Journal of the Senate

SECOND REGULAR SESSION

FORTIETH DAY—WEDNESDAY, MARCH 14, 2018

The Senate met pursuant to adjournment.

President Pro Tem Richard in the Chair.

Reverend Carl Gauck offered the following prayer:

"And that very night the Lord appeared to him and said "I am the God of your father Abraham." (Genesis 26:23)

Lord God, You sustain us when our spirit sags and we experience Your love and comfort. Teach us to be open to others especially those we work with and those who work for us. Let us be thankful for what we learn from others and the assistance we receive when it is so needed. May we express that gratefulness to our staffs that do so much to make our tasks effortless. In Your Holy Name we pray. 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.

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

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The Senate observed a moment of silence in memory of Alaina Petty.

RESOLUTIONS

Senator Cierpiot offered Senate Resolution No. 1512, regarding the death of Jacob Bryan Clark, Lee's Summit, which was adopted.

Senator Richard offered Senate Resolution No. 1513, regarding the One Hundred Forty-fifth Anniversary of Joplin, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Rowden moved that **SB 837** be taken up for perfection, which motion prevailed.

At the request of Senator Rowden, **SB 837** was placed on the Informal Calendar.

Senator Hegeman moved that **SB 704** be taken up for perfection, which motion prevailed.

Senator Hegeman offered **SS** for **SB 704**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 704

An Act to repeal sections 49.020, 49.060, 50.660, 50.783, 54.140, 65.610, 65.620, 67.617, 70.370, 71.015, 84.510, 88.770, 94.900, 105.030, 115.124, 137.556, and 162.441, RSMo, and to enact in lieu thereof seventeen new sections relating to political subdivisions, with existing penalty provisions.

Senator Hegeman moved that **SS** for **SB 704** be adopted.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 704, Page 1, Section A, Line 7, by inserting after all of said line the following:

"**41.657. 1. The county governing body or county planning commission, if any, of any county of the second classification with more than fifty-eight thousand but fewer than sixty-five thousand inhabitants, and any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants may adopt ordinances regulating incompatible land uses and structures within all or any portion of the unincorporated area extending up to three thousand feet outward from the boundaries of any National Guard training center if the county has participated in the completion of a joint land use study associated with that training center.**

2. As used in this section, "incompatible land uses and structures" are determined by the county governing body or county planning commission, if any, to be incompatible with noise, vibration, and other training impacts identified in the joint land use study or the most recent state operational noise management plan. Regulations the county governing body or county planning commission, if any, determines are necessary to effectuate the purposes of this section and the recommendations in the joint land use study or operational noise management plan may include, but are not limited to, density, lot size, outdoor lighting, land use, construction standards, and subdivision of land.

3. The county governing body or county planning commission, if any, may also provide for

coordination with National Guard officials and notification to current and future property owners with respect to potential incompatible land uses, military training impacts, and the existence of any regulation adopted under this section."; and

Further amend the title and enacting clause accordingly.

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

Senator Schatz offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 704, Page 2, Section 49.060, Line 13 of said page, by inserting immediately after "105.030" the following: "**, except that the vacancy shall be filled within sixty days**".

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

Senator Walsh offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 704, Page 7, Section 54.140, Line 9 of said page, by inserting after all of said line the following:

"56.363. 1. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a full-time position in _____ County?

☐ YES ☐ NO

If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office. **The position shall then qualify for the retirement benefits available to a full-time prosecutor of a county of the first classification. Any county that elects to make the position of prosecuting attorney full-time shall pay into the Missouri prosecuting attorneys and circuit attorneys' retirement fund at the same contribution amount as paid by counties of the first classification.**

2. The provisions of subsection 1 of this section notwithstanding, in any county where the proposition of making the county prosecutor a full-time position was submitted to the voters at a general election in 1998 and where a majority of the voters voting on the proposition voted in favor of making the county prosecutor a full-time position, the proposition shall become effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999, under the provisions of this subsection shall

have the additional duty of providing not less than three hours of continuing education to peace officers in the county served by the prosecuting attorney in each year of the term beginning January 1, 1999.

3. In counties that, prior to August 28, 2001, have elected pursuant to this section to make the position of prosecuting attorney a full-time position, the county commission may at any time elect to have that position also qualify for the retirement benefit available for a full-time prosecutor of a county of the first classification. Such election shall be made by a majority vote of the county commission and once made shall be irrevocable, unless the voters of the county elect to change the position of prosecuting attorney back to a part-time position under subsection 4 of this section. When such an election is made, the results shall be transmitted to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund, and the election shall be effective on the first day of January following such election. Such election shall also obligate the county to pay into the Missouri prosecuting attorneys and circuit attorneys' system retirement fund the same retirement contributions for full-time prosecutors as are paid by counties of the first classification.

4. In any county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than one thousand seven hundred but fewer than one thousand nine hundred inhabitants as the county seat that has elected to make the county prosecutor a full-time position under this section after August 28, 2014, the county commission may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of changing the full-time prosecutor position to a part-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a part-time position in _____ County?

☐ YES ☐ NO

If a majority of the voters vote in favor of making the county prosecutor a part-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.

5. In any county that has elected to make the full-time position of county prosecutor a part-time position under subsection 4 of this section, the county's retirement contribution to the retirement system and the retirement benefit earned by the member shall prospectively be that of a part-time prosecutor as established in this chapter. Any retirement contribution made and retirement benefit earned prior to the effective date of the voter-approved proposition under subsection 4 of this section shall be maintained by the retirement system and used to calculate the retirement benefit for such prior full-time position service. Under no circumstances shall a member in a part-time prosecutor position earn full-time position retirement benefit service accruals for time periods after the effective date of the proposition changing the county prosecutor back to a part-time position.

56.805. As used in sections 56.800 to 56.840, the following words and terms mean:

(1) "Annuity", annual payments, made in equal monthly installments, to a retired member from funds provided for, in, or authorized by, the provisions of sections 56.800 to 56.840;

(2) "Average final compensation", the average compensation of an employee for the two consecutive years prior to retirement when the employee's compensation was greatest;

(3) "Board of trustees" or "board", the board of trustees established by the provisions of sections 56.800 to 56.840;

(4) "Compensation", all salary and other compensation payable by a county to an employee for personal services rendered as an employee, **including any salary reduction amounts under a cafeteria plan that satisfies 26 U.S.C. Section 125 or an eligible deferred compensation plan that satisfies 26 U.S.C. Section 457** but not including **[**travel and mileage**]** reimbursement **for any expenses, any consideration for agreeing to terminate employment, or any other nonrecurring or unusual payment that is not part of regular remuneration**;

(5) "County", the City of St. Louis and each county in the state;

(6) "Creditable service", the sum of both membership service and creditable prior service;

(7) "Effective date of the establishment of the system", August 28, 1989;

(8) "Employee", an elected or appointed prosecuting attorney or circuit attorney who is employed by a county or a city not within a county;

(9) "Membership service", service as a prosecuting attorney or circuit attorney after becoming a member that is creditable in determining the amount of the member's benefits under this system;

(10) "Prior service", service of a member rendered prior to the effective date of the establishment of the system which is creditable under section 56.823;

(11) "Retirement system" or "system", the prosecuting attorneys and circuit attorneys' retirement system authorized by the provisions of sections 56.800 to 56.840.

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2 of this section shall be paid from county or city funds.

2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, three hundred seventy-five dollars;

(2) For counties of the second classification, five hundred forty-one dollars and sixty-seven cents;

(3) For counties of the first classification, and, except as otherwise provided under section 56.363, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the City of St. Louis, one thousand two hundred ninety-one dollars and sixty-seven cents.

3. Beginning August 28, 1989, and continuing until August 27, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys held by the state treasurer on behalf of the system shall be paid to the system within ninety days after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840 and for no other purpose.

4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in this section shall be paid from county or city funds and the surcharge established in this section and collected as provided by this section and sections 488.010 to 488.020.

5. (1) Beginning August 28, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(a) For counties of the third and fourth classification except as provided in paragraph (c) of this subdivision, one hundred eighty-seven dollars;

(b) For counties of the second classification, two hundred seventy-one dollars;

(c) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the City of St. Louis, six hundred forty-six dollars.

(2) Beginning August 28, 2015, the county contribution set forth in paragraphs (a) to (c) of subdivision (1) of this subsection shall be adjusted in accordance with the following schedule based upon the prosecuting attorneys and circuit attorneys' retirement system's annual actuarial valuation report. If the system's funding ratio is:

(a) One hundred twenty percent or more, no monthly sum shall be transmitted;

(b) More than one hundred ten percent but less than one hundred twenty percent, the monthly sum transmitted shall be reduced fifty percent;

(c) At least ninety percent and up to and including one hundred ten percent, the monthly sum transmitted shall remain the same;

(d) At least eighty percent and less than ninety percent, the monthly sum transmitted shall be increased fifty percent; and

(e) Less than eighty percent, the monthly sum transmitted shall be increased one hundred percent.

6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 5 of this section to the Missouri office of prosecution services for deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other purpose.

7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and circuit attorneys shall be collected and paid as follows:

(1) There shall be assessed and collected a surcharge of four dollars in all criminal cases filed in the courts of this state including violation of any county ordinance, any violation of criminal or traffic laws of this state, including infractions, and against any person who has pled guilty for any violation and paid a fine through a fine collection center, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court. For purposes of this section, the term "county ordinance" shall include any ordinance of the City of St. Louis;

(2) The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes provided for in sections 56.800 to 56.840 and for no other purpose.

8. The board may accept gifts, donations, grants and bequests from private or public sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840 unless provided for by law.

10. Beginning January first following the effective date of this act, all members, who upon vesting and retiring are eligible to receive a normal annuity equal to fifty percent of the final average compensation and, as a condition of participation, shall contribute two percent of their gross salary to the fund. Beginning on January 1, 2020, each such member shall contribute four percent of their gross salary to the fund. Each county treasurer shall deduct the appropriate amount from the gross salary of the prosecuting attorney or circuit attorney and, at least monthly, shall transmit the sum to the prosecuting attorney and circuit attorney retirement system for deposit in the prosecuting attorneys and circuit attorneys' retirement fund.

11. Upon separation from the system, a nonvested member shall receive a lump sum payment equal to the total contribution of the member without interest or other increases in value.

12. Upon retirement and in the sole discretion of the board on the advice of the actuary, a member shall receive a lump sum payment equal to the total contribution of the member without interest or other increases in value, but such lump sum shall not exceed twenty-five percent of the final average compensation of the member. This amount shall be in addition to any retirement benefits to which the member is entitled.

13. Upon the death of a nonvested member or the death of a vested member prior to retirement, the lump sum payment in subsection 11 or 12 of this section shall be made to the designated beneficiary of the member or, if no beneficiary has been designated, to the member's estate.

56.814. **1.** Any **[**member**]** **person who became a member prior to January 1, 2019,** who has attained the age of sixty-two years and who has twelve years or more of creditable service as prosecuting attorney or circuit attorney may retire with a normal annuity **as determined in subsection 3 of section 56.840**.

2. Any person who becomes a member on or after January 1, 2019, who has attained the age of sixty-five and who has twelve years or more of creditable service as a prosecuting attorney or circuit attorney may retire with a normal annuity.

56.833. 1. Upon termination of employment, any **[**member with twelve or more years of creditable service**]** **person who became a member prior to January 1, 2019,** shall be entitled to a deferred normal annuity, payable at age fifty-five with twelve or more years of creditable service **as determined in subsection 3 of section 56.840. Upon termination of employment, any person who became a member on or after January 1, 2019, shall be entitled to a deferred normal annuity, payable at age sixty with twelve or more years of creditable service as determined in subsection 3 of section 56.840**. Any member with less than twelve years of creditable service shall forfeit all rights in the fund, including the member's accrued creditable service as of the date of the member's termination of employment.

2. A former member who has forfeited creditable service may have the creditable service restored by again becoming an employee **[**and**]** **within ten years of the date of the termination of employment,** completing four years of continuous membership service**, and contributing an amount to the fund equal to any lump sum payment received under subsections 11 and 12 of section 56.807. Notwithstanding any other provision of section 104.800 to the contrary, a former member shall not be entitled to transfer creditable service into this retirement system unless the member previously vested in this system**.

3. Absences for sickness or injury of less than twelve months shall be counted as membership service.

56.840. **1.** Annuity payments to retired employees under the provisions of sections 56.800 to 56.840 shall be available beginning January first next succeeding the expiration of two calendar years from the effective date of the establishment of the system to eligible retired employees, and employees with at least twelve years of creditable service shall have vested rights and upon reaching the required age shall be entitled to retirement benefits.

2. All members serving as a prosecuting attorney or circuit attorney in a county of the first classification, a county with a charter form of government, or a city not within a county shall receive one year of creditable service for each year served.

3. Notwithstanding any provision of law to the contrary, members serving as a prosecuting attorney in counties that elected to make the position of prosecuting attorney a full-time position shall receive one year of creditable vesting service for each year served as a part-time or full-time prosecuting attorney. Such members shall receive one year of creditable benefit service for each year served as a full-time prosecuting attorney and six-tenths of a year of creditable benefit service for each year served as a part-time prosecuting attorney. Upon retirement, any member who has less than twelve years of creditable benefit service shall receive a reduced full-time benefit in a sum equal to the portion that the member's creditable benefit years bear to twelve vesting years.

4. Members restoring creditable service under subsection 2 of section 56.833 shall receive one year of creditable service for each restored year served as a full-time prosecuting attorney and six-tenths of a year of creditable service for each restored year served as a part-time prosecuting attorney. Unless otherwise permitted by law, no member shall receive credit for any partial year of employment.

5. Notwithstanding any provision of law to the contrary, any member who vested in the system as a part-time prosecuting attorney and who ceased being a member for more than six months before returning as a full-time prosecuting attorney shall be entitled only to retirement benefits as a part-time prosecuting attorney. Any creditable service earned by such an employee upon returning to the

system as a full-time prosecuting attorney shall begin a new vesting period subject to the provision of the system in effect at the time of the member's return. No member shall receive benefits while employed as a prosecuting attorney or circuit attorney."; and

Further amend the title and enacting clause accordingly.

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

Senator Curls offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 704, Page 41, Section 162.441, Line 24, by inserting after all of said line the following:

"304.060. 1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for the purpose of transporting school children. The operator of such vehicle shall be licensed in accordance with section 302.272, and such vehicle shall transport no more children than the manufacturer suggests as appropriate for such vehicle. The state board of education may also adopt rules and regulations governing the use of authorized common carriers for the transportation of students on field trips or other special trips for educational purposes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state transportation department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state.

2. **Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri in an urban district containing the greater part of the population of a city which has more than three hundred thousand inhabitants may contract with any municipality, bi-state agency, or other governmental entity for the purpose of transporting school children attending a grade or grades not lower than the ninth nor higher than the twelfth grade, provided that such contract shall be for additional transportation services, and shall not replace or fulfill any of the school district's obligations pursuant to section 167.231. The school district may notify students of the option to use district contracted transportation services.**

3. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district.

[3.**]** **4.** Any other provision of the law to the contrary notwithstanding, in any county of the first class with a charter form of government adjoining a city not within a county, school buses may bear the word "special"."; and

Further amend the title and enacting clause accordingly.

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

Senator Onder offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 704, Page 41, Section 162.441, Line 24 of said page, by inserting immediately after said line the following:

"227.600. 1. Sections 227.600 to 227.669 shall be known and may be cited as the "Missouri Public-Private Partnerships Transportation Act".

2. As used in sections 227.600 to 227.669, unless the context clearly requires otherwise, the following terms mean:

(1) "Commission", the Missouri highways and transportation commission;

(2) "Comprehensive agreement", the final binding written comprehensive project agreement between a private partner and the commission required in section 227.621 to finance, develop, and/or operate the project;

(3) "Department", the Missouri department of transportation;

(4) "Develop" or "development", to plan, locate, relocate, establish, acquire, lease, design, or construct;

(5) "Finance", to fund the costs, expenses, liabilities, fees, profits, and all other charges incurred to finance, develop, and/or operate the project;

(6) "Interim agreement", a preliminary binding written agreement between a private partner and the commission that provides for completion of studies and any other activities to advance the financing, development, and/or operation of the project required by section 227.618;

(7) "Material default", any uncured default by a private partner in the performance of its duties that jeopardizes adequate service to the public from the project as determined by the commission;

(8) "Operate" or "operation", to improve, maintain, equip, modify, repair, administer, or collect user fees;

(9) "Private partner", any natural person, corporation, partnership, limited liability company, joint venture, business trust, nonprofit entity, other business entity, or any combination thereof;

(10) "Project", exclusively includes any pipeline, ferry, port facility, water facility, water way, water supply facility or pipeline, **stormwater facility or system,** wastewater **system** or **[**wastewater**]** treatment facility, public building, airport, railroad, light rail, vehicle parking facility, mass transit facility, or other similar facility currently available or to be made available to a government entity for public use, including any structure, parking area, appurtenance and other property required to operate the structure or facility to be financed, developed, and/or operated under agreement between the commission and a private partner. The commission or private partner shall not have the authority to collect user fees in connection with the project from motor carriers as defined in section 227.630. Project shall not include any highway, interstate or bridge construction, or any rest area, rest stop, or truck parking facility connected to an interstate or other highway under the authority of the commission. Any project not specifically included in this subdivision

shall not be financed, developed, or operated by a private partner until such project is approved by a vote of the people;

(11) "Public use", a finding by the commission that the project to be financed, developed, and/or operated by a private partner under sections 227.600 to 227.669 will improve or is needed as a necessary addition to the state transportation system;

(12) "Revenues", include but are not limited to the following which arise out of or in connection with the financing, development, and/or operation of the project:

(a) Income;

(b) Earnings;

(c) Proceeds;

(d) User fees;

(e) Lease payments;

(f) Allocations;

(g) Federal, state, and local moneys; or

(h) Private sector moneys, grants, bond proceeds, and/or equity investments;

(13) "State", the state of Missouri;

(14) "State highway system", the state system of highways and bridges planned, located, relocated, established, acquired, constructed, and maintained by the commission under Section 30(b), Article IV, Constitution of Missouri;

(15) "State transportation system", the state system of nonhighway transportation programs, including but not limited to aviation, transit and mass transportation, railroads, ports, waterborne commerce, freight and intermodal connections;

(16) "User fees", tolls, fees, or other charges authorized to be imposed by the commission and collected by the private partner for the use of all or a portion of a project under a comprehensive agreement.

227.601. 1. Notwithstanding any provision of sections 227.600 to 227.669 to the contrary, the process and approval for concession agreements to build, maintain, operate, or finance projects owned by a political subdivision shall be approved by the governing body of such political subdivision and shall not be subject to approval by the commission. Notwithstanding the provisions of subsection 5 of this section, the sale or conveyance of any project owned by a political subdivision shall be subject to voter approval if required by law.

2. As used in this section, the term "concession agreement" shall mean a license or lease between a private partner and a political subdivision for the development, finance, operation, or maintenance of a project, as such term is defined in section 227.600.

3. Notwithstanding any provision of law to the contrary, political subdivisions may enter into concession agreements provided that:

(1) The term of the concession agreement shall be for a term not exceeding thirty years;

(2) The political subdivision shall retain oversight of operations of any such project;

(3) The political subdivision shall retain oversight of rate setting methodology;

(4) The political subdivision shall have the right to terminate the agreement if the private partner does not comply with the concession agreement.

4. The commission shall not be required to oversee, or issue an annual report under section 227.669 for, projects approved by political subdivisions, provided that any political subdivision entering into a concession agreement shall use a public-private partnership framework that shall include a competitive bidding process.

5. Except as provided in subsection 1 of this section, the provisions of sections 71.530, 71.550, 78.190, 78.630, 81.190, 88.251, 88.633, 88.770, 88.773, 91.550, and 91.600 shall not apply to concession agreements that are approved as provided in this section."; and

Further amend the title and enacting clause accordingly.

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

Senator Hegeman moved that **SS** for **SB 704**, as amended, be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS** for **SB 704**, as amended, was declared perfected and ordered printed.

Senator Hegeman moved that **SB 870** be taken up for perfection, which motion prevailed.

Senator Hegeman offered **SS** for **SB 870**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 870

An Act to repeal sections 99.848, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, and 191.630, RSMo, and to enact in lieu thereof twenty-nine new sections relating to emergency medical services, with existing penalty provisions.

Senator Hegeman moved that **SS** for **SB 870** be adopted.

Senator Eigel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 870, Pages 1-2, Section 99.848, by striking all of said section and inserting in lieu thereof the following:

"99.848. **1.** Notwithstanding subsection 1 of section **[**99.847**]** **99.845**, any district **or county imposing a property tax for the purposes of** providing emergency services pursuant to chapter 190 or 321 shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent **[**nor**]** **but not** more than one hundred percent of the district's tax increment. This section shall not apply to tax increment financing projects or districts approved prior to August 28, 2004.

2. Beginning August 28, 2018, an ambulance district board operating under chapter 190, a fire protection district board operating under chapter 321, or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall

annually set the reimbursement rate under subsection 1 of this section prior to the time the assessment is paid into the special allocation fund. If the redevelopment plan, area, or project is amended by ordinance or by other means after August 28, 2018, the ambulance or fire protection district board or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall have the right to recalculate the reimbursement rate under this section."; and

Further amend said bill and section, page 2, line 10 of said page, by inserting after all of said line the following:

"100.050. 1. Any municipality proposing to carry out a project for industrial development shall first, by majority vote of the governing body of the municipality, approve the plan for the project. The plan shall include the following information pertaining to the proposed project:

(1) A description of the project;

(2) An estimate of the cost of the project;

(3) A statement of the source of funds to be expended for the project;

(4) A statement of the terms upon which the facilities to be provided by the project are to be leased or otherwise disposed of by the municipality; and

(5) Such other information necessary to meet the requirements of sections 100.010 to 100.200.

2. If the plan for the project is approved after August 28, 2003, and the project plan involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality, the project plan shall additionally include the following information:

(1) A statement identifying each school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321,** county, or city affected by such project except property assessed by the state tax commission pursuant to chapters 151 and 153;

(2) The most recent equalized assessed valuation of the real property and personal property included in the project, and an estimate as to the equalized assessed valuation of real property and personal property included in the project after development;

(3) An analysis of the costs and benefits of the project on each school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321,** county, or city; and

(4) Identification of any payments in lieu of taxes expected to be made by any lessee of the project, and the disposition of any such payments by the municipality.

3. If the plan for the project is approved after August 28, 2003, any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of issuing the bonds and administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under**

chapter 321, county, or city in proportion to the current ad valorem tax levy of each school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321,** county, or city; however, in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, or any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, if the plan for the project is approved after May 15, 2005, such amounts shall be disbursed by the municipality's treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.

4. Notwithstanding the provisions of subsection 3 of this section to the contrary, beginning August 28, 2018, any district or county imposing a property tax for the purposes of providing emergency services under chapter 190 or 321 to the project area shall be entitled to be reimbursed in an amount that is at least fifty percent but not more than one hundred percent of the amount of ad valorem property tax revenues that such district or county would have received in the absence of a tax abatement or exemption provided to property included in the project. An ambulance district board operating under chapter 190, a fire protection district board operating under chapter 321, or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall annually set the reimbursement rate provided in this subsection prior to the time the assessment is determined by the assessor of the county in which the project is located, or, if not located within a county, then the assessor of such city. If the plan is amended by ordinance or by any other means after August 28, 2018, the ambulance or fire protection district or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall have the right to recalculate the reimbursement rate pursuant to this subsection.

100.059. 1. The governing body of any municipality proposing a project for industrial development which involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality shall, not less than twenty days before approving the plan for a project as required by section 100.050, provide notice of the proposed project to the county in which the municipality is located and any school district that is a school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321,** county, or city; however, in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, or any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, if the plan for the project is approved after May 15, 2005, such notice shall be provided to all affected taxing entities in the county. Such notice shall include the information required in section 100.050, shall state the date on which the governing body of the municipality will first consider approval of the plan, and shall invite such school districts, community college districts, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321,** counties, or cities to submit comments to the governing body and the comments shall be fairly and duly considered.

2. Notwithstanding any other provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to Section 26(b), Article VI, Constitution of Missouri, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value

of taxable tangible property as shown on the last completed assessment for state or county purposes.

3. The county assessor shall include the current assessed value of all property within the school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321,** county, or city in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to Section 26(b), Article VI, Constitution of Missouri.

4. This section is applicable only if the plan for the project is approved after August 28, 2003."; and

Further amend said bill, page 66, section 191.630, line 13 of said page, by inserting after all of said line the following:

"353.110. 1. Once the requirements of this section have been complied with, the real property of urban redevelopment corporations acquired pursuant to this chapter shall not be subject to assessment or payment of general ad valorem taxes imposed by the cities affected by this law, or by the state or any political subdivision thereof, for a period not in excess of ten years after the date upon which such corporations become owners of such real property, except to such extent and in such amount as may be imposed upon such real property during such period measured solely by the amount of the assessed valuation of the land, exclusive of improvements, acquired pursuant to this chapter and owned by such urban redevelopment corporation, as was determined by the assessor of the county in which such real property is located, or, if not located within a county, then by the assessor of such city, for taxes due and payable thereon during the calendar year preceding the calendar year during which the corporation acquired title to such real property. The amounts of such tax assessments shall not be increased during such period so long as the real property is owned by an urban redevelopment corporation and used in accordance with a development plan authorized by the legislative authority of such cities**, except as provided under subsection 4 of this section**.

2. In the event, however, that any such real property was tax exempt immediately prior to ownership by any urban redevelopment corporation, such assessor or assessors shall, upon acquisition of title thereto by the urban redevelopment corporation, promptly assess such land, exclusive of improvements, at such valuation as shall conform to but not exceed the assessed valuation made during the preceding calendar year of other land, exclusive of improvements, adjacent thereto or in the same general neighborhood, and the amount of such assessed valuation shall not be increased during the period set pursuant to subsection 1 of this section so long as the real property is owned by an urban redevelopment corporation and used in accordance with a development plan authorized by the legislative authority of such cities. For the next ensuing period not in excess of fifteen years, ad valorem taxes upon such real property shall be measured by the assessed valuation thereof as determined by such assessor or assessors upon the basis of not to exceed fifty percent of the true value of such real property, including any improvements thereon, nor shall such valuations be increased above fifty percent of the true value of such real property from year to year during such next ensuing period so long as the real property is owned by an urban redevelopment corporation and used in accordance with an authorized development plan. After a period totaling not more than twenty-five years, such real property shall be subject to assessment and payment of all ad valorem taxes, based on the full true value of the real property; provided, that after the completion of the redevelopment project, as authorized by law or ordinance whenever any urban redevelopment corporation shall elect to pay full taxes, or at the expiration of the period, such real property shall be owned and operated free from any of the

conditions, restrictions or provisions of this chapter, and of any ordinance, rule or regulation adopted pursuant thereto, any other law limiting the right of domestic and foreign insurance companies to own and operate real estate to the contrary notwithstanding.

3. No tax abatement or exemption authorized by this section shall become effective unless and until the governing body of the city:

(1) Furnishes each political subdivision whose boundaries for ad valorem taxation purposes include any portion of the real property to be affected by such tax abatement or exemption with a written statement of the impact on ad valorem taxes such tax abatement or exemption will have on such political subdivisions and written notice of the hearing to be held in accordance with subdivision (2) of this subsection. The written statement and notice required by this subdivision shall be furnished as provided by local ordinance before the hearing and shall include, but need not be limited to, an estimate of the amount of ad valorem tax revenues of each political subdivision which will be affected by the proposed tax abatement or exemption, based on the estimated assessed valuation of the real property involved as such property would exist before and after it is redeveloped;

(2) Conducts a public hearing regarding such tax abatement or exemption, at which hearing all political subdivisions described in subdivision (1) of this subsection shall have the right to be heard on such grant of tax abatement or exemption;

(3) Enacts an ordinance which provides for expiration of development rights, including the rights of eminent domain and tax abatement, in the event of failure of the urban redevelopment corporation to acquire ownership of property within the area of the development plan. Such ordinance shall provide for a duration of time within which such property must be acquired, and may allow for acquisition of property under the plan in phases.

4. **(1)** Notwithstanding any other provision of law to the contrary, payments in lieu of taxes may be imposed by contract between a city and an urban redevelopment corporation which receives tax abatement or exemption on property pursuant to this section. Such payments shall be made to the collector of revenue of the county or city not within a county by December thirty-first of each year payments are due. The governing body of the city shall furnish the collector a copy of any such contract requiring payment in lieu of taxes. The collector shall allocate all revenues received from such payment in lieu of taxes among all taxing authorities whose property tax revenues are affected by the exemption or abatement on the same pro rata basis and in the same manner as the ad valorem property tax revenues received by each taxing authority from such property in the year such payments are due.

(2) (a) The provisions of subsection 1 of this section and subdivision (1) of this subsection notwithstanding, beginning August 28, 2018, any district or county imposing a property tax for the purposes of providing emergency services under chapter 190 or 321 shall be entitled to be reimbursed in an amount that is at least fifty percent but not more than one hundred percent of the amount of ad valorem property tax revenues that the district or county would have received in the absence of the tax abatement or exemption provided under this section.

(b) An ambulance district board operating under chapter 190, a fire protection district board operating under chapter 321, or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall annually set the reimbursement rate under paragraph (a) of this subdivision prior to the time the assessment is

determined by the assessor of the county in which such district is located, or, if not located within a county, then the assessor of such city. If the development plan or redevelopment project is amended by ordinance or by any other means after August 28, 2018, the ambulance or fire protection district board shall have the right to recalculate the reimbursement rate under this subdivision.

5. The provisions of subsection 3 of this section shall not apply to any amendment or future amendment to a phased development plan approved by the governing body of the city prior to the effective date of the provisions of subsection 3 of this section and upon which construction has been in progress pursuant to such phased plan."; and

Further amend the title and enacting clause accordingly.

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

Senator Hummel offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 870, Page 28, Section 190.147, Line 14 of said page, by inserting immediately after "facility" the following: "**; provided, that such determination shall be made in cooperation with at least one other EMT-P or other medical professional involved in the transport. Once in a temporary hold, the patient shall be treated with humane care in a manner that preserves human dignity, consistent with applicable federal regulations and nationally-recognized guidelines regarding the appropriate use of temporary holds and restraints in medical transport.**

2. In any instance in which a good faith determination for a temporary hold of a patient has been made, such hold shall be made in a clinically appropriate and adequately justified manner, and shall be documented and attested to in writing. The writing shall be retained by the ambulance service and included as part of the patient's medical file"; and further amend said section by renumbering the remaining subsections accordingly.

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

Senator Curls offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 870, Page 66, Section 191.630, Line 13 of said page, by inserting after all of said line the following:

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

(1) "Extraordinary circumstance", a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of a pregnant offender in her third trimester, a postpartum offender forty-eight hours postdelivery, the staff of the correctional center or medical facility, other offenders, or the public;

(2) "Labor", the period of time before a birth during which contractions are present;

(3) "Postpartum", the period of recovery immediately following childbirth, which is six weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a physician or nurse;

(4) "Restraints", any physical restraint or other device used to control the movement of a person's

body or limbs.

2. Unless extraordinary circumstances exist as determined by a corrections officer, a correctional center shall not use restraints on a pregnant offender in her third trimester during transportation to and from visits to health care providers or court proceedings, or during medical appointments and examinations, labor, delivery, or forty-eight hours postdelivery.

3. In the event a corrections officer determines that extraordinary circumstances exist and restraints are necessary, the corrections officer shall fully document in writing within forty-eight hours of the incident the reasons he or she determined such extraordinary circumstances existed, the type of restraints used, and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances. Such documents shall be kept on file by the correctional center for at least ten years from the date the restraints were used.

4. Any time restraints are used on a pregnant offender in her third trimester or on a postpartum offender forty-eight hours postdelivery, the restraints shall be the least restrictive available and the most reasonable under the circumstances. In no case shall leg, ankle, or waist restraints or any mechanical restraints be used on any such offender, and if wrist restraints are used, such restraints shall be placed in the front of such offender's body to protect the offender and fetus in the case of a forward fall.

5. If a doctor, nurse, or other health care provider treating the pregnant offender in her third trimester or the postpartum offender forty-eight hours postdelivery requests that restraints not be used, the corrections officer accompanying such offender shall immediately remove all restraints.

6. Pregnant offenders shall be transported in vehicles equipped with seatbelts.

7. The sentencing and corrections oversight commission established under section 217.147 and the advisory committee established under section 217.015 shall conduct biannual reviews of every report written on the use of restraints on a pregnant offender in her third trimester or on a postpartum offender forty-eight hours postdelivery in accordance with subsection 3 of this section to determine compliance with this section. The written reports shall be kept on file by the department for ten years.

8. The chief administrative officer, or equivalent position, of each correctional center shall:

(1) Ensure that employees of the correctional center are provided with training, which may include online training, on the provisions of this section and section 217.147; and

(2) Inform female offenders, in writing and orally, of any policies and practices developed in accordance with this section and section 217.149 upon admission to the correctional center, including policies and practices in any offender handbook, and post the policies and practices in locations in the correctional center where such notices are commonly posted and will be seen by female offenders, including common housing areas and health care facilities.

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

(1) "Extraordinary circumstance", a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of a pregnant prisoner in her third trimester, a postpartum prisoner forty-eight hours postdelivery, the

staff of the county or city jail or medical facility, other prisoners, or the public;

(2) "Labor", the period of time before a birth during which contractions are present;

(3) "Postpartum", the period of recovery immediately following childbirth, which is six weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a physician or nurse;

(4) "Restraints", any physical restraint or other device used to control the movement of a person's body or limbs.

2. Unless extraordinary circumstances exist as determined by a sheriff or jailer, a county or city jail shall not use restraints on a pregnant prisoner in her third trimester during transportation to and from visits to health care providers or court proceedings, medical appointments and examinations, or during labor, delivery, or forty-eight hours postdelivery.

3. In the event a sheriff or jailer determines that extraordinary circumstances exist and restraints are necessary, the sheriff or jailer shall fully document in writing within forty-eight hours of the incident the reasons he or she determined such extraordinary circumstances existed, the type of restraints used, and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances. Such documents shall be kept on file by the county or city jail for at least five years from the date the restraints were used.

4. Anytime restraints are used on a pregnant prisoner in her third trimester or on a postpartum prisoner forty-eight hours postdelivery, the restraints shall be the least restrictive available and the most reasonable under the circumstances. In no case shall leg, ankle, or waist restraints or any mechanical restraints be used on any such prisoner, and if wrist restraints are used, such restraints shall be placed in the front of such prisoner's body to protect the prisoner and fetus in the case of a forward fall.

5. If a doctor, nurse, or other health care provider treating the pregnant prisoner in her third trimester or the postpartum prisoner forty-eight hours postdelivery requests that restraints not be used, the sheriff or jailer accompanying such prisoner shall immediately remove all restraints.

6. Pregnant prisoners shall be transported in vehicles equipped with seatbelts.

7. The county or city jail shall:

(1) Ensure that employees of the jail are provided with training, which may include online training, on the provisions of this section and section 221.520; and

(2) Inform female prisoners, in writing and orally, of any policies and practices developed in accordance with this section and section 221.520 upon admission to the jail, and post the policies and practices in locations in the jail where such notices are commonly posted and will be seen by female prisoners."; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted.

Senator Curls offered **SA 1** to **SA 3**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Bill No. 870, Page 5, Section 221.520, Line 22, by inserting after the word "prisoners." the following:

"**8. The provisions of this section shall only apply to jails located in a county with a charter form of government, any city located in a county with a charter form of government, or any city not within a county.**".

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

Senator Onder offered **SA 2** to **SA 3**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Bill No. 870, Page 2, Section 217.151, Line 21, by striking the word "fetus" and inserting in lieu thereof the word "**unborn child**"; and

Further amend said amendment, page 5, section 221.520, line 4, by striking the word "fetus" and inserting in lieu thereof the word "**unborn child**".

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

Senator Curls moved that **SA 3**, as amended, be adopted, which motion prevailed.

Senator Hegeman moved that **SS** for **SB 870**, as amended, be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS** for **SB 870**, as amended, was declared perfected and ordered printed.

Senator Sater moved that **SB 893**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 893**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 893

An Act to repeal sections 116.030, 116.040, 116.050, 116.080, 116.090, 116.100, 116.110, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof thirteen new sections relating to the petition process for amending the law, with penalty provisions and a delayed effective date.

Was taken up.

Senator Sater moved that **SCS** for **SB 893** be adopted.

Senator Sater offered **SS** for **SCS** for **SB 893**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 893

An Act to repeal sections 116.030, 116.040, 116.050, 116.080, 116.090, 116.100, 116.110, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof fourteen new sections relating

to the petition process for amending the law, with penalty provisions and a delayed effective date.

Senator Sater moved that **SS** for **SCS** for **SB 893** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 893, Page 8, Section 116.050, Lines 17-28 of said page, by striking all of the underlined language from said lines; and

Further amend said bill and section, page 9, line 1 of said page, by striking "3."; and further amend said section by renumbering the remaining subsection accordingly; and

Further amend said bill, pages 12-13, section 116.100, by striking all of said section from the bill; and

Further amend said bill, pages 15-16, section 116.270, by striking all of said section from the bill; and

Further amend said bill, pages 16-17, section 116.275, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

At the request of Senator Sater, **SB 893**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 705**; and **SS No. 2** for **SCS** for **SB 590**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Onder assumed the Chair.

REFERRALS

President Pro Tem Richard referred **HCR 53** and **HCS** for **HCR 57** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Richard referred **SS No. 2** for **SCS** for **SB 590** to the Committee on Fiscal Oversight.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCS for **HCR 66**—Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Kehoe, the Senate recessed until 7:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Richard.

SENATE BILLS FOR PERFECTION

SB 953, with **SCS**, was placed on the Informal Calendar.

Senator Wallingford moved that **SB 850** be taken up for perfection, which motion prevailed.

Senator Wallingford offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 850, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: "to records involving children."; and

Further amend said bill and page, section A, line 2, by inserting after all of said line the following:

"193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. **No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division or division of youth services on behalf of a child who has come under the jurisdiction of the juvenile court under section 211.031.** All fees shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public services health fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record,

the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees required by law when a certification or copy of any marriage license or birth certificate is provided, with such donations collected to be forwarded monthly by the local registrar to the county treasurer of such county and the donations so forwarded to be deposited by the county treasurer into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in such county. The local registrar shall include a check-off box on the application form for such copies. All fees, other than the donations collected in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official city or county health agency. A certified copy of a death record by the local registrar can only be issued within twenty-four hours of receipt of the record by the local registrar. Computer-generated certifications of death records may be issued by the local registrar after twenty-four hours of receipt of the records. The fees paid to the official county health agency shall be retained by the local agency for local public health purposes."; and

Further amend the title and enacting clause accordingly.

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

Senator Koenig offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 850, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: "to records involving children."; and

Further amend said bill, page 4, section 210.152, line 102, by inserting after all of said line the following:

"210.498. **1.** Any parent or legal guardian **of a child in foster care** may have access to investigation records kept by the division regarding **[**a decision for**]** the denial **[**of or the**],** suspension**,** or revocation of **[**a**] the** license **[**to a specific person to operate or maintain**] of** a foster home **[**if such specific person does or may provide services or care to a child of the person requesting the information**] in which the child was placed**. The request for the release of such information shall be made to the division director or the director's designee, in writing, by the parent or legal guardian of the child and shall be accompanied **[**with**] by** a signed and notarized release form from the person who does or may provide care or services to the child. The notarized release form shall include the full name, date of birth and Social Security number of the person who does or may provide care or services to a child. The response shall include only information pertaining to the nature and disposition of any denial, suspension**,** or revocation of a license to operate a foster home. This response shall not include any identifying information regarding any person other than the person to whom a foster home license was denied, suspended**,** or revoked. **The response shall not include financial, medical, or other personal information relating to the foster home provider and the foster home provider's family unless the division determines that the information is directly relevant to the disposition of the investigation and report.** The response shall be given within ten working days of the time it was received by the division.

2. The division may disclose or utilize information and records relating to foster homes in its discretion and as needed for the administration of the foster care program including, but not limited

to, the licensure of foster homes and for the protection, care, and safety of children who are or who may be placed in foster care.

3. Upon written request, the director of the department of social services shall authorize the disclosure of information and findings pertaining to foster homes in cases of child fatalities or near-fatalities to courts, juvenile officers, law enforcement agencies, and prosecuting and circuit attorneys that have a need for the information to conduct their duties under law. Nothing in this subsection shall otherwise preclude the disclosure of such information as provided for under subsection 5 of section 210.150.

4. The division may disclose information and records pertaining to foster homes to juvenile officers, courts, the office of child advocate, guardians ad litem, law enforcement agencies, child welfare agencies, child placement agencies, prosecuting attorneys, and other local, state, and federal government agencies that have a need for the information to conduct their duties under law.

5. Information and records pertaining to the licensure of foster homes and the care and treatment of children in foster homes shall be considered closed records under chapter 610 and may only be disclosed and utilized under this section.

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

(1) "Adopted adult", any adopted person who is eighteen years of age or over;

(2) "Adopted child", any adopted person who is less than eighteen years of age;

(3) "Adult sibling", any brother or sister of the whole or half blood who is eighteen years of age or over;

(4) "Biological parent", the natural and biological mother or father of the adopted child;

(5) "Identifying information", information which includes the name, date of birth, place of birth and last known address of the biological parent;

(6) "Lineal descendant", a legal descendant of a person as defined in section 472.010;

(7) "Nonidentifying information", information concerning the physical description, nationality, religious background and medical history of the biological parent or sibling.

2. All papers, records, and information pertaining to an adoption whether part of any permanent record or file may be disclosed only in accordance with this section.

3. Nonidentifying information, if known, concerning undisclosed biological parents or siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive parents, legal guardians, adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased, upon written request therefor.

4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is deceased, may make a written request to the circuit court having original jurisdiction of such adoption to secure and disclose information identifying the adopted adult's biological parents. If the biological parents have consented to the release of identifying information under subsection 8 of this section, the court shall disclose such identifying information to the adopted adult or the adopted adult's lineal descendants if the adopted adult

is deceased. If the biological parents have not consented to the release of identifying information under subsection 8 of this section, the court shall, within ten days of receipt of the request, notify in writing the child-placing agency or juvenile court personnel having access to the information requested of the request by the adopted adult or the adopted adult's lineal descendants.

5. Within three months after receiving notice of the request of the adopted adult, or the adopted adult's lineal descendants, the child-placing agency or the juvenile court personnel shall make reasonable efforts to notify the biological parents of the request of the adopted adult or the adopted adult's lineal descendants. The child-placing agency or juvenile court personnel may charge actual costs to the adopted adult or the adopted adult's lineal descendants for the cost of making such search. All communications under this subsection are confidential. For purposes of this subsection, "notify" means a personal and confidential contact with the biological parent of the adopted adult, which initial contact shall be made by an employee of the child-placing agency which processed the adoption, juvenile court personnel or some other licensed child-placing agency designated by the child-placing agency or juvenile court. Nothing in this section shall be construed to permit the disclosure of communications privileged pursuant to section 491.060. At the end of three months, the child-placing agency or juvenile court personnel shall file a report with the court stating that each biological parent that was located was given the following information:

(1) The nature of the identifying information to which the agency has access;

(2) The nature of any nonidentifying information requested;

(3) The date of the request of the adopted adult or the adopted adult's lineal descendants;

(4) The right of the biological parent to file an affidavit with the court stating that the identifying information should be disclosed;

(5) The effect of a failure of the biological parent to file an affidavit stating that the identifying information should be disclosed.

6. If the child-placing agency or juvenile court personnel reports to the court that it has been unable to notify the biological parent within three months, the identifying information shall not be disclosed to the adopted adult or the adopted adult's lineal descendants. Additional requests for the same or substantially the same information may not be made to the court within one year from the end of the three-month period during which the attempted notification was made, unless good cause is shown and leave of court is granted.

7. If, within three months, the child-placing agency or juvenile court personnel reports to the court that it has notified the biological parent pursuant to subsection 5 of this section, the court shall receive the identifying information from the child-placing agency. If an affidavit duly executed by a biological parent authorizing the release of information is filed with the court or if a biological parent is found to be deceased, the court shall disclose the identifying information as to that biological parent to the adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased, provided that the other biological parent either:

(1) Is unknown;

(2) Is known but cannot be found and notified pursuant to **[**section 5 of this act**]** **subsection 5 of this section**;

(3) Is deceased; or

(4) Has filed with the court an affidavit authorizing release of identifying information.

If the biological parent fails or refuses to file an affidavit with the court authorizing the release of identifying information, then the identifying information shall not be released to the adopted adult. No additional request for the same or substantially the same information may be made within three years of the time the biological parent fails or refuses to file an affidavit authorizing the release of identifying information.

8. Any adopted adult whose adoption was finalized in this state or whose biological parents had their parental rights terminated in this state may request the court to secure and disclose identifying information concerning an adult sibling. Identifying information pertaining exclusively to the adult sibling, whether part of the permanent record of a file in the court or in an agency, shall be released only upon consent of that adult sibling.

9. The central office of the children's division within the department of social services shall maintain a registry by which biological parents, adult siblings, and adoptive adults may indicate their desire to be contacted by each other. The division may request such identification for the registry as a party may possess to assure positive identifications. At the time of registry, a biological parent or adult sibling may consent in writing to the release of identifying information to an adopted adult. If such a consent has not been executed and the division believes that a match has occurred on the registry between biological parents or adult siblings and an adopted adult, an employee of the division shall make the confidential contact provided in subsection 5 of this section with the biological parents or adult siblings and with the adopted adult. If the division believes that a match has occurred on the registry between one biological parent or adult sibling and an adopted adult, an employee of the division shall make the confidential contact provided by subsection 5 of this section with the biological parent or adult sibling. The division shall then attempt to make such confidential contact with the other biological parent, and shall proceed thereafter to make such confidential contact with the adopted adult only if the division determines that the other biological parent meets one of the conditions specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult may refuse to go forward with any further contact between the parties when contacted by the division.

10. The provisions of this section, except as provided in subsection 5 of this section governing the release of identifying and nonidentifying adoptive information apply to adoptions completed before and after August 13, 1986.

11. All papers, records, and information known to or in the possession of an adoptive parent or adoptive child that pertain to an adoption, whether or not part of any permanent record or file, may be disclosed by the adoptive parent or adoptive child. The provisions of this subsection shall not be construed to create a right to have access to information not otherwise allowed under this section.

610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting

on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals

are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or

unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

(22) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; **[**and**]**

(23) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business**; and**

(24) Records relating to foster home or kinship placements of children in foster care under section 210.498."; and

Further amend the title and enacting clause accordingly.

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

Senator Riddle offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 850, Page 1, Section A, Line 2, by inserting after all of said line the following:

"**210.151. 1. The children's division, a juvenile officer, or a prosecuting or circuit attorney may petition the circuit court for an order directing a parent, guardian, or other person with care, custody, or control of a child who is the subject of an investigation of child abuse or neglect to present the child at a place and time designated by the court to a SAFE CARE provider, as defined in section 334.950, for a sexual assault forensic examination or a child physical abuse forensic examination, or to a child assessment center, as described in section 210.001, for an interview. During an interview at a child assessment center, a video recording of any interview with the child at the center shall be made and preserved and shall be admissible in evidence in accordance with Missouri supreme court rules and the provisions of chapters 490, 491, 492, 510, 545, and 595.**

(1) The court shall enter an order under this section if the court determines that there is probable cause to believe that the child has been abused or neglected, the examination or interview is reasonably necessary for the completion of an investigation or for the collection of evidence, and doing so would be in the best interests of the child.

(2) The petition and order may be made on an ex parte basis when it is reasonable to believe that providing notice may place the child at risk of further abuse or neglect, when it is reasonable to believe that providing notice may cause the child to be removed from the state of Missouri or the

jurisdiction of the court, or if it is reasonable to believe that evidence relevant to the investigation will be unavailable if the order is not entered.

2. Any person served with a petition and order under this section shall not be required to file an answer, but may file an answer or a motion for a protective order or other appropriate relief. At the time the order is served, the parent, guardian, or person with care, custody, or control of the child shall be advised, both orally and in writing, of his or her right to file an answer or motion with the court.

(1) The answer or motion shall be filed at or before the time for production or disclosure set out in the order. The answer or motion shall be in writing, but no particular form shall be required. The clerk shall serve a copy of the answer or motion on the director of the children's division or on the agency that applied for the order.

(2) The court shall expedite a hearing on the motion and shall issue its decision no later than one business day after the date the motion is filed. The court may review the motion in camera and stay implementation of the order once for up to three days.

(3) Any information that may reveal the identity of a hotline reporter shall not be disclosed to anyone in any proceeding under this section unless otherwise allowed by law.

3. The petition for an order under this section shall be filed in the juvenile or family court that has jurisdiction under section 211.031 or in the circuit court of the county:

(1) Where the child resides;

(2) Where the child may be found;

(3) Where the parent or legal guardian of the child resides or may be found;

(4) Where the alleged perpetrator of the child abuse or neglect resides or may be found;

(5) Where the subject of the order may be located or found;

(6) In Cole County, if none of the other venue provisions of this section apply.

The court shall expedite all proceedings under this section so as to ensure the safety of the child, the preservation of relevant evidence, the completion of child abuse and neglect investigations within statutory timeframes, and the provision of appropriate due process to the parties involved.

4. Any person served with an order under this section who knowingly violates the order shall be guilty of a class A misdemeanor.

5. The timeframes for the division to complete its investigation and notify the alleged perpetrator of its decision set forth in sections 210.145, 210.152, and 210.183 shall be tolled from the date that the division files a petition for an order until the order is complied with in full, the order is withdrawn, or a court of competent jurisdiction quashes the order."; and

Further amend the title and enacting clause accordingly.

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

Senator Curls offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 850, Page 1, Section A, Line 2, by inserting after all of said line the following:

"210.145. 1. The division shall develop protocols which give priority to:

(1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;

(2) Promoting the preservation and reunification of children and families consistent with state and federal law;

(3) Providing due process for those accused of child abuse or neglect; and

(4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. The division shall utilize structured decision-making protocols for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the reported risk and injury to the child. The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports.

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

4. **The division may accept a report for investigation or family assessment if either the child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident occurred in Missouri.**

5. The division may accept a report if the child has recently resided in Missouri, but he or she is currently located in another state and the reported incident occurred outside of Missouri. If the report appears credible, the division shall immediately communicate such report to the appropriate agency or agencies in the state where the child is believed to be located, along with any relevant information as may be contained in the division's information system.

6. When the child abuse and neglect hotline receives three or more calls, within a seventy-two hour period, from one or more individuals concerning the same child, the division shall conduct a review to

determine whether the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. In conducting the review, the division shall contact the hotline caller or callers in order to collect information to determine whether the calls meet the criteria for harassment.

[5.**]** **7.** The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

[6.**]** **8.** The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger. If the parents of the child are not the alleged perpetrators, a parent of the child must be notified prior to the child being interviewed by the division. No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

(1) (a) No person is present in the home at the time of the home visit; and

(b) The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;

(2) The alleged perpetrator will be alerted regarding the attempted visit; or

(3) The family has a history of domestic violence or fleeing the community.

If the alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall provide written material to the alleged perpetrator informing him or her of his or her rights regarding such visit, including but not limited to the right to contact an attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to read such material shall not apply in cases where the child faces an immediate threat or danger, or the person responding to **or** investigating the report is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or child care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-being of the child shall be verified. For purposes of this subsection, "child care facility" shall have the same meaning as such term is defined in section 210.201.

[7.**]** **9.** The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

[8.**]** **10.** The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

[9.**]** **11.** When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

[10.**]** **12.** Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

[11.**]** **13.** Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

[12.**]** **14.** For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

[13.**]** **15.** If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in

the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

[14.**] 16.** If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

[15.**] 17.** (1) Within forty-five days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within forty-five days, unless good cause for the failure to complete the investigation is specifically documented in the information system. Good cause for failure to complete an investigation shall include, but not be limited to:

(a) The necessity to obtain relevant reports of medical providers, medical examiners, psychological testing, law enforcement agencies, forensic testing, and analysis of relevant evidence by third parties which has not been completed and provided to the division;

(b) The attorney general or the prosecuting or circuit attorney of the city or county in which a criminal investigation is pending certifies in writing to the division that there is a pending criminal investigation of the incident under investigation by the division and the issuing of a decision by the division will adversely impact the progress of the investigation; or

(c) The child victim, the subject of the investigation or another witness with information relevant to the investigation is unable or temporarily unwilling to provide complete information within the specified time frames due to illness, injury, unavailability, mental capacity, age, developmental disability, or other cause.

The division shall document any such reasons for failure to complete the investigation.

(2) If a child fatality or near-fatality is involved in a report of abuse or neglect, the investigation shall remain open until the division's investigation surrounding such death or near-fatal injury is completed.

(3) If the investigation is not completed within forty-five days, the information system shall be updated at regular intervals and upon the completion of the investigation, which shall be completed no later than ninety days after receipt of a report of abuse or neglect, or one hundred twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

[16.**]** **18.** A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

[17.**]** **19.** The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

[18.**]** **20.** In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made.

If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

[19.**]** **21.** In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

22. Nothing in this section shall prohibit the children's division from co-investigating a report of child abuse or neglect or sharing records and information with child welfare, law enforcement, or judicial officers of another state, territory, or nation when the children's division determines it is appropriate to do so under the standard set forth in subsection 4 of section 210.150 and when such receiving agency is exercising its authority under law.

[20.**]** **23.** The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109

to 210.183.

[21.**]** **24.** 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, 2000, shall be invalid and void.

210.150. 1. The children's division shall ensure the confidentiality of all reports and records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, the central registry, and other appropriate persons, officials, and institutions pursuant to sections 210.109 to 210.183. To protect the rights of the family and the child named in the report as a victim, the children's division shall establish guidelines which will ensure that any disclosure of information concerning the abuse and neglect involving that child is made only to persons or agencies that have a right to such information. The division may require persons to make written requests for access to records maintained by the division. The division shall only release information to persons who have a right to such information. The division shall notify persons receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for which the information is released and of the penalties for unauthorized dissemination of information. Such information shall be used only for the purpose for which the information is released.

2. Only the following persons shall have access to investigation records contained in the central registry:

(1) Appropriate federal, state or local criminal justice agency personnel, or any agent of such entity, with a need for such information under the law to protect children from abuse or neglect;

(2) A physician or a designated agent who reasonably believes that the child being examined may be abused or neglected;

(3) Appropriate staff of the division and of its local offices, including interdisciplinary teams which are formed to assist the division in investigation, evaluation and treatment of child abuse and neglect cases or a multidisciplinary provider of professional treatment services for a child referred to the provider;

(4) Any child named in the report as a victim, or a legal representative, or the parent, if not the alleged perpetrator, or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide a method for confirming or certifying that a designee is acting on behalf of a subject;

(5) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or neglect or child protective proceedings or child custody proceedings, and other federal, state and local government entities, or any agent of such entity, with a need for such information in order to carry out its responsibilities under the law to protect children from abuse or neglect;

(7) Any person engaged in a bona fide research purpose, with the permission of the director; provided, however, that no information identifying the child named in the report as a victim or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the child named in the report as a victim or, if the child is less than eighteen years of age, through the child's parent, or guardian provides written permission;

(8) Any child-care facility; child-placing agency; residential-care facility, including group homes; juvenile courts; public or private elementary schools; public or private secondary schools; or any other public or private agency exercising temporary supervision over a child or providing or having care or custody of a child who may request an examination of the central registry from the division for all employees and volunteers or prospective employees and volunteers, who do or will provide services or care to children. Any agency or business recognized by the division or business which provides training and places or recommends people for employment or for volunteers in positions where they will provide services or care to children may request the division to provide an examination of the central registry. Such agency or business shall provide verification of its status as a recognized agency. Requests for examinations shall be made to the division director or the director's designee in writing by the chief administrative officer of the above homes, centers, public and private elementary schools, public and private secondary schools, agencies, or courts. The division shall respond in writing to that officer. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect;

(9) Any parent or legal guardian who inquires about a child abuse or neglect report involving a specific person or child-care facility who does or may provide services or care to a child of the person requesting the information. Request for examinations shall be made to the division director or the director's designee, in writing, by the parent or legal guardian of the child and shall be accompanied with a signed and notarized release form from the person who does or may provide care or services to the child. The notarized release form shall include the full name, date of birth and Social Security number of the person who does or may provide care or services to a child. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect. The response shall be given within ten working days of the time it was received by the division;

(10) Any person who inquires about a child abuse or neglect report involving a specific child-care facility, child-placing agency, residential-care facility, public and private elementary schools, public and private secondary schools, juvenile court or other state agency. The information available to these persons is limited to the nature and disposition of any report contained in the central registry and shall not include any identifying information pertaining to any person mentioned in the report;

(11) Any state agency acting pursuant to statutes regarding a license of any person, institution, or agency

which provides care for or services to children;

(12) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(13) Any person who is a tenure-track or full-time research faculty member at an accredited institution of higher education engaged in scholarly research, with the permission of the director. Prior to the release of any identifying information, the director shall require the researcher to present a plan for maintaining the confidentiality of the identifying information. The researcher shall be prohibited from releasing the identifying information of individual cases.

3. Only the following persons shall have access to records maintained by the division pursuant to section 210.152 for which the division has received a report of child abuse and neglect **[**and which the division has determined that there is insufficient evidence**]** or in which the division proceeded with the family assessment and services approach:

(1) Appropriate staff of the division;

(2) Any child named in the report as a victim, or a legal representative, or the parent or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent. The names or other identifying information of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide for a method for confirming or certifying that a designee is acting on behalf of a subject;

(3) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(4) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(5) Appropriate criminal justice agency personnel or juvenile officer;

(6) Multidisciplinary agency or individual including a physician or physician's designee who is providing services to the child or family, with the consent of the parent or guardian of the child or legal representative of the child;

(7) Any person engaged in bona fide research purpose, with the permission of the director; provided, however, that no information identifying the subjects of the reports or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the subject, or if a child, through the child's parent or guardian, provides written permission.

4. **The division may share records, information, and findings with federal, state, or local child welfare agency personnel and law enforcement agencies, including those located outside the state of**

Missouri, or any agent of such entities, in the performance of their official duties, upon a reasonable belief that such information is needed to protect a child from abuse or neglect, or to assist such agency in providing child welfare services. This may include, but shall not be limited to, substantiated or unsubstantiated reports of abuse or neglect, family assessments, and any other documents or information the division deems necessary for another agency to have access to in order to protect a child. Unsubstantiated reports may be shared only if the children's division reasonably believes the receiving entity will prevent the unauthorized dissemination of the information contained therein.

5. Any person who knowingly violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the information system or the central registry and in reports and records made pursuant to sections 210.109 to 210.183, shall be guilty of a class A misdemeanor.

[5.**]** **6.** Nothing in this section shall preclude the release of findings or information about cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of the director of the department of social services, based upon a review of the potential harm to other children within the immediate family."; and

Further amend the title and enacting clause accordingly.

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

Senator Sater offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 850, Page 4, Section 210.152, Line 102, by inserting after all of said line the following:

"453.015. As used in sections 453.010 to 453.400, the following terms mean:

(1) "Minor" or "child", any person who has not attained the age of eighteen years or any person in the custody of the children's division who has not attained the age of twenty-one;

(2) "Parent", a birth parent or parents of a child, including the putative father of the child, as well as the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his own by affirmatively asserting his paternity;

(3) **"Post adoption contact agreement", a voluntary written agreement executed by one or both of a child's birth parents and each adoptive parent describing future contact between the parties to the agreement and the child; provided, that such agreement shall be approved by the court under subsection 4 of section 453.080;**

(4) "Putative father", the alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry established in section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant to section 193.087;

[(4)**]** **(5)** "Stepparent", the spouse of a biological or adoptive parent. The term does not include the state if the child is a ward of the state. The term does not include a person whose parental rights have been terminated.

453.030. 1. In all cases the approval of the court of the adoption shall be required and such approval shall be given or withheld as the welfare of the person sought to be adopted may, in the opinion of the court, demand.

2. The written consent of the person to be adopted shall be required in all cases where the person sought to be adopted is fourteen years of age or older, except where the court finds that such child has not sufficient mental capacity to give the same. In a case involving a child under fourteen years of age, the guardian ad litem shall ascertain the child's wishes and feelings about his or her adoption by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered by the court as a factor in determining if the adoption is in the child's best interests.

3. With the exceptions specifically enumerated in section 453.040, when the person sought to be adopted is under the age of eighteen years, the written consent of the following persons shall be required and filed in and made a part of the files and record of the proceeding:

(1) The mother of the child; **[**and**]**

(2) **[**Only the**]** **Any** man who:

(a) Is presumed to be the father pursuant to the subdivision (1), (2), or (3) of subsection 1 of section 210.822; or

(b) Has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child and has served a copy of the petition on the mother in accordance with section 506.100; or

(c) Filed with the putative father registry pursuant to section 192.016 a notice of intent to claim paternity or an acknowledgment of paternity either prior to or within fifteen days after the child's birth, and has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child; **[**or**]** **and**

(3) The child's current adoptive parents or other legally recognized mother and father.

Upon request by the petitioner and within one business day of such request, the clerk of the local court shall verify whether such written consents have been filed with the court.

4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section may be executed before or after **the birth of the child or before or after** the commencement of the adoption proceedings, and shall be executed in front of a judge or acknowledged before a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting birth parent of the consequences of the consent. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons whose signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding **other than the attorney representing the party signing the consent**. The notary public or witnesses shall verify the identity of the party signing the consent. **Notwithstanding any other provision of law to the contrary, a properly executed written consent under this subsection shall be considered irrevocable.**

5. The written consent required in subdivision (1) of subsection 3 of this section by the birth **[**parent**]** **mother** shall not be executed anytime before the child is forty-eight hours old. Such written consent shall

be executed in front of a judge or acknowledged before a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting party of the consequences of the consent. In lieu of **[**such**]** acknowledgment **before a notary public**, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding **other than the attorney representing the party signing the consent**. The notary public or witnesses shall verify the identity of the party signing the consent.

6. A consent is final when executed, unless the consenting party, prior to a final decree of adoption, alleges and proves by clear and convincing evidence that the consent was not freely and voluntarily given. The burden of proving the consent was not freely and voluntarily given shall rest with the consenting party. Consents in all cases shall have been executed not more than six months prior to the date the petition for adoption is filed.

7. A consent form shall be developed through rules and regulations promulgated by the department of social services. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. If a written consent is obtained after August 28, 1997, but prior to the development of a consent form by the department and the written consent complies with the provisions of subsection 8 of this section, such written consent shall be deemed valid.

8. However, the consent form must specify that:

(1) The birth parent understands the importance of identifying all possible fathers of the child and may provide the names of all such persons; and

(2) The birth parent understands that if he denies paternity, but consents to the adoption, he waives any future interest in the child.

9. The written consent to adoption required by subsection 3 and executed through procedures set forth in subsection 5 of this section shall be valid and effective even though the parent consenting was under eighteen years of age, if such parent was represented by a guardian ad litem, at the time of the execution thereof.

10. Where the person sought to be adopted is eighteen years of age or older, his or her written consent alone to his or her adoption shall be sufficient.

11. A birth parent, including a birth parent less than eighteen years of age, shall have the right to legal representation and payment of any reasonable legal fees incurred throughout the adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

(1) A birth parent requests representation;

(2) The court finds that hiring an attorney to represent such birth parent would cause a financial hardship for the birth parent; and

(3) The birth parent is not already represented by counsel.

12. Except in cases where the court determines that the adoptive parents are unable to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall order the costs of the

attorney fees incurred pursuant to subsection 11 of this section to be paid by the prospective adoptive parents or the child-placing agency.

13. The court shall receive and acknowledge a written consent to adoption properly executed by a birth parent under this section when such consent is in the best interests of the child.

453.080. 1. The court shall conduct a hearing to determine whether the adoption shall be finalized. **Out of state adoptive petitioners may appear by their attorney or by video or telephone conference rather than in person.** During such hearing, the court shall ascertain whether:

(1) The person sought to be adopted, if a child, has been in the lawful and actual custody of the petitioner for a period of at least six months prior to entry of the adoption decree; except that the six-month period may be waived if the person sought to be adopted is a child who is under the prior and continuing jurisdiction of a court pursuant to chapter 211 and the person desiring to adopt the child is the child's current foster parent. Lawful and actual custody shall include a transfer of custody pursuant to the laws of this state, another state, a territory of the United States, or another country;

(2) The court has received and reviewed a postplacement assessment on the monthly contacts with the adoptive family pursuant to section 453.077, except for good cause shown in the case of a child adopted from a foreign country;

(3) The court has received and reviewed an updated financial affidavit;

(4) The court has received the recommendations of the guardian ad litem and has received and reviewed the recommendations of the person placing the child, the person making the assessment and the person making the postplacement assessment;

(5) **[**There is compliance with the uniform child custody jurisdiction act, sections 452.440 to 452.550;

(6)**]** There is compliance with the Indian Child Welfare Act, if applicable;

[(7)**]** **(6)** There is compliance with the Interstate Compact on the Placement of Children pursuant to section 210.620; and

[(8)**]** **(7)** It is fit and proper that such adoption should be made.

2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of custody has occurred pursuant to section 453.110, the court may authorize the filing for finalization in another state if the adoptive parents are domiciled in that state.

3. If the court determines the adoption should be finalized, a decree shall be issued setting forth the facts and ordering that from the date of the decree the adoptee shall be for all legal intents and purposes the child of the petitioner or petitioners. The court may decree that the name of the person sought to be adopted be changed, according to the prayer of the petition.

4. Before the completion of an adoption, the exchange of information among the parties shall be at the discretion of the parties. **Prospective adoptive parents and birth parents may enter into a written post adoptive contact agreement to allow contact, communication, and the exchange of photographs after the adoption between the adoptive parents and the birth parents. The court shall not order any party to enter into a post adoption contact agreement. The agreement shall be filed with and approved by the court at or before the finalization of the adoption. The court shall approve an agreement only if the agreement is in the best interests of the child. The court may enforce or modify an agreement made under this subsection unless such enforcement or modification is not in the best interests of the**

child. The agreement shall include:

(1) An acknowledgment by the birth parents that the adoption is irrevocable, even if the adoptive parents do not abide by the post adoption contact agreement;

(2) An acknowledgment by the adoptive parents that the agreement grants the birth parents the right to seek to enforce the provisions of the post adoption contact agreement. Remedies for a breach of the agreement shall include specific performance of the terms of the agreement; provided, that nothing in the agreement shall preclude a party seeking to enforce the agreement from utilizing child welfare mediation before, or in addition to, the commencement of a civil action for specific enforcement;

(3) An acknowledgment that the post adoption contact agreement shall be filed with and approved by the court in order to be enforceable; and

(4) An acknowledgment that the birth parent's consent to the adoption was not conditioned on the post adoption contact agreement and that acceptance of the agreement is fully voluntary.

Upon completion of an adoption, further contact among the parties shall be at the discretion of the adoptive parents **or in accordance with a post adoption contact agreement executed under this subsection**. The court shall not have jurisdiction to deny **[**continuing contact between the adopted person and the birth parent, or an adoptive parent and a birth parent. Additionally, the court shall not have jurisdiction to deny**]** an exchange of identifying information between an adoptive parent and a birth parent.

5. Before the completion of an adoption, the court shall make available to the birth parent or parents a contact preference form developed by the state registrar pursuant to section 193.128 and provided to the court by the department of health and senior services. If a birth parent chooses to complete the form, the clerk of the court shall send the form with the certificate of decree of adoption to the state registrar. Such form shall accompany the original birth certificate of the adopted person and may be updated by a birth parent at any time upon the request of the birth parent."; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Wallingford, **SB 850**, as amended, was declared perfected and ordered printed.

Senator Koenig moved that **SB 672**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 672**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 672

An Act to repeal sections 210.115 and 475.024, RSMo, and to enact in lieu thereof four new sections relating to guardianships.

Was taken up.

Senator Koenig moved that **SCS** for **SB 672** be adopted, which motion prevailed.

On motion of Senator Koenig, **SCS** for **SB 672** was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

At the request of Senator Rowden, **HB 1303** was placed on the Informal Calendar.

At the request of Senator Emery, **HB 1691**, with **SCS** was placed on the Informal Calendar.

HB 1665, introduced by Representative Swan, entitled:

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to a visiting scholars certificate.

Was taken up by Senator Rowden.

On motion of Senator Rowden, **HB 1665** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

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

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

Senator Kehoe moved that motion lay on the table, which motion prevailed.

HB 1465, introduced by Representative Cookson, with **SCS**, entitled:

An Act to repeal sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof nine new sections relating to higher education.

Was taken up by Senator Wasson.

SCS for **HB 1465**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1465

An Act to repeal sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof nine new sections relating to higher education, with an existing penalty provision.

Was taken up.

Senator Wasson moved that **SCS** for **HB 1465** be adopted.

Senator Wasson offered **SS** for **SCS** for **HB 1465**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1465

An Act to repeal sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof nine new sections relating to higher education, with an existing penalty provision.

Senator Wasson moved that **SS** for **SCS** for **HB 1465** be adopted, which motion prevailed.

On motion of Senator Wasson, **SS** for **SCS** for **HB 1465** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

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

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

Senator Kehoe moved that motion lay on the table, which motion prevailed.

HB 1291, introduced by Representative Henderson, with **SCS**, entitled:

An Act to repeal section 137.556, RSMo, and to enact in lieu thereof one new section relating to the county special road tax.

Was taken up by Senator Romine.

SCS for **HB 1291**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1291

An Act to repeal sections 65.610, 65.620, 94.900, 137.556, and 162.441, RSMo, and to enact in lieu thereof five new sections relating to local taxing districts.

Was taken up.

Senator Romine moved that **SCS** for **HB 1291** be adopted.

Senator Munzlinger offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1291, Page 1, In the Title, Line 3 of the title, by striking "taxing districts" and inserting in lieu thereof the following: "taxes"; and

Further amend said bill, Page 6, Section 94.900, Line 111, by inserting after all of said line the following:

"137.021. 1. The assessor, in grading land which is devoted primarily to the raising and harvesting of crops, to the feeding, breeding and management of livestock, to dairying, or to any combination thereof, as defined in section 137.016, pursuant to the provisions of sections 137.017 to 137.021, shall in addition to the assessor's personal knowledge, judgment and experience, consider soil surveys, decreases in land valuation due to natural disasters, level of flood protection, governmental regulations limiting the use of such land, the estate held in such land, and other relevant information. On or before December thirty-first of each odd-numbered year, the state tax commission shall promulgate by regulation and publish a value based on productive capability for each of the several grades of agricultural and horticultural land. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the next odd-numbered year. Such values shall be based upon soil surveys, soil productivity indexes, production costs, crop yields, appropriate capitalization rates and any other pertinent factors, all of which may be provided by the college of agriculture of the University of Missouri, and shall be used by all county assessors in conjunction with their land grades in determining assessed values. Any regulation promulgated pursuant to this subsection shall be deemed to be beyond the scope and authority provided in this subsection if the general assembly, within the first sixty calendar days of the regular session immediately following the promulgation of such regulation, by concurrent resolution, shall disapprove the values contained in such regulation. If the general assembly so disapproves any regulation promulgated pursuant to this subsection, the state tax commission shall continue to use values set forth in the most recent preceding regulation promulgated pursuant to this subsection.

2. When land that is agricultural and horticultural property, as defined in section 137.016, and is being valued and assessed for general property tax purposes pursuant to the provisions of sections 137.017 to 137.021 becomes property other than agricultural and horticultural property, as defined in section 137.016, it shall be reassessed as of the following January first.

3. Separation or split-off of a part of the land which is being valued and assessed for general property tax purposes pursuant to the provisions of sections 137.017 to 137.021, either by conveyance or other action of the owner of the land, so that such land is no longer agricultural and horticultural property, as defined in section 137.016, shall subject the land so separated to reassessment as of the following January first. This shall not impair the right of the remaining land to continuance of valuation and assessment for general property tax purposes pursuant to the provisions of sections 137.017 to 137.021.

4. The state tax commission shall not promulgate a rule increasing agricultural land productive values more than two percent above the values in effect prior to the rule promulgation or eight percent above the lowest value in effect in any of the ten years prior to the rule promulgation."; and

Further amend the title and enacting clause accordingly.

Senator Munzlinger moved that the above amendment be adopted.

Senator Rowden assumed the Chair.

Senator Schaaf raised the point of order that **SA 1** is out of order in that it goes beyond the scope of the underlying bill. The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Munzlinger, **SA 1** was withdrawn.

Senator Cunningham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1291, Page 6, Section 94.900, Line 111, by inserting immediately after said line the following:

"108.120. 1. The county commissions of the counties of this state are hereby authorized to issue bonds for and on behalf of their respective counties for the construction, reconstruction, improvement, maintenance and repair of any and all public roads, highways, bridges **[**and**],** culverts**, streets, avenues, or alleys** within such county, including the payment of any cost, judgment and expense for property, or rights in property, acquired by purchase or eminent domain, as may be provided by law, in such amount and such manner as may be provided by the general law authorizing the issuance of bonds by counties.

2. The proceeds of all bonds issued under the provisions of this section shall be paid into the county treasury where they shall be kept as a separate fund to be known as "The Road Bond Construction Fund" and such proceeds shall be used only for the purpose mentioned herein. **[**Such funds may be used in the construction, reconstruction, improvement, maintenance and repair of any street, avenue, road or alley in any incorporated city, town or village if such street, avenue, road or alley or any part thereof shall form a part of a continuous road, highway, bridge or culvert of said county leading into or through such city, town or village.**] The county may contract with any other political subdivision to share the proceeds of such bonds to be used for the purposes authorized.**

137.555. In addition to other levies authorized by law, the county commission in counties not adopting an alternative form of government and the proper administrative body in counties adopting an alternative form of government, in their discretion may levy an additional tax, not exceeding thirty-five cents on each one hundred dollars assessed valuation, all of such tax to be collected and turned into the county treasury, where it shall be known and designated as "The Special Road and Bridge Fund" to be used for road and bridge purposes and for no other purpose whatever; except that the term "road and bridge purposes" may include certain storm water control projects off rights of way that are directly related to the construction of roads and bridges, in any county of the first classification without a charter form of government with a population of at least ninety thousand inhabitants but not more than one hundred thousand inhabitants, in any county of the first classification without a charter form of government with a population of at least two hundred thousand inhabitants, in any county of the first classification without a charter form of government and bordered by one county of the first classification and one county of the second classification or in any county of the first classification with a charter form of government and containing part of a city with a population of three hundred thousand or more inhabitants; provided, however, that all that part or portion of such tax which shall arise from and be collected and paid upon any property lying and being within any special road district shall be paid into the county treasury and four-fifths of such part or portion of such tax so arising from and collected and paid upon any property lying and being within any such special road district shall be placed to the credit of such special road district from which it arose and shall be paid out to such special road district upon warrants of the county commission, in favor of the commissioners or treasurer of the district as the case may be; provided further, that the part of such special road and bridge tax arising from and paid upon property not situated in any special road district and the one-fifth part retained in the county treasury may, in the discretion of the county commission **and pursuant to a written**

contract, be **shared with any other political subdivision to be** used **[**in**] for road and bridge purposes within the county, including but not limited to constructing,** improving or repairing **[**any street in any incorporated city or village in the county, if such street shall form a part of a continuous highway of such county leading through such city or village**] streets, avenues, or alleys of such political subdivision**."; and

Further amend the title and enacting clause accordingly.

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

Senator Schatz offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1291, Page 8, Section 162.441, Line 41, by inserting after all of said line the following:

"**167.125. 1. For any pupil residing in any school district in the state, the commissioner of education or his or her designee shall, upon proper application by the parent or guardian of the pupil, assign the pupil and any sibling of the pupil to another school district if the pupil is eligible as described under subsection 2 of this section and the following conditions are met:**

(1) The actual driving distance from the pupil's residence to the attendance center in the district of residence is fifteen miles or more by the shortest route available as determined by the commissioner or his or her designee;

(2) The attendance center to which the pupil would be assigned in the receiving district is at least five miles closer in actual driving distance by the shortest route available to the pupil's residence than the current attendance center in the district of residence as determined by the commissioner or his or her designee; and

(3) The attendance of the pupil will not cause the classroom in the receiving district to exceed the number of pupils per class as determined by the receiving district.

2. (1) For pupils applying to the commissioner of education under this section, the commissioner or his or her designee shall assign pupils in the order in which applications are received, so long as the applications are properly completed and the conditions of subsection 1 of this section are met.

(2) Once granted, the hardship assignment shall continue until the pupil, and any sibling of the pupil who attends the same attendance center, completes his or her course of study in the receiving district or the parent or guardian withdraws the pupil. If a parent or guardian withdraws a pupil from a hardship assignment, the granting of a subsequent application is discretionary.

(3) A pupil shall be eligible to apply to the commissioner of education to be assigned to another district under this section if the pupil has been enrolled in and attending a public school in his or her district of residence during the school year prior to the application. Any pupil shall be eligible to apply to the commissioner of education to be assigned to another district under this section if the pupil has been enrolled in and attending a public school in a district other than his or her district of residence and paid nonresident tuition for such enrollment during the school year prior to the application. Pupils who reside in the district who become eligible for kindergarten or first grade shall also be eligible to apply to the commissioner of education to be assigned to another district.

(4) A pupil who is not currently enrolled in a public school district shall become eligible to apply to the commissioner of education to be assigned to another district after the pupil has enrolled in and

completed a full school year in a public school in his or her district of residence.

3. A school district that is assigned a pupil under the provisions of this section may charge a nonresident tuition rate. The board of education of the pupil's district of residence shall pay the tuition of the pupil assigned, however, the amount paid by the district of residence shall not exceed the pro rata cost of instruction of the attendance center the pupil would have attended in the pupil's district of residence. If the amount of tuition paid by the district of residence is less than the nonresident tuition rate set by the receiving school district, the balance shall be paid by the parents or guardians of the pupil. No pupil shall be assigned under the provisions of this section unless tuition is paid in full."; and

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted.

At the request of Senator Romine, **HB 1291**, with **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

HB 1838, introduced by Representative Bernskoetter, with **SCS**, entitled:

An Act to authorize the conveyance of certain state property.

Was taken up by Senator Kehoe.

SCS for **HB 1838**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1838

An Act to authorize the conveyance of certain state properties.

Was taken up.

Senator Kehoe moved that **SCS** for **HB 1838** be adopted.

Senator Kehoe offered **SS** for **SCS** for **HB 1838**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1838

An Act to authorize the conveyance of certain state properties.

Senator Kehoe moved that **SS** for **SCS** for **HB 1838** be adopted, which motion prevailed.

President Pro Tem Richard assumed the Chair.

On motion of Senator Kehoe, **SS** for **SCS** for **HB 1838** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

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

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

Senator Onder moved that motion lay on the table, which motion prevailed.

HB 1350, introduced by Representative Smith (163), with **SCS**, entitled:

An Act to repeal sections 192.2495 and 208.909, RSMo, and to enact in lieu thereof two new sections relating to background check requirements for certain in-home service providers, with a penalty provision.

Was taken up by Senator Rowden.

SCS for **HB 1350**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1350

An Act to repeal sections 192.2495 and 208.909, RSMo, and to enact in lieu thereof two new sections relating to background check requirements for certain in-home service providers, with penalty provisions.

Was taken up.

Senator Rowden moved that **SCS** for **HB 1350** be adopted.

Senator Rowden offered **SS** for **SCS** for **HB 1350**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1350

An Act to repeal sections 43.500, 43.503, 43.504, 43.506, 43.509, 43.527, 43.530, 43.535, 43.540, 43.543, 43.546, 43.547, 192.2495, 208.909, 210.025, 210.254, 210.258, 210.482, 210.487, 302.060, 313.810, and 610.120, RSMo, and to enact in lieu thereof twenty-three new sections relating to criminal history records, with penalty provisions.

Senator Rowden moved that **SS** for **SCS** for **HB 1350** be adopted.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1350, Page 61, Section 610.120, Line 16, by inserting after all of said line the following:

"650.055. 1. Every individual who:

(1) Is found guilty of a felony or any offense under chapter 566; or

(2) Is seventeen years of age or older and arrested for **[**burglary in the first degree under section 569.160, or burglary in the second degree under section 569.170, or**]** a felony offense **[**under chapter 565, 566, 567, 568, or 573**]**; or

(3) Has been determined to be a sexually violent predator pursuant to sections 632.480 to 632.513; or

(4) Is an individual required to register as a sexual offender under sections 589.400 to 589.425;

shall have a fingerprint and blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis.

2. Any individual subject to DNA collection and profiling analysis under this section shall provide a DNA sample:

(1) Upon booking at a county jail or detention facility; or

(2) Upon entering or before release from the department of corrections reception and diagnostic centers; or

(3) Upon entering or before release from a county jail or detention facility, state correctional facility, or any other detention facility or institution, whether operated by a private, local, or state agency, or any mental health facility if committed as a sexually violent predator pursuant to sections 632.480 to 632.513; or

(4) When the state accepts a person from another state under any interstate compact, or under any other reciprocal agreement with any county, state, or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was found guilty of a felony offense in any other jurisdiction; or

(5) If such individual is under the jurisdiction of the department of corrections. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, and on parole, as also defined in section 217.650; or

(6) At the time of registering as a sex offender under sections 589.400 to 589.425.

3. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody or jurisdiction over individuals included in subsection 1 of this section which shall not be set aside or reversed is hereby made mandatory. The board of probation or parole shall recommend that an individual on probation or parole who refuses to provide a DNA sample have his or her probation or parole revoked. In the event that a person's DNA sample is not adequate for any reason, the person shall provide another sample for analysis.

4. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database

records and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA databank system.

5. Unauthorized use or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

6. Implementation of sections 650.050 to 650.100 shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA databank system.

7. All DNA records and biological materials retained in the DNA profiling system are considered closed records pursuant to chapter 610. All records containing any information held or maintained by any person or by any agency, department, or political subdivision of the state concerning an individual's DNA profile shall be strictly confidential and shall not be disclosed, except to:

(1) Peace officers, as defined in section 590.010, and other employees of law enforcement agencies who need to obtain such records to perform their public duties;

(2) The attorney general or any assistant attorneys general acting on his or her behalf, as defined in chapter 27;

(3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, and their employees who need to obtain such records to perform their public duties;

(4) The individual whose DNA sample has been collected, or his or her attorney; or

(5) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court judges, and their employees who need to obtain such records to perform their public duties.

8. Any person who obtains records pursuant to the provisions of this section shall use such records only for investigative and prosecutorial purposes, including but not limited to use at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes, including identification of human remains. Such records shall be considered strictly confidential and shall only be released as authorized by this section.

9. (1) An individual may request expungement of his or her DNA sample and DNA profile through the court issuing the reversal or dismissal, or through the court granting an expungement of all official records under section 568.040. A certified copy of the court order establishing that such conviction has been reversed, guilty plea has been set aside, or expungement has been granted under section 568.040 shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of the court order, the laboratory will determine that the requesting individual has no other qualifying offense as a result of any separate plea or conviction and no other qualifying arrest prior to expungement.

(2) A person whose DNA record or DNA profile has been included in the state DNA database in accordance with this section and sections 650.050, 650.052, and 650.100 may request expungement on **one or more of** the **following** grounds **[**that the conviction has been reversed, the guilty plea on which the authority for including that person's DNA record or DNA profile was based has been set aside, or an expungement of all official records has been granted by the court under section 568.040**]:**

(a) The conviction on which the authority for including that person's DNA record or DNA profile was based on has been reversed;

(b) The guilty plea on which the authority for including that person's DNA record or DNA profile was based on has been set aside;

(c) The prosecutor has declined prosecution on all alleged offenses which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile;

(d) The prosecutor has withdrawn all qualifying charges which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile;

(e) The case or cases containing all charges which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile, are dismissed;

(f) The court finds at a preliminary hearing that there is no probable cause to try that person for any charge which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile;

(g) That person is found not guilty of all charges which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile.

(3) Upon receipt of a written request for expungement, a certified copy of the final court order reversing the conviction, setting aside the plea, or granting an expungement of all official records under section 568.040, and any other information necessary to ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and identifiable information in the state DNA database pertaining to the person and destroy the DNA sample of the person, unless the Missouri state highway patrol determines that the person is otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court order, the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA sample and DNA profile, or the basis for its determination that the person is otherwise obligated to submit a DNA sample.

(4) The Missouri state highway patrol is not required to destroy any item of physical evidence obtained from a DNA sample if evidence relating to another person would thereby be destroyed.

(5) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from the database shall not be excluded or suppressed from evidence, nor shall any conviction be invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging DNA records.

[10. When a DNA sample is taken from an individual pursuant to subdivision (2) of subsection 1 of this section and the prosecutor declines prosecution and notifies the arresting agency of that decision, the arresting agency shall notify the Missouri state highway patrol crime laboratory within ninety days of receiving such notification. Within thirty days of being notified by the arresting agency that the prosecutor has declined prosecution, the Missouri state highway patrol crime laboratory shall determine whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken and retained. If the individual has no other qualifying offenses or arrests, the crime laboratory shall expunge all DNA records in the database taken at the arrest for which the prosecution was declined pertaining to the person and destroy the DNA sample of such person.

11. When a DNA sample is taken of an arrestee for any offense listed under subsection 1 of this section and charges are filed:

(1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol crime laboratory that such charges have been withdrawn;

(2) If the case is dismissed, the court shall notify the state highway patrol crime laboratory of such dismissal;

(3) If the court finds at the preliminary hearing that there is no probable cause that the defendant committed the offense, the court shall notify the state highway patrol crime laboratory of such finding;

(4) If the defendant is found not guilty, the court shall notify the state highway patrol crime laboratory of such verdict.

If the state highway patrol crime laboratory receives notice under this subsection, such crime laboratory shall determine, within thirty days, whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken. If the individual has no other qualifying arrests or offenses, the crime laboratory shall expunge all DNA records in the database pertaining to such person and destroy the person's DNA sample.**]**"; and

Further amend the title and enacting clause accordingly.

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

Senator Schaaf offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1350, Page 20, Section 43.540, Line 17, by inserting after the word "damages" the following: "**solely**"; and further amend lines 19-22, by striking all of said lines and inserting in lieu thereof the following: "**with respect to an applicant. The state, any political subdivision**".

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

Senator Schupp offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1350, Page 59, Section 313.810, Line 24, by inserting after all of said line the following:

"**571.200. As used in section 571.202, the following terms shall mean:**

(1) "Law enforcement officer", any person employed by the United States, or a state, county, city, municipality, village, township, or other political subdivision as a police officer, peace officer, or in some like position involving the enforcement of the law and protection of the public interest;

(2) "Licensed firearms dealer", "licensed dealer", or "dealer", a person who has a valid federal firearms dealer license and all additional licenses required by state or local law to engage in the business of selling or transferring firearms;

(3) "Person", any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other entity.

571.202. 1. No person shall sell or otherwise transfer a firearm, including selling or transferring a firearm via the internet, unless:

(1) Such person is a licensed firearms dealer;

(2) The purchaser or other transferee is a licensed firearms dealer; or

(3) The requirements of subsections 2 or 3 of this section are met.

2. If neither party to a prospective firearms transaction is a licensed firearms dealer, the parties

to the transaction shall complete the sale or other transfer through a licensed firearms dealer as follows:

(1) The dealer shall process the sale or other transfer as if he or she were the seller or other transferor. The dealer shall comply with all requirements of federal, state, and local law that would apply if he or she were the seller or other transferor of the firearm;

(2) The dealer shall conduct a background check on the purchaser or other transferee in accordance with 18 U.S.C. Section 922(t), and state and local law and, if the transaction is not prohibited, deliver the firearm to that person after all other legal requirements are met; and

(3) The dealer may require the purchaser or other transferee to pay a fee covering the administrative costs incurred by the dealer for facilitating the transfer of the firearm, plus applicable fees pursuant to federal, state, and local law.

3. A trustee, under the authority of a trust, or a personal representative, executor, or administrator of an estate shall, before transferring any firearm to an heir or devisee, complete the transfer through a licensed dealer according to the provisions of subdivisions (1) and (2) of subsection 2 of this section. If the transaction is prohibited, then the heir or devisees may authorize a transfer of a firearm to a specific individual to whom the transaction is not prohibited, or the dealer may sell the firearm and give the proceeds to the heir or designee.

4. Notwithstanding any provision of law to the contrary, neither the state nor any political subdivision shall require any federally licensed firearms dealer to supply a list of all of his or her transactions conducted under the provisions of subsections 2 or 3 of this section. All records shall be maintained by the licensed dealer in accordance with federal law.

5. The provisions of subsections 1 and 2 of this section shall not apply to:

(1) Any law enforcement or corrections agency, or law enforcement or corrections officer acting within the course and scope of his or her employment or official duties;

(2) A United States Marshal or member of the Armed Forces of the United States or the National Guard, or a federal official transferring or receiving a firearm as required in the operation of his or her official duties;

(3) A gunsmith who receives a firearm solely for the purposes of service or repair, or the return of the firearm to its owner by the gunsmith;

(4) A common carrier, warehouseman, or other person engaged in the business of transportation or storage, to the extent that the receipt of any firearm is in the ordinary course of business and not for the personal use of any such person;

(5) A person who is loaned a firearm solely for the purpose of shooting at targets, if the loan occurs on the premises of a properly licensed target facility, and the firearm is at all times kept within the premises of the target range;

(6) A person who is under eighteen years of age who is loaned a firearm for lawful hunting or sporting purposes or for any other lawful recreational activity while under the direct supervision and control of a responsible adult; or

(7) A person who is eighteen years of age or older who is loaned a firearm while the person is

accompanying the lawful owner and using the firearm for lawful hunting or sporting purposes or for any other lawful recreational activity.

6. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment for a period not exceeding six months, or both. Such person shall be guilty of a separate offense for each and every day during any portion of which a violation of any provision of this section is committed or continued by such person and shall be punished accordingly.

7. In addition to any other penalty or remedy, the investigating law enforcement agency shall report any violation of this section committed by a licensed firearms dealer to the attorney general who shall, in turn, report the violation to the Bureau of Alcohol, Tobacco, Firearms and Explosives within the United States Department of Justice."; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Curls, Rizzo, Sifton and Walsh.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Hummel	Nasheed	Rizzo	Schupp	Sifton
Walsh—8						

NAYS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Riddle	Romine	Rowden	Sater	Schaaf	Schatz
Wallingford	Wasson	Wieland—24				

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

Senator Rowden moved that **SS** for **SCS** for **HB 1350**, as amended, be adopted, which motion prevailed.

Senator Rowden moved that **SS** for **SCS** for **HB 1350**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Richard referred **SS** for **SCS** for **HB 1350**, as amended, to the Committee on Fiscal Oversight.

Senator Rowden assumed the Chair.

HB 1504, introduced by Representative Reiboldt, entitled:

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to zoning around National Guard training centers.

Was taken up by Senator Richard.

Senator Richard offered **SS** for **HB 1504**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1504

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to zoning around National Guard training centers.

Senator Richard moved that **SS** for **HB 1504** be adopted, which motion prevailed.

On motion of Senator Richard, **SS** for **HB 1504** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

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

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

Senator Kehoe moved that motion lay on the table, which motion prevailed.

President Pro Tem Richard assumed the Chair.

HB 1531, introduced by Representative DeGroot, entitled:

An Act to repeal section 507.060, RSMo, and to enact in lieu thereof one new section relating to interpleading in civil proceedings.

Was taken up by Senator Rowden.

Senator Rowden offered **SS** for **HB 1531**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1531

An Act to repeal section 507.060, RSMo, and to enact in lieu thereof one new section relating to interpleading in civil proceedings.

Senator Rowden moved that **SS** for **HB 1531** be adopted.

Senator Crawford offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1531, Page 1, In the Title, Line 3, by striking the words "interpleading in"; and

Further amend said bill and page, section A, line 3 of said page, by inserting immediately after said line the following:

"34.378. 1. The state shall not enter into a contingency fee contract with a private attorney unless the attorney general makes a written determination prior to entering into such a contract that contingency fee representation is both cost effective and in the public interest. Any written determination shall include specific findings for each of the following factors:

(1) Whether there exists sufficient and appropriate legal and financial resources within the attorney general's office to handle the matter;

(2) The time and labor required; the novelty, complexity, and difficulty of the questions involved; and the skill requisite to perform the attorney services properly;

(3) The geographic area where the attorney services are to be provided; and

(4) The amount of experience desired for the particular kind of attorney services to be provided and the nature of the private attorney's experience with similar issues or cases.

2. If the attorney general makes the determination described in subsection 1 of this section, the attorney general shall request written proposals from private attorneys to represent the state, unless the attorney general determines that requesting proposals is not feasible under the circumstances and sets forth the basis for this determination in writing. If a request for proposals is issued, the attorney general shall choose the lowest and best bid or request **that** the office of administration establish an independent panel to evaluate the proposals and choose the lowest and best bid.

3. The state shall not enter into a contract for contingency fee attorney services unless the following requirements are met throughout the contract period and any extensions to the contract:

(1) The government attorneys shall retain complete control over the course and conduct of the case;

(2) A government attorney with supervisory authority shall oversee the litigation;

(3) The government attorneys shall retain veto power over any decisions made by outside counsel;

(4) A government attorney with supervisory authority for the case shall attend all settlement conferences; and

(5) Decisions regarding settlement of the case shall be reserved exclusively to the discretion of the attorney general.

4. The attorney general shall develop a standard addendum to every contract for contingent fee attorney services that shall be used in all cases, describing in detail what is expected of both the contracted private attorney and the state, including, without limitation, the requirements listed in subsection 3 of this section.

5. Copies of any executed contingency fee contract and the attorney general's written determination to enter into a contingency fee contract with the private attorney shall be posted on the attorney general's website for public inspection within five business days after the date the contract is executed and shall remain posted on the website for the duration of the contingency fee contract, including any extensions or

amendments to the contract. Any payment of contingency fees shall be posted on the attorney general's website within fifteen days after the payment of such contingency fees to the private attorney and shall remain posted on the website for at least three hundred sixty-five days.

6. Any private attorney under contract to provide services to the state on a contingency fee basis shall, from the inception of the contract until at least four years after the contract expires or is terminated, maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of such attorney services. The private attorney shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of no greater than one-tenth of an hour and shall promptly provide these records to the attorney general, upon request. Any request under chapter 610 for inspection and copying of such records shall be served upon and responded to by the attorney general's office.

7. **Except as otherwise provided in subsection 8 of this section, a retained private attorney shall not be entitled to a fee, exclusive of any costs and expenses described in subsection 8 of this section, of more than:**

(1) Fifteen percent of that portion of any amount recovered that is ten million dollars or less;

(2) Ten percent of that portion of any amount recovered that is more than ten million dollars but less than or equal to fifteen million dollars;

(3) Five percent of that portion of any amount recovered that is more than fifteen million dollars but less than or equal to twenty million dollars; and

(4) Two percent of that portion of any amount recovered that is more than twenty million dollars.

8. The total fee payable to all retained private attorneys in any matter that is the subject of a contingency fee contract shall not exceed ten million dollars, exclusive of any costs and expenses provided by the contract and actually incurred by the retained private attorneys, regardless of the number of actions or proceedings or the number of retained private attorneys involved in the matter.

9. A contingency fee:

(1) Shall be payable only from moneys that are actually received under a judgment or settlement agreement; and

(2) Shall not be based on any amount attributable to a fine or civil penalty.

10. As used in this section, "amount recovered" does not include any moneys paid as costs.

11. By February first of each year, the attorney general shall submit a report to the president pro tem of the senate and the speaker of the house of representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year. At a minimum, the report shall:

(1) Identify all new contingency fee contracts entered into during the year and all previously executed contingency fee contracts that remain current during any part of the year, and for each contract describe:

(a) The name of the private attorney with whom the department has contracted, including the name of the attorney's law firm;

(b) The nature and status of the legal matter;

(c) The name of the parties to the legal matter;

(d) The amount of any recovery; and

(e) The amount of any contingency fee paid;

(2) Include copies of any written determinations made under subsections 1 and 2 of this section."; and

Further amend the title and enacting clause accordingly.

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

Senator Rowden moved that **SS** for **HB 1531**, as amended, be adopted, which motion prevailed.

On motion of Senator Rowden, **SS** for **HB 1531**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

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

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

Senator Kehoe moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Dixon offered Senate Resolution No. 1514, regarding the Thirty-fifth Anniversary of The Kitchen, Incorporated, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 1515, regarding the Twentieth Anniversary of the Eagle Heights Worship Center, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 1516, regarding Jeremy Garard, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 1517, regarding Matt Farmer, Springfield, which was adopted.

Senator Walsh offered Senate Resolution No. 1518, regarding Steven Karl "Steve" Ziegler, Florissant, which was adopted.

INTRODUCTION OF GUESTS

Senator Kehoe introduced to the Senate, Elijah Mayfield, Governor's Council on Disability, Jefferson City.

On behalf of Senator Hegeman and himself, Senator Emery introduced to the Senate, the Physician of the Day, Jennifer L. Conley, MD, Nevada; and Mike Birkhead, Trenton.

Senator Cunningham introduced to the Senate, Cole Hunt, his parents, Laura and Curtis Hunt, and his grandparents, Tom and Maria Smith, Marshfield; and Cole was made an honorary page.

Senator Sifton introduced to the Senate, Michelle Hoskins, Warrensburg.

On motion of Senator Kehoe, the Senate adjourned under the rules.

SENATE CALENDAR

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FORTY-FIRST DAY–THURSDAY, MARCH 15, 2018

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1080-Rizzo
SB 1081-Rizzo
SB 1082-Rizzo
SB 1083-Walsh
SB 1084-Schatz
SB 1085-Chappelle-Nadal
SB 1086-Crawford
SB 1087-Rowden
SB 1088-Rowden
SB 1089-Wallingford
SB 1090-Hummel
SB 1091-Nasheed
SB 1092-Hoskins
SB 1093-Hoskins
SB 1094-Hoskins
SB 1095-Hoskins
SB 1096-Romine
SB 1097-Sifton
SB 1098-Sater
SB 1099-Hummel and Nasheed
SB 1100-Riddle
SB 1101-Schupp
SB 1102-Kehoe
SJR 37-Kehoe
SJR 38-Kehoe
SJR 39-Kehoe
SJR 40-Rowden

HOUSE BILLS ON SECOND READING

HCS for HB 1873
HB 1428-Muntzel
HB 1896-Swan
HB 1607-Korman

HCS for HB 1928
HB 1945-Anderson
HCS for HB 1618
HCS for HB 2079
HB 1265-Schroer
HB 1797-Fitzwater
HCS for HB 1525
HB 1250-Plocher
HCS for HB 1358
HCS for HB 2116
HB 2102-Rhoads
HB 1646-Eggleston
HB 2238-Mathews
HCS for HB 1895
HB 1613-Kelley (127)
HCS for HB 1456
HB 2110-Rone
HCS for HB 1947
HCS for HB 2104
HCS for HB 1623
HCS for HB 2062
HCS for HB 1868
HB 1625-Morris
HB 1442-Alferman
HB 1679-Chipman
HB 1892-Wilson
HCS for HB 1645
HB 1953-Neely
HB 2122-Engler
HB 1344-Hill
HB 1800-Miller
HB 1874-Taylor
HCS for HB 1364
HCS for HB 1713
HCS for HB 1714
HB 2026-Wilson
HB 2043-Tate
HCS for HB 2042
HCS for HB 1991
HCS for HB 1614
HCS for HB 1461
HB 1600-Higdon
HCS for HBs 1729, 1621 & 1436
HB 1469-Davis
HB 1968-Grier
HB 2187-Walker (3)
HB 2196-Tate
HB 1517-McCann Beatty
HB 1573-Rowland (155)
HB 1893-Baringer
HB 2243-Houghton
HB 2318-Marshall
HB 2330-Beck
HB 2347-Davis

THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)
SS for SB 699-Sifton (In Fiscal Oversight)
SS for SCS for SBs 603, 576 & 898-Onder (In Fiscal Oversight)
SS for SCS for SB 707-Schatz (In Fiscal Oversight)
SB 773-Hoskins (In Fiscal Oversight)
SS for SB 705-Riddle
SS#2 for SCS for SB 590-Hegeman (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 578-Romine
2. SB 666-Onder
3. SB 802-Nasheed, with SCS
4. SB 982-Wieland

5. SB 981-Wieland
6. SB 928-Onder, with SCS
7. SB 782-Cunningham, with SCS
8. SB 553-Dixon, with SCS
9. SB 966-Rowden, with SCS
10. SB 706-Riddle
11. SB 917-Crawford, with SCS
12. SB 884-Koenig
13. SB 990-Hegeman, with SCS
14. SB 862-Schatz, with SCS
15. SB 920-Riddle
16. SB 919-Libla
17. SB 822-Hegeman, with SCS
18. SB 652-Nasheed, with SCS
19. SB 693-Wallingford
20. SB 890-Riddle, with SCS
21. SB 697-Romine
22. SJR 25-Romine
23. SB 808-Brown

HOUSE BILLS ON THIRD READING

HB 1769-Mathews, with SCS (Schatz) (In Fiscal Oversight)

HB 1413-Taylor, with SCS (Onder) (In Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 547-Munzlinger

SB 743-Sater

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)
SB 550-Wasson, with SCS
SB 552-Dixon, with SS (pending)
SBs 555 & 609-Brown, with SCS
SB 561-Sater, with SA 1 (pending)
SB 567-Cunningham, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)
SB 591-Hegeman, with SCS
SB 596-Riddle, with SCS
SB 599-Schatz
SB 602-Onder, with SCS
SB 612-Koenig, with SCS, SS#2 for SCS, SA 2, SSA 1 for SA 2 & SA 1 to SSA 1 for SA 2 (pending)
SBs 617, 611 & 667-Eigel, with SCS & SS for SCS (pending)
SB 663-Schatz, with SCS (pending)
SB 674-Koenig
SB 730-Wallingford, with SCS & SA 1 (pending)
SB 751-Schatz
SB 767-Hoskins, with SCS, SS for SCS & SA 2 (pending)
SB 774-Munzlinger
SB 786-Schupp, with SA 3 (pending)
SB 813-Riddle, with SCS & SA 1 (pending)
SB 832-Rowden, with SCS
SB 837-Rowden
SB 848-Riddle
SB 849-Kehoe and Schupp, with SCS, SA 1 & SA 1 to SA 1 (pending)
SB 860-Koenig, with SCS, SS for SCS & SA 1 (pending)
SB 861-Hegeman, with SCS

SB 865-Kehoe
SB 893-Sater, with SCS, SS for SCS & SA 1 (pending)
SB 907-Kehoe, with SCS
SB 912-Rowden, with SCS & SS#3 for SCS (pending)
SB 953-Sater, with SCS

HOUSE BILLS ON THIRD READING

HB 1291-Henderson, with SCS & SA 3 (pending) (Romine)
HB 1303-Alferman, with SCS (Rowden)
SS for SCS for HB 1350-Smith (163) (Rowden) (In Fiscal Oversight)
HB 1691-Miller, with SCS (Emery)

CONSENT CALENDAR

Senate Bills

Reported 3/8

SBs 999 & 1000-Rowden, with SCS

RESOLUTIONS

SR 1137-Walsh, with SS (pending)
SR 1487-Schaaf

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