

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY—MONDAY, MAY 3, 2021

The Senate met pursuant to adjournment.

Senator Crawford in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Blessed be the Lord, who daily bears us up: God is our salvation.” (Psalm 68:19)

Gracious God, help us to always remember that whatever circumstances of life we are living through, You are with us to sustain us and guide our efforts to be Your servants. There is much to be done these final two weeks and we are grateful that You bear us up, giving us the patience and love to willingly use these final weeks we have together to make the best use of this time to be of help to one another. So, we ask watch over us this week and provide us the energy that will surely be needed. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, April 29, 2021, 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 Onder offered Senate Resolution No. 353, regarding the Missouri Falun Dafa Association, which was adopted.

Senator Koenig offered Senate Resolution No. 354, regarding Michael P. Jones, St. Louis, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 355, regarding Bruce R. Lowe, California, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 356, regarding the nurses at Capital Region Medical Center, Jefferson City, which was adopted.

Senator Crawford offered Senate Resolution No. 357, regarding Keaton Gibbs, Windsor, which was adopted.

Senator Rowden offered Senate Resolution No. 358, regarding Janice Rehak, Columbia, which was adopted.

Senator Mosley offered Senate Resolution No. 359, regarding Kaitlyn Smith, St. Louis, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 360, regarding Barbara Ann Rice, Kirksville, which was adopted.

Senator Gannon offered Senate Resolution No. 361, regarding Bradley James Glass, Festus, which was adopted.

Senator May offered Senate Resolution No. 362, regarding Blaine Folsom, Versailles, which was adopted.

Senator May offered Senate Resolution No. 363, regarding Meaghan O’Neal, Kansas City, which was adopted.

Senator May offered Senate Resolution No. 364, regarding Eleina Newton, Silex, which was adopted.

Senator May offered Senate Resolution No. 365, regarding Jackson Winters, Columbia, which was adopted.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

STATE OF MISSOURI

May 3, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jill C. Irvin, 276 Culloden Moore, Jackson, Cape Girardeau County, Missouri 63755, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2024, and until her successor is duly appointed and qualified; vice, Jill C. Irvin, reappointed.

Respectfully Submitted,

Michael L. Parson
Governor

Also,

GOVERNOR OF MISSOURI
STATE OF MISSOURI
May 3, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michelle Luster, 718 Benvenue Drive, Saint Louis, Saint Louis City, Missouri 63137, as a member of the Board of Cosmetology and Barber Examiners, for a term ending May 1, 2025, and until her successor is duly appointed and qualified; vice, Michelle Luster, reappointed.

Respectfully Submitted,

Michael L. Parson
Governor

Also,

GOVERNOR OF MISSOURI
STATE OF MISSOURI
May 3, 2021

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dale Hardy Roberts, 5820 Eagle Lake Drive, Ashland, Boone County, Missouri 65010, as a member of the State Board of Mediation, for a term ending April 1, 2024, and until his successor is duly appointed and qualified; vice, Dale Hardy Roberts, reappointed.

Respectfully Submitted,

Michael L. Parson
Governor

President Pro Tem Schatz referred the above reappointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 106**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HB 476**; **HCS** for **HB 59**, with **SCS**; **HB 488**, with **SCS**; and **HCS** for **HB 529**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

REFERRALS

President Pro Tem Schatz referred **HS** for **HB 432**, with **SCS**; **HCS** for **HJR**s **23** and **38**; and **HCS** for

HB 734, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 231, introduced by Senator Burlison, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the appointment and duties of commissioners to attend an Article V Convention.

Was taken up.

On motion of Senator Burlison, **SB 231** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Luetkemeyer
O'Laughlin	Onder	Rehder	Riddle	Rowden	Schatz	White

Wieland—22

NAYS—Senators

Arthur	Beck	May	Moon	Mosley	Razer	Rizzo
Roberts	Schupp	Washington	Williams—11			

Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator May moved that **SB 317** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator May offered **SS** for **SB 317**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 317

An Act to repeal section 454.1005, RSMo, and to enact in lieu thereof one new section relating to child support enforcement.

Senator May moved that **SS** for **SB 317** be adopted, which motion prevailed.

On motion of Senator May, **SS** for **SB 317** was declared perfected and ordered printed.

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 refuses to adopt **SS#2** for **SCS** for **HCS** for **HB 271**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

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 **SCS** for **SB 49**, entitled:

An Act to repeal sections 306.030 and 306.221, RSMo, and to enact in lieu thereof two new sections relating to watercraft, with a penalty provision.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 49, Page 1, In the Title, Line 3, by deleting the word “watercraft” and inserting in lieu thereof the words “public safety”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 49, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“301.550. 1. The definitions contained in section 301.010 shall apply to sections 301.550 to 301.580, and in addition as used in sections 301.550 to 301.580, the following terms mean:

(1) “Boat dealer”, any natural person, partnership, or corporation who, for a commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be required as evidence that such person is eligible for licensure as a boat dealer under sections 301.550 to 301.580; **except that, such sales requirements shall be waived for entities also licensed as boat manufacturers under section 301.559 who custom manufacture boats:**

(a) For use with biological research and management equipment for fisheries; or

(b) For use with scientific sampling and for geological or chemistry purposes.

The boat dealer shall demonstrate eligibility for renewal of his license by selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as a boat dealer pursuant to sections 301.550 to 301.580;

(2) “Boat manufacturer”, any person engaged in the manufacturing, assembling or modification of new vessels or vessel trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of vessels or vessel trailers;

(3) “Department”, the Missouri department of revenue;

(4) “Director”, the director of the Missouri department of revenue;

(5) “Emergency vehicles”, motor vehicles used as ambulances, law enforcement vehicles, and fire fighting and assistance vehicles;

(6) “Manufacturer”, any person engaged in the manufacturing, assembling or modification of new motor vehicles or trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of motor vehicles or accessories for motor vehicles;

(7) “Motor vehicle broker”, a person who holds himself out through solicitation, advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale of a motor vehicle, and who is not:

(a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;

(b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf of a manufacturer;

(c) The owner of the vehicle involved in the transaction; or

(d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are licensed dealers in this or any other jurisdiction;

(8) “Motor vehicle dealer” or “dealer”, any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person; provided, however, an individual auctioneer or auction conducted by an auctioneer licensed pursuant to chapter 343 shall not be included within the definition of a motor vehicle dealer. The sale of eight or more motor vehicles or trailers in any calendar year shall be required as evidence that such person is engaged in the motor vehicle business and is eligible for licensure as a motor vehicle dealer under sections 301.550 to 301.580. Any licensed motor vehicle dealer failing to meet the minimum vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. To be eligible for license renewal, applicants shall meet the minimum requirement of eight sales per year;

(9) “New motor vehicle”, any motor vehicle being transferred for the first time from a manufacturer, distributor or new vehicle dealer which has not been registered or titled in this state or any other state and which is offered for sale, barter or exchange by a dealer who is franchised to sell, barter or exchange that particular make of motor vehicle. The term “new motor vehicle” shall not include manufactured homes, as defined in section 700.010;

(10) “New motor vehicle franchise dealer”, any motor vehicle dealer who has been franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that make and motor vehicle and who may, in line with conducting his business as a franchise dealer, sell, barter or exchange used motor vehicles;

(11) “Person” includes an individual, a partnership, corporation, an unincorporated society or association, joint venture or any other entity;

(12) “Powersport dealer”, any motor vehicle dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this chapter and chapter 306;

(13) “Public motor vehicle auction”, any person, firm or corporation who takes possession of a motor vehicle whether by consignment, bailment or any other arrangement, except by title, for the purpose of selling motor vehicles at a public auction by a licensed auctioneer;

(14) “Recreational motor vehicle dealer”, a dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle;

(15) “Storage lot”, an area within the same city or county where a dealer may store excess vehicle inventory;

(16) “Trailer dealer”, any person selling, either exclusively or otherwise, trailers as defined in section 301.010. A trailer dealer may acquire a motor vehicle for resale only as a trade-in for a trailer. Notwithstanding the provisions of section 301.010 and section 301.069, trailer dealers may purchase one driveaway license plate to display such motor vehicle for demonstration purposes. The sale of six or more trailers in any calendar year shall be required as evidence that such person is engaged in the trailer business and is eligible for licensure as a trailer dealer under sections 301.550 to 301.580. Any licensed trailer dealer failing to meet the minimum trailer and vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year;

(17) “Used motor vehicle”, any motor vehicle which is not a new motor vehicle, as defined in sections 301.550 to 301.580, and which has been sold, bartered, exchanged or given away or which may have had a title issued in this state or any other state, or a motor vehicle so used as to be what is commonly known as a secondhand motor vehicle. In the event of an assignment of the statement of origin from an original franchise dealer to any individual or other motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership shall be obtained in the assignee’s name. The term “used motor vehicle” shall not include manufactured homes, as defined in section 700.010;

(18) “Used motor vehicle dealer”, any motor vehicle dealer who is not a new motor vehicle franchise dealer;

(19) “Vessel”, every boat and watercraft defined as a vessel in section 306.010;

(20) “Vessel trailer”, any trailer, as defined by section 301.010 which is designed and manufactured for the purposes of transporting vessels;

(21) “Wholesale motor vehicle auction”, any person, firm or corporation in the business of providing auction services solely in wholesale transactions at its established place of business in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary course of its business. Except as required by law with regard to the auction sale of a government-owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection with the retail sale of a motor vehicle;

(22) “Wholesale motor vehicle dealer”, a motor vehicle dealer who sells motor vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via auctions limited to other dealers of any class.

2. For purposes of sections 301.550 to 301.580, neither the term motor vehicle nor the term trailer shall include manufactured homes, as defined in section 700.010.

3. Dealers shall be divided into classes as follows:

- (1) Boat dealers;
- (2) Franchised new motor vehicle dealers;
- (3) Used motor vehicle dealers;
- (4) Wholesale motor vehicle dealers;
- (5) Recreational motor vehicle dealers;
- (6) Historic motor vehicle dealers;
- (7) Classic motor vehicle dealers;
- (8) Powersport dealers; and
- (9) Trailer dealers.”; and

Further amend said bill, Page 4, Section 306.221, Line 14, by inserting after said section and line the following:

“307.380. 1. Every vehicle of the type required to be inspected upon having been involved in an accident and when so directed by a police officer must be inspected and an official certificate of inspection and approval, sticker, seal or other device be obtained for such vehicle before it is again operated on the highways of this state. At the seller’s expense every used motor vehicle of the type required to be inspected by section 307.350[, whether new or used,] shall immediately prior to sale be fully inspected regardless of any current certificate of inspection and approval, and an appropriate new certificate of inspection and approval, sticker, seal or other device shall be obtained.

2. Nothing contained in the provisions of this section shall be construed to prohibit a dealer or any other person from selling a vehicle without a certificate of inspection and approval if the vehicle is sold for junk, salvage, or for rebuilding, or for vehicles sold at public auction or from dealer to dealer. The purchaser of any vehicle which is purchased for junk, salvage, or for rebuilding, shall give to the seller an affidavit, on a form prescribed by the superintendent of the Missouri state highway patrol, stating that the vehicle is being purchased for one of the reasons stated herein. No vehicle of the type required to be inspected by section 307.350 which is purchased as junk, salvage, or for rebuilding shall again be registered in this state until the owner has submitted the vehicle for inspection and obtained an official certificate of inspection and approval, sticker, seal or other device for such vehicle.

3. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.

650.125. 1. The provisions of this section shall be known and may be cited as the “Missouri

Cybersecurity Act”.

2. There is hereby established within the department of public safety the “Missouri Cybersecurity Commission”. The commission shall have as its purpose identifying risk to and vulnerability of the state and critical infrastructure with regard to cyber attacks of any nature from within or outside the United States and advising the governor on such matters. The commission shall consist of the following members:

(1) Eight members to be appointed by the governor, one from each congressional district, with four members from each party;

(2) The state chief information officer as designated by the governor and commissioner of the office of administration;

(3) One representative of the Missouri state highway patrol, ex officio;

(4) One representative of the state emergency management agency, ex officio; and

(5) One representative of the Missouri national guard, ex officio.

No more than five of the nine members appointed by the governor shall be of the same political party. To be eligible for appointment by the governor, a person shall have demonstrated expertise in cybersecurity or experience in a field that directly correlates to a need of the state relating to cyber defense. The membership of the commission shall reflect both private sector and public sector expertise and experience in cybersecurity. Appointed members of the commission shall serve three-year terms, except that of the initial appointments made by the governor, three shall be for one-year terms, three shall be for two-year terms, and three shall be for three-year terms. No appointed member of the commission shall serve more than six years total. Any vacancy on the commission shall be filled in the same manner as the original appointment.

3. The members of the commission shall serve without compensation, but shall be reimbursed for the actual and necessary expenses incurred in the discharge of the members’ official duties.

4. A chair of the commission shall be selected by the members of the commission.

5. The department of public safety shall furnish administrative support and staff for the effective operation of the commission.

6. The commission shall meet at least quarterly and at such other times as the chair deems necessary.

7. The commission shall be funded by an appropriation limited to that purpose. Any expenditure constituting more than ten percent of the commission’s annual appropriation shall be based on a competitive bid process.

8. The commission shall:

(1) Advise the governor on the state of cybersecurity in the state of Missouri;

(2) Solicit data from state agencies, political subdivisions of the state, public institutions of higher education, and public schools relating to cybersecurity;

(3) Make recommendations to reduce the state’s risk of cyber attack and to identify best practices for the state to work offensively against cyber threats.

9. State agencies, public institutions of higher education, and public schools shall provide any data requested by the commission under this section unless such information is protected from disclosure under chapter 610 or is required to be kept confidential under a code of ethics from a profession licensed in the state. The provisions of this section shall not be construed to compel private sector organizations to provide information or data to the commission.

10. The commission shall prepare and present an annual report to the governor by December thirty-first of each year. Any content from the report protected under section 610.021, including any cybersecurity vulnerabilities identified by the commission, shall be held confidential.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SB 71**, entitled:

An Act to repeal sections 452.410, 455.010, 455.032, 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 civil proceedings.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 71, Page 1, Section A, Line 4, by inserting after said section and line the following:

“211.261. 1. An appeal shall be allowed to the child from any final judgment, order or decree made under the provisions of this chapter and may be taken on the part of the child by its parent, guardian, legal custodian, spouse, relative or next friend. An appeal shall be allowed to a parent from any final judgment, order or decree made under the provisions of this chapter which adversely affects him. An appeal shall be allowed to the juvenile officer from any final judgment, order or decree made under this chapter, except that no such appeal shall be allowed concerning a final determination pursuant to subdivision (3) of subsection 1 of section 211.031. Notice of appeal shall be filed within thirty days after the final judgment, order or decree has been entered but neither the notice of appeal nor any motion filed subsequent to the final judgment acts as a supersedeas unless the court so orders.

2. Notwithstanding the provisions of subsection 1 of this section, an appeal shall be allowed to the:

(1) Juvenile officer from any order suppressing evidence, a confession or an admission, in proceedings under subdivision (3) of subsection 1 of section 211.031; or

(2) Parent, guardian ad litem, or juvenile officer from any order changing or modifying the placement of a child.

3. The appeal provided for in subsection 2 of this section shall be an interlocutory appeal, filed in the appropriate district of the Missouri court of appeals. Notice of such interlocutory appeal shall be filed within three days of the entry of the order of trial court; the time limits applicable to such appeal shall be the same as in interlocutory appeals allowed to the state in criminal cases.”; and

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

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Bernskoetter moved that **HB 476**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

HB 476, as amended, 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	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for HBs 1083, 1085, 1050, 1035, 1036, 873 and 1097, entitled:

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to employment security benefits, with an emergency clause.

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

Senator Bernskoetter offered **SS for HCS for HBs 1083, 1085, 1050, 1035, 1036, 873 and 1097**, entitled:

**SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR**

HOUSE BILLS NOS. 1083, 1085, 1050, 1035, 1036, 873 AND 1097

An Act to repeal section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, and to enact in lieu thereof two new sections relating to unemployment benefits, with an emergency clause for a certain section.

Senator Bernskoetter moved that **SS** for **HCS** for **HBs 1083, 1085, 1050, 1035, 1036, 873 and 1097** be adopted.

Senator Rizzo offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bills Nos. 1083, 1085, 1050, 1035, 1036, 873 and 1097, Pages 1-4, Section 288.060, by striking all of said section from the bill; and

Further amend said bill, section 288.060, pages 4-9, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Rizzo moved that the above amendment be adopted.

Senator Bean assumed the Chair.

Senator Bernskoetter requested a roll call vote be taken and was joined in his request by Senators Brattin, Eigel, Hoskins, and Moon.

President Kehoe assumed the Chair.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Bernskoetter, **HCS** for **HBs 1083, 1085, 1050, 1035, 1036, 873 and 1097**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 2**. Representatives: Smith (163), Deaton, Black (7), Burnett, Windham.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 3**. Representatives: Smith (163), Deaton, Black (7), Burnett, Windham.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 4**. Representatives: Smith (163), Deaton, Walsh (50), Merideth, Aldridge.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 5**. Representatives: Smith (163), Deaton, Hudson, Nurrenbern, Bland Manlove.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 6**. Representatives: Smith (163), Deaton, Cupps, Bosley, Merideth.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 7**. Representatives: Smith (163), Deaton, Cupps, Bosley, Merideth.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 8**. Representatives: Smith (163), Deaton, Walsh (50), Merideth, Aldridge.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 9**. Representatives: Smith (163), Deaton, Walsh (50), Merideth, Aldridge.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 10**. Representatives: Smith (163), Deaton, Richey, Unsicker, Fogle.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 11**. Representatives: Smith (163), Deaton, Richey, Unsicker, Fogle.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 12**. Representatives: Smith (163), Deaton, Hudson, Nurrenbern, Merideth.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 176**, entitled:

An Act to repeal sections 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188,

307.193, 365.020, 407.560, 407.815, 407.1025, and 578.120, RSMo, and to enact in lieu thereof seventeen new sections relating to electronic devices, with penalty provisions and delayed effective date.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 176, Page 1, In the Title, Line 4, by deleting the words “electronic devices” and inserting in lieu thereof the words “emerging technologies”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 176, Page 16, Section 301.010, Line 332, by inserting after all of said section and line the following:

“301.558. 1. A motor vehicle dealer, boat dealer, or powersport dealer may fill in the blanks on standardized forms in connection with the sale or lease of a new or used motor vehicle, vessel, or vessel trailer if the motor vehicle dealer, boat dealer, or powersport dealer does not charge for the services of filling in the blanks or otherwise charge for preparing documents.

2. A motor vehicle dealer, boat dealer, or powersport dealer may charge an administrative fee in connection with the sale or lease of a new or used motor vehicle, vessel, or vessel trailer for the storage of documents or any other administrative or clerical services not prohibited by this section. A portion of the administrative fee may result in profit to the motor vehicle dealer, boat dealer, or powersport dealer.

3. (1) Ten percent of any fee authorized under this section and charged by motor vehicle dealers shall be remitted to the motor vehicle administration technology fund established in this subsection, for the development of the system specified in this subsection. Following the development of the system specified in this subsection, the director of the department of revenue shall notify motor vehicle dealers and implement the system, and the percentage of any fee authorized under this section required to be remitted to the fund shall be reduced to one percent, which shall be used for maintenance of the system. This subsection shall expire on January 1, 2037.

(2) There is hereby created in the state treasury the “Motor Vehicle Administration Technology Fund”, which shall consist of money collected as specified in this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of revenue for the purpose of development and maintenance of a modernized, integrated system for the titling of vehicles, issuance and renewal of vehicle registrations, issuance and renewal of driver’s licenses and identification cards, and perfection and release of liens and encumbrances on vehicles.

(3) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(4) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. No motor vehicle dealer, boat dealer, or powersport dealer that sells or leases new or used motor

vehicles, vessels, or vessel trailers and imposes an administrative fee of [less than two] **five** hundred dollars **or less** in connection with the sale or lease of a new or used vehicle, vessel, or vessel trailer for the storage of documents or any other administrative or clerical services shall be deemed to be engaging in the unauthorized practice of law. **The maximum administrative fee permitted under this subsection shall be increased annually by an amount equal to the percentage change in the annual average of the Consumer Price Index for All Urban Consumers or its successor index, as reported by the federal Bureau of Labor Statistics or its successor agency, or by zero, whichever is greater. The director of the department of revenue shall annually furnish the maximum administrative fee determined under this section to the secretary of state, who shall publish such value in the Missouri register as soon as practicable after January fourteenth of each year.**

[4.] **5.** If an administrative fee is charged under this section, the **same** administrative fee shall be charged to all retail customers [and] **unless the fee is limited by the dealer's franchise agreement to certain classes of customers. The fee shall be** disclosed on the retail buyer's order form as a separate itemized charge.

[5.] **6.** A preliminary worksheet on which a sale price is computed and that is shown to the purchaser, a retail buyer's order form from the purchaser, or a retail installment contract shall include, in reasonable proximity to the place on the document where the administrative fee authorized by this section is disclosed, the amount of the administrative fee and the following notice in type that is boldfaced, capitalized, underlined, or otherwise conspicuously set out from the surrounding written material:

“AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN A PROFIT TO DEALER. NO PORTION OF THIS ADMINISTRATIVE FEE IS FOR THE DRAFTING, PREPARATION, OR COMPLETION OF DOCUMENTS OR THE PROVIDING OF LEGAL ADVICE. THIS NOTICE IS REQUIRED BY LAW.”.

[6.] **7.** The general assembly believes that an administrative fee charged in compliance with this section is not the unauthorized practice of law or the unauthorized business of law so long as the activity or service for which the fee is charged is in compliance with the provisions of this section and does not result in the waiver of any rights or remedies. Recognizing, however, that the judiciary is the sole arbitrator of what constitutes the practice of law, in the event that a court determines that an administrative fee charged in compliance with this section, and that does not waive any rights or remedies of the buyer, is the unauthorized practice of law or the unauthorized business of law, then no person who paid that administrative fee may recover said fee or treble damages, as permitted under section 484.020, and no person who charged that fee shall be guilty of a misdemeanor, as provided under section 484.020.”; and

Further amend said bill, Page 28, Section 365.020, Line 60, by inserting after all of said section and line the following:

“407.005. As used in this chapter, unless the context clearly requires otherwise, the term “digital electronic equipment” shall mean any product that depends for its functioning, in whole or in part, on digital electronics embedded in or attached to the product; provided however, that such term shall not include any motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer, or any product or service of a motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 2**, **HA 3**, **HA 4**, **HA 5**, **HA 6** to **SB 37**, and grants the Senate a conference thereon.

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 1202**, entitled:

An Act to repeal sections 143.022, 143.071, and 620.2005, RSMo, and section 620.2005 as enacted by senate bill no. 2, one hundred first general assembly, first regular session, and to enact in lieu thereof six new sections relating to incentives for new businesses.

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 682**, entitled:

An Act to repeal sections 37.710 and 210.152, RSMo, and to enact in lieu thereof twelve new sections relating to restrictions on government authority, with emergency clauses for certain sections.

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 **HB 445**, entitled:

An Act to repeal sections 230.205 and 233.095, RSMo, and to enact in lieu thereof two new sections relating to the oversight of certain roadways.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 395**, entitled:

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to historic cemeteries.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 447**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state monument.

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 814**, entitled:

An Act to repeal sections 37.850, 67.2800, 67.2810, 67.2815, 361.097, 361.110, 361.727, 362.023, 362.044, 362.165, 362.247, 362.250, 362.340, 362.550, 362.570, 365.100, 365.140, 367.150, 369.049, 400.3-309, 408.035, 408.100, 408.140, 408.178, 408.233, 408.234, 408.250, 408.553, and 408.554, RSMo, and to enact in lieu thereof forty-eight new sections relating to financial institutions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Rowden, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bean.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS for SB 317**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

PRIVILEGED MOTIONS

Senator Crawford moved that the Senate refuse to recede from its position on **SS No. 2 for SCS for HCS for HB 271**, as amended, and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for HB 362, with **SCS**, entitled:

An Act to repeal sections 610.021 and 610.023, RSMo, and to enact in lieu thereof two new sections

relating to the sunshine law.

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

SCS for HCS for **HB 362**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 362

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to the sunshine law.

Was taken up.

Senator Wieland moved that **SCS for HCS for HB 362** be adopted.

Senator Koenig offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 362, Page 1, In the Title, Lines 2-3, by striking “the sunshine law” and inserting in lieu thereof the following: “government transparency”; and

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

“29.420. 1. This section shall be known as the “Government Lending Transparency Act”.

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

(1) “Administering agency”, a department, office, board, commission, bureau, institution, or any other agency of the state charged by statute, regulation, or order with administering a credit support program or lending program;

(2) “Credit support program”, any state program that guarantees or provides credit enhancements, such as state support for interest or principal payments, to the debt of private parties or municipalities, under which the state would be required to provide moneys if the borrower failed to pay;

(3) “Lending program”, any state program that offers moneys to private parties or municipalities that come with the expectation of repayment.

3. Each administering agency shall report annually to the state auditor by August thirtieth the following information:

(1) The name and statutory authority for each lending program and credit support program administered by the agency;

(2) For the immediately preceding fiscal year, the total dollar amount of all lending for each lending program administered by the agency and the total amount of debt supported by each credit support program administered by the agency; and

(3) For the immediately preceding fiscal year, the reasonable estimates of the costs of likely

defaults for each lending program and credit support program administered by the agency, using private sector accounting standards to evaluate the likelihood and costs of defaults.

4. The state auditor shall make an annual report compiling the data received from the administering agencies under this section, and shall submit the report to the general assembly annually by December fifteenth.

5. Intentional or knowing failure to comply with any reporting requirement contained in this section shall be punishable by a fine of up to two thousand dollars.”; and

Further amend said bill, page 7, section 610.021, line 201 by inserting after all of said line the following:

“610.026. 1. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:

(1) Fees for copying public records, except those records restricted under section 32.091, shall not exceed ten cents per page for a paper copy not larger than nine by fourteen inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester;

(2) Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.

2. Payment of such copying fees may be requested prior to the making of copies. **A request for public records to a public governmental body shall be considered withdrawn if the requester fails to remit all fees within thirty days of a request for payment of the fees by the public governmental body, prior to the making of copies.**

3. Except as otherwise provided by law, each public governmental body of the state shall remit all moneys received by or for it from fees charged pursuant to this section to the director of revenue for deposit to the general revenue fund of the state.

4. Except as otherwise provided by law, each public governmental body of a political subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant to sections 610.010 to 610.028 to the appropriate fiscal officer of such political subdivision for deposit to the governmental body’s

accounts.

5. The term “tax, license or fees” as used in Section 22 of Article X of the Constitution of the State of Missouri does not include copying charges and related fees that do not exceed the level necessary to pay or to continue to pay the costs for providing a service, program, or activity which was in existence on November 4, 1980, or which was approved by a vote of the people subsequent to November 4, 1980.”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted.

Senator Brattin offered **SA 1 to SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 362, Page 4, Section 610.026, Line 94, by inserting at the end of said line the following: **“If the same or a substantially similar request for public records is made within six months after the expiration of the thirty day period, then the public governmental body may request payment of the same fees made for the original request that has expired in addition to any allowable fees necessary to fulfill the subsequent request.”**.

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

Senator Koenig moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator Roberts offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 362, Page 1, In the Title, Line 3, by striking “sunshine law” and inserting in lieu thereof the following: “public access to records”; and

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

“37.717. 1. The office shall create a safety reporting system in which employees of the children’s division may report information regarding the safety of those served by the children’s division and the safety of such division’s employees.

2. The identity of any individual who reports to or participates in the reporting system under subsection 1 of this section shall:

(1) Be sealed from inspection by the public or any other entity or individual who is otherwise provided access to the department of social services’ confidential records;

(2) Not be subject to discovery or introduction into evidence in any civil proceeding; and

(3) Be disclosed only as necessary to carry out the purpose of the reporting system under subsection 1 of this section.

3. Any criminal act reported into the reporting system under subsection 1 of this section shall be

disclosed by the office of child advocate to the appropriate law enforcement agency or prosecuting or city attorney.

4. Any investigation conducted as a result of a report made under this section shall be conducted by an unbiased and disinterested investigator.

210.152. 1. All information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division or removed from the records of the division as follows:

(1) For investigation reports contained in the central registry, the report and all information shall be retained by the division;

(2) (a) For investigation reports initiated against a person required to report pursuant to section 210.115, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment, or in retaliation for the filing of a report by a person required to report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(b) For investigation reports, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment, or in retaliation for the filing of a report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(c) For investigation reports initiated by a person required to report under section 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for ten years from the conclusion of the investigation. For all other investigation reports where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for five years from the conclusion of the investigation. Such reports shall include any exculpatory evidence known by the division, including exculpatory evidence obtained after the closing of the case. At the end of such time period, the identifying information shall be removed from the records of the division and destroyed;

(d) For investigation reports where the identification of the specific perpetrator or perpetrators cannot be substantiated and the division has specific evidence to determine that a child was abused or neglected, the division shall retain the report and all information but shall not place an unknown perpetrator on the central registry. The division shall retain all information. The division shall retain and disclose information and findings in the same manner as the division retains and discloses family assessments. If the division made a finding of abuse or neglect against an unknown perpetrator prior to August 28, 2017, the division shall remove the unknown perpetrator from the central registry but shall retain and utilize all information as otherwise provided in this section;

(3) For reports where the division uses the family assessment and services approach, information shall be retained by the division;

(4) For reports in which the division is unable to locate the child alleged to have been abused or neglected, information shall be retained for eighteen years from the date of the report and then shall be removed from the records by the division.

2. Within ninety days, or within one hundred twenty days in cases involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality, after receipt of a

report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:

(1) That the division has determined by a probable cause finding prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that the division shall retain all information regarding the abuse or neglect; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's determination through a review by the child abuse and neglect review board as provided in subsection 4 of this section;

(2) That the division has not made a probable cause finding or determined by a preponderance of the evidence that abuse or neglect exists; or

(3) The division has been unable to determine the identity of the perpetrator of the abuse or neglect. The notice shall also inform the child's parents and legal guardian that the division shall retain, utilize, and disclose all information and findings as provided in family assessment and services cases.

3. The children's division may reopen a case for review if new, specific, and credible evidence is obtained.

4. Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts of the investigation are pending, the request for review shall be made within sixty days from the court's final disposition or dismissal of the charges. **Nothing in this section shall preclude the office of child advocate from releasing findings regarding the professional performance of any individual member of the multidisciplinary team as described in section 660.520.**

5. In any such action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination was supported by evidence of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys and those persons providing testimony on behalf of the parties.

6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County. The case may be assigned to the family court division where such a division has been established. The request for a judicial review shall be made within sixty days of notification of the decision of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

7. In any such action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested.

479.162. Notwithstanding any provision of law, supreme court rule, or court operating rule, in a proceeding for a municipal ordinance violation or any other proceeding before a municipal court if the charge carries the possibility of fifteen days or more in jail or confinement, a defendant shall not be charged any fee for obtaining a police report, a probable cause statement, or any video relevant to the traffic stop or arrest. Such police report, probable cause statement, or video shall be provided by the prosecutor upon written request by the defendant for discovery.”; and

Further amend the title and enacting clause accordingly.

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

Senator Wieland moved that **SCS for HCS for HB 362**, as amended, be adopted, which motion prevailed.

On motion of Senator Wieland, **SCS for HCS for HB 362**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senator Moon—1

Absent—Senator Brown—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Gannon moved that **SS for SCS for SB 71**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SS for SCS for SB 71, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 71

An Act to repeal sections 452.410, 455.010, 455.032, 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 civil proceedings.

Was taken up.

Senator Gannon moved that **HCS** for **SS** for **SCS** for **SB 71**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Washington
White	Wieland	Williams—31				

NAYS—Senators

Brattin	Moon	Schupp—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gannon, **HCS** for **SS** for **SCS** for **SB 71**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senators

Brattin	Moon—2
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Hough moved that **SS** for **SB 176**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 176**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 176

An Act to repeal sections 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 365.020, 407.560, 407.815, 407.1025, and 578.120, RSMo, and to enact in lieu thereof seventeen new sections relating to electronic devices, with penalty provisions and delayed effective date.

Was taken up.

Senator Eslinger assumed the Chair.

Senator Bean assumed the Chair.

Senator Hough moved that **HCS** for **SS** for **SB 176**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brown	Cierpiot	Crawford	Eslinger
Gannon	Hegeman	Hoskins	Hough	Luetkemeyer	May	Mosley
O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Brattin	Burlison	Eigel	Koenig	Moon	Onder—6
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Absent—Senator Bernskoetter—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Hough, **HCS** for **SS** for **SB 176**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brown	Cierpiot	Crawford	Eslinger
Gannon	Hegeman	Hoskins	Hough	Luetkemeyer	May	Mosley
O’Laughlin	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—27	

NAYS—Senators

Brattin	Burlison	Eigel	Koenig	Moon	Onder—6
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Absent—Senator Bernskoetter—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.

Bill ordered enrolled.

Senator Brown moved that **SCS** for **SB 49**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 49**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 49

An Act to repeal sections 306.030 and 306.221, RSMo, and to enact in lieu thereof two new sections relating to watercraft, with a penalty provision.

Was taken up.

Senator Brown moved that **HCS** for **SCS** for **SB 49**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brattin	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O'Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

NAYS—Senator Moon—1

Absent—Senator Bernskoetter—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Brown, **HCS** for **SCS** for **SB 49**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Washington White Wieland Williams—32

NAYS—Senator Moon—1

Absent—Senator Bernskoetter—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HCS for HB 18, with **SCS**, entitled:

An Act to appropriate money for the several departments and offices of state government and the several divisions and programs thereof: for the purchase of equipment, planning, expenses, and capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; grants, refunds, distributions, planning, expenses, and land improvements; and to transfer money among certain funds; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for HCS for HB 18, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 18

An Act to appropriate money for the several departments and offices of state government and the several divisions and programs thereof: for the purchase of equipment, planning, expenses, and capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; grants, refunds, distributions, planning, expenses, and land improvements; and to transfer money among certain funds; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 18** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 18** 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	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for HB 19, with SCS, entitled:

An Act to appropriate money for the several departments and offices of state government, and the several divisions and programs thereof, for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for HCS for HB 19, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 19

An Act to appropriate money for the several departments and offices of state government, and the several divisions and programs thereof, for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 19** be adopted.

Senator Hegeman offered **SS** for **SCS** for **HCS** for **HB 19**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 19

An Act to appropriate money for the several departments and offices of state government, and the several divisions and programs thereof, for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2021, and ending June 30, 2022.

Senator Hegeman moved that **SS** for **SCS** for **HCS** for **HB 19** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS** for **SCS** for **HCS** for **HB 19** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Mosley	O’Laughlin	Razer	Rehder	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Washington	White	Wieland
Williams—29						

NAYS—Senators

Brattin	Burlison	Eigel	Moon	Onder—5
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for **HB 13**, with **SCS**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up by Senator Hegeman.

SCS for HCS for HB 13, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

Was taken up.

Senator Hegeman moved that **SCS for HCS for HB 13** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS for HCS for HB 13** 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	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

REFERRALS

President Pro Tem Schatz referred **SS for SB 317** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Burlison offered Senate Resolution No. 366, regarding Gail Ellis, Cape Fair, which was adopted.

Senator Burlison offered Senate Resolution No. 367, regarding Justin Ward Holmes, Highlandville, which was adopted.

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

SENATE CALENDAR

SIXTIETH DAY—TUESDAY, MAY 4, 2021

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 242	HCS for HB 508
HB 353-Henderson	HCS for HB 1202
HCS for HB 839	HCS for HB 682
HB 381-McGaugh	HB 445-McGill
HB 338-Mayhew	HB 395-Reedy
HCS for HB 443	HB 447-Wright
HB 1061-Eggleston	HCS for HB 814

THIRD READING OF SENATE BILLS

SS for SB 317-May
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HCS for HB 349 (Koenig)
(In Fiscal Oversight) | 8. HCS for HJR 35 (Schatz) |
| 2. HCS for HJRs 20, 2, 9 & 27 (Onder)
(In Fiscal Oversight) | 9. HB 542-Shields (Burlison) |
| 3. HCS for HB 59, with SCS (Luetkemeyer) | 10. HB 948-Francis, with SCS (Hoskins) |
| 4. HCS for HB 529, with SCS (Hoskins) | 11. HB 249-Ruth (Wieland) |
| 5. HCS for HB 384, with SCS (Wieland)
(In Fiscal Oversight) | 12. HCS for HB 685, with SCS (Brown) |
| 6. HCS for HB 697, with SCS (Crawford) | 13. HCS for HBs 85 & 310, with SCS
(Burlison) (In Fiscal Oversight) |
| 7. HB 604-Gregory (51), with SCS
(Crawford) | 14. HB 670-Houx (Moon) |
| | 15. HB 488-Hicks, with SCS (Burlison) |
| | 16. HCS#2 for HB 69, with SCS (Bean) |
| | 17. HCS for HBs 557 & 560 (White) |

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| 18. HB 578-Bromley, with SCS (Brown) | 27. HB 701-Black (Onder) |
| 19. HB 687-Riley (Hough) | 28. HB 139-Hudson (Burlison) |
| 20. HB 661-Ruth (Brown) | 29. HB 299-Wallingford, with SCS (Eigel) |
| 21. HB 530 & HCS for HB 292, with SCS
(Luetkemeyer) | 30. HS for HB 432, with SCS (White)
(In Fiscal Oversight) |
| 22. HS for HB 297 (Rehder) | 31. HCS for HB 137, with SCS
(Luetkemeyer) |
| 23. HB 624-Richey (Arthur) | 32. HCS for HB 228, with SCS (O'Laughlin) |
| 24. HCS for HB 17 (Hegeman) | 33. HCS for HB 369 (Bernskoetter) |
| 25. HCS for HB 734, with SCS (Cierpiot)
(In Fiscal Oversight) | 34. HCS for HJR 23 & 38 (Eslinger)
(In Fiscal Oversight) |
| 26. HCS for HB 66 (Koenig) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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|---|--|
| SB 1-Hegeman, with SS#2 & SA 1 (pending) | SB 123-Hough, with SS & SA 2 (pending) |
| SB 3-Hegeman | SB 131-Luetkemeyer |
| SB 7-Riddle, with SS & SA 1 (pending) | SB 132-O'Laughlin, with SCS |
| SB 10-Schatz, with SS (pending) | SB 134-O'Laughlin and Cierpiot |
| SB 11-Schatz, with SS & SA 1 (pending) | SB 137-Brattin |
| SB 24-Eigel, with SS#2 (pending) | SB 138-Brattin, with SCS |
| SB 30-Cierpiot | SB 139-Bean |
| SB 39-Burlison, with SS (pending) | SB 149-Onder |
| SB 47-Hough | SB 163-Cierpiot |
| SB 54-O'Laughlin, with SCS | SB 168-Burlison |
| SBs 55, 23 & 25-O'Laughlin, et al, with
SCS & SS for SCS (pending) | SB 169-Burlison |
| SB 62-Williams, with SCS | SB 174-Hough, with SCS |
| SB 65-Rehder, with SCS | SB 179-Luetkemeyer |
| SB 74-Bean, with SCS | SB 182-O'Laughlin |
| SB 92-Riddle, with SCS | SB 183-O'Laughlin |
| SB 94-Onder with SS, SA1 to SS & SA 1 to
SA 1 (pending) | SB 184-Bean, with SCS |
| SB 95-Onder, with SCS | SB 195-Koenig |
| SB 96-Hoskins, with SCS | SB 198-Eigel, with SCS |
| SB 98-Hoskins, with SCS (pending) | SB 204-Cierpiot, with SCS |
| SB 100-Koenig, with SCS | SB 206-Arthur |
| SB 105-Crawford, with SCS | SB 218-Luetkemeyer, with SCS |
| SB 114-Bernskoetter | SB 227-Arthur |
| | SB 236-Hough, with SCS |
| | SB 244-Onder |

SB 253-Hegeman	SB 390-Luetkemeyer
SB 254-Riddle, with SCS, SS for SCS & SA 2 (pending)	SB 399-Eigel
SB 255-Riddle	SB 400-Onder, with SCS
SB 265-Eslinger	SB 404-Riddle
SB 282-Hegeman, with SCS	SB 408-Wieland
SB 287-Crawford	SB 434-Washington
SB 291-Brown	SB 437-Hoskins
SB 295-Crawford, with SCS	SB 459-Brattin, with SCS
SB 301-Bernskoetter, with SCS & SA 1 (pending)	SB 465-Hoskins, with SCS
SB 306-Bernskoetter, with SCS	SB 466-Hoskins, with SCS
SB 313-Eigel	SB 473-Brown
SB 316-Hough	SB 481-Hough, et al
SB 318-May, with SCS	SB 506-Bean
SB 334-Bernskoetter	SB 529-Cierpiot
SB 343-Brown	SB 547-Hoskins, with SCS
SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)	SB 561-Gannon
SB 360-Wieland, with SCS	SB 562-Schupp
SB 361-Wieland	SB 577-Riddle, with SCS
SB 369-White	SB 582-Eslinger
SB 370-Brown	SB 604-Koenig, with SCS
SB 372-Riddle	SJR 2-Onder, with SCS
SB 375-Eigel	SJR 4-Koenig
SB 383-Moon	SJR 7-Eigel
	SJR 12-Luetkemeyer
	SJR 16-Eslinger

HOUSE BILLS ON THIRD READING

HCS#2 for HB 75 (Onder)	HCS for HBs 1083, 1085, 1050, 1035,
HB 333-Simmons (Onder)	1036, 873 & 1097, with SS &
HB 657-Trent, with SCS (Hough)	SA 1 (pending) (Bernskoetter)
HB 850-Wiemann (Eigel)	

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)	HB 404-Aldridge (May)
HB 202-McGill (Gannon)	HB 449-Tate (Gannon)

HB 522-Windham (Williams)
HB 640-Morse (Bean)
HB 1053-Patterson (Onder)

HB 296-Wallingford (White)
HB 298-Wallingford (White)
HB 262-Black (137) (Eslinger)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 37-Bernskoetter, with HA 1, HA 2,
HA 3, HA 4, HA 5 & HA 6
HCS for HB 2, with SS for SCS (Hegeman)
HCS for HB 3, with SS for SCS (Hegeman)
HCS for HB 4, with SS for SCS (Hegeman)
HCS for HB 5, with SCS (Hegeman)
HCS for HB 6, with SCS (Hegeman)
HCS for HB 7, with SCS (Hegeman)

HCS for HB 8, with SCS (Hegeman)
HCS for HB 9, with SCS (Hegeman)
HCS for HB 10, with SS for SCS (Hegeman)
HCS for HB 11, with SS for SCS (Hegeman)
HCS for HB 12, with SCS (Hegeman)
HCS for HB 15, with SCS (Hegeman)
HCS for HB 271, with SS#2 for SCS, as
amended (Crawford)

RESOLUTIONS

Reported from Committee

SCR 8-Hoskins

SCR 9-Moon, with SA 1 (pending)

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