust, estate, limited liability company, or corporation.

1. **(1)** Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, may, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under Section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.

(2) Any taxpayer incurring costs and expenses for the rehabilitation of eligible property that is in a qualifying county and is a certified historic structure shall, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed under chapters 143 and 148, excluding withholding tax imposed under sections 143.191 to 143.265, on such taxpayer in an amount equal to thirty-five percent of the total costs and expenses of rehabilitation incurred on or after July 1, 2024. Ten percent of the total costs and expenses of rehabilitation upon which the tax credit is based may be incurred for investigation assessments and building stabilization before the taxpayer submits the application for tax credits under sections 253.544 to 253.559. Such total costs and expenses of rehabilitation shall include, but not be limited to, qualified rehabilitation expenditures as defined under 26 U.S.C. Section 47(c)(2)(A), as amended, and related regulations, if:

(a) Such qualified rehabilitation expenditures exceed fifty percent of the total basis in the property; and

(b) The rehabilitation meets the qualified rehabilitation standards of the Secretary of the United States Department of the Interior for rehabilitation of historic structures.

(3) State historic rehabilitation standards shall not be more restrictive than the Secretary of the Interior's Standards for Rehabilitation set forth under 36 CFR 67.

2. (1) **[**During the period beginning on January 1, 2010, but ending on or after June 30, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections 4 and 10 of section 253.559 which, in the aggregate, exceed seventy million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, but ending before June 30, 2018, the department of economic development shall not approve applications for tax credits under the provisions of subsections 4 and 10 of section 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2018,**]** The department **[**of economic development**]** shall not approve applications for tax credits **for properties not located in a qualified census tract** under the provisions of subsections **[**4**] 6** and **[**10**] 12** of section 253.559 which, in the aggregate, exceed ninety million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection **[**4**] 6** of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

(2) For each fiscal year beginning on or after July 1, 2018, the department shall authorize an amount up to, but not to exceed, an additional thirty million dollars in tax credits issued under subsections **[**4**] 6** and **[**10**] 12** of section 253.559, provided that such tax credits are authorized solely for projects located in a qualified census tract. **Projects that receive preliminary approval that are located within a qualified census tract may receive an authorization of tax credit under either subdivision (1) of this subsection or this subdivision, but such projects shall first be authorized from the tax credit amount in this subdivision before being authorized from the tax credit amount in subdivision (1) of this subsection.**

(3) For each fiscal year beginning on or after July 1, 2018, if the maximum amount of tax credits allowed in any fiscal year as provided under subdivisions (1) and (2) of this subsection is authorized, the maximum amount of tax credits allowed under **[**subdivision (1)**] subdivisions (1) and (2)** of this subsection shall be adjusted 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. Only one such adjustment shall be made for each instance in which the provisions of this subdivision apply. The director of the department **[**of economic development**]** shall publish such adjusted amount.

3. **(1)** For all applications for tax credits approved on or after January 1, 2010, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property **[**which**] that** is a **[**nonincome**] non-income-**producing single-family**[**, owner-occupied**]** residential property **occupied by the taxpayer applicant or any relative within the third degree of consanguinity or affinity of such applicant** and **that** is either a certified historic structure or a structure in a certified historic district.

(2) For all applications for tax credits, an amount equal to the applicable percentage may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property that is a non-income-producing single-family residential property occupied by the taxpayer applicant or any

relative within the third degree of consanguinity or affinity of such applicant and that is either a certified historic structure or a structure in a certified historic district. For properties not located in a qualifying county, tax credits shall not be issued under this subdivision unless the property is located in a distressed community, as defined under section 135.530.

4. The limitations on tax credit authorization provided under the provisions of subsection 2 of this section shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to October 1, 2018; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before October 1, 2018, has filed an application with the department evidencing that such taxpayer:

(a) Has incurred costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars and received an approved Part I from the Secretary of the United States Department of Interior; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the **qualified rehabilitation** standards **[**consistent with the standards of the Secretary of the United States Department of the Interior**]**, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.

5. A single-resource certified historic structure of more than one million gross square feet with a Part I approval or on the National Register before January 1, 2024, shall be subject to the dollar caps under subsection 2 of section 253.550, provided that, for any such projects that are eligible for tax credits in an amount exceeding sixty million dollars, the total amount of tax credits for such project counted toward the annual limits provided in subsection 2 of section 253.550 shall be spread over a period of six years with one-sixth of such amount allocated each year if:

(1) The project otherwise meets all the requirements of this section;

(2) The project meets the ten percent incurred costs test under subsection 9 of section 253.559 within thirty-six months after an award is issued; and

(3) The taxpayer agrees with the department of economic development, on a form prescribed by the department, to then claim the entire award of the original "state historical tax credits" over three state fiscal years with the initial year being the calendar year when the tax credits are issued.

253.557. 1. If the amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back to any of the three preceding years and carried forward for credit against the taxes imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265 for the succeeding ten years, or until the full credit is used, whichever occurs first. Not-for-profit entities**[**,**]** including**,** but not limited to**,** corporations organized as not-for-profit corporations pursuant to chapter 355 shall be **[**ineligible**]** **eligible** for the tax credits authorized under sections **[**253.545 through 253.561**]** **253.544 to 253.559**. Taxpayers eligible for **[**such**]** tax credits may transfer, sell**,** or assign the credits. Credits granted to a partnership, a limited liability company taxed as a partnership**,** or multiple owners of property shall be passed through

to the partners, members**,** or owners respectively pro rata or pursuant to an executed agreement among the partners, members**,** or owners documenting an alternate distribution method.

2. The assignee of the tax credits, hereinafter the assignee for purposes of this subsection, may use acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265. The assignor shall perfect such transfer by notifying the department **[**of economic development**]** in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department **[**of economic development**]** to administer and carry out the provisions of this section.

253.559. 1. To obtain approval for tax credits allowed under sections **[**253.545**]** **253.544** to 253.559, a taxpayer shall submit an application for tax credits to the department **[**of economic development**]**. **The department shall establish an application cycle that allows for year-round submission and year-round receipt and review of such applications.** Each application for approval, including any applications received for supplemental allocations of tax credits as provided under subsection **[**10**]** **12** of this section, shall be prioritized for review and approval, in the order of the date on which the application was postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed.

2. Each application shall be reviewed by the department **[**of economic development**]** for approval. In order to receive approval, an application, other than applications submitted under the provisions of subsection **[**10**]** **12** of this section, shall include:

(1) Proof of ownership or site control. Proof of ownership shall include evidence that the taxpayer is the fee simple owner of the eligible property, such as a warranty deed or a **[**closing statement**]** **county assessor record as proof of ownership**. Proof of site control may be evidenced by a leasehold interest or an option to acquire such an interest. If the taxpayer is in the process of acquiring fee simple ownership, proof of site control shall include an executed sales contract or an executed option to purchase the eligible property;

(2) Floor plans of the existing structure, architectural plans, and, where applicable, plans of the proposed alterations to the structure, as well as proposed additions;

(3) The estimated cost of rehabilitation, the anticipated total costs of the project, the actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total labor costs, the estimated project start date, and the estimated project completion date;

(4) Proof that the property is an eligible property and a certified historic structure or a structure in a certified historic district **or part 1 of a federal application or a draft national register of historic places nomination has been submitted to the state historic preservation office. In such instances, the application may proceed as a preliminary application concurrent with the associated federal process for nomination to the National Register of Historic Places**;

(5) A copy of **[**all**]** land use **[**and building approvals reasonably necessary for the commencement of the project**]** **plans**; and

(6) Any other information **[**which**]** the department **[**of economic development**]** may reasonably require to review the project for approval.

Only the property for which a property address is provided in the application shall be reviewed for approval. Once selected for review, a taxpayer shall not be permitted to request the review of another property for approval in the place of the property contained in such application. Any disapproved application shall be removed from the review process. If an application is removed from the review process, the department **[**of economic development**]** shall notify the taxpayer in writing of the decision to remove such application. Disapproved applications shall lose priority in the review process. A disapproved application, which is removed from the review process, may be resubmitted, but shall be deemed to be a new submission for purposes of the priority procedures described in this section.

3. (1) In evaluating an application for tax credits submitted under this section, the department **[**of economic development**]** shall also consider:

(a) The amount of projected net fiscal benefit of the project to the state and local municipality**[**, and the period in which the state and municipality would realize such net fiscal benefit**]** **as calculated based on reasonable methods**;

(b) The overall size and quality of the proposed project, including**, but not limited to:**

a. The estimated number of new jobs **or housing units, or both,** to be created by the project**[**,**];**

b. The estimated number of construction jobs and professional jobs associated with the project that are included in total project costs;

c. Capital improvements created by a project and the potential of future community investments and improvements;

d. Increased revenues from sales or property taxes;

e. The potential multiplier effect of the project**[**,**];** and

f. Other similar factors; **and**

(c) **[**The level of economic distress in the area; and**]**

[(d)**]** Input from the local elected officials in the local municipality in which the proposed project is located as to the importance of the proposed project to the municipality. **[**For any proposed project in any city not within a county, input from the local elected officials shall include, but shall not be limited to, the president of the board of aldermen.**]**

(2) The provisions of this subsection shall not apply to **historic schools or theaters or** applications for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

4. **(1) The department shall promptly notify the state historic preservation office of each preliminary application for tax credits. After receipt of such notice, the state historic preservation office shall determine whether a rehabilitation satisfies the qualified rehabilitation standards within sixty days of a taxpayer filing an initial application for tax credits. The determination shall be based upon evidence that the rehabilitation will meet qualified rehabilitation standards, and that evidence shall consist of one of the following:**

(a) Preliminary approval by the state historic preservation office; or

(b) An approved part 2 of the federal application, which the state historic preservation office shall forward directly to the department without any additional review by such office.

(2) If the state historic preservation office approves the application for tax credits within the sixty-day determination period established in subdivision (1) of this subsection, such office shall forward the application with any review comments to the National Park Service and shall forward any such review comments to the applicant. If such office fails to approve the application within the sixty-day determination period, such office shall forward the application without any comments to the National Park Service and shall have no further opportunity to submit any comments on such application.

(3) Conditions on a state preliminary application or on part 2 of a federal application shall not delay preliminary state approval but shall be addressed by the applicant for final approval of such application.

(4) Any application for state tax credits that does not include an application for federal tax credits or a nomination to the federal National Register of Historic Places shall be reviewed by the state historic preservation office within sixty days of a notice received under subdivision (1) of this subsection.

(5) (a) An application for state tax credits may provide information indicating that the project is a phased rehabilitation project as described under 26 U.S.C. Section 47, as amended. Such application for a phased rehabilitation project shall include at least the following:

a. A schedule of the phases of the project with a beginning and end date for each phase and the expected costs for the whole project. The applicant may submit detailed plans for the project at a later time within the application process;

b. The adjusted total basis of such project, which shall be submitted with the schedule of phases of the project; and

c. A statement that the applicant agrees to begin each phase of such project within twelve months of the start date for such phase listed in the schedule of the phases.

(b) The applicant may submit a preliminary certification of costs upon the completion of each phase of the project.

(c) Upon approval of the cost certification submitted and the work completed on each phase of such project, the department shall issue eighty percent of the amount of the state tax credit for which the taxpayer is approved under this section. The remaining twenty percent of the amount of the state tax credit for which the taxpayer is approved under this section shall be issued upon the final approval of the project under this section.

(6) If the department determines that the amount of tax credits issued to a taxpayer under subdivision (5) of this subsection is in excess of the total amount of tax credits such taxpayer is eligible to receive, the department shall notify such taxpayer, and such taxpayer shall repay the department an amount equal to such excess.

5. If the department **[**of economic development**]** deems the application sufficient, the taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the amount provided under section 253.550 less any amount of tax credits previously approved. Such approvals shall be granted to applications in the order of priority established under this section and shall require full compliance thereafter with all other requirements of law as a condition to any claim for such credits. If the department **[**of economic development**]** disapproves an application, the taxpayer shall be notified in writing of the reasons for such disapproval. A disapproved application may be resubmitted. **If the scope of a project for which an application has been approved under this section materially changes, the taxpayer shall be eligible to receive additional tax credits in the year in which the department is notified of and approves of such change in scope, subject to the provisions of subsection 2 of section 253.550 and subsection 7 of this section, if applicable; however, if such project was originally approved prior to August 28, 2018, the department shall evaluate the change in scope of the project under the criteria in effect prior to such date. A change in project scope shall be considered material under this subsection if:**

(1) The project was not previously subject to a material change in scope for which additional tax credits were approved; and

(2) The requested amount of tax credits for the project after the change in scope is higher than the originally approved amount of tax credits.

[5.**]** **6.** Following approval of an application, the identity of the taxpayer contained in such application shall not be modified except:

(1) The taxpayer may add partners, members, or shareholders as part of the ownership structure, so long as the principal remains **[**the same**]** **a principal of the taxpayer**, provided however, that subsequent to the commencement of renovation and the expenditure of at least ten percent of the proposed rehabilitation budget, removal of the principal for failure to perform duties and the appointment of a new principal thereafter shall not constitute a change of the principal; or

(2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy.

[6.**]** **7.** In the event that the department **[**of economic development**]** grants approval for tax credits equal to the total amount available **or authorized, as applicable,** under subsection 2 of section 253.550, or sufficient that when totaled with all other approvals, the amount available **or authorized, as applicable,** under subsection 2 of section 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter submitted for approval shall be notified by the department **[**of economic development**]** that no additional approvals shall be granted during the fiscal year and shall be notified of the priority given to such taxpayer's application then awaiting approval. Such applications shall be kept on file by the department **[**of economic development**]** and shall be considered for approval for tax credits in the order established in this section in the event that additional credits become available due to the rescission of approvals or when a new fiscal year's allocation of credits becomes available for approval **or authorized, as applicable**.

[7.**]** **8.** All taxpayers with applications receiving approval on or after July 1, 2019, shall submit within **[**sixty**]** **one hundred twenty** days following the award of credits evidence of the capacity of the applicant

to finance the costs and expenses for the rehabilitation of the eligible property in the form of a line of credit or letter of commitment subject to the lender's termination for a material adverse change impacting the extension of credit. If the department **[**of economic development**]** determines that a taxpayer has failed to comply with the requirements under this subsection, then the department shall notify the applicant of such failure and the applicant shall have a thirty-day period from the date of such notice to submit additional evidence to remedy the failure.

[8.**]** **9.** All taxpayers with applications receiving approval on or after the effective date of this act shall commence rehabilitation within **[**nine**]** **twenty-four** months of the date of issuance of the letter from the department **[**of economic development**]** granting the approval for tax credits. "Commencement of rehabilitation" shall mean that as of the date in which actual physical work, contemplated by the architectural plans submitted with the application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided in the application. Taxpayers with approval of a project shall submit evidence of compliance with the provisions of this subsection. **Taxpayers shall notify the department of any loss of site control or of any failure to exercise any option to obtain site control within the prescribed time period within ten days of such loss or failure.** If the department **[**of economic development**]** determines that a taxpayer has **lost or failed to obtain site control of the eligible property or otherwise** failed to comply with the requirements provided under this section, the approval for the amount of tax credits for such taxpayer shall be rescinded **[**and such amount of tax credits**]**. **A taxpayer may voluntarily forfeit such approval at any time by written notice to the department. Any approval rescinded or forfeited under this subsection** shall then be included in the total amount of tax credits **available in the year of such rescission or forfeiture**, provided under subsection 2 of section 253.550, from which approvals may be granted. Any taxpayer whose approval **[**shall be subject to rescission**]** **is rescinded or forfeited under this subsection** shall be notified of such from the department **[**of economic development**]** and, upon receipt of such notice, may submit a new application for the project. **If a taxpayer's approval is rescinded or forfeited under this subsection and such taxpayer later submits a new application for the same project, any expenditures eligible for tax credits under section 253.550 that are incurred by such taxpayer from and after the date of the rescinded or forfeited approval shall remain eligible expenditures for the purposes of determining the amount of tax credits that may be approved under section 253.550.**

[9.**]** **10. (1) (a)** To claim the credit authorized under sections **[**253.550**]** **253.544** to 253.559, a taxpayer with approval shall apply for final approval and issuance of tax credits from the department **[**of economic development**],** which**[**, in consultation with the department of natural resources,**]** shall determine the final amount of eligible rehabilitation costs and expenses and whether the completed rehabilitation meets the **qualified rehabilitation** standards **[**of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources**]**.

(b) Evidence that the completed rehabilitation meets the qualified rehabilitation standards shall be shown by one of the following:

a. Final approval by the state historic preservation office; or

b. An approved part 3 of the federal application.

(c) The state historic preservation office shall review each final application within sixty days and then forward the application to the National Park Service and send copies of any review comments to the applicant. If the state historic preservation office fails to review the application within sixty days, the application shall be forwarded without comments to the National Park Service and the state historic preservation office shall have no further opportunity to submit comments on such application.

(d) An award of tax credits under sections 253.544 to 253.559 shall be contingent on and awarded upon the listing of such eligible property on the National Register of Historic Places.

(2) Within seventy-five days of the department's receipt of all materials required by the department for an application for final approval and issuance of tax credits, which shall include a state approval by the state historic preservation office or an approved part 3 of the federal application for projects receiving federal rehabilitation credits, the department shall issue to the taxpayer tax credit certificates in the amount of seventy-five percent of the lesser of:

(a) The total amount of the tax credits for which the taxpayer is eligible as provided in the taxpayer's certification of qualified expenses submitted with an application for final approval; or

(b) The total amount of tax credits approved for such project under subsection 3 of this section, including any amounts approved in connection with a material change in the scope of the project.

(3) Within one hundred twenty days of the department's receipt of all materials required by the department for an application of final approval and issuance of tax credits for a project, the department shall, unless such project is under appeal under subsection 14 of this section:

(a) Make a final determination of the total costs and expenses of rehabilitation and the amount of tax credits to be issued for such costs and expenses;

(b) Notify the taxpayer in writing of its final determination; and

(c) Issue to the taxpayer tax credit certificates in an amount equal to the remaining amount of tax credits such taxpayer is eligible to receive, as determined by the department, but was not issued in the initial tax credit issuance under subdivision (2) of this subsection.

(4) If the department determines that the amount of tax credits issued to a taxpayer in the initial tax credit issuance under subdivision (2) of this subsection is in excess of the total amount of tax credits such taxpayer is eligible to receive, the department shall notify such taxpayer, and such taxpayer shall repay the department an amount equal to such excess.

(5) For financial institutions credits authorized pursuant to sections **[**253.550 to 253.561**]** **253.544 to 253.559** shall be deemed to be economic development credits for purposes of section 148.064. The approval of all applications and the issuing of certificates of eligible credits to taxpayers shall be performed by the department **[**of economic development**]**. The department **[**of economic development**]** shall inform a taxpayer of final approval by letter and shall issue, to the taxpayer, tax credit certificates. The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

[10.**]** **11.** Except as expressly provided in this subsection, tax credit certificates shall be issued in the final year that costs and expenses of rehabilitation of the project are incurred, or within the twelve-month

period immediately following the conclusion of such rehabilitation. In the event the amount of eligible rehabilitation costs and expenses incurred by a taxpayer would result in the issuance of an amount of tax credits in excess of the amount provided under such taxpayer's approval granted under subsection **[**4**]** **6** of this section, such taxpayer may apply to the department for issuance of tax credits in an amount equal to such excess. Applications for issuance of tax credits in excess of the amount provided under a taxpayer's application shall be made on a form prescribed by the department. Such applications shall be subject to all provisions regarding priority provided under subsection 1 of this section.

[11.**]** **12.** The department **[**of economic development**]** shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property.

13. (1) With regard to an application submitted under sections 253.544 to 253.559, an applicant or an applicant's duly authorized representative may appeal any official decision, including all preliminary or final approvals, denials of approvals, or dollar amounts of issued tax credits, made by the department of economic development or the state historic preservation office. Such an appeal shall constitute an administrative review of the decision and shall not be conducted as an adjudicative proceeding.

(2) The department shall establish an equitable appeals process.

(3) The appeals process shall incorporate an independent review panel consisting of members of the private sector and the department.

(4) The department shall name an independent appeals officer as chair.

(5) An appeal shall be submitted to the designated appeals officer or review panel in writing within thirty days of receipt by the applicant or the applicant's duly authorized representative of the decision that is the subject of the appeal and shall include all information the appellant wishes the appeals officer or review panel to consider in deciding the appeal.

(6) Within fourteen days of receipt of an appeal, the appeals officer or review panel shall notify the department of economic development or the state historic preservation office that an appeal is pending, identify the decision being appealed, and forward a copy of the information submitted by the appellant. The department of economic development or the state historic preservation office may submit a written response to the appeal within thirty days.

(7) The appellant shall be entitled to one meeting with the appeals officer or review panel to discuss the appeal, and the appeals officer or review panel may schedule additional meetings at the officer's or panel's discretion. The department of economic development or the state historic preservation office may appear at any such meeting.

(8) The appeals officer or review panel shall consider the record of the decision in question; any further written submissions by the appellant, department of economic development, or state historic preservation office; and other available information and shall deliver a written decision to all parties as promptly as circumstances permit but no later than ninety days after the initial receipt of an appeal by the appeals officer or review panel.

(9) The appeals officer and the members of the review panel shall serve without compensation."; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Trent moved that **SS** for **HB 2062**, as amended, be adopted which motion prevailed.

On motion of Senator Trent, **SS** for **HB 2062**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)	Brown (26th Dist.)
Crawford	Eigel	Eslinger	Gannon	Hoskins	Koenig	Luetkemeyer
May	O'Laughlin	Roberts	Rowden	Schroer	Thompson Rehder	Trent—21

NAYS—Senators

Arthur	Carter	Coleman	Fitzwater	McCreery	Moon	Mosley
Rizzo	Washington—9					

Absent—Senators

Cierpiot	Hough	Williams—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Trent, title to the bill was agreed to.

Senator Trent moved that the vote by which the bill passed be reconsidered.

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

Senator O'Laughlin moved that the Senate stand in recess until 6:56 p.m.

RECESS

The time of recess of having expired, the Senate was called to order by Senator Bean.

HOUSE BILLS ON THIRD READING

Senator Luetkemeyer moved that **HCS** for **HB 1659**, with **SCS**, **SS** for **SCS**, and **SA 8** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 8 was again taken up.

Senator Brattin moved that **SA 8** be adopted, which motion prevailed.

Senator Roberts offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1659, Pages 3-4, Section 27.010, by striking all of said section from the bill; and

Further amend said bill, pages 6-7, section 56.265, by striking all of said section from the bill; and

Further amend said bill, pages 7-9, section 56.265, by striking all of said section from the bill and inserting in lieu thereof the following:

"**160.661. 1. The department of elementary and secondary education shall conduct a safety assessment of every public school and public charter school in the state pursuant to the provisions of this section. The department of public safety shall provide reasonable assistance to the department of elementary and secondary education in order to implement the provisions of this section.**

2. The school safety assessments shall include, but shall not be limited to, a consideration of each school building's vulnerabilities to school shootings and intruders, and shall include an assessment of each school's implementation of the following safety procedures, policies, and tools:

(1) Access controls, including the safety of school doors, locking devices, intercom or buzzer systems, and vestibules;

(2) Video surveillance equipment used to monitor school buildings and buses;

(3) Visitor management systems, including software that records the usage of school facilities by visitors;

(4) Building security systems, including intruder alarms and surveillance systems;

(5) Emergency communication tools, including safety alert messaging systems;

(6) School safety procedures and policies, including safety planning, vulnerability assessments, and staff training;

(7) Bleeding control kits, including tourniquets, bleeding control bandages, latex-free protective gloves, permanent markers, and instructional documents developed by the United States Department of Homeland Security's Stop the Bleed national awareness campaign or the American College of Surgeons Committee on Trauma, or both;

(8) Automatic external defibrillators used to help those experiencing sudden cardiac arrest;

(9) Fencing to secure playgrounds;

(10) Bollards to protect front entrances; and

(11) Safety film to prevent the shattering of glass in doors, windows, and sidelights.

3. Based upon the findings of the safety assessments, the department of elementary and secondary education shall provide to each public school and charter school a report summarizing each school's safety vulnerabilities in the areas outlined in subsection 2 of this section, and shall provide specific recommendations for mitigating any such safety vulnerabilities.

4. The provisions of this section shall not be construed to relieve any school district, public school, or public charter school from the responsibility to maintain school safety standards established in the Missouri school improvement program or otherwise required by state or federal law."; and

Further amend said bill, pages 18-22, section 190.142, by striking all of said section from the bill; and

Further amend said bill, pages 43-44, section 211.326, by striking all of said section from the bill; and

Further amend said bill, page 78, section 292.606, line 113 by inserting after all of said line the following:

"301.260. 1. The director of revenue shall issue certificates for all cars owned by the state of Missouri and shall assign to each of such cars two plates bearing the words: "State of Missouri, official car number _____" (with the number inserted thereon), which plates shall be displayed on such cars when they are being used on the highways. No officer or employee or other person shall use such a motor vehicle for other than official use.

2. **(1)** Motor vehicles used as ambulances, patrol wagons and fire apparatus, owned by any municipality of this state, shall be exempt from all of the provisions of sections 301.010 to 301.440 while being operated within the limits of such municipality, but the municipality may regulate the speed and use of such motor vehicles owned by them; and all other motor vehicles owned by municipalities, counties and other political subdivisions of the state shall be exempt from the provisions of sections 301.010 to 301.440 requiring registration, proof of ownership and display of number plates; provided, however, that there shall be a plate, or, on each side of such motor vehicle, letters not less than three inches in height with a stroke of not less than three-eighths of an inch wide, to display the name of such municipality, county or political subdivision, the department thereof, and a distinguishing number. Provided, further, that when any motor vehicle is owned and operated exclusively by any school district and used solely for transportation of school children, the commissioner shall assign to each of such motor vehicles two plates bearing the words "School Bus, State of Missouri, car no. _____" (with the number inserted thereon), which plates shall be displayed on such motor vehicles when they are being used on the highways. No officer, or employee of the municipality, county or subdivision, or any other person shall operate such a motor vehicle unless the same is marked as herein provided, and no officer, employee or other person shall use such a motor vehicle for other than official purposes.

(2) Prior to operation of a vehicle under this subsection, the political subdivision owning the vehicle shall submit to the department of revenue a description of the information to be displayed on the vehicle for purposes of complying with this subsection, a description of the configuration and content of any plate or plates to be displayed on the vehicle, and the vehicle identification number of the vehicle. No vehicle owned by a political subdivision shall be operated under this subsection except in accordance with an accurate submission made to, and approved by, the department of revenue.

3. For registration purposes only, a public school or college shall be considered the temporary owner of a vehicle acquired from a motor vehicle dealer which is to be used as a courtesy vehicle or a driver training vehicle. The school or college shall present to the director of revenue a copy of a lease agreement with an option to purchase clause between the authorized motor vehicle dealer and the school or college

and a photocopy of the front and back of the dealer's vehicle manufacturer's statement of origin or certificate of title, and shall make application for and be granted a nonnegotiable certificate of ownership and be issued the appropriate license plates. Registration plates are not necessary on a driver training vehicle when the motor vehicle is plainly marked as a driver training vehicle while being used for such purpose and such vehicle can also be used in conjunction with the activities of the educational institution.

4. As used in this section, the term "political subdivision" is intended to include any township, road district, sewer district, school district, municipality, town or village, sheltered workshop, as defined in section 178.900, and any interstate compact agency which operates a public mass transportation system.

5. The department of revenue may promulgate rules as necessary for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2024, shall be invalid and void."; and

Further amend said bill, page 101, section 324.035, lines 1-16 by striking all of said section from the bill; and

Further amend said bill, pages 108-109, section 337.618, by striking all of said section from the bill; and

Further amend said bill, page 121, section 454.1050, line 3, by striking "shall" and inserting in lieu thereof the following: "**may**"; and

Further amend said bill and section, page 123, by inserting after "defendant" the following: "**and shall not be construed to abrogate any common law cause of action**"; and

Further amend said bill, page 168, section 557.520, lines 148-153, by striking all of said lines; and further renumber the remaining subsections accordingly; and

Further amend said bill, page 184-185, section 569.158, by striking all of said section from the bill; and

Further amend said bill, page 197, section 579.021, line 14, by inserting immediately after "4." the following: "**Any person who is rendering emergency care or assistance pursuant to section 537.037 shall not be liable for any civil damages.**

5."; and

Further amend said bill, page 198, section 579.022, line 13, by inserting immediately after "4." the following: "**Any person who is rendering emergency care or assistance pursuant to section 537.037 shall not be liable for any civil damages.**

5."; and

Further amend said bill, page 199, section 579.065, lines 44-48, by striking all of said lines and inserting in lieu thereof the following: "fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or **[**their**] its** optical isomers or analogues."; and

Further amend said bill, page 203, section 579.068, lines 40-44, by striking all of said lines and inserting in lieu thereof the following: "or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or **[**their**] its** optical isomers or analogues."; and

Further amend said bill, pages 222-223, section 590.050, by striking all of said section from the bill; and

Further amend said bill, page 251, section C, line 3, by inserting after all of said line the following:

"Section D. The repeal and reenactment of section 301.260 of this act shall take effect as soon as technologically possible following the 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, to be funded by the motor vehicle administration technology fund as created in section 301.558. Following the development of the system, the director of the department of revenue shall notify the governor, the secretary of state, and the revisor of statutes, and shall implement the provisions of section 301.260 of this act."; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted.

Senator Roberts offered **SA 1** to **SA 9**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1659, Page 6, Lines 166-168, by striking all of said lines and inserting in lieu thereof the following: "**It shall be an affirmative defense if a person is rendering emergency care or assistance.**"; and further amend said amendment and page, lines 172-174, by striking all of said lines and inserting in lieu thereof the following: "**It shall be an affirmative defense if a person is rendering emergency care or assistance.**".

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Carter offered **SA 2** to **SA 9**:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1659, Page 1, Line 6, by striking the words "and inserting in" and inserting in lieu thereof the following: "; and"; and

Further amend said page, lines 7-25, by striking all of said lines; and

Further amend page 2 of said amendment, lines 26-57, by striking all of said lines; and

Further amend page 3 of said amendment, lines 58-59, by striking all of said lines.

Senator Carter moved that the above amendment be adopted.

Senator Beck requested a roll call vote be taken. He was joined in his request by Senators Arthur, May, Mosley, and Roberts.

SA 2 to **SA 9** failed of adoption by the following vote:

YEAS—Senators

Bean	Bernskoetter	Black	Carter	Eslinger	Fitzwater	Gannon
Luetkemeyer	O'Laughlin	Rowden—10				

NAYS—Senators

Arthur	Beck	Brattin	Brown (26th Dist.)	Hoskins	Koenig	May
McCreery	Moon	Mosley	Rizzo	Roberts	Washington—13	

Absent—Senators

Brown (16th Dist.)	Cierpiot	Coleman	Crawford	Eigel	Hough	Schroer
Thompson Rehder	Trent	Williams—10				

Absent with leave—Senators—None

Vacancies—1

Senator Fitzwater assumed the Chair.

At the request of Senator Luetkemeyer, **HCS** for **HB 1659**, with **SCS**, **SS** for **SCS**, and **SA 9**, as amended (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Eslinger offered Senate Resolution No. 1002, regarding Dianna Locke, West Plains, which was adopted.

Senator Eslinger offered Senate Resolution No. 1003, regarding Rocky Long, West Plains, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 1004, regarding William Washburn, Lake Ozark, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 1005, regarding Kelly Branstetter, Jefferson City, which was adopted.

Senator Brattin offered Senate Resolution No. 1006, regarding Larry Dobson, Peculiar, which was adopted.

INTRODUCTION OF GUESTS

Senator Gannon introduced to the Senate, her sisters, Glenda Johnson, Festus; and Sara Edmunson; and Mike Husky, Hillsboro.

Senator Carter introduced to the Senate, Curt Carr, Joplin.

Senators Crawford and Brattin introduced to the Senate, Ryan, Hannah and Bentley Glidwell, Raymore.

Senator Eigel introduced to the Senate, his wife, Amanda.

On motion of Senator Bean, the Senate adjourned until 9:30 a.m., Wednesday, May 8, 2024.

SENATE CALENDAR

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SIXTY-FIRST DAY—WEDNESDAY, MAY 8, 2024

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1489-Griffith
HB 1750-Haffner
HB 2075-Coleman
HB 2650-Haley

THIRD READING OF SENATE BILLS

SS for SB 748-Hough

SENATE BILLS FOR PERFECTION

1. SB 844-Bernskoetter
2. SB 768-Thompson Rehder, with SCS
3. SB 1266-Luetkemeyer, with SCS
4. SB 1379-Arthur
5. SB 1362-Crawford
6. SB 1155-Mosley
7. SB 1326-McCreery
8. SB 1277-Black
9. SB 884-Roberts, with SCS
10. SB 1393-O'Laughlin
11. SB 907-Carter
12. SB 869-Moon, et al
13. SB 1029-Moon
14. SB 753-Brown (16)
15. SB 826-Koenig
16. SB 789-Razer
17. SB 829-Rowden, with SCS
18. SB 969-Washington
19. SB 1099-Washington
20. SB 1468-Luetkemeyer, with SCS

21. SB 1200-Trent, with SCS
22. SB 1070-McCreery, with SCS
23. SB 817-Brown (26)
24. SB 1340-Bernskoetter
25. SB 819-Brown (26), with SCS
26. SB 812-Coleman
27. SB 1001-Koenig
28. SB 946-Thompson Rehder
29. SB 1374-Gannon
30. SB 1260-Gannon

HOUSE BILLS ON THIRD READING

1. HCS for HB 1746, with SCS (Cierpiot) (In Fiscal Oversight)
2. HB 1713-Schnelting (Schroer)
3. HCS for HBs 2626 & 1918 (Black) (In Fiscal Oversight)
4. HCS for HB 2227 (Thompson Rehder)
5. HB 1960-Riley (Fitzwater) (In Fiscal Oversight)
6. HB 1912-McGirl (Koenig)
7. HB 2430-McGirl (Schroer) (In Fiscal Oversight)
8. HB 2082-Gregory (Crawford)
9. HB 2142-Baker (Eslinger) (In Fiscal Oversight)
10. HCS for HBs 2628 & 2603, with SCS (Schroer)
11. HCS for HB 2065 (Hough)
12. HB 1516-Murphy (Trent) (In Fiscal Oversight)
13. HCS for HB 1481, with SCS (Schroer) (In Fiscal Oversight)
14. HCS for HB 2431, with SCS (Black)
15. HCS HBs 2432, 2482 & 2543 (Luetkemeyer)
16. HCS for HBs 2322 & 1774 (Trent)
17. HCS for HB 2015, with SCS (Hough)
18. HCS for HB 2002, with SCS (Hough)
19. HCS for HB 2003, with SCS (Hough)
20. HCS for HB 2004, with SCS (Hough)
21. HCS for HB 2005, with SCS (Hough)
22. HCS for HB 2006, with SCS (Hough)
23. HCS for HB 2007, with SCS (Hough)
24. HCS for HB 2008, with SCS (Hough)
25. HCS for HB 2009, with SCS (Hough)
26. HCS for HB 2010, with SCS (Hough)
27. HCS for HB 2011, with SCS (Hough)
28. HCS for HB 2012, with SCS (Hough)
29. HCS for HB 2013, with SCS (Hough)
30. HCS for HB 2017, with SCS (Hough)
31. HCS for HB 2018, with SCS (Hough)
32. HCS for HB 2019, with SCS (Hough)
33. HCS for HB 2020, with SCS (Hough)
34. HCS for HB 1775, with SCS (Crawford) (In Fiscal Oversight)
35. HCS for HB 2688 (Thompson Rehder)
36. HCS for HBs 1818 & 2345 (Thompson Rehder)
37. HCS for HBs 1948, 2066, 1721 & 2276 with SCS (Brown (16))
38. HCS for HB 2413
39. HB 2170-Gregory, with SCS (Trent) (In Fiscal Oversight)
40. HCS for HB 2064 & HCS#2 for HB 1886, with SCS (Luetkemeyer) (In Fiscal Oversight)
41. HCS for HJRs 68 & 79 (Cierpiot) (In Fiscal Oversight)
42. HCS for HB 1564, with SCS (Gannon) (In Fiscal Oversight)
43. HB 2084-Banderman, with SCS (Brown (26))
44. HCS for HB 2763
45. HCS for HB 2153, with SCS (Bean) (In Fiscal Oversight)
46. HJR 132-Hausman (Fitzwater) (In Fiscal Oversight)
47. HCS for HB 2797, with SCS (Fitzwater) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 734-Eigel, with SCS
SB 739-Cierpiot, with SS & SA 1 (pending)
SB 740-Cierpiot, with SCS, SS for SCS & SA 3 (pending)
SB 742-Arthur, with SS (pending)
SB 745-Bernskoetter, with SS & SA 1 (pending)
SB 750-Hough, with SCS & SA 1 (pending)
SB 757-O'Laughlin, with SCS
SB 772-Gannon
SB 778-Eslinger, with SS & SA 1 (pending)
SB 782-Bean, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4, as amended (pending)
SB 799-Fitzwater and Eigel, with SCS & SS for SCS (pending)
SB 801-Fitzwater, with SCS
SB 811-Coleman, with SCS, SS#2 for SCS & SA 1 (pending)
SB 818-Brown (26) and Coleman, with SS & SA 2 (pending)
SB 830-Rowden, with SS, SA 2 & point of order (pending)
SB 845-Bernskoetter
SB 847-Hough, with SCS, SS for SCS & SA 1 (pending)
SB 848-Hough
SB 850-Brown (16)
SB 876-Bean, with SCS & SS for SCS (pending)
SB 903-Schroer
SB 936-Bernskoetter, with SCS & SS for SCS (pending)
SB 984-Schroer, with SS, SA 1 & SA 1 to SA 1 (pending)
SB 1036-Razer and Rizzo, with SCS
SBs 1168 & 810-Coleman, with SCS, SS for SCS, SA 2, SA 1 to SA 2 & point of order (pending)
SB 1199-Trent
SB 1207-Hoskins, with SS & SA 1 (pending)
SB 1375-Eslinger
SB 1391-Luetkemeyer, with SCS
SB 1392-Trent
SB 1422-Black, with SCS

HOUSE BILLS ON THIRD READING

HB 1488-Shields (Arthur)
HCS for HB 1511 (Brown (26))
HCS for HB 1659, with SCS, SS for SCS & SA 9, as amended (pending) (Luetkemeyer)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 1359-Trent, with HCS, as amended
SS#4 for SCS for SJRs 74, 48, 59, 61 & 83-Coleman, et al, with HCS, as amended

RESOLUTIONS

SR 557-Eigel
SR 558-Eigel
SR 561-Moon
SR 562-Moon
SR 563-Moon
SR 631-May
SR 647-Coleman
HCR 65-Patterson (O'Laughlin)

Reported from Committee

SCR 36-Moon, et al

To be Referred

HCS for HCR 30

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