Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIFTH DAY—WEDNESDAY, APRIL 7, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

"I will sing aloud of your steadfast Love in the morning. For you have been a fortress for me and a refuge in the day of my distress." (Psalm 59:16)

Gracious God, You have brought us to a wonderful morning with the opportunity to give thought and praise to You our God. We are Your children who live fully knowing that You are indeed with us and providing us care and protection as we go through this day. You are the fortress we can dwell within when days are long and stressful and concerns and worry multiply. So, we pray that You will calm our hearts and minds with Your peace that passes all human understanding with the encouragement to move forward trusting always in You. 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.

Senator Hough assumed the Chair.

The Journal of the previous day was read and approved.

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

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O'Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Arthur offered Senate Resolution No. 209, regarding Michael J. Hasty, Gladstone, which was adopted.

Senator Cierpiot offered Senate Resolution No. 210, regarding Missouri's Municipal Utility Lineworkers, which was adopted.

Senator Rowden offered Senate Resolution No. 211, regarding the Class 1 State Champion Southern Boone County Eagles boys soccer team, which was adopted.

Senator Washington offered Senate Resolution No. 212, regarding the One Hundredth Birthday of Kenneth A. Stewart Sr., Kansas City, which was adopted.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 306**, entitled:

An Act to repeal sections 160.545, 162.720, 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, 166.456, 166.502, and 209.610, RSMo, and to enact in lieu thereof twelve new sections relating to expanding choices for educational opportunities, with an emergency clause for a certain section.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1236**, entitled:

An Act to repeal section 33.543, RSMo, and to enact in lieu thereof nine new sections relating to state fiscal management, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 744**, entitled:

An Act to repeal sections 455.010, 455.032, 455.035, 455.040, 455.045, 455.050, 455.513, 455.520, and 455.523, RSMo, and to enact in lieu thereof nine new sections relating to orders of protection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

THIRD READING OF SENATE BILLS

SS for **SB 327**, introduced by Senator Koenig, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 327

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, 191.975, 193.075, 210.150, 211.447, 452.375, 453.014, 453.030, 453.040, and 453.070, RSMo, and to enact in lieu thereof sixteen new sections relating to child placement, with existing penalty provisions.

Was taken up.

On motion of Senator Koenig, **SS** for **SB 327** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	O'Laughlin	Onder	Rehder
Rizzo	Roberts	Rowden	Schatz	White	Wieland	Williams—28

NAYS—Senators

Moon	Mosley	Razer	Schupp	Washington—5

Absent—Senator Riddle—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SS for **SCS** for **SB 120**, introduced by Senator White, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 120

An Act to repeal sections 36.020, 143.121, 143.124, 302.188, 379.122, 620.2005, 620.2010, and 650.005, RSMo, and to enact in lieu thereof fifteen new sections relating to military affairs, with an emergency clause for certain sections.

Was taken up.

On motion of Senator White, **SS** for **SCS** for **SB 120** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O'Laughlin
Onder	Razer	Rehder	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Riddle—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

Senator Bean assumed the Chair.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	Mosley	O'Laughlin	Onder	Razer	Rehder
Rizzo	Roberts	Rowden	Schatz	Schupp	White	Wieland
Williams—29						

NAYS—Senators

May	Moon	Washington—3

Absent—Senators

Bernskoetter	Riddle—2

Absent with leave—Senators—None

Vacancies—None

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

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

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

SS for **SB 46**, introduced by Senator Hough, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 46

An Act to repeal sections 115.151, 115.160, 115.960, 301.558, 306.030, and 307.380, RSMo, and to enact in lieu thereof seven new sections relating to transportation.

Was taken up.

President Kehoe assumed the Chair.

On motion of Senator Hough, **SS** for **SB 46** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Bernskoetter	Brattin	Brown	Burlison	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Mosley	O'Laughlin	Onder	Razer	Rehder
Rowden	Schatz	Washington	White	Wieland—26		

NAYS—Senators

Beck	Cierpiot	Moon	Rizzo	Roberts	Schupp	Williams—7

Absent—Senator Riddle—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Bean assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HB 430**, with **SCS**, entitled:

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, and 191.975, RSMo, and to enact in lieu thereof six new sections relating to adoption tax credits.

Was taken up by Senator Rehder.

SCS for **HCS** for **HB 430**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 430

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.550, 135.600, 135.800, and 191.975, RSMo, and to enact in lieu thereof eight new sections relating to benevolent tax credits.

Was taken up.

Senator Rehder moved that **SCS** for **HCS** for **HB 430** be adopted.

Senator Rehder offered **SS** for **SCS** for **HCS** for **HB 430**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 430

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.550, 135.600, 135.800, and 191.975, RSMo, and to enact in lieu thereof eight new sections relating to benevolent tax credits.

Senator Rehder moved that **SS** for **SCS** for **HCS** for **HB 430** be adopted.

Senator Schupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 430, Page 5, Section 135.335, Line 12, by inserting after all of said line the following:

"**135.345. 1. This section shall be known and may be cited as the "Affordable Child Care for Families Tax Credit Act".**

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

(1) "Department", the department of revenue;

(2) "Eligible taxpayer", a resident individual who is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, and who has a federal adjusted gross income of less than eighty thousand dollars in the tax year for which a tax credit is claimed;

(3) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

3. (1) For all tax years beginning on or after January 1, 2022, an eligible taxpayer shall be allowed a tax credit in an amount equal to a percentage of the amount such taxpayer would receive under a federal tax credit received under 26 U.S.C. Section 21, as amended. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. If the amount of the credit exceeds the tax liability, the difference shall be refunded to the taxpayer and shall not be carried forward to any subsequent tax year.

(2) The amount of the tax credit authorized pursuant to this section shall be equal to the following percentage of the amount received under 26 U.S.C. Section 21, as amended:

(a) For the tax year beginning on or after January 1, 2022, and ending on or before December 31, 2022, ten percent of such federal tax credit;

(b) For the tax year beginning on or after January 1, 2023, and ending on or before December 31, 2023, twenty percent of such federal tax credit; and

(c) For all tax years beginning on or after January 1, 2024, thirty percent of such federal tax credit.

4. The department shall prepare an annual report containing statistical information regarding the tax credits issued under this section for the previous tax year, including the total amount of revenue

expended, the number of credits claimed, and the average value of the credits issued to taxpayers whose earned income falls within various income ranges determined by the department.

5. The director of the department may promulgate rules and regulations to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

6. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall sunset automatically on December 31, 2030, unless reauthorized by an act of the general assembly; and

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

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; 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 Arthur, Beck, Rizzo and Washington.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Williams—9					

NAYS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hough	Koenig	Luetkemeyer
Moon	O'Laughlin	Onder	Rehder	Rowden	Schatz	White
Wieland—22						

Absent—Senators

Hoskins	Riddle	Washington—3

Absent with leave—Senators—None

Vacancies—None

Senator Rehder moved that **SS** for **SCS** for **HCS** for **HB 430** be adopted, which motion prevailed.

Senator Rehder moved that **SS** for **SCS** for **HCS** for **HB 430** be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **SCS** for **HCS** for **HB 430** to the Committee on Governmental Accountability and Fiscal Oversight.

HCS for **HB 429**, with **SCS**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to a tax deduction for foster parents.

Was taken up by Senator Koenig.

SCS for **HCS** for **HB 429**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 429

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, 191.975, 211.447, 453.014, 453.030, 453.040, and 453.070, RSMo, and to enact in lieu thereof twelve new sections relating to child placement.

Was taken up.

Senator Koenig moved that **SCS** for **HCS** for **HB 429** be adopted.

Senator Koenig offered **SS** for **SCS** for **HCS** for **HB 429**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 429

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, 191.975, 193.075, 210.150, 211.447, 452.375, 453.014, 453.030, 453.040, and 453.070, RSMo, and to enact in lieu thereof sixteen new sections relating to child placement, with existing penalty provisions.

Senator Koenig moved that **SS** for **SCS** for **HCS** for **HB 429** be adopted, which motion prevailed.

Senator Koenig moved that **SS** for **SCS** for **HCS** for **HB 429** be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **SCS** for **HCS** for **HB 429** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

At the request of Senator Hegeman, **SB 3** was placed on the Informal Calendar.

Senator White moved that **SB 212** be taken up for perfection, which motion prevailed.

Senator White offered **SS** for **SB 212**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 212

An Act to repeal sections 56.380, 56.455, 105.950, 149.071, 149.076, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 575.206,

589.042, 650.055, and 650.058, RSMo, and to enact in lieu thereof forty-three new sections relating to the department of corrections, with existing penalty provisions.

Senator White moved that **SS** for **SB 212** be adopted.

Senator Luetkemeyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 212, Page 28, Section 217.829, Line 37, by inserting after all of said line the following:

"**217.845. Notwithstanding any provision of law to the contrary, any funds received by an offender from the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. 116-136, or any subsequent federal stimulus funding relating to severe acute respiratory syndrome coronavirus 2 or a virus mutating therefrom, shall be used by the offender to make restitution payments ordered by a court resulting from a conviction of a violation of any local, state, or federal law.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Hegeman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 212, Page 28, Section 217.829, Line 37, by inserting after all of said line the following:

"221.105. 1. The governing body of any county and of any city not within a county shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails or medium security institutions. The per diem cost of incarceration of these prisoners chargeable by the law to the state shall be determined, subject to the review and approval of the department of corrections.

2. When the final determination of any criminal prosecution shall be such as to render the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the clerk of the circuit court or court of common pleas in which the case was determined the total number of days any prisoner who was a party in such case remained in the county jail. It shall be the duty of the county commission to supply the cost per diem for county prisons to the clerk of the circuit court on the first day of each year, and thereafter whenever the amount may be changed. It shall then be the duty of the clerk of the court in which the case was determined to include in the bill of cost against the state all fees which are properly chargeable to the state. In any city not within a county it shall be the duty of the superintendent of any facility boarding prisoners to certify to the chief executive officer of such city not within a county the total number of days any prisoner who was a party in such case remained in such facility. It shall be the duty of the superintendents of such facilities to supply the cost per diem to the chief executive officer on the first day of each year, and thereafter whenever the amount may be changed. It shall be the duty of the chief executive officer to bill the state all fees for boarding such prisoners which are properly chargeable to the state. The chief executive may by notification to the department of corrections delegate such responsibility to another duly sworn official of such city not within a county. The clerk of the court of any city not within a county shall not include such fees in the bill of costs chargeable to the state. The department of corrections shall revise its criminal cost manual in accordance with this provision.

3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable to the state, including those incurred for a prisoner who is incarcerated in the county jail because the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has, violated any condition of the prisoner's parole or probation, and such parole or probation is a consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri department of corrections or otherwise held at the request of the Missouri department of corrections regardless of whether or not a warrant has been issued shall be the actual cost of incarceration not to exceed:

(1) Until July 1, 1996, seventeen dollars per day per prisoner;

(2) On and after July 1, 1996, twenty dollars per day per prisoner;

(3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per prisoner, subject to appropriations**[**, but not less than the amount appropriated in the previous fiscal year**]**.

4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by the state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses may include pretrial assessment and supervision strategies for defendants who are ultimately eligible for state incarceration. A county may not receive more than its share of the amount appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge. Any county shall convey such proposal to the department, and any such proposal presented by a presiding judge shall include the documented agreement with the proposal by the county governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the county responsible for custody or incarceration of prisoners of the county represented in the proposal. Any county that declines to convey a proposal to the department, pursuant to the provisions of this subsection, shall receive its per diem cost of incarceration for all prisoners chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this section."; and

Further amend the title and enacting clause accordingly.

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

Senator Brown offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 212, Page 1, In the Title, Line 12, by inserting after "provisions" the following: "and an emergency clause for certain sections"; and

Further amend said bill, page 8, Section 217.030, line 13, by inserting after all of said line the following:

"217.195. 1. With the approval of **[**his division director**] the director of the department of corrections**, the chief administrative officer of any correctional center operated by the division may establish and operate a canteen or commissary for the use and benefit of the offenders.

2. **[**Each correctional center shall keep revenues received from the canteen or commissary established and operated by the correctional center in a separate account**] The "Inmate Canteen Fund" is hereby established in the state treasury and shall consist of funds received from the operation of the inmate canteens**. The acquisition cost of goods sold and other expenses shall be paid from this account. A minimum amount of money necessary to meet cash flow needs and current operating expenses may be kept in this **[**account**] fund**. The **[**remaining funds from sales of each commissary or canteen shall be deposited

monthly in a special fund to be known as the "Inmate Canteen Fund" which is hereby created and shall be expended by the appropriate division, for the benefit of**]** **proceeds generated from the operation of the inmate canteens shall be expended solely for any of the following, or combination thereof:** the offenders in the improvement of recreational, religious, **[**or**]** educational services**, or reentry services. All interest earned by the fund shall be credited to the fund and shall be used solely for the purposes described in this section**. The provisions of section 33.080 to the contrary notwithstanding, **[**the**]** **any** money **remaining** in the inmate canteen fund **at the end of the biennium** shall be retained for the purposes specified in this section and shall not revert **to the credit of** or be transferred to general revenue. **[**The department shall keep accurate records of the source of money deposited in the inmate canteen fund and shall allocate appropriations from the fund to the appropriate correctional center.**]**

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

(1) "Appropriate quantity", an amount per day capable of satisfying the individual need of the offender if used for the feminine hygiene product's intended purpose;

(2) "Feminine hygiene products", tampons and sanitary napkins.

2. The director shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female offenders while confined in any correctional center of the department. The director shall ensure that the feminine hygiene products conform with applicable industry standards.

3. The general assembly may appropriate funds to assist the director in satisfying the requirements of this section."; and

Further amend said bill, page 28, Section 217.829, line 37, by inserting after all of said line the following:

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

(1) "Appropriate quantity", an amount of feminine hygiene products per day capable of satisfying the individual need of the offender if used for the feminine hygiene product's intended purpose;

(2) "Feminine hygiene products", tampons and sanitary napkins.

2. Every sheriff and jailer who holds a person in custody pursuant to a writ or process or for a criminal offense shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female persons while in custody. The sheriff or jailer shall ensure that the feminine hygiene products conform with applicable industry standards.

3. The general assembly shall appropriate funds to assist sheriffs and jailers in satisfying the requirements of this section."; and

Further amend said bill, page 64, Section 217.660, line 8, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to ensure women incarcerated or held in custody are able to address their basic health needs, the enactment of sections 217.199 and 221.065 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 217.199 and 221.065 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

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

Senator Brattin offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 212, Page 8, Section 217.030, Line 13, by inserting after all of said line the following:

"**217.243. 1. Effective January 1, 2023, any inmate who receives an on-site nonemergency medical examination or treatment from the correctional center's medical personnel shall be assessed a co-pay fee of fifty cents per visit for the medical examination or treatment.**

2. Inmates shall not be charged a co-pay fee for the following:

(1) Staff-approved follow-up treatment for chronic illnesses;

(2) Preventive health care;

(3) Emergency services;

(4) Prenatal care;

(5) Diagnosis or treatment of infectious diseases;

(6) Mental health care; or

(7) Substance abuse treatment.

3. Inmates without funds shall not be charged, provided they are considered to be indigent and are unable to pay the co-pay fee.

4. The department shall deposit all funds collected pursuant to this section in the general revenue fund of the state."; and

Further amend the title and enacting clause accordingly.

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

Senator Roberts offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 212, Page 4, Section 149.076, Line 17, by inserting after all of said line the following:

"191.1165. 1. Medication-assisted treatment (MAT) shall include pharmacologic therapies. A formulary used by a health insurer or managed by a pharmacy benefits manager, or medical benefit coverage in the case of medications dispensed through an opioid treatment program, shall include:

(1) Buprenorphine **[**tablets**]**;

(2) Methadone;

(3) Naloxone;

(4) **[**Extended-release injectable**]** Naltrexone; and

(5) Buprenorphine/naloxone combination.

2. All MAT medications required for compliance in this section shall be placed on the lowest cost-sharing tier of the formulary managed by the health insurer or the pharmacy benefits manager.

3. MAT medications provided for in this section shall not be subject to any of the following:

(1) Any annual or lifetime dollar limitations;

(2) Financial requirements and quantitative treatment limitations that do not comply with the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), specifically 45 CFR 146.136(c)(3);

(3) Step therapy or other similar drug utilization strategy or policy when it conflicts or interferes with a prescribed or recommended course of treatment from a licensed health care professional; and

(4) Prior authorization for MAT medications as specified in this section.

4. MAT medications outlined in this section shall apply to all health insurance plans delivered in the state of Missouri.

5. Any entity that holds itself out as a treatment program or that applies for licensure by the state to provide clinical treatment services for substance use disorders shall be required to disclose the MAT services it provides, as well as which of its levels of care have been certified by an independent, national, or other organization that has competencies in the use of the applicable placement guidelines and level of care standards.

6. The MO HealthNet program shall cover the MAT medications and services provided for in this section and include those MAT medications in its preferred drug lists for the treatment of substance use disorders and prevention of overdose and death. The preferred drug list shall include all current and new formulations and medications that are approved by the U.S. Food and Drug Administration for the treatment of substance use disorders.

7. **The department of corrections and all other state entities responsible for the care of persons detained or incarcerated in jails or prisons shall be required to ensure all persons under their care are assessed for substance abuse disorders using standard diagnostic criteria by a social worker, licensed professional counselor, licensed psychologist, or psychiatrist. The department of corrections or entity shall make available the MAT services covered in this section, consistent with a treatment plan developed by a physician, and shall not impose any arbitrary limitations on the type of medication or other treatment prescribed or the dose or duration of MAT recommended by the physician.**

8. Drug courts or other diversion programs that provide for alternatives to jail or prison for persons with a substance use disorder shall be required to ensure all persons under their care are assessed for substance use disorders using standard diagnostic criteria by a licensed physician who actively treats patients with substance use disorders. The court or other diversion program shall make available the MAT services covered under this section, consistent with a treatment plan developed by the physician, and shall not impose any limitations on the type of medication or other treatment prescribed or the dose or duration of MAT recommended by the physician.

[8.**] 9.** Requirements under this section shall not be subject to a covered person's prior success or failure of the services provided."; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted.

Senator Burlison offered **SA 1** to **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Bill No. 212, Page 1, Line 11, by inserting after the word "Naltrexone" the following: "**, including but not limited to extended-release injectable naltrexone**".

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

Senator Rowden assumed the Chair.

Senator White offered **SA 2** to **SA 5**:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Bill No. 212, Page 2, Line 49, by inserting immediately before the word "The" the following: "**Subject to appropriations,**".

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

Senator Roberts moved that **SA 5**, as amended, be adopted, which motion prevailed.

Senator White moved that **SS** for **SB 212**, as amended, be adopted, which motion prevailed.

On motion of Senator White, **SS** for **SB 212**, as amended, was declared perfected and ordered printed.

Senator Bean assumed the Chair.

Senator Wieland moved that **SB 5**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 5

An Act to repeal section 68.075, RSMo, and to enact in lieu thereof two new sections relating to certain infrastructure improvement districts.

Was taken up.

Senator Wieland moved that **SCS** for **SB 5** be adopted.

President Kehoe assumed the Chair.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 5, Page 1, In the Title, Lines 2-3, by striking "certain infrastructure improvement districts" and inserting in lieu thereof the following: "political subdivisions"; and further amend said bill and page, section A, line 3, by inserting after all of said line the

following:

"**67.301. 1. Notwithstanding any other provision of law to the contrary, no city, county, town, village, or political subdivision shall adopt or enforce any ordinance, order, or regulation that:**

(1) Requires a permit for the installation or use of a battery-charged fence in addition to an alarm system permit issued by such city, county, town, village, or political subdivision;

(2) Imposes installation or operational requirements for the battery-charged fence that do not comply with either:

(a) The standards set by the International Electrotechnical Commission, as published June 29, 2018; or

(b) The requirements of the definition of a "battery-charged fence" under subsection 2 of this section; or

(3) Prohibits the installation or use of a battery-charged fence.

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

(1) "Alarm system", an alarm system for which a permit may be issued by a political subdivision;

(2) "Battery-charged fence", a fence that:

(a) Interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to a burglary;

(b) Is located on property that is not designated by a city, county, town, village, or political subdivision for residential use;

(c) Has an energizer that is powered by a commercial storage battery that is no more than twelve volts of direct current and that periodically delivers voltage impulses to the fence;

(d) Produces an electric charge that does not exceed energizer characteristics set for electric fence energizers by the International Electrotechnical Commission, as published in the Commission's standard on June 29, 2018;

(e) Is completely surrounded by a nonelectric perimeter fence or wall that is no less than five feet in height;

(f) Is no more than ten feet in height or, if part of a nonelectric fence or wall, no more than two feet higher than the nonelectric fence or wall, whichever is higher; and

(g) Is marked with conspicuous warning signs that are located on the battery-charged fence at intervals no more than sixty feet apart and that read "WARNING: ELECTRIC FENCE".

3. Upon installation of a battery-charged fence, an installer shall deliver written notice to the chief administrator of the city, county, town, village, or political subdivision that:

(1) States that the battery-charged fence was installed;

(2) States the street address of the battery-charged fence; and

(3) Includes a certification that the battery-charged fence satisfies the definition of a "battery-

charged fence" under subsection 2 of this section and the standards for electric fence energizers set by the International Electrotechnical Commission, as published in the Commission's standard on June 29, 2018."; and

Further amend the title and enacting clause accordingly.

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

Senator May offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 5, Page 1, In the Title, Lines 2-3, by striking "certain infrastructure improvement districts" and inserting in lieu thereof the following: "incentives for economic development"; and

Further amend said bill, page 11, Section 620.2250, line 230, by inserting after all of said line the following:

"**650.550. 1. There is hereby created in the state treasury the "Economic Distress Zone Fund", which shall consist of money appropriated under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of public safety to provide funding to organizations registered with the United States Internal Revenue Service as a 501(c)(3) corporation that provide services to residents of the state in areas of high incidents of crime and deteriorating infrastructure in for the purpose of deterring criminal behavior in such areas. Any moneys appropriated and any other moneys made available by gift, grant, bequest, contribution, or otherwise to carry out the purpose of this section, and all interest earned on, and income generated from, moneys in the fund shall be paid to, and deposited in, the economic distress zone fund.**

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys appropriated to the fund over three million dollars, excluding any moneys made available by gift, grant, bequest, contribution, or otherwise, that remain in the fund at the end of the biennium shall revert to the credit of the general revenue fund.

3. The department of public safety shall promulgate rules to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

4. As used in this section, "areas of high incidents of crime and deteriorating infrastructure" shall mean a city with a homicide rate of at least seven times the national average according to the Federal Bureau of Investigation's Uniform Crime Reporting System; a poverty rate that exceeds twenty percent according to the United States Census Bureau; and has a school district with at least eighty

percent of students who qualify for free or reduced lunch.

5. The provisions of this section shall terminate on August 28, 2024."; and

Further amend the title and enacting clause accordingly.

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

Senator Hough offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 5, Page 10, Section 620.2250, Line 200, by striking the word "and"; and further amend line 203, by inserting immediately after the word "board" the following: "**;**

(5) The improvements utilizing TIME zone funding; and

(6) The amount of TIME zone funding utilized for each improvement and the total amount of TIME zone funds expended".

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

Senator Arthur offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 5, Page 4, Section 68.075, Line 87, by inserting after all of said line the following:

"620.2020. 1. The department shall respond to a written request, by or on behalf of a qualified company or qualified military project, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. The department shall respond to a written request, by or on behalf of a qualified manufacturing company, for a proposed benefit award under the provisions of this program within fifteen business days of receipt of such request. Such response shall contain either a proposal of benefits for the qualified company or qualified military project, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company or qualified military project that intends to seek benefits under the program shall submit to the department a notice of intent. The department shall respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. The department shall certify or reject the qualifying company's plan outlined in their notice of intent as satisfying good faith efforts made to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census. Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the

qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (24) of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, the benefits available to the qualified company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs of the company shall first be credited to the other state program before the withholding retention level applicable under this program will begin to accrue. If any qualified company also participates in a job training program utilizing withholding tax, the company shall retain no withholding tax under this program, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this program. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in a job training program shall be increased by an amount equivalent to the withholding tax retained by that company under a jobs training program.

3. **(1)** A qualified company or qualified military project receiving benefits under this program shall provide an annual report of the number of jobs, along with minority jobs created or retained, and such other information as may be required by the department to document the basis for program benefits available no later than ninety days prior to the end of the qualified company's or industrial development authority's tax year immediately following the tax year for which the benefits provided under the program are attributed. In such annual report, if the average wage is below the applicable percentage of the county average wage, the qualified company or qualified military project has not maintained the employee insurance as required, if the department after a review determines the qualifying company fails to satisfy other aspects of their notice of intent, including failure to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, or if the number of jobs is below the number required, the qualified company or qualified military project shall not receive tax credits or retain the withholding tax for the balance of the project period. Failure to timely file the annual report required under this section shall result in the forfeiture of tax credits attributable to the year for which the reporting was required and a recapture of withholding taxes retained by the qualified company or qualified military project during such year.

(2) If a qualified company fails to timely file the annual report required in subdivision (1) of this subsection, the department shall communicate with an employee that is separate from the original point of contact for the department, provided such employee is designated in writing by the qualified company and preferably of an equivalent or higher supervisory role than the original point of contact, and using multiple means of communications if necessary, to inform the qualified company of the failure to timely file the annual report. If the qualified company requests an extension in writing to the department within thirty days following the deadline to file the annual report, the department

shall grant one thirty day extension beginning on the date that the request was received by the department to file the report without penalty. A failure to submit the report by the end of any extension granted by the department shall result in the forfeiture of tax credits and a recapture of withholding tax as provided in subdivision (1) of this subsection. A qualified company that had an annual report due between January 1, 2020, and September 1, 2021, shall not be subject to the forfeiture of tax credits attributable to the year for which the reporting was required or to the recapture of withholding taxes retained by the qualified company or qualified military project during such year so long as the annual report is filed with the department by November 1, 2021.

4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs; provided that, tax credits awarded under subsection 7 of section 620.2010 may be issued following the qualified company's acceptance of the department's proposal and pursuant to the requirements set forth in the written agreement between the department and the qualified company under subsection 4 of section 620.2010.

5. Any qualified company or qualified military project approved for benefits under this program shall provide to the department, upon request, any and all information and records reasonably required to monitor compliance with program requirements. This program shall be considered a business recruitment tax credit under subdivision (4) of subsection 2 of section 135.800, and any qualified company or qualified military project approved for benefits under this program shall be subject to the provisions of sections 135.800 to 135.830.

6. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

7. (1) The maximum amount of tax credits that may be authorized under this program for any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated for that fiscal year under any of the tax credit programs referenced in subsection 14 of this section:

(a) For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014, no more than one hundred six million dollars in tax credits may be authorized;

(b) For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015, no more than one hundred eleven million dollars in tax credits may be authorized;

(c) For fiscal years beginning on or after July 1, 2015, but ending on or before June 30, 2020, no more than one hundred sixteen million dollars in tax credits may be authorized for each fiscal year; and

(d) For all fiscal years beginning on or after July 1, 2020, no more than one hundred six million dollars in tax credits may be authorized for each fiscal year. The provisions of this paragraph shall not apply to tax credits issued to qualified companies under a notice of intent filed prior to July 1, 2020.

(2) For all fiscal years beginning on or after July 1, 2020, in addition to the amount of tax credits that may be authorized under paragraph (d) of subdivision (1) of this subsection, an additional ten million dollars

in tax credits may be authorized for each fiscal year for the purpose of the completion of infrastructure projects directly connected with the creation or retention of jobs under the provisions of sections 620.2000 to 620.2020 and an additional ten million dollars in tax credits may be authorized for each fiscal year for a qualified manufacturing company based on a manufacturing capital investment as set forth in section 620.2010.

8. For all fiscal years beginning on or after July 1, 2020, the maximum total amount of withholding tax that may be authorized for retention for the creation of new jobs under the provisions of sections 620.2000 to 620.2020 by qualified companies with a project facility base employment of at least fifty shall not exceed seventy-five million dollars for each fiscal year. The provisions of this subsection shall not apply to withholding tax authorized for retention for the creation of new jobs by qualified companies with a project facility base employment of less than fifty.

9. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company or qualified military project under this program; provided that, the department may reserve up to twenty-one and one-half percent of the maximum annual amount of tax credits that may be authorized under subsection 7 of this section for award under subsection 7 of section 620.2010. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department or, for qualified military projects, annual verification of average salary for the jobs directly created by the qualified military project. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall be provided under this program until the qualified company or qualified military project meets the applicable minimum new job requirements or, for benefits awarded under subsection 7 of section 620.2010, until the qualified company has satisfied the requirements set forth in the written agreement between the department and the qualified company under subsection 4 of section 620.2010. In the event the qualified company or qualified military project does not meet the applicable minimum new job requirements, the qualified company or qualified military project may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company or qualified military project at the project facility or other facilities.

10. Tax credits provided under this program may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one year of the close of the taxable year for which they were issued. Tax credits provided under this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

11. Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the

department of commerce and insurance that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of commerce and insurance, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

12. The director of revenue shall issue a refund to the qualified company to the extent that the amount of tax credits allowed under this program exceeds the amount of the qualified company's tax liability under chapter 143 or 148.

13. An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in section 143.211.

14. Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such benefits prior to August 28, 2013, under the development tax credit program created under sections 32.100 to 32.125, the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

(1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or

(2) Receive benefits under the provisions of section 620.1910 for the same jobs.

15. If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

16. By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

(1) A list of all approved and disapproved applicants for each tax credit;

(2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;

(3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;

(4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and

(5) The department's response time for each request for a proposed benefit award under this program.

17. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

18. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under sections 620.2000 to 620.2020 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of sections 620.2000 to 620.2020; and

(3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2000 to 620.2020 is sunset."; and

Further amend said bill, page 11, Section 620.2250, line 230, by inserting after all of said line the following:

"Section B. Because of the importance of economic development to the state of Missouri, the repeal and reenactment of section 620.2020 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 620.2020 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

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

Senator Hegeman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 5, Page 1, Section A, Line 3, by inserting after all of said line the following:

"49.310. 1. Except as provided in sections 221.400 to 221.420 and subsection 2 of this section, the county commission in each county in this state shall erect and maintain at the established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings for the preservation of the records of the county; except that in counties having a special charter, the jail or workhouse may be located at any place within the county. In pursuance of the authority herein delegated to the county commission, the county commission may acquire a site, construct, reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in counties wherein more than one place is provided by law for holding of court, the county commission may buy and equip or acquire a site and construct a building or buildings to be used as a courthouse and jail, and may remodel, repair, maintain and equip buildings in both places. The county commission may issue bonds as provided by the general law covering the issuance of bonds by counties for the purposes set forth in this section. In bond elections for these purposes in counties wherein more than one place is provided by law for holding of court, a separate ballot question may be submitted covering proposed expenditures in each separate site described therein, or a single ballot question may be submitted covering proposed expenditures at more than one site, if the amount of the proposed expenditures at each of the sites is specifically set out therein.

2. The county commission in all counties of the fourth classification and any county of the third, second, or first classification may provide for the erection and maintenance of a good and sufficient jail or holding cell facility at a site in the county other than at the established seat of justice.

3. For any courthouse that contains both a county office and a courtroom, the presiding judge of the circuit in which the courthouse is located may establish rules for courtrooms, jury rooms, and chambers or offices of the court, but the county commission shall have authority over all other areas of the courthouse.

50.660. All contracts shall be executed in the name of the county, or in the name of a township in a county with a township form of government, by the head of the department or officer concerned, except contracts for the purchase of supplies, materials, equipment or services other than personal made by the officer in charge of purchasing in any county or township having the officer. No contract or order imposing any financial obligation on the county or township is binding on the county or township unless it is in writing and unless there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred and unless the contract or order bears the certification of the accounting officer so stating; except that in case of any contract for public works or buildings to be paid for from bond funds or from taxes levied for the purpose it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition, including advertising the proposed letting in a newspaper in the county or township with a circulation of at least five hundred copies per issue, if there is one, except that the advertising is not required in case of contracts or purchases involving an expenditure of less than **[**six**]** **twelve** thousand dollars. It is not necessary to obtain bids on any purchase in the amount of **[**six**]** **twelve** thousand dollars or less made from any one person, firm or corporation during any period of ninety days. All bids for any contract or purchase may be rejected and new bids advertised for. Contracts which provide that the person contracting with the county or township shall, during the term of the contract, furnish to the county or township at the price therein specified the supplies, materials, equipment or services other than personal therein described, in the

quantities required, and from time to time as ordered by the officer in charge of purchasing during the term of the contract, need not bear the certification of the accounting officer, as herein provided; but all orders for supplies, materials, equipment or services other than personal shall bear the certification. In case of such contract, no financial obligation accrues against the county or township until the supplies, materials, equipment or services other than personal are so ordered and the certificate furnished.

50.783. 1. The county commission may waive the requirement of competitive bids or proposals for supplies when the commission has determined in writing and entered into the commission minutes that there is only a single feasible source for the supplies. Immediately upon discovering that other feasible sources exist, the commission shall rescind the waiver and proceed to procure the supplies through the competitive processes as described in this chapter. A single feasible source exists when:

(1) Supplies are proprietary and only available from the manufacturer or a single distributor; or

(2) Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or

(3) Supplies are available at a discount from a single distributor for a limited period of time.

2. On any single feasible source purchase where the estimated expenditure is over **[**six**]** **twelve** thousand dollars, the commission shall post notice of the proposed purchase and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.

3. Notwithstanding subsection 2 of this section to the contrary, on any single feasible service purchase by any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants where the estimated expenditure is over **[**six**]** **twelve** thousand dollars, the commission shall post notice of the proposed purchase and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let."; and

Further amend said bill, section 68.075, page 4, line 87, by inserting after all of said line the following:

"115.646. No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision**, including school districts and charter schools,** to advocate, support, or oppose **the passage or defeat of** any ballot measure or **the nomination or election of any** candidate for public office**, or to direct any public funds to, or pay any debts or obligations of, any committee supporting or opposing such ballot measures or candidates**. This section shall not be construed to prohibit any public official of a political subdivision**, including school districts and charter schools,** from making public appearances or from issuing press releases concerning any such ballot measure. **Any purposeful violation of this section shall be punished as a class four election offense.**

221.105. 1. The governing body of any county and of any city not within a county shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails or medium security institutions. The per diem cost of incarceration of these prisoners chargeable by the law to the state shall be determined, subject to the review and approval of the department of corrections.

2. When the final determination of any criminal prosecution shall be such as to render the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the clerk of the circuit court or court of common pleas in which the case was determined the total number of days any prisoner who was a party in such case remained in the county jail. It shall be the duty of the county commission to supply the cost per diem for county prisons to the clerk of the circuit court on the first day of each year, and thereafter whenever the amount may be changed. It shall then be the duty of the clerk of the court in which the case was determined to include in the bill of cost against the state all fees which are properly chargeable to the state. In any city not within a county it shall be the duty of the superintendent of any facility boarding prisoners to certify to the chief executive officer of such city not within a county the total number of days any prisoner who was a party in such case remained in such facility. It shall be the duty of the superintendents of such facilities to supply the cost per diem to the chief executive officer on the first day of each year, and thereafter whenever the amount may be changed. It shall be the duty of the chief executive officer to bill the state all fees for boarding such prisoners which are properly chargeable to the state. The chief executive may by notification to the department of corrections delegate such responsibility to another duly sworn official of such city not within a county. The clerk of the court of any city not within a county shall not include such fees in the bill of costs chargeable to the state. The department of corrections shall revise its criminal cost manual in accordance with this provision.

3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable to the state, including those incurred for a prisoner who is incarcerated in the county jail because the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has, violated any condition of the prisoner's parole or probation, and such parole or probation is a consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri department of corrections or otherwise held at the request of the Missouri department of corrections regardless of whether or not a warrant has been issued shall be the actual cost of incarceration not to exceed:

(1) Until July 1, 1996, seventeen dollars per day per prisoner;

(2) On and after July 1, 1996, twenty dollars per day per prisoner;

(3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per prisoner, subject to appropriations**[**, but not less than the amount appropriated in the previous fiscal year**]**.

4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by the state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses may include pretrial assessment and supervision strategies for defendants who are ultimately eligible for state incarceration. A county may not receive more than its share of the amount appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge. Any county shall convey such proposal to the department, and any such proposal presented by a presiding judge shall include the documented agreement with the proposal by the county governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the county responsible for custody or incarceration of prisoners of the county represented in the proposal. Any county that declines to convey a proposal to the department, pursuant to the provisions of this subsection, shall receive its per diem cost of incarceration for all prisoners chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this section.

476.083. 1. In addition to any appointments made pursuant to section 485.010, the presiding judge of each circuit containing one or more facilities operated by the department of corrections with an average total inmate population in all such facilities in the circuit over the previous two years of more than two thousand

five hundred inmates or containing, as of January 1, 2016, a diagnostic and reception center operated by the department of corrections and a mental health facility operated by the department of mental health which houses persons found not guilty of a crime by reason of mental disease or defect under chapter 552 and provides sex offender rehabilitation and treatment services (SORTS) may appoint a circuit court marshal to aid the presiding judge in the administration of the judicial business of the circuit by overseeing the physical security of **[**the courthouse,**] courtrooms, jury rooms, and chambers or offices of the court;** serving court-generated papers and orders**[**,**];** and assisting the judges of the circuit as the presiding judge determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized by this section is in addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any other staff personnel which may otherwise be provided by law.

2. The salary of a circuit court marshal shall be established by the presiding judge of the circuit within funds made available for that purpose, but such salary shall not exceed ninety percent of the salary of the highest paid sheriff serving a county wholly or partially within that circuit. Personnel authorized by this section shall be paid from state funds or federal grant moneys which are available for that purpose and not from county funds.

3. Any person appointed as a circuit court marshal pursuant to this section shall have at least five years' prior experience as a law enforcement officer. In addition, any such person shall within one year after appointment, or as soon as practicable, attend a court security school or training program operated by the United States Marshal Service. In addition to all other powers and duties prescribed in this section, a circuit court marshal may:

(1) Serve process;

(2) Wear a concealable firearm; and

(3) Make an arrest based upon local court rules and state law, and as directed by the presiding judge of the circuit."; and

Further amend the title and enacting clause accordingly.

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

Senator Schupp offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 5, Page 4, Section 68.075, Line 87, by inserting after all of said line the following:

"139.100. 1. **(1)** If any taxpayer shall fail or neglect to pay to the collector his taxes at the time required by law, then it shall be the duty of the collector, after the first day of January then next ensuing **and in the absence of an agreement entered into pursuant to subdivision (2) of this subsection**, to collect and account for, as other taxes, an additional tax, as penalty, the amount provided for in section 140.100.

(2) For all property tax liabilities incurred on or after January 1, 2020, the collector may enter into an agreement with any taxpayer for the payment of any amount of tax not paid at the time required by law, including a waiver or reduction of penalties and interest on such taxes, provided that any such agreement shall require such taxes to be paid to the collector by no later than twelve months after the

date such taxes are required to be paid by law.

(3) For any taxpayer that has paid penalties and interest on property tax liabilities not paid at the time required by law, and such penalties and interest are subsequently reduced or waived through an agreement entered into pursuant to subdivision (2) of this subsection, that portion of penalties and interest paid and subsequently reduced or waived shall be credited to the taxpayer on such taxpayer's tax liability for the subsequent year. Each calendar year, the county shall reduce on a pro-rata basis any distributions to taxing jurisdictions by the amount of any penalties and interest that were collected and distributed during the previous calendar year, but were then subsequently reduced or waived pursuant to subdivision (2) of this subsection.

2. Collectors shall, on the day of their annual settlement with the county governing body, file with governing body a statement, under oath, of the amount so received, and from whom received, and settle with the governing body therefor; but, interest shall not be chargeable against persons who are absent from their homes, and engaged in the military service of this state or of the United States. The provisions of this section shall apply to the City of St. Louis, so far as the same relates to the addition of such interest, which, in such city, shall be collected and accounted for by the collector as other taxes, for which he shall receive no compensation.

3. Whenever any collector of the revenue in the state fails or refuses to collect the penalty provided for in this section on state and county taxes, it shall be the duty of the director of revenue and county clerk to charge such collectors with the amount of interest due thereon, as shown by the returns of the county clerk, and such collector shall be liable to the penalties as provided for in section 139.270.

4. For purposes of this section and other provisions of law relating to the timely payment of taxes due on any real or personal property, payments for taxes due on any real or personal property which are delivered by United States mail to the collector, the collector's office, or other officer or office designated by the county or city to receive such payments, of the appropriate county or city, shall be deemed paid as of the postmark date stamped on the envelope or other cover in which such payment is mailed. In the event any payment of taxes due is sent by registered or certified mail, the date of registration or certification shall be deemed the postmark date. No additional tax or penalty shall be imposed under this section on any taxpayer whose payment is delivered by United States mail, if the postmark date stamped on the envelope or other cover containing such payment falls within the prescribed period or on or before the prescribed date, including any extension granted, for making the payment or if the postmaster for the jurisdiction where the payment was mailed verifies in writing that the payment was deposited in the United States mail within the prescribed period or on or before the prescribed date, including any extension granted, for making the payment, and was delayed in delivery because of an error by the United States postal service and not because of an error by the taxpayer. In the absence of a postmark, or if the postmark is illegible or otherwise inconclusive, the collector may use the collector's judgment regarding the timeliness of the payment contained therein and shall document such decision."; and

Further amend said bill, section 620.2250, page 11, line 230, by inserting after all of said line the following:

"Section B. Because of the importance of property tax relief, the repeal and reenactment of section 139.100 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 139.100 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

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

Senator Roberts offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 5, Page 1, Section A, Line 3, by inserting after all of said line the following:

"67.990. 1. The governing body of any county or city not within a county may, upon approval of a majority of the qualified voters of such county or city voting thereon, levy and collect a tax not to exceed five cents per one hundred dollars of assessed valuation, or in any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants, the governing body may, upon approval of a majority of the qualified voters of the county voting thereon, levy and collect a tax not to exceed ten cents per one hundred dollars of assessed valuation upon all taxable property within the county or city or for the purpose of providing services to persons sixty years of age or older. The tax so levied shall be collected along with other county or city taxes, in the manner provided by law. All funds collected for this purpose shall be deposited in a special fund for the provision of services for persons sixty years of age or older, and shall be used for no other purpose except those purposes authorized in sections 67.990 to 67.995. Deposits in the fund shall be expended only upon approval of the board of directors established in section 67.993 and**, if in a county,** only in accordance with the fund budget approved by the county **[**or city**]** governing body.

2. The question of whether the tax authorized by this section shall be imposed shall be submitted in substantially the following form:

OFFICIAL BALLOT

Shall _____ (name of county/city) levy a tax of _____ cents per each one hundred dollars assessed valuation for the purpose of providing services to persons sixty years of age or older?

☐ YES ☐ NO

67.993. 1. Upon the approval of the tax authorized by section 67.990 by the voters of the county or city not within a county, the tax so approved shall be imposed upon all taxable property within the county or city and the proceeds therefrom shall be deposited in a special fund, to be known as the "Senior Citizens' Services Fund", which is hereby established within the county or city treasury. No moneys in the senior citizens' services fund shall be spent until the board of directors provided for in subsection 2 of this section has been appointed and has taken office.

2. Upon approval of the tax authorized by section 67.990 by the voters of the county or city, the governing body of the county or the mayor of the city shall appoint a board of directors consisting of seven directors, who shall be selected from the county or city at large and shall, as nearly as practicable, represent the various groups to be served by the board. Each director shall be a resident of the county or city. Each director shall be appointed to serve for a term of four years and until his successor is duly appointed and qualified; except that, of the directors first appointed, one director shall be appointed for a term of one year, two directors shall be appointed for a term of two years, two directors shall be appointed for a term of three years, and two directors shall be appointed for a term of four years. Directors may be reappointed. All vacancies on the board of directors shall be filled for the remainder of the unexpired term by the governing

body of the county or mayor of the city. The directors shall not receive any compensation for their services, but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties from the moneys in the senior citizens' services fund.

3. The administrative control and management of the funds in the senior citizens' services fund and all programs to be funded therefrom shall rest solely with the board of directors appointed under subsection 2 of this section**[**;**],** except **[**that**], in counties**, the budget for the senior citizens' services fund shall be approved by the governing body of the county **[**or city**]** prior to making of any payments from the fund in any fiscal year. The board of directors shall use the funds in the senior citizens' services fund to provide programs which will improve the health, nutrition, and quality of life of persons who are sixty years of age or older. The budget may allocate funds for operational and capital needs to senior-related programs in the county or city in which such property taxes are collected. No funds in the senior citizens' services fund may be used, directly or indirectly, for any political purpose. In providing such services, the board of directors may contract with any person to provide services relating, in whole or in part, to the services which the board itself may provide under this section, and for such purpose may expend the tax proceeds derived from the tax authorized by section 67.990.

4. The board of directors shall elect a chairman, vice chairman, and such other officers as it deems necessary; shall establish eligibility requirements for the programs it furnishes; and shall do all other things necessary to carry out the purposes of sections 67.990 to 67.995. A majority of the board of directors shall constitute a quorum.

5. The board of directors, with the approval of the governing body of the county or city, may accept any gift of property or money for the use and benefit of the persons to be served through the programs established and funded under sections 67.990 to 67.995**[**,**]** and may sell or exchange any such property so long as such sale or exchange is in the best interests of the programs provided under sections 67.990 to 67.995 and the proceeds from such sale or exchange are used exclusively to fund such programs. **For a city not within a county, the board of directors may solicit, accept, and expend grants from private or public entities and enter into agreements to effectuate such grants so long as the transaction is in the best interest of the programs provided by the board and the proceeds are used exclusively to fund such programs.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Crawford offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 5, Page 1, Section A, Line 3, by inserting after all of said line the following:

"50.166. **1.** In all cases of claims allowed against the county, and in all cases of grants, salaries, pay and expenses allowed by law, the county clerk may fill in on a form of warrant the amount due as approved by the county commission and other necessary information. The form of the warrant thus filled in by the county clerk may be transmitted to the county treasurer. The warrant may be in such form that a single instrument may serve as the warrant and the county treasurer's draft or check, and may be so designed that it is a nonnegotiable warrant when signed by the county clerk and becomes a negotiable check or draft after it has been signed by the county treasurer.

2. Upon request, the county treasurer shall have access to any financially relevant document in the possession of any county official for the purposes of processing a warrant, unless such warrant is received in the absence of a check then the county treasurer shall have access to the information necessary to process the warrant.

3. No official of any county shall refuse a request from the county treasurer for access to or a copy of any document in the possession of a county official that is financially relevant to his or her duties under section 50.330, except that any county official may redact, remove, or delete any personal identifying information, including a Social Security number, financial account numbers, medical information, or any other personal identifying information, before submission to the county treasurer.

4. No county treasurer shall refuse to release funds for the payment of any properly approved expenditure."; and

Further amend the title and enacting clause accordingly.

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

Senator Onder offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bill No. 5, Page 11, Section 620.2250, Line 230, by inserting after all of said line the following:

"**Section 1. No entity in this state shall require documentation of an individual having received a vaccination against any disease in order for the individual to access transportation systems or services or other public accommodation, including but not limited to buses, air travel, rail travel, taxicab or limousine services, prearranged rides as defined in section 387.400, other public transportation, or any public transportation facilities, including but not limited to bus and airport facilities.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Wieland offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bill No. 5, Page 4, Section 68.075, Line 82, by striking "2027" and inserting in lieu thereof the following: "**2030**"; and further amend line 87 by striking "2027" and inserting in lieu thereof the following: "**2030**".

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

Senator O'Laughlin offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bill No. 5, Page 4, Section 68.075, Line 87, by inserting after all of said line the following:

"91.450. Any city of the third or fourth class, and any town or village, and any city now organized or which may hereafter be organized and having a special charter, and which now has or may hereafter have

less than thirty thousand inhabitants, shall have power to erect or to acquire, by purchase or otherwise, maintain and operate, waterworks, gas works, electric light and power plant, steam heating plant, or any other device or plant for furnishing light, power or heat, telephone plant or exchange, street railway or any other public transportation, conduit system, public auditorium or convention hall, which are hereby declared public utilities, and such cities, towns or villages are hereby authorized and empowered to provide for the erection or extension of the same by the issue of bonds therefor, and any city, town or village which may own, maintain or operate, and which may hereafter acquire, by purchase or otherwise, and operate, or which may engage in the construction of any of the plants, systems or works mentioned in this section, is hereby authorized and empowered to establish, by ordinance, within such city, town or village, an executive department to be known as "The Board of Public Works", to consist of four persons, electors of said city, town or village, who have resided therein for a period of two years next before their appointment, **or, for any county of the third classification, any resident of the county that receives services from such board,** who shall be appointed by the mayor of such city, town or village, and confirmed by the common council in such manner as other appointive officers of such city, town or village are appointed and confirmed. The members of such board shall hold office for a term of four years each, or until their successors are appointed and qualified; provided, that the members of said board shall hold office for a term of four years each, except the first incumbents, as members of said board of public works, who shall be appointed and hold office for the term of one, two, three and four years respectively."; and

Further amend the title and enacting clause accordingly.

Senator O'Laughlin moved that the above amendment be adopted, which motion prevailed.

Senator Bean assumed the Chair.

Senator Luetkemeyer offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for Senate Bill No. 5, Page 4, Section 68.075, Line 87, by inserting after all of said line the following:

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed

values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year**, provided that no real residential property shall be assessed at a value that exceeds the previous assessed value for such property, exclusive of new construction and improvements, by more than the percentage increase in the consumer price index or five percent, whichever is greater**. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (7) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(a) For real property in subclass (1), nineteen percent;

(b) For real property in subclass (2), twelve percent; and

(c) For real property in subclass (3), thirty-two percent.

(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is real estate as defined in subsection 7 of

section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

14. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general

reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

15. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 14 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

16. Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer or taxpayer's mine property. For purposes of this subsection, "mine property" shall mean all real property that is in use or readily available as a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444."; and

Further amend the title and enacting clause accordingly.

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

SA 12 was adopted by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Eigel	Eslinger
Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	O'Laughlin
Onder	Rehder	Riddle	Rowden	White	Wieland—20	

NAYS—Senators

Arthur	Beck	May	Mosley	Razer	Rizzo	Roberts
Schupp	Washington	Williams—10				

Absent—Senators

Cierpiot Crawford Moon Schatz—4

Absent with leave—Senators—None

Vacancies—None

Senator Brattin offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for Senate Bill No. 5, Page 1, Section A, Line 3, by inserting after all of said line the following:

"50.530. As used in sections 50.530 to 50.745:

(1) "Accounting officer" means county auditor in counties of the first and second classifications and the county clerks in counties of the third and fourth classifications;

(2) "Budget officer" means such person, as may, from time to time, be appointed by the county commission of counties of the first classification except in counties of the first classification with a population of less than one hundred thousand inhabitants according to the official United States Census of 1970 the county auditor shall be the chief budget officer, the presiding commissioner of the county commission in counties of the second classification, unless the county commission designates the county clerk as budget officer, and the county clerk in counties of the third and fourth classification. **[**Notwithstanding the provisions of this subdivision to the contrary, in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants, the presiding commissioner shall be the budget officer unless the county commission designates the county clerk as the budget officer.**]**"; and

Further amend said bill, section 68.075, page 4, line 87, by inserting after all of said line the following:

"162.441. 1. If any school district desires to be attached to a community college district organized under sections 178.770 to 178.890 or to one or more adjacent seven-director school districts for school purposes, upon the receipt of a petition setting forth such fact, signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, the school board of the district desiring to be so attached shall submit the question to the voters **at a state general election**.

2. As an alternative to the procedure in subsection 1 of this section, a seven-director district may, by a majority vote of its board of education, propose a plan to the voters of the district **at a state general election** to attach the district to one or more adjacent seven-director districts and call an election upon the question of such plan.

3. As an alternative to the procedures in subsection 1 or 2 of this section, a community college district organized under sections 178.770 to 178.890 may, by a majority vote of its board of trustees, propose a plan to the voters of the school district **at a state general election** to attach the school district to the community college district, levy the tax rate applicable to the community college district at the time of the vote of the board of trustees, and call an election upon the question of such plan. The tax rate applicable to the community college district shall not be levied as to the school district until the proposal by the board of trustees of the community college district has been approved by a majority vote of the voters of the school

district at the election called for that purpose. The community college district shall be responsible for the costs associated with the election.

4. A plat of the proposed changes to all affected districts shall be published and posted with the notice of election.

5. The question shall be **approved by the school district and the ballot language shall include the tax rate and assessed valuation of the school district prior to and after approval of the question. [**submitted in substantially the following form:

Shall the _____ school district be annexed to the _____ school districts effective the _____ day of _____, _____?**]**

6. If a majority of the votes cast in the district proposing annexation favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which annexation is proposed; whereupon the boards of the seven-director districts to which annexation is proposed shall meet to consider the advisability of receiving the district or a portion thereof, and if a majority of all the members of each board favor annexation, the boundary lines of the seven-director school districts from the effective date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

7. Upon the effective date of the annexation, all indebtedness, property and money on hand belonging thereto shall immediately pass to the seven-director school district. If the district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply.

8. (1) The school board of any school district which has been attached to a community college district or to another seven-director school district pursuant to this section may submit to the voters at a state general election the question of whether to void any annexation completed pursuant to this section and to return the boundaries of such school district to those in existence prior to the annexation. The question shall be submitted in substantially the following form:

Shall the _____ school district void the annexation to the _____ community college district and return the boundaries of such school district to those in existence prior to the annexation?

(2) If a majority of the votes cast in the district proposing to void the annexation favor voiding the annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which the voiding the annexation is proposed. Upon the effective date of a proposal under this subsection, applicable property and money belonging to the school district shall immediately revert back to the school district."; and

Further amend the title and enacting clause accordingly.

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

Senator Wieland moved that **SCS** for **SB 5**, as amended, be adopted, which motion failed.

On motion of Senator Wieland, **SB 5** was declared perfected and ordered printed.

RESOLUTIONS

Senator Eslinger offered Senate Resolution No. 213, regarding Omanez Fockler, Houston, which was adopted.

Senator Riddle offered Senate Resolution No. 214, regarding Blake G. Wright, Verona, which was

adopted.

Senator Riddle offered Senate Resolution No. 215, regarding Jackson T. Bailey, Willow Springs, which was adopted.

INTRODUCTION OF GUESTS

Senator Bernskoetter introduced to the Senate, the Fatima Comets Class 3 state champion cross country team.

Senator Bernskoetter introduced to the Senate, Class 1 Lady Eagles softball team, Vienna.

Senator Cierpiot introduced to the Senate, his cousin, Samson Braddock; and Mary Braddock, Kansas City.

Senator Hoskins introduced to the Senate, the University of Central Missouri Sesquicentennial Delegation: Steve Abney, Ken Weymuth, Roger Best, Zac Racy, Justin Cobb, Phil Bridgmon, Shari Bax, Michael Lewis, Hailey LeMaster, Jeff Murphey, David Pearce; and John Collier.

Senator Burlison introduced to the Senate, David Foreman, Jesse Coole, Doug Fronic; and Kyle Mathias.

Senator Crawford introduced to the Senate, Leadership Lebanon.

Senator Burlison introduced to the Senate, Courtney Gutche and Celeste Andrews, Springfield.

Senator Koenig introduced to the Senate, Asher Bradley Wilhelm, Jefferson City.

Senator Williams introduced to the Senate, Brianna Conley, St. Louis.

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

SENATE CALENDAR

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FORTY-SIXTH DAY–THURSDAY, APRIL 8, 2021

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 432
HCS for HB 228
HB 273-Hannegan
HB 687-Riley
HB 585-Houx
HB 76-Murphy
HB 542-Shields
HB 627-Patterson
HS for HCS for HB 543
HS for HCS for HB 738
HB 295-Roberts
HS for HB 533
HB 834-Wright
HB 530-Evans
HCS for HBs 557 & 560
HCS#2 for HB 69
HB 488-Hicks
HB 202-McGirl

HB 387-Bailey
HCS for HBs 1123 & 1221
HCS for HB 697
HCS for HB 529
HCS for HRB 1
HCS for HJRs 23 & 38
HB 100-Sharp (36)
HB 262-Black (137)
HB 296-Wallingford
HB 298-Wallingford
HB 404-Aldridge
HB 449-Tate
HB 522-Windham
HB 640-Morse
HCS for HB 676
HB 763-Chipman
HB 1053-Patterson
HCS for HB 733
HCS for HB 592
HB 380-Walsh (50)
HCS for HB 369
HCS for HB 384
HCS for HB 1
HCS for HB 2
HCS for HB 3
HCS for HB 4
HCS for HB 5
HCS for HB 6
HCS for HB 7
HCS for HB 8
HCS for HB 9
HCS for HB 10
HCS for HB 11
HCS for HB 12
HCS for HB 13
HCS for HB 15
HS for HCS for HB 306
HCS for HB 1236
HCS for HB 744

THIRD READING OF SENATE BILLS

SCS for SB 40-Burlison
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 36-Bernskoetter
2. SB 57-May, with SCS
3. SB 354-Hoskins, with SCS
4. SB 126-Brown, with SCS
5. SB 287-Crawford
6. SB 282-Hegeman, with SCS
7. SB 202-Cierpiot, with SCS
8. SB 44-White
9. SB 71-Gannon, with SCS
10. SB 254-Riddle, with SCS
11. SB 94-Onder
12. SB 206-Arthur
13. SB 138-Brattin, with SCS
14. SB 78-Beck
15. SB 74-Bean, with SCS
16. SB 343-Brown
17. SB 95-Onder, with SCS
18. SB 30-Cierpiot
19. SB 134-O'Laughlin and Cierpiot
20. SB 98-Hoskins, with SCS
21. SB 360-Wieland, with SCS
22. SB 45-Hough
23. SB 65-Rehder, with SCS
24. SB 253-Hegeman

25. SJR 12-Luetkemeyer
26. SB 131-Luetkemeyer
27. SB 291-Brown
28. SB 306-Bernskoetter, with SCS
29. SB 255-Riddle
30. SB 404-Riddle
31. SB 334-Bernskoetter
32. SB 96-Hoskins, with SCS
33. SB 183-O'Laughlin
34. SB 459-Brattin, with SCS
35. SB 198-Eigel, with SCS
36. SJR 7-Eigel
37. SB 114-Bernskoetter
38. SB 316-Hough
39. SB 372-Riddle
40. SB 195-Koenig
41. SB 295-Crawford, with SCS
42. SB 169-Burlison
43. SB 139-Bean
44. SB 204-Cierpiot, with SCS
45. SB 369-White
46. SB 105-Crawford, with SCS
47. SB 473-Brown
48. SB 168-Burlison
49. SB 434-Washington
50. SB 465-Hoskins, with SCS
51. SB 174-Hough, with SCS
52. SB 227-Arthur
53. SJR 4-Koenig
54. SB 318-May, with SCS
55. SB 408-Wieland
56. SB 399-Eigel
57. SB 547-Hoskins, with SCS
58. SB 236-Hough, with SCS
59. SJR 16-Eslinger
60. SB 182-O'Laughlin
61. SB 361-Wieland
62. SB 481-Hough, et al
63. SB 370-Brown
64. SB 54-O'Laughlin, with SCS
65. SB 390-Luetkemeyer
66. SB 400-Onder, with SCS
67. SB 437-Hoskins
68. SB 466-Hoskins, with SCS
69. SB 604-Koenig, with SCS
70. SB 313-Eigel
71. SB 529-Cierpiot
72. SB 577-Riddle, with SCS
73. SB 62-Williams, with SCS
74. SB 383-Moon
75. SB 272-Mosley, with SCS
76. SB 244-Onder
77. SB 184-Bean, with SCS
78. SB 92-Riddle, with SCS
79. SB 562-Schupp
80. SB 132-O'Laughlin, with SCS
81. SB 561-Gannon
82. SB 582-Eslinger
83. SB 375-Eigel
84. SB 506-Bean
85. SB 317-May
86. SB 323-May
87. SB 218-Luetkemeyer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS (pending)
SB 3-Hegeman
SB 7-Riddle, with SS & SA 1 (pending)
SB 10-Schatz, with SS (pending)
SB 11-Schatz
SB 24-Eigel, with SS#2 (pending)
SB 47-Hough
SBs 55, 23 & 25-O'Laughlin, et al, with SCS & SS for SCS (pending)
SB 100-Koenig, with SCS

SB 123-Hough, with SS & SA 2 (pending)
SB 137-Brattin
SB 149-Onder
SB 163-Cierpiot
SB 179-Luetkemeyer
SB 301-Bernskoetter, with SCS & SA 1 (pending)
SJR 2-Onder, with SCS

HOUSE BILLS ON THIRD READING

SS for SCS for HCS for HB 429 (Koenig) (In Fiscal Oversight)
SS for SCS for HCS for HB 430 (Rehder) (In Fiscal Oversight)

RESOLUTIONS

Reported from Committee

SCR 6-Moon
SCR 15-Bernskoetter
SCR 16-Schatz

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