

A SUMMARY OF LEGISLATION  
TRULY AGREED TO AND FINALLY PASSED

by the

101st General Assembly

Regular Session



2021

Prepared by the  
Divisions of Research, Computer Information Systems  
and Administration  
of the  
MISSOURI SENATE

**\*\*\* SB 2 \*\*\***

SPONSOR: Hegeman

HANDLER: Falkner

SS/SB 2 - This act modifies the Missouri Works program to provide that, for qualified military projects, the benefit shall be based on part-time and full-time jobs created by the project.

This act contains an emergency clause.

This act is identical to provisions contained in SS/SCS/SB 120 (2021) and is substantially similar to SB 1057 (2020) and to provisions contained in HCS/SS#2/SB 704 (2020), SS/SCS/SB 718 (2020), and SS#2/SCS/HCS/HB 1854 (2020).

JOSH NORBERG

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**\*\*\* SB 5 \*\*\***

SPONSOR: Wieland

HANDLER: Ruth

SB 5 - Under current law, no advanced industrial manufacturing (AIM) zone may be established after August 28, 2023. This act extends such date to August 28, 2030.

This act is identical to SB 636 (2020) and HB 2334 (2020), and to a provision contained in HCS/SS/SCS/SB 570 (2020), HCS/SS/SCS/SB 594 (2020), HCS/SB 686 (2020), HCS/SCS/SB 725 (2020), HCS/SB 782 (2020), and HCS/SCS/SB 867 (2020), and is substantially similar to HB 249 (2021) and to a provision contained in SCS/SB 174 (2021), HCS/SB 38 (2021), HCS/SS/SB 46 (2021), and HCS/SS/SB 89 (2021).

JOSH NORBERG

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**\*\*\* SB 6 \*\*\***

SPONSOR: Wieland

HANDLER: Hill

HCS/SS/SB 6 - This act enacts provisions relating to insurance.

**OPERATION OF STATE-OWNED VEHICLES (Section 41.201)**

This act provides that service members of the Missouri National Guard shall be considered as state employees for the purposes of operating state-owned vehicles for official state business unless the members are called into active federal military service by order of the President of the United States.

This provision is substantially similar to HB 391 (2021), provisions in the truly agreed to and finally passed SS/SB 258 (2021), and a provision in the truly agreed to and finally passed SS/SCS/SB 120 (2021).

**CERTIFICATES OF SELF-INSURANCE (Section 303.220)**

This act specifies that a religious denomination that has more than 25 members with motor vehicles and "discourages", rather than "prohibits", its members from purchasing insurance, as being contrary to its religious tenets, may obtain a certificate of self-insurance from the Director of the Department of Revenue.

This provision is identical to a provision in the truly agreed to and finally passed SCS/HB 604 (2021), a provision in HCS/SB 29 (2021), SB 915 (2020), and HB 1851 (2020).

**MOTOR CLUBS (Sections 304.153, 385.220, 385.320, and 385.450)**

SPONSOR: Wieland

HANDLER: Hill

This act modifies the existing definition of "motor club" to specify that such term includes entities providing services relating to motor travel, which may include but are not limited to towing services, emergency road services, bail bond services, discount services, theft services, map services, touring services, legal fee reimbursement services in the defense of traffic offenses, and participation in an accident and sickness or accidental death insurance benefit program.

The act also specifies that fees collected from the sale of motor club contracts shall not be subject to premium tax, and provides that motor clubs complying with the provisions of the act shall not be subject to provisions governing insurance companies in this state.

These provisions are identical to provisions in the truly agreed to and finally passed SS#2/HB 661 (2021), provisions in HCS/SS/SB 89 (2021), HCS/HB 630 (2021), SB 1013 (2020), and HB 2465 (2020).

#### PETROLEUM STORAGE TANK INSURANCE FUND (Section 319.131)

Under current law, the Petroleum Storage Tank Insurance Fund assumes costs of 3rd-party claims and cleanup of contamination caused by releases from petroleum storage tanks and pays legal defense costs for eligible 3rd-party claims. This act specifies that the legal defense costs are separate from other coverage limits and allows the Fund to set a limit for such coverage.

These provisions are identical to SB 310 (2021), HB 974 (2021), provisions in the truly agreed to and finally passed SCS/HB 604 (2021), provisions in HCS/SB 29 (2021), provisions in HCS/HB 1436 (2021), and provisions in SB 546 (2021).

#### LICENSURE OF INSURANCE PRODUCERS (Sections 375.018 and 384.043)

This act provides that insurance producers' licenses and insurance producers' surplus lines licenses shall be renewed every 2 years on the producer's birth date, rather than every 2 years on the anniversary of the license being issued.

These provisions are identical to HB 1156 (2021) and provisions in the truly agreed to and finally passed HCS/SB 29 (2021), and substantially similar to SB 501 (2021).

#### CONTINUING EDUCATION CREDITS FOR INSURANCE PRODUCERS (Section 375.029)

This act specifies that an insurance producer's active participation in a local, regional, state, or national professional insurance association may be approved by the Director of the Department of Commerce and Insurance for up to four hours of continuing education credit per biannual reporting period.

Credit granted under these provisions shall not be used to satisfy continuing education hours required to be in a classroom or classroom-equivalent setting, or to satisfy ethics education requirements.

These provisions are identical to provisions in the truly agreed to and finally passed CCS/SS#2/SCS/HB 273 (2021) and provisions in the truly agreed to and finally passed SCS/HB 604 (2021), and substantially similar to SB 548 (2021), HB 1114 (2021), provisions in CCS/SB 9 (2021), provisions in HCS/SB 330 (2021), and HCS/HB 1647 (2020).

#### CREDIT FOR REINSURANCE AS AN ASSET OR REDUCTION FROM LIABILITY OF AN INSURER (Section 375.246)

The act authorizes the Director of the Department of Commerce and Insurance to promulgate certain

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rules, as specified in the act, to establish requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance agreements described in the act, or the circumstances under which credit will be reduced or eliminated. (Sections 375.246.1 and 375.246.2)

In addition to as currently provided by law, credit for reinsurance shall be allowed when the reinsurance is ceded to an assuming insurer meeting certain conditions. (Section 375.246.1(6)(a)) The assuming insurer shall have its head office or be domiciled in, as applicable, and licensed in a reciprocal jurisdiction, as such term is defined in the act. (Section 375.246.1(6)(a)a) The assuming insurer shall have and maintain minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction in an amount to be set forth by the Director by rule. If the assuming insurer is an association, it shall maintain the same, net of liabilities, and a central fund containing an amount to be set forth by rule. (Section 375.246.1(6)(a)b) The assuming insurer shall have and maintain a minimum solvency or capital ratio, as applicable, which shall be set forth by rule. If the assuming insurer is an association, it shall have and maintain a minimum solvency and capital ratio in the reciprocal jurisdiction where the insurer has its head office or is domiciled, as applicable, and is also licensed. (Section 375.246.1(6)(a)c) The assuming insurer shall agree and provide adequate assurance to the Director that it will provide prompt written notice and explanation to the Director if it falls below minimum capital and surplus requirements outlined in the act, or if any regulatory action is taken against it for serious noncompliance with the law. The assuming insurer shall consent in writing to the jurisdiction of the courts of this state and to the appointment of the Director as agent for service of process. The Director may require that the consent for service of process be provided for and included in each reinsurance agreement. These provisions shall not alter the capacity of the parties to a reinsurance agreement to agree to enforceable alternative dispute resolution mechanisms. The assuming insurer shall consent in writing to pay all final judgments obtained by a ceding insurer or its legal successor, where enforcement is sought, which have been declared enforceable in the jurisdiction where the judgment was obtained. Each reinsurance agreement shall require the assuming insurer to provide security, in an amount equal to 100% of the assuming insurer's liabilities attributable to reinsurance under the agreement, if the assuming insurer resists enforcement of an enforceable final judgment or arbitration award. The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement involving this state's ceding insurers, and shall agree to notify the ceding insurer and the Director and to provide security as specified by rule in an amount equal to 100% of the assuming insurer's liabilities to the ceding insurer should the assuming insurer enter into such a solvent scheme of arrangement. (Section 375.246.1(6)(a)d) The assuming insurer or its legal successor shall provide, if requested by the Director, certain documentation as specified by rule. (Section 375.246.1(6)(a)e) The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements as specified by rule. (Section 375.246.1(6)(a)f) The assuming insurer's supervisory authority shall confirm to the Director on an annual basis that the assuming insurer complies with the minimum capital and surplus or solvency or capital ratio requirements specified in this act. (Section 375.246.1(6)(a)g) Nothing in these provisions precludes an assuming insurer from providing the Director with information on a voluntary basis. (Section 375.246.1(6)(a)h)

This act requires the Director to create and publish a list of reciprocal jurisdictions. (Section 375.246.1(6)(b)) The Director's list shall contain any jurisdiction meeting the definitions provided in the act and shall consider any other reciprocal jurisdiction included on the list published by the National Association of Insurance Commissioners (NAIC). The Director may approve additional jurisdictions under rules promulgated by the Director. (Section 375.246.1(6)(b)a) The Director may remove a jurisdiction from the list upon a determination that the jurisdiction no longer meets the requirements of a

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reciprocal jurisdiction, except that the Director shall not remove a non-United States jurisdiction that is subject to a covered agreement, as defined in the act, or a United States jurisdiction that meets the requirements for NAIC accreditation. (Section 375.246.1(6)(b)b)

The Director shall create and publish a list of assuming insurers that have satisfied the conditions set forth in this act and to which cessions shall be granted credit as specified in the act. The Director may add an assuming insurer to the list if an NAIC accredited jurisdiction has added the assuming insurer to such a list, or if the eligible assuming insurer submits certain information to the Director, as provided in the act, and complies with any additional requirements the Director may adopt that are not in conflict with an applicable covered agreement. (Section 375.246.1(6)(c))

If the Director determines an assuming insurer no longer meets one or more requirements for recognition under the act, the Director may revoke or suspend the insurer's eligibility for recognition in accordance with the act. (Section 375.246.1(6)(d)) While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the date of suspension shall qualify for credit, except to the extent that the assuming insurer's obligations are secured as provided by law. (Section 375.246.1(6)(d)a) If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of revocation with respect to any reinsurance agreement entered into by the insurer, before or after the revocation, except to the extent the insurer's obligations are secured as provided by law. (Section 375.246.1(6)(d)b)

If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer or its representative may seek a court order requiring that the assuming insurer post security for all outstanding liabilities. (Section 375.246.1(6)(e))

Nothing in this act shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by law. (Section 375.246.1(6)(f))

Credit may be taken under this act only for reinsurance agreements entered into, amended, or renewed on or after December 31, 2021, and only with respect to losses incurred and reserves reported on or after the later of: the date on which the assuming insurer has met applicable eligibility requirements, or the effective date of the new reinsurance agreement, amendment, or renewal. (Section 375.246.1(6)(g)) Nothing in this act shall alter or impair a ceding insurer's right to take credit for reinsurance under the act as long as the reinsurance qualifies for credit under another applicable provision of law. (Section 375.246.1(6)(g)a) Nothing in this act shall limit or in any way alter the capacity of parties to any reinsurance agreement to renegotiate the agreement. (Section 375.246.1(6)(g)b)

The act authorizes the Director to adopt rules and regulations applicable to reinsurance agreements relating to certain life insurance policies, variable annuities with guaranteed benefits, long-term care insurance policies, and such other life and health insurance and annuity products as to which the NAIC adopts model rules with respect to credit for reinsurance. (Section 375.246.4(2)(a)) A rule adopted under these provisions regarding life insurance policies may apply to any treaty containing policies issued on or after January 1, 2015, or policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with a treaty on or after January 1, 2015. (Section 375.246.4(2)(b)) A rule adopted under these provisions may require the ceding insurer, in calculating the amounts or forms of security required to be held, to use the NAIC valuation manual to the extent applicable. (Section 375.246.4(2)(c)) Regulations adopted under this authority shall not apply to an assuming insurer that:

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meets the conditions set forth in this act or, if this state has not fully implemented the provisions of this act, is operating in at least 5 states that have implemented the provisions of this act; is certified in this state; or maintains at least \$250,000,000 in capital and surplus as specified in the act and is licensed in at least 26 states, or licensed in at least 10 states and licensed or accredited in at least 35 states. (Section 375.246.4(2)(d)) The authority to adopt regulations under these provisions does not limit the Director's authority to otherwise adopt regulations relating to credit for reinsurance. (Section 375.246.4(2)(e))

These provisions are substantially similar to provisions in the truly agreed to and finally passed SCS/HB 604 (2021), HB 249 (2021), provisions in HCS/SB 29 (2021), SB 634 (2020), HB 1619 (2020), and provisions in HCS/SB 551 (2020).

#### ASSOCIATION HEALTH PLANS (Section 376.421)

This act repeals the requirements that in order for an association to be issued a policy of group health insurance, the association shall have been organized and maintained for purposes other than obtaining health insurance, and that the association shall have been in existence for at least 2 years.

This provision is identical to SB 475 (2021).

#### ISSUANCE OF FUNDING AGREEMENTS (Section 376.2080)

This act specifies that life insurance companies may issue funding agreements, defined in the act as an agreement for an insurer to accept and accumulate funds and to make one or more payments at future dates in amounts not based on mortality or morbidity contingencies of the person to whom the funding agreement is issued. Funding agreements shall not be deemed to constitute a security. The issuance of a funding agreement shall be deemed to be doing insurance business.

These provisions are identical to provisions in the truly agreed to and finally passed SCS/HB 604 (2021), and substantially similar to provisions in SB 90 (2021), provisions in HCS/SB 29 (2021), HCS/HB 240 (2021), SB 698 (2020), and HB 1618 (2020).

#### EXPLANATIONS OF REFUSAL TO WRITE AUTOMOBILE INSURANCE (Section 379.120)

Under current law, if any insurer refuses to write a policy of automobile insurance, the insurer must send to the applicant a written explanation of the refusal which clearly states the reason for the refusal and that the applicant may be eligible for coverage through the assigned risk plan if other insurance is not available.

This act exempts insurers from these requirements if the applicant is written on a policy of insurance issued by an affiliate or subsidiary insurer within the same insurance holding company system.

These provisions are identical to SB 294 (2021), provisions in the truly agreed to and finally passed SCS/HB 604 (2021), and SB 1074 (2020).

#### GROUP PERSONAL LINES PROPERTY AND CASUALTY INSURANCE (Sections 379.1800 to 379.1824)

The act specifies that no policy of group personal lines property and casualty insurance shall be issued or delivered in the state unless it conforms to one of the categories described in the act. (Section 379.1800.1)

The act describes policies issued to an employer or trustees of a fund established by an employer

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(Section 379.1800.1(1)), policies issued to a labor union or similar employee organization (Section 379.1800.1(2)), policies issued to a trust, or trustees of a fund, established by two or more employers or by one or more labor unions or similar employee organizations or by a combination thereof (Section 379.1800.1(3)), and policies issued to an association or to a trust, or trustees of a fund, established for the benefit of members of one or more associations. (Section 379.1800.1(4)) For each, the act specifies persons' eligibility for coverage under the policies, and the sources of funds from which the policy premiums may be paid. For policies issued for the benefit of an association or associations, the act further requires that the association or associations have at the outset least 100 members, have been organized and maintained in good faith for purposes other than obtaining insurance, and have been in active existence for at least 1 year. (Section 379.1800.1(4)) The association or associations' constitution and bylaws shall require that the association shall meet at least annually to further the purposes of the members, shall collect dues or solicit member contributions, and shall provide members with voting privileges and representation on the governing board and committees. (Section 379.1800.1(4)) Lastly, if compensation of any kind will be paid to the policyholder in connection with a group policy issued for the benefit of an association or associations, the insurer shall notify prospective insureds as required in the act. (Section 379.1800.1(4)(c)c)

Group personal lines property and casualty insurance issued to a group other than one described above shall meet additional requirements. (Section 379.1800.2) No such policy shall be issued or delivered in this state unless the Director of the Department of Commerce and Insurance finds that the issuance of the group policy is not contrary to the best interest of the public, would result in economies of acquisition or administration, and that the benefits are reasonable in relation to the premiums charged. (Section 379.1800.2(1)) No policy issued or delivered in another state shall offer coverage in this state unless the Director, or another state with comparable requirements, determines these additional requirements have been met. (Section 379.1800.2(2)) Premiums for these plans shall be paid from funds that are contributed by the policyholder, by covered persons, or by both. (Section 379.1800.2(3)) If compensation is to be paid to the policyholder in connection with the group policy, the insurer shall notify prospective insureds as specified in the act. (Section 379.1800.2(4))

For all group personal lines property and casualty insurance, master policies shall be issued to the policyholders, and eligible employees or members insured under a master policy shall be issued certificates of coverage setting forth a statement as to the insurance protection to which they are entitled. (Section 379.1803.1) No master policy or certificate of insurance, nor any subsequent amendments to the policy forms, shall be issued or delivered in this state unless the forms and any amendments thereto have met the applicable filing requirements of this state. (Section 379.1803.2) The master policy shall set forth coverages, exclusions, and conditions of the insurance provided, together with the terms and conditions of the agreement between the policyholder and insurer, as provided in the act. (Section 379.1803.3) If the master policy provides for remittance of premiums by the policyholder, failure by the policyholder to remit premiums timely paid by an employee or member shall not be considered nonpayment of premium by the employee or member. (Section 379.1803.4)

The master policy shall provide a basic package of coverages and limits that are available to all eligible employees or members, including at least the minimum coverages and limits required in the employee's or member's state of residence or in the state where the subject property is located, and may offer additional coverages or limits to qualified employees or members for an increased premium. (Section 379.1806.1) The master policy shall provide coverage for all eligible employees or members who elect coverage during their initial period of eligibility, which may be up to 31 days. Employees or members who do not elect coverage during the initial period and later request coverage shall be subject to

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the insurer's underwriting standards. (Section 379.1806.2) Coverage under a master policy may be reduced only as to all members of a class, and shall never be reduced to a level below the limits required by applicable law. (Section 379.1806.3) Coverage under the master policy may be terminated as to an employee or member only for reasons specified in the act. (Section 379.1806.4) If optional coverages or limits are required by law to be available, the policyholder's acceptance or rejection of them on behalf of the group shall be binding on the employees or members. If the policyholder rejects any coverages or limits that are required by law to be provided unless rejected by the named insured, notice of the rejection shall be given to the employees or members upon or before delivery of their certificates of coverage. (Section 379.1806.5) The act prohibits the stacking of coverages or limits under a master policy, except that state law shall apply with regard to the stacking of coverages for separate certificates of coverage issued to relatives living in the same household. (Section 379.1806.6)

No master policy or certificate of insurance shall be issued or delivered in this state unless the rating plan and amendments thereto have met applicable filing requirements of this state. (Section 379.1809.1) Group insurance premium rates shall not be deemed to be unfairly discriminatory if adjusted to reflect past and prospective loss experience or group expense factors, or if averaged broadly among persons covered under the master policy. The rates likewise shall not be deemed unfairly discriminatory if they do not reflect individual rating factors including surcharges and discounts required for individual personal lines property and casualty policies. (Section 379.1809.2) Experience refunds or dividends may be paid to the policyholder of a group personal lines property and casualty policy if justified by the insurer's experience under that policy. However, if an experience refund or dividend is paid, it shall be applied for the sole benefit of the insured employees or members to the extent it exceeds the policyholder's contribution to premiums for the applicable period. (Section 379.1809.3)

An insurer issuing or delivering group personal lines property and casualty insurance shall maintain separate statistics as to the loss and expense experience pertinent thereto. (Section 379.1812.1) No insurer shall issue or deliver a policy if purchasing insurance is a condition of employment or membership in the group, or if any employee or member shall be penalized for nonparticipation. (Section 379.1812.2) The act prohibits insurers from issuing or delivering a policy if the purchase is contingent on purchase of other insurance, product, or services, or on the purchase of additional coverage under the policy, except as specified in the act. (Section 379.1812.3) The insurer's experience from the policies shall be included in the determination of its participation in residual market plans. (Section 379.1812.4) For purposes of premium taxes, the insurer shall allocate premiums in accordance with the rules for individual personal lines policies, except that the allocation may be based on an annual survey of the insureds. Premiums shall be apportioned among states without differentiation between the source of payment. (Section 379.1812.5)

The act requires persons acting as an insurance broker or agent in connection with the policies to be licensed in this state as an insurance producer, except as otherwise specified in the act (Section 379.1815.1), and provides that the signature of a licensed producer residing in this state shall not be required for issuance or delivery of a policy. (Section 379.1815.2)

Regarding termination of coverage, the act requires insurers to give 30 days written notice, as specified in the act, to persons whose coverage is being terminated for reasons other than by their own request or a failure to pay premiums. (Section 379.1818.1) The employee or member whose coverage is terminated shall be entitled to be issued a comparable individual policy if he or she applies and pays the first premium within 30 days of receiving the notice. (Section 379.1818.2) These notice and replacement policy provisions shall not apply if the master policy is replaced within 30 days. (Section 379.1818.3)



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The act further requires insurers to be duly authorized, specifies that the act is not applicable to mass marketing of individual policies, excludes certain credit insurance, specifies that it does not apply to or modify motor vehicle insurance or any policies issued by nonadmitted insurers as provided by law, and provides that it shall not modify the authority of the Director with respect to consumer complaints or disputes. (Section 379.1821)

These provisions shall take effect on January 1, 2022. A master policy or certificate of insurance that is lawfully in effect at that time shall comply with this act within 12 months of such date. (Section 379.1824)

These provisions are similar to SB 209 (2021), provisions in the truly agreed to and finally passed SCS/HB 604 (2021), provisions in HCS/SB 29 (2021), HCS/SB 629 (2021), SB 843 (2020), HB 2085 (2020), provisions in HB 1634 (2020), and provisions in HCS/SB 551 (2020).

#### INSURANCE HOLDING COMPANIES - GROUP CAPITAL RATIOS AND LIQUIDITY STRESS TESTS (Sections 382.010, 382.110, 382.176, 382.177, and 382.230)

This act requires insurers subject to registration to file annual group capital calculations in accordance with National Association of Insurance Commissioners (NAIC) instructions. The report shall be filed with the Director of Insurance for the lead state for the holding company, as determined in accordance with NAIC procedures. The act exempts certain insurance holding companies from this requirement, as described in the act. (Section 382.176.1) The lead state Director of Insurance shall require group capital calculations for U.S. operation of any non-U.S. based insurance holding company where it is deemed appropriate for oversight, solvency monitoring, and marketplace competitiveness purposes. (Section 382.176.2) The lead state Director may exempt or accept limited filings from insurers under the act in accordance with criteria specified by regulation. (Section 382.176.3) If the lead state Director of Insurance determines a holding company system no longer qualifies for an exemption under the act, the holding company shall file the group capital calculation at the next filing date unless given an extension by the Director. (Section 382.176.4)

Insurers subject to registration and also within the scope of the NAIC liquidity stress test framework shall file the results of a specific year's liquidity stress test with the lead state Director of Insurance as determined by NAIC procedures, as described in the act. (Section 382.177)

The act specifies that information, documents and copies obtained by or provided to the Director of Insurance or any other person in the course of certain examinations, investigations, or reports shall be considered proprietary and to contain trade secrets. The Director of Insurance shall maintain the confidentiality of the group capital calculation, and the group capital ratio produced within the calculation, and any group capital information received from a holding company supervised by the Federal Reserve Board or any U.S. group-wide supervisor. For purposes of information received for a liquidity stress test, the Director shall maintain the confidentiality of the liquidity stress test results, supporting disclosures, and any liquidity stress test information received from an insurance holding company supervised by the Federal Reserve Board and non-U.S. group-wide supervisors. (Section 382.230.1)

The act modifies provisions specifying with whom and under what circumstances the Director may share and receive proprietary and trade secret information, including with regard to subsidiaries and affiliates of the NAIC, and third-party consultants designated by the Director. (Section 382.230.3)

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Lastly, the act specifies that the group capital calculation and resulting group capital ratio, and the liquidity stress test and its results and supporting disclosures, are regulatory tools for assessing risk and solvency, and are not intended as a means to rank insurers or holding companies. The act accordingly prohibits statements and notices containing representations of this information or associated calculations; provided however, that an insurer may publish announcements in a written publication to rebut statements shown to the Director to be materially false regarding this information. (Section 382.230.7)

These provisions are identical to HCS/HB 1126 (2021).

ERIC VANDER WEERD

SPONSOR: Eigel

HANDLER: Schroer

CCS#2/HCS/SS/SCS/SB 26 - This act modifies provisions relating to public safety.

DEPARTMENT OF CORRECTIONS (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, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 217.845, 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, & 650.058)

This act replaces the "Department of Corrections and Human Resources" with "Department of Corrections" and the "board of probation and parole" with the "Division of Probation and Parole" or the "Parole Board".

This act also adds that the chairperson of the board shall employ employees as is necessary to carry out duties, serve as the appointing authority over such employees, and provide for appropriate training to members and staff.

This act repeals the provision that the chairperson of the board shall also be the Director of the Division of Probation and Parole. These provisions are substantially similar to SB 862 (2020).

These provisions are identical to provisions in SS/SB 212 (2021).

LOCAL LAW ENFORCEMENT BUDGETS (Section 67.030)

Under current law, the governing body of each political subdivision may revise, alter, increase, or decrease items in a proposed budget. This act provides that any taxpayer of a political subdivision may initiate an action for injunctive relief, which the court shall grant, if the governing body of such political subdivision decreases the budget for its law enforcement agency, excluding school officers of school districts, by an amount exceeding more than 12% relative to the proposed budgets of other departments of the political subdivision over a five year aggregate amount.

These provisions are identical to provisions in SCS/SB 66 (2021).

BATTERY-CHARGED FENCES (Section 67.301)

This act provides that no city, county, town, village, or political subdivision may adopt or enforce an ordinance, order, or regulation that 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.

SPONSOR: Eigel

HANDLER: Schroer

Additionally, such political subdivisions shall not adopt an ordinance or order that imposes installation requirements for such fences or alarm systems or prohibit the use of a battery-charged fence.

As used in this act, a battery-charged fence is a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal to summon law enforcement in response to a burglary. Such fence must be located on a property not designated for residential use, produce not more than 12 volts of direct current, as well as meet other specifications as provided in the act.

This provision is identical to SB 470 (2021).

#### PHYSICAL SECURITY MEASURES (Section 67.494)

No political subdivision shall enact any ordinance that regulates the physical security measures around private property, except that a political subdivision may regulate the aesthetics of physical security measures, access to public right-of-way, structural soundness of physical security measures, or changes to the drainage of a property.

This provision is identical to HB 1331 (2021).

#### POLICE COMMISSIONERS (Section 84.400)

This act provides that a member of the Kansas City board of police commissioners or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member may accept a per diem or reimbursement for necessary expenses for attending meetings.

These provisions are identical to provisions in SCS/SBs 53 & 60 (2021).

#### EMERGENCY SERVICES (Section 190.307 & 650.335)

This act adds that a public agency that operates an emergency system shall have sovereign immunity and official immunity from civil damages.

Additionally, if a county has an elected emergency services board, the elected emergency service board shall be eligible for loan funds or other financial assistance.

This provision is identical to HB 1161.

#### ELIGIBILITY FOR PAROLE (Sections 217.690 & 217.692)

This act provides that any offender sentenced to a term of imprisonment amounting to 15 years or more or multiple terms that amount to 15 years or more who was under 18 years of age at the time of the commission of the offense may be eligible for parole after serving 15 years of incarceration regardless of whether the case is final for the purpose of appeal. Such person may be eligible for reconsideration hearings in accordance with Parole Board regulations.

These provisions are identical to HB 636 (2021).

#### PESTICIDE CERTIFICATION AND TRAINING (Sections 281.015-281.101):

This act modifies provisions relating to pesticide certification and training.

SPONSOR: Eigel

HANDLER: Schroer

The act creates and modifies several definitions related to pesticides.

The act repeals a provision allowing the Director of the Department of Agriculture to provide by regulation for the one-time emergency purchase and use of a restricted use pesticide by a private applicator.

The Director may, by regulation, classify licenses, including a license for noncertified restricted use pesticide applicators.

No individual shall engage in the business of supervising the determination of the need for the use of any pesticide on the lands of another without a certified commercial applicator's license issued by the Director.

No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of any restricted pesticide on the land of another unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified commercial applicator in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.

No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified noncommercial applicator in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct supervision.

No pesticide technician shall use or determine the need for the use of any pesticide unless there is a certified commercial applicator, certified in categories as specified by regulation, working from the same physical location as the licensed pesticide technician. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional applicator.

A private applicator shall qualify for a certified private applicator's license or a certified provisional applicator's license by attending an approved program, completing an approved certification course, or passing a certification examination as listed in the act.

The University of Missouri extension may collect reasonable fees, for training and study materials, for attendance of a certification training program, and for an online certification training program. Such fees shall be assessed based on the majority option decision of a review committee convened every 5 years by the Director. Such fees shall not exceed \$75 unless certain members of the review committee vote unanimously in favor of setting a higher fee. The committee shall be composed of members as set forth in

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HANDLER: Schroer

the act.

A certified private applicator holding a valid license may renew such license for 5 years upon successful completion of recertification training or by passing the required private applicator certification examination.

On the date of the certified provisional private applicator's 18th birthday, his or her license will automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire 5 years from date of issuance and may then be renewed as a certified private applicator's license without charge or additional fee.

A provision allowing a private applicator to apply for a permit for the one-time emergency purchase and use of restricted use pesticides is repealed.

No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified public operator in which case the certified public operator shall be liable for any use of a restricted used pesticide by an individual operating under the certified public operator's direct supervision.

Any person who volunteers to work for a public agency may use general use pesticides without a license under the supervision of the public agency on lands owned or managed by the state agency, political subdivision, or governmental agency.

The act creates provisions relating to the use of restricted pesticides. An application for a noncertified restricted use pesticide applicator's license shall follow requirements as set forth in the act and once licensed, a restricted use pesticide applicator shall use pesticides as set forth in the act, including when under supervision of another individual licensed by the Department of Agriculture.

Each pesticide dealership location or outlet from which restricted use pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user shall have at least one individual licensed as a pesticide dealer. Any individual possessing restricted use pesticides and selling or holding and offering for sale such pesticides from a motor vehicle shall be licensed as a pesticide dealer. No individual shall be issued more than one pesticide dealer license.

Each applicant for a pesticide dealer's license shall pass a pesticide dealer examination provided by the Director.

Licensed certified applicators, licensed noncertified restricted use pesticide applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the Department within 10 days of any conviction of or plea to any offense listed in the act.

The Director may issue a pesticide applicator certification on a reciprocal basis with other states without examination to a nonresident who is licensed as a certified applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state.

The act repeals a provision stating that a nonresident applying for certain pesticide licenses to operate

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in Missouri shall designate the Secretary of State as the agent of such nonresident upon whom process may be served unless the nonresident has designated a Missouri resident agent.

The act prohibits any person to use or supervise the use of pesticides that are cancelled or suspended. It is unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides. Additionally, it is unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or aid and abet any person in an attempt to steal examinations or examination materials, cheat on examinations, or evade recertification or retraining requirements.

These provisions shall become effective on January 1, 2024.

These provisions are similar to SCS/SB 491 (2021), HCS/HB 1125 (2021), SB 1082 (2020), and HB 2532 (2020).

#### DISPLAY OF FIXED, FLASHING, OR ROTATING LIGHTS (Sections 304.022 and 307.175)

This act allows coroners, medical examiners, and forensic investigators of the county medical examiner's office or a similar entity to display emergency lights on their vehicles or equipment when responding to a crime scene, motor vehicle accident, workplace accident, or any location where their services are requested by law enforcement, and accordingly modifies the definition of "emergency vehicle" for purposes of motorists' obligation to yield to emergency vehicles displaying emergency lighting.

These provisions are identical to provisions in HCS/SS/SB 89 (2021) and provisions in HCS/HB 307 (2021), and similar to HB 380 (2021).

#### SALE OF ALCOHOL BY FELONY OFFENDERS (Sections 311.060, 311.660, and 313.220)

This act provides that the Supervisor of Liquor Control shall not prohibit a person from participating in the sale of alcohol solely on the basis of being found guilty of a felony offense.

This act repeals the provision requiring an employer that has a liquor license to report to the Division of Liquor Control within the Department of Public Safety any employee who has been convicted of a felony. Additionally, the Missouri Gaming Commission shall not prohibit a person from participating in the sale of lottery tickets solely on the basis of being found guilty of a criminal offense, but the person is not eligible to be a licensed lottery game retailer.

These provisions are identical to HB 316 (2021) and to provisions in HCS/SS/SCS/SB 600 (2020) and HB 1468 (2020).

#### GAMBLING BOATS (Sections 313.800, 313.805, and 313.812)

Current law defines "excursion gambling boat" as a boat, ferry, or other floating facility. This act modifies such definition to include nonfloating facilities, which are defined as any structure within 1,000 feet of the Missouri or Mississippi rivers that contains at least 2,000 gallons of water beneath or inside the facility.

This act also modifies current law relating to the licensure of excursion gambling boats to allow for nonfloating facilities.

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HANDLER: Schroer

This act is identical to HB 507 (2021) and SB 506 (2021).

#### SURVEILLANCE CAMERAS (Section 542.525)

This act provides that no employee of a state agency or a political subdivision shall place any surveillance camera or game camera on private property without first obtaining consent from the landowner or his or her designee, a search warrant pursuant to law, or permission from the highest ranking law enforcement chief or officer of the agency or political subdivision, provided that permission of the highest ranking law enforcement chief or officer is valid only when the camera is facing a location that is open to public access or use and the camera is located within 100 feet of the intended surveillance location.

This provision is identical to SCS/SB 449 (2021).

#### OFFENSES INELIGIBLE FOR PROBATION (Section 557.045)

This act adds to the offenses ineligible for probation any dangerous felony where the victim is a law enforcement officer, firefighter, or an emergency service provider while in the performance of his or her duties.

These provisions are identical to provisions in SCS/SB 66 (2021).

#### SPECIAL VICTIMS (Section 565.058)

Any special victim as defined by law shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue.

Additionally, any special victim may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if said petition alleges that he or she would be endangered by such disclosure.

These provisions are identical to provisions in HCS/SS/SB 26 (2021).

#### VANDALISM (Section 574.085)

Under current law, a person commits the offense of institutional vandalism if he or she knowingly vandalizes certain structures. This act provides that a person shall be guilty of a Class E felony if he or she knowingly vandalizes any public monument or structure on public property.

These provisions are identical to provisions in SCS/SB 66 (2021).

#### OFFENSE OF INTERFERENCE WITH A HEALTH CARE FACILITY (Section 574.203)

This act provides that a person, excluding any person who is developmentally disabled, commits the offense of interference with a health care facility if the person willfully or recklessly interferes with a health care facility or employee of a health care facility by: (1) Causing a peace disturbance while inside a health care facility; (2) Refusing an order to vacate a health care facility when requested to by an employee; or (3) Threatening to inflict injury on the patients or employees, or to inflict damage on the facility.

Such offense is a Class D misdemeanor for the first offense and a Class C misdemeanor for any second or subsequent offense.

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These provisions are identical to provisions in HCS/SS/SB 26 (2021) and HCS/HB 1022 (2021).

#### OFFENSE OF INTERFERENCE WITH AN AMBULANCE SERVICE (Section 574.204)

This act provides that a person commits the offense of interference with an ambulance service if the person acts alone or in concert with others to willfully or recklessly interfere with access to or from an ambulance or willfully disrupt any ambulance service by threatening to inflict injury on any person providing ambulance services or damage the ambulance. Such offense is a class D misdemeanor for the first offense and a Class C misdemeanor for any second or subsequent offense.

These provisions are identical to provisions in HCS/HB 1022 (2021).

#### PEACE OFFICER LICENSURE (Sections 590.030)

Under current law, all licensed peace officers, as a condition of licensure, must obtain continuing law enforcement education and maintain a current address of record on file with the POST Commission.

This act provides that in addition to those requirements for licensure, peace officers must submit to being fingerprinted on or before January 1, 2022, and every six years thereafter and also submit to fingerprinting for the purposes of a criminal history background check and enrollment in the state and federal Rap Back Program.

Additionally, any time a peace officer is commissioned with a different law enforcement agency he or she must submit to being fingerprinted. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the peace officer's law enforcement agency. The Rap Back enrollment shall be for the purposes of peace officer disciplinary reports as required by law. Law enforcement officers and law enforcement agencies shall take all necessary steps to maintain officer enrollment in Rap Back for as long as an officer is commissioned with that agency. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022.

These provisions are identical to provisions in SCS/SB 289 (2021) and similar to HB 839 (2021).

#### 988 PUBLIC SAFETY FUND (Section 590.192)

This act creates the "988 Public Safety Fund" within the state treasury and shall be used by the Department of Public Safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services.

#### LAW ENFORCEMENT OFFICER DISCIPLINARY ACTIONS (Section 590.502)

This act provides that when a law enforcement officer who reasonably believes he or she is under investigation which could lead to disciplinary action, demotion, dismissal, transfer, or placement that could lead to economic loss, the investigation shall include the following conditions:

- The law enforcement officer shall be informed in writing of the existence and nature of the alleged violation and who will be conducting the investigation;
- Any complaint filed shall be supported by a written statement outlining the complaint;
- Any investigation shall be conducted for a reasonable length of time and only while the officer is on



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duty unless reasonable circumstances prevent such questioning while on duty;

- Prior to an interview session the law enforcement officer shall be informed that he or she is being ordered to answer questions under threat of disciplinary action and that the officer's answers to the questions will not be used against the officer in a criminal proceeding.
  - Any investigation shall be conducted at a secure location at the agency that is conducting the investigation or the office of the officer unless the officer consents to another location;
  - The law enforcement officer shall be questioned by up to two investigators and shall be informed of the name and rank of each questioning officer;
  - Law enforcement officers shall not be threatened, harassed, or promised rewards for answering questions, except that a law enforcement officer may be compelled to give protected statements to an investigator under direct control of the agency;
  - Law enforcement officers are entitled to have an attorney or duly authorized representative present during questioning and prior to the questioning the officer and his or her representative shall have the opportunity to review the complaint;
  - A complete record of the investigation shall be kept by the agency and a copy shall be provided to the officer upon request;
  - The agency conducting the investigation shall have 90 days to complete such investigation and may extend the investigation under certain circumstances;
  - The officer shall be informed in writing within 5 days of the conclusion of the investigative findings and any recommendations for further action; and
  - A complete record of the administrative investigation shall be kept by the law enforcement agency and all records shall be confidential and not subject to disclosure under Sunshine Law, except by lawful subpoena or court order.

Any law enforcement officer suspended without pay shall be entitled to a full due process hearing as provided in the act. Any decision following the hearing shall be in writing and shall include findings of fact.

This act provides that law enforcement officers shall have the opportunity to provide a written responses to any adverse materials in their personnel file.

Law enforcement officers shall have the right to compensation for any economic loss incurred during an investigation if the officer is found to have committed no misconduct.

Employers shall defend and indemnify law enforcement officers against civil claims made against an officer while the officer was acting within his or her duties as a law enforcement officer. If any criminal convictions arise out of the same conduct, the employer is no longer obligated to defend the officer in the civil claim. Law enforcement officers shall not be disciplined or dismissed as a result of the assertion of their constitutional rights in any judicial proceeding, unless the officer admits to wrong-doing.

This act provides that a law enforcement officer may bring an action for enforcement of these provisions in the circuit court for the county in which the law enforcement agency or governmental body has its principal place of business. Upon a finding by a preponderance of the evidence that a law enforcement agency or governmental body has purposely violated this act, the court shall void any action taken in violation of this section. Suit for enforcement shall be brought within one year from which the violation is ascertainable.

Finally, a law enforcement agency that has substantially similar or grater procedures shall be deemed

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in compliance with this act.

HANDLER: Schroer

These provisions are similar to SB 1053 (2020) and HB 1889 (2020).

POLICE USE OF FORCE DATABASE (Section 590.1265)  
This act establishes the "Police Use of Force Transparency Act of 2021."

Each law enforcement agency shall, at least annually, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation (FBI).

Additionally, each law enforcement agency shall submit such information to the Department of Public Safety. The personally identifying information of individual peace officers shall not be included in the reports. The Department of Public Safety shall, no later than June 30, 2022, develop standards and procedures governing the collection and reporting of use-of-force data. The standards shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the FBI.

The Department of Public Safety shall publish the data reported by law enforcement agencies in a publicly available report. Finally, the Department of Public Safety shall undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than January 1, 2025. The report shall be updated at least every five years.

These provisions are substantially similar to provisions in SCS/SB 74 (2020) and similar to HB 998 (2021) and HB 59 (2021).

EXPUNGEMENT (Section 610.140)

Under current law, any rights that were restricted as a collateral consequence of a person's criminal record shall be restored upon issuance of the order of expungement. This act adds that if a person was convicted of a federal misdemeanor crime of domestic violence, an order of expungement granted under this act shall be considered a complete removal of all effects of the expunged conviction.

This provision is identical to SB 540 (2021).  
MARY GRACE BRUNTRAGER

SPONSOR: Bernskoetter

HANDLER: Griffith

SB 36 - This act creates the Capitol Complex Tax Credit Act.

The Capitol Complex Fund is authorized to receive any eligible monetary donation, as defined in the act, and shall be segregated into two accounts: a rehabilitation and renovation account, and a maintenance account. Ninety percent of the revenues deposited into the fund shall be placed in the rehabilitation and renovation account and seven and one-half percent of revenues deposited in the fund shall be placed in the maintenance account. The remaining two and one-half percent of the funds may be used for the purposes of fundraising, advertising, and administrative costs.

The choice of projects for which money is to be used, as well as the determination of the methods of

SPONSOR: Bernskoetter

HANDLER: Griffith

carrying out the project and the procurement of goods and services, shall be made by the Commissioner of Administration. No moneys shall be released from the fund for any expense without the approval of the Commissioner of Administration.

For all taxable years beginning on or after January 1, 2021, any qualified donor, as defined in the act, shall be allowed a credit against any state income tax (except employer withheld taxes) or state taxes imposed on financial institutions for an amount equal to fifty percent of the monetary donation amount. Any amount of tax credit that exceeds the qualified donor's state income tax liability may be refunded or carried forward for the following four years.

For all taxable years beginning on or after January 1, 2021, a qualified donor shall be allowed a credit against any state income tax (except employer withheld taxes) or state taxes imposed on financial institutions for an amount equal to thirty percent of the value of the eligible artifact donation, as defined in the act. Any amount of tax credit that exceeds the donor's tax liability shall not be refunded for artifacts, but the credit may be carried forward for four subsequent years.

The Department of Economic Development shall not issue tax credits for donations to the Capitol Complex Fund in excess of \$10 million per year in the aggregate. Donations received in excess of the cap shall be placed in line for tax credits the following year. Alternatively, a donor may donate without receiving the credit or may request that their donation is returned.

Tax credits issued for donations under this act are not subject to any fee. Tax credits issued under this act may be assigned, transferred, sold, or otherwise conveyed.

This act shall sunset August 28, 2027, unless reauthorized by the General Assembly.

This act is identical to SCS/SB 586 (2020) and HCS/HB 1713 (2020), and to a provision contained in SCS/HCS/HB 849 (2021), HCS/SS/SCS/SB 570 (2020), HCS/SCS/SB 616 (2020), and HCS/SS#2/SB 704 (2020), and is substantially similar to SB 255 (2019) and to a provision contained in SB 545 (2018), HB 2691 (2018) and SCS/SB 6 (2017).

JOSH NORBERG

SPONSOR: White

HANDLER: Wallingford

HCS/SS/SB 44 - This act modifies provisions relating to utilities.

**ENERGY CONNECTIONS (Section 67.309):**

Under this act, no political subdivision shall adopt an ordinance, resolution, regulation, code or policy that prohibits, or has the effect of prohibiting, the connection or reconnection of a utility service based upon the type or source of energy to be delivered to an individual customer. Utility services shall include natural gas, propane gas, electricity, and any other form of energy provided to an end user customer.

This provision is similar to a provision contained in the perfected SS/SB 141 (2021), SB 230 (2021), and to a provision contained in SCS/HCS/HB 734 (2021).

**SERVICE TERRITORIES OF RETAIL ELECTRIC SERVICE PROVIDERS (Sections 91.025, 386.800, 393.106, 394.020, & 394.315):**

SPONSOR: White

HANDLER: Wallingford

This act modifies provisions relating to service territories of retail electric service providers.

This act provides that in the event that a retail electric supplier is providing service to a structure located within a municipality that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

Additionally, in the absence of an approved territorial agreement, the municipally owned utility shall apply to the Public Service Commission for an order assigning nonexclusive service territories and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located within one mile outside of the boundaries of the proposed expanded service territory. In granting the applicant's request, the Commission shall give due regard to territories previously served by the other electric service suppliers and the wasteful duplication of electric service facilities.

Any municipally owned electric utility may extend its electric service territory to include areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities in the area proposed to be annexed, the majority of the existing developers, landowners, or prospective electric customers may submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations as provided in the act. These provisions shall also apply in the event an electrical corporation rather than a municipally owned electric utility is providing electric service in the municipality.

This act also changes the term "fair and reasonable compensation" to be two hundred percent, rather than four hundred percent, of gross revenues less gross receipts taxes received by the affected electric service supplier from the 12 month period preceding the approval of the municipality's governing body. Additionally, this act changes the definition of the population of a "rural area" to be increased by 6% every ten years after each census beginning in 2030.

Nothing in this act shall be construed as otherwise conferring upon the Public Service Commission jurisdiction over the service, rates, financing, or management of any rural electric cooperative or any municipally owned electric utility.

These provisions are substantially similar to provisions contained in SS#2/SCS/HCS/HB 271 (2021).

Throughout the act, the term "electric supplier" is changed to "electric service supplier".

Under this act, at the time that a municipally owned utility applies to the Public Service Commission for an order assigning nonexclusive service territories, such utility shall concurrently provide written notice of the application to other electric service suppliers with electric facilities located within one mile outside of the boundaries of the proposed expanded service territory. In granting the applicant's request, the Commission shall consider territories previously granted to or served by other electric service suppliers and the duplication of electric service facilities.

Any municipally owned electric utility may extend pursuant to lawful annexation its electric service territory to include areas where another electric service supplier is not currently serving a structure but has existing electric service facilities located in or within one mile outside the boundaries of the area proposed to be annexed, provided it first notifies in writing the affected electric service supplier within 60 days prior to the effective date of the proposed annexation. If the affected electric service supplier objects, it

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HANDLER: Wallingford

shall follow procedures set forth in the act.

Responsibility for payment of fees set by the Commission to carry out its duties related to determining service territories under the act shall be on the parties to the proceeding as ordered by the Commission in each case.

Nothing in the act shall give the Commission jurisdiction over the service, rates, financing, accounting, or management of any rural electric cooperative or municipally owned electric utility.

If an electrical corporation is providing electric service within a municipality and the corporation has previously received a certificate of convenience and necessity from the Commission to provide electric service in the annexed area or the area proposed to be annexed, certain provisions of the act shall apply equally to the electrical corporation as if it were a municipally owned utility.

Nothing in the act shall be construed to preclude a municipality having a population of at least 1,500 inhabitants as of August 28, 2021, from requiring a rural electric cooperative to obtain a franchise to provide electric service, or to impose a sales tax, within the boundaries of the municipality.

Finally, the act modifies the definition of "rural area" as the term is used in provisions of law relating to rural electric cooperatives.

#### ASSESSMENT OF CERTAIN PUBLIC UTILITY PROPERTY (Sections 153.030 & 153.034):

Beginning January 1, 2022, this act provides that any real and personal property owned by a public utility company that was constructed using chapter 100 financing shall, upon the transfer of such property to the public utility company, be assessed upon the local tax rolls. Any property consisting of land and buildings shall be assessed pursuant to current law relating to the assessment of such property in general, and all other business or personal property shall be assessed pursuant to the depreciation schedule provided under current law.

This provision is identical to SCS/SB 92 (2021) and substantially similar to HB 2680 (2020).

#### COMMON SEWER DISTRICTS (Section 204.569):

Under current law, when an unincorporated sewer subdistrict of a common sewer district has been formed, the board of trustees of the common sewer district shall have the power to issue bonds, and the issuance of such bonds shall require the assent of 4/7 of the voters of the subdistrict on the question. This act states that as an alternative to such vote, if the subdistrict is a part of a common sewer district located in whole or in part in certain counties, bonds may be issued for such subdistrict if the question receives the written assent of 3/4 of the customers, as such term is defined in the act, of the subdistrict.

This provision is identical to SB 558 (2021) and to a provision contained in the perfected SS/SB 44 (2021).

#### ASSESSMENTS AGAINST PUBLIC UTILITIES (Section 386.370):

Currently, the Public Service Commission can assess no more than 0.25% of the total gross intrastate operating revenues against all utilities subject to the jurisdiction of the Commission for the cost of regulating such utilities. This act changes the assessment rate to no more than 0.315% of the total gross intrastate operating revenues of such utilities.

SPONSOR: White

HANDLER: Wallingford

This provision is identical to a provision contained in the perfected SS#2/SCS/SB 202 (2021) and similar to SCS/SB 280 (2021).

**COMPETITIVE BIDDING (Section 393.358):**

Currently, water corporations with more than 1,000 customers are required to use a competitive bidding process for no less than 10% of the corporation's external expenditures for planned infrastructure projects on the water corporation's distribution system. Under this act, such competitive bidding process shall be used for 20% of the corporation's external expenditures for such projects.

**WATER AND SEWER INFRASTRUCTURE (Sections 393.1500-393.1509):**

The act establishes the Missouri Water and Infrastructure Act, which specifies that a water or sewer corporation that provides water or sewer service to more than 8,000 customer connections may file a petition and proposed rate schedules with the Public Service Commission to create or change a water and sewer infrastructure rate adjustment (WSIRA) that provides for the recovery of pretax revenues associated with eligible infrastructure system projects.

The WSIRA shall not produce revenues in excess of 15% of the water or corporation's base revenue requirement approved by the Commission in the corporation's most recent general rate proceeding, with certain exceptions.

The WSIRA and any future changes shall meet specific requirements set forth in the act.

The Commission shall not approve a WSIRA for a water or sewer corporation that has not had a general rate proceeding decided or dismissed in the 3 years before the filing of a WSIRA petition unless the water or sewer corporation has filed for or is the subject of a new general rate proceeding.

In the event a water or sewer corporation is collecting infrastructure system replacement surcharge revenues that were approved before August 28, 2021, when a WSIRA is filed, the approved infrastructure system replacement surcharge revenues shall be included in the new WSIRA filing. In no event shall a customer be charged both an infrastructure system replacement surcharge and a WSIRA.

At the time the water or sewer corporation files a petition for a WSIRA, it shall submit proposed WSIRA rate schedules and supporting documentation, and the corporation shall also serve the Office of Public Counsel with a copy of the petition, rate schedules, and documentation. Upon the filing of a petition, the Commission shall conduct an examination of the proposed WSIRA, as specified in the act.

The Commission may hold a hearing on the petition and any associated WSIRA rate schedules. If the Commission finds that a petition complies with the requirements set forth in the act, the Commission shall enter an order authorizing the water or sewer corporation to implement the WSIRA. A corporation may petition the Commission for a change in its WSIRA no more than two times in every 12-month period.

The act lists what information the Commission may consider in determining the appropriate pretax revenues and how the WSIRA is calculated. If this information is unavailable and the Commission is not provided such information on an agreed-upon basis, the Commission shall utilize the overall pretax weighted average cost of capital last authorized for the water or sewer corporation in a general rate proceeding regarding a WSIRA or an infrastructure system replacement surcharge. At the end of each 12-month calendar year that a WSIRA is in effect, the corporation shall reconcile the differences between

SPONSOR: White

HANDLER: Wallingford

the revenues from a WSIRA and the appropriate pretax revenues found by the Commission for that period and submit the reconciliation and proposed WSIRA to the Commission for approval to recover or credit the difference.

A water or sewer corporation that has a WSIRA shall file revised WSIRA schedules when new base rates and charges become effective following a general rate proceeding that includes the WSIRA eligible costs in the base rates. Once the eligible costs are included in the water or sewer corporation's base rates, the corporation shall reconcile any previously unreconciled WSIRA revenues to ensure that revenues resulting from the WSIRA match as closely as possible the appropriate pretax revenues.

A water or sewer corporation's filing of a petition to establish or change a WSIRA is not considered a request for a general increase in the corporation's base rates and charges.

Commission approval of a petition to establish or change a WSIRA shall in no way be binding upon the Commission in determining the ratemaking treatment to be applied to eligible infrastructure system projects during a subsequent general rate proceeding when the Commission may undertake to review the prudence of such costs. If, during a subsequent general rate proceeding, the Commission disallows recovery of costs associated with eligible infrastructure system projects previously included in a WSIRA, the water or sewer corporation shall offset its WSIRA in the future as necessary to recognize and account for any such overcollections.

Nothing in the act impairs the authority of the Commission to review the reasonableness of the rates or charges of a water or sewer corporation, including review of the prudence of eligible infrastructure system replacements made by a water or sewer corporation.

The Commission may take into account any change in business risk to the water or sewer corporation from implementation of the WSIRA in setting the corporation's allowed return in a general rate proceeding in addition to any other changes in business risk experienced by the corporation.

These provisions shall expire on December 31, 2031.

These provisions are similar to HB 397 (2021), SB 592 (2020), HCS/HB 2094 (2020), SB 377 (2019), and HCS/HB 633 (2019).

RURAL ELECTRIC COOPERATIVES (Section 394.120):

Under the act, the board of directors of a rural electric cooperative shall have the power to set the time and place of the annual meeting and also to provide for voting by proxy, electronic means, by mail, or any combination thereof, and to prescribe the conditions under which such voting shall be exercised. The meeting requirement may be satisfied through virtual means.

This provision expires on August 28, 2022.

This provision is identical to a provision contained in the perfected SS/SB 333 (2021) and in the perfected SS#2/SCS/SB 202 (2021).

JAMIE ANDREWS

SPONSOR: Hough

HANDLER: Wiemann

SPONSOR: Hough

HANDLER: Wiemann

SS/SB 45 - This act allows for the creation of a Voluntary Firefighter Cancer Benefits Pool by three or more political subdivisions. Under the act, any political subdivision may make contributions to a Voluntary Firefighter Cancer Benefits Pool. The board of trustees of any pool created for the purposes of this act is subject to the Sunshine Law. The pool is allowed to make payments to covered individuals based upon the type of cancer with which the covered individual was diagnosed.

Benefits may be reduced by 25% if the covered individual used a tobacco product within the 5 years immediately preceding the cancer diagnosis.

If any individual that receives benefits under this act thereafter receives workers' compensation benefits for the same injury, then the workers' compensation benefits or death benefits shall be reduced 100% by any benefits received from the pool under this act.

Furthermore, the employer in any workers' compensation claim shall be subrogated to the right of the employee or to the dependent or domestic partner to receive benefits from the pool and such employer may recover any amounts which such employee or the dependent or domestic partner would have been entitled to recover from the pool under this act. Any receipt of benefits from the pool under this act shall be treated as an advance payment by the employer, on account of any future installments of workers' compensation benefits.

Any pool created for the purposes of this act may accept or apply for grants or donations from any private or public source. Furthermore, any such pool may apply for grants from the state fire marshal. This provision expires June 30, 2023.

The act also amends a provision of law relating to disbursement of grants to volunteer fire protection association workers' compensation insurance premiums for volunteer firefighters. Current law requires the State Fire Marshal to disburse such grants to any applying association. This act permits such disbursement.

This act is substantially similar to provisions in HS/HCS/SS/SCS/SB 289 (2021) and similar to HCS/HB 760 (2021) and HB 1120 (2021).

SCOTT SVAGERA

SPONSOR: Brown

HANDLER: Hardwick

HCS/SCS/SB 49 - This act modifies provisions relating to public safety.

BOAT DEALERS (Section 301.550)

This act waives the requirement that an entity must sell at least 6 vessels or vessel trailers in a calendar year in order to qualify as a boat dealer, provided the entity is a licensed boat manufacturer that custom manufactures boats for use with biological research and management equipment for fisheries, or for use with scientific sampling and for geological or chemistry purposes.

These provisions are identical to HB 1266 (2021).

PERMANENT VESSEL REGISTRATION (Section 306.030)

This act provides that vessels may be issued a permanent certificate of number upon payment of 3



SPONSOR: Brown

HANDLER: Hardwick

times the amount required for a 3-year certificate of number and 3 times any processing fee applicable to a 3-year certificate of number. Permanent certificates of number shall not be transferred to any other person or vessel, or displayed on any vessel other than the vessel for which it was issued, and shall continue in force and effect until terminated or discontinued as provided by law. (Section 306.030.6)

These provisions are identical to provisions in HCS/SS/SCS/SB 4 (2021), provisions in HCS/SB 38 (2021), and provisions in HCS/SS/SB 46 (2021), and similar to HB 579 (2021).

#### PERMITTED BOAT DOCKS, AND OBSTRUCTIONS CAUSED BY VESSELS (Section 306.221)

This act prohibits vessels positioned within 100 feet of a permitted boat dock from being anchored in a manner that obstructs ingress or egress of watercraft to or from the dock, unless authorized by the boat dock permit holder. The act also provides that no person shall secure a vessel to or enter upon a private permitted boat dock unless authorized to do so by the boat dock permit holder, or as specified in the act. A violation of these provisions shall be an infraction.

This act also specifies that operating or positioning a vessel in a manner that obstructs or impedes the normal flow of traffic on the waters of this state shall be an infraction, rather than a Class C misdemeanor for a first offense or a Class B misdemeanor for a second or subsequent offense.

These provisions are similar to HB 871 (2021).

#### NEW MOTOR VEHICLE SAFETY INSPECTIONS (Section 307.380)

This act exempts new motor vehicles from the requirement that motor vehicles receive a safety inspection immediately prior to their sale regardless of any current certificate of inspection and approval.

These provisions are identical to provisions in the truly agreed to and finally passed SS#2/HB 661 (2021), provisions in SCS/HB 578 (2021), provisions in HCS/SS/SCS/SB 4 (2021), provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), provisions in HCS/SS/SB 89 (2021), and HB 687 (2021).

#### MISSOURI CYBERSECURITY ACT (Section 650.125)

This act establishes the "Missouri Cybersecurity Commission" within the Department of Public Safety for the purpose of identifying risk to state and critical infrastructure with regard to cyber attacks. The commission shall be funded by appropriation, and any expenditure constituting more than 10% of the commission's annual appropriation shall be based on a competitive bid process. The commission shall advise the Governor on the state of cybersecurity in the state, obtain data from certain public entities specified in the act, and make recommendations to reduce the state's risk of cyber attack. The commission shall present an annual report to the Governor by December 31st of each year, which shall be held confidential.

These provisions are identical to provisions in SCS/HCS/HB 1204 (2021).

ERIC VANDER WEERD

SPONSOR: Luetkemeyer

HANDLER: Wiemann

SS#2/SCS/SB Nos. 51 & 42 - This act establishes provisions of law relating to liability in COVID-19 related actions.

SPONSOR: Luetkemeyer

HANDLER: Wiemann

#### COVID-19 EXPOSURE ACTION (SECTION 537.1005)

No individual or entity engaged in businesses, services, activities, or accommodations shall be liable in any COVID-19 exposure action, as defined in the act, unless the plaintiff can prove by clear and convincing evidence that:

- (1) The individual or entity engaged in recklessness or willful misconduct that caused an actual exposure to COVID-19; and
- (2) The actual exposure caused personal injury to the plaintiff.

Additionally, no religious organization, as defined in the act, shall be liable in any COVID-19 exposure action, unless the plaintiff can prove intentional misconduct.

There is a rebuttable presumption of an assumption of risk by a plaintiff in an exposure claim when the individual or entity posts and maintains signs in a clearly visible location at the entrance of the premises or provides written notice containing the warning notice specified in the act. No religious organization shall be required to post or maintain a sign or provide written notice containing the warning notice.

Any adoption or change to a policy, practice, or procedure by an individual to address or mitigate the spread of COVID-19 after the exposure shall not be considered evidence of liability or culpability. Additionally, nothing in this provision shall require an individual or entity to establish a written or published policy addressing the spread of COVID-19, including any policy requiring or mandating vaccination or requiring proof of vaccination.

No individual or entity shall be held liable for the acts or omissions of a third party unless the individual or entity has an obligation under general common law principles or the third party was an agent of the individual or entity.

A COVID-19 exposure action shall not be commenced in any Missouri court later than two years after the date of the actual, alleged, feared, or potential exposure to COVID-19.

#### COVID-19 MEDICAL LIABILITY ACTION (SECTION 537.1010)

A health care provider, as defined in the act, shall not be liable in a COVID-19 medical liability action, as defined in the act, unless the plaintiff can prove recklessness or willful misconduct by the health care provider and that the personal injury was caused by such recklessness or willful misconduct. An elective procedure that is delayed for good cause shall not be considered recklessness or willful misconduct.

A COVID-19 medical liability action may not be commenced in any Missouri court later than one year after the date of the discovery of the alleged harm, damage, breach, or tort unless tolled for proof of fraud, intentional concealment, or the presence of a foreign body which has no therapeutic or diagnostic purpose or effect.

#### COVID-19 PRODUCTS LIABILITY ACTION (SECTION 537.1015)

No individual or entity who designs, manufactures, imports, distributes, labels, packages, leases, sells, or donates a covered product, as defined in the act, shall be liable in a COVID-19 products liability action, as defined in the act, if the individual or entity:

- (1) Does not make the covered product in the ordinary course of business;

SPONSOR: Luetkemeyer

HANDLER: Wiemann

(2) Does make the covered product in the ordinary course of business and the emergency required the product to be made in a modified manufacturing process that is outside the ordinary course of business; or

(3) Does make the covered product in the ordinary course of business and use of the covered product is different from its recommended purpose and used in response to the COVID-19 emergency.

For a plaintiff to prevail in a COVID-19 products liability action, the plaintiff shall prove, by clear and convincing evidence, recklessness or willful misconduct by the individual or entity and that such recklessness or misconduct caused the personal injury.

This act shall not apply to any fraud in connection with the advertisement of a covered product. This provision applies to any claim for damages that has a causal relationship with the administration to or use by an individual of a covered product. Additionally, this provision shall apply only to covered products administered or used for the treatment of or protection against COVID-19 and applies to any such covered product regardless of whether the product is obtained by donation, commercial sale, or any other means of distribution by federal, state, or local officials or by the private sector.

A COVID-19 products liability action shall not be commenced later than two years after the date of the alleged harm, damage, breach, or tort unless tolled for proof of fraud or intentional concealment.

#### PUNITIVE DAMAGES IN COVID-19 RELATED ACTIONS (SECTION 537.1020)

Punitive damages may be awarded in any COVID-19 related action, but shall not exceed an amount in excess of nine times the amount of compensatory damages.

#### APPLICATION OF THIS ACT (SECTION 537.1035)

The provisions of this act expire four years after the effective date of this act.

This act creates a new cause of action and replaces any such common law cause of action. Furthermore, this act preempts and supersedes any state law related to the recovery for personal injuries covered under a COVID-19 related action unless the provisions of state law impose stricter limits on damages or liabilities for personal injury. The provisions of this act shall not expand any liability or limit any defense otherwise available.

This act shall not be construed to:

(1) Affect the applicability of the Workers' Compensation Law and chapters of law relating to discriminatory practices, employee-employer relations, and landlord-tenant relations for residential property;

(2) Impair, limit, or affect the authority of the state or local government to bring any criminal, civil, or administrative enforcement actions against any individual or entity nor shall it affect causes of action for intentional discrimination;

(3) Require or mandate a vaccination or affect the applicability of any provision of law creating a cause of action for a vaccine-related personal injury;

(4) Prohibit an individual or entity engaged in businesses, services, activities, or accommodations from instituting a cause of action regarding an order issued by the state or local government that requires an individual or entity to temporarily or permanently cease the operation of such business;

(5) Affect the applicability of any provision of law providing a cause of action for breach of a contract insuring against business interruption or for failure or refusal to pay a contract insuring against business interruption;

(6) Affect the applicability of any provision of law providing a cause of action alleging price gouging,

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HANDLER: Wiemann

non-educational related canceled events, or payment of membership fees; and

(7) Affect the applicability of any provision of law providing a cause of action for breach of a contract against an educational institution for the refund of tuition or costs.

This act is identical to HB 1064 (2021) and similar to HB 759 (2021).

KATIE O'BRIEN

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SPONSOR: Luetkemeyer

HANDLER: Roberts

CCS/HCS/SS/SCS/SBs 53 & 60 - This act modifies provisions relating to public safety.

ATTORNEY GENERAL RESIDENCY REQUIREMENT (Section 27.010)

This act repeals the requirement that the Attorney General must reside in Jefferson City, Missouri.

These provisions are identical to provisions in SS/SCS/HCS/HB 59 (2021) and SS#2/SCS/HCS/HB 27 (2021) and substantially similar to SCS/SB 314 (2021) and HCS/HB 1787 (2020).

BASE SALARY SCHEDULES FOR COUNTY OFFICIALS (Section 50.327)

Under current law, the salary schedule for a county sheriff shall be set as a base schedule according to law and the salary commission may increase the compensation of a county sheriff up to \$6,000 greater than the salary schedule. This act repeals the provisions relating to the salary schedule for county sheriffs.

Additionally, this act repeals the provision that the salary commission of any third class county may amend the base schedules of county officials to include certain assessed valuation factors.

This provision has a delayed effective date.

This provision is identical to a provision in HCS/SS/SB 212 (2021) and to SCS/SB 510 (2021).

DEPARTMENT OF CORRECTIONS (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, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 217.845, 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, & 650.058)

This act replaces the "Department of Corrections and Human Resources" with "Department of Corrections" and the "board of probation and parole" with the "Division of Probation and Parole" or the "Parole Board".

This act also adds that the chairperson of the board shall employ employees as is necessary to carry out duties, serve as the appointing authority over such employees, and provide for appropriate training to members and staff.

This act repeals the provision that the chairperson of the board shall also be the Director of the Division of Probation and Parole.

These provisions are substantially similar to provisions in HCS/SS/SB 212 (2021) and

SPONSOR: Luetkemeyer  
SS/SCS/HCS/HB 59 (2021).

HANDLER: Roberts

#### COURT COSTS COLLECTED BY SHERIFFS (Section 57.280)

Under current law, sheriffs who serve any summons, writ, or other order of the court may collect fees in civil cases. These court fees are collected by the court clerk and held in certain state and local funds.

This act provides that a charge of up to \$50 may be received by a sheriff for service of any summons, writ, or order for an eviction proceeding. All charges shall be collected by the sheriff prior to the service being rendered and paid to the county treasurer. The funds shall be held in a fund established by the county treasurer and may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties.

These provisions are identical to provisions in SS/SCS/HCS/HB 59 (2021) and substantially similar to SB 404 (2021).

#### COMPENSATION OF COUNTY SHERIFFS (Section 57.317)

This act provides that the county sheriff in any first and second class county shall receive an annual salary equal to 80% computed by a salary schedule as provided in the act.

Additionally, this act provides that the county sheriff in any third or fourth class county shall receive an annual salary computed by a salary schedule as provided in the act. The salary schedule shall be based off a percentage of the salary of associate circuit judges.

Finally, this act provides that the county sheriff in any county other than a charter county shall not receive an annual compensation less than the compensation provided under this act.

This provision has a delayed effective date.

These provisions are substantially similar to provisions in HCS/SS/SB 212 (2021) and to SCS/SB 510 (2021).

#### POLICE COMMISSIONERS (Section 84.400)

This act provides that a member of the Kansas City Board of Police Commissioners or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member may accept a per diem or reimbursement for necessary expenses for attending meetings.

#### KANSAS CITY POLICE DEPARTMENT RESIDENCY REQUIREMENTS (Section 84.575)

This act provides that the Board of Police Commissioners in Kansas City shall not require, as a condition of employment, that any currently employed or prospective law enforcement officer or other employee reside within any jurisdictional limit. Any current residency requirement in effect on or before August 28, 2021, shall not apply and shall not be enforced.

Additionally, the Board of Police Commissioners may impose a residency rule, but the rule or requirement shall be no more restrictive than requiring such personnel to reside within sixty miles from the nearest city limit.

#### EXPOSING OTHERS TO SERIOUS INFECTIOUS OR COMMUNICABLE DISEASES (Sections

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HANDLER: Roberts

191.677,545.940, 575.155, & 575.157)

Under current law, it is illegal for a person knowingly infected with HIV to donate blood, organs, tissue, or sperm, unless for medical research, as well as illegal for such person to act recklessly in exposing another person to HIV without their knowledge and consent.

This act modifies those provisions to make it unlawful for a person knowingly infected with a serious infectious or communicable disease to: (1) donate blood, organs, tissue, or sperm, unless for medical research or as deemed medically appropriate by a licensed physician; (2) knowingly expose another person to the disease through an activity that creates a substantial risk of transmission; or (3) act in a reckless manner by exposing another person to the disease through an activity that creates a substantial risk of disease transmission. A "serious infectious or communicable disease" is defined as a non-airborne or non-respiratory disease spread from person to person that is fatal or causes disabling long-term consequences in the absence of lifelong treatment and management. The penalty for donation of blood, organs, tissue, or sperm while knowingly infected with the disease or knowingly exposing another person to the disease shall be a Class D felony, rather than the current Class B felony, and a Class C felony, rather than the current Class A felony, if the victim contracts the disease. The penalty for recklessly exposing another person is a Class A misdemeanor.

It shall be an affirmative defense to this offense if the person exposed to the disease knew that the infected person was infected with the disease at the time of the exposure and consented to the exposure.

This act specifies the actions to be taken during a judicial proceeding to protect the identifying information of the victim and the defendant from public release, except as otherwise specified. Additionally, this amendment changes similar provisions involving exposure of persons in correctional centers, jails, or certain mental health facilities to HIV or hepatitis B or C to exposure to a serious infectious or communicable disease when the nature of the exposure to the bodily fluid has been scientifically shown to be a means of transmission of the disease.

These provisions are identical to provisions in SCS/HB 530 & HCS/HB 292 (2021) and substantially similar to HCS/HB 755 (2021) and SCS/SB 65 (2021) and similar to HB 1691 (2020).

#### MEDICATION-ASSISTANT TREATMENT PROGRAMS (Section 191.1165)

This act also modifies the list of covered medications for MO Health Net medication-assistant treatment programs in to include formulations of buprenorphine other than tablets and formulations of naltrexone including extended-release injectable formulations. These provisions are identical to SCS/SB 521 (2021) and substantially similar to SB 814 (2020) and a provision in SB 507 (2019).

These provisions are identical to provisions in HCS/SS/SB 212 (2021).

#### JUSTICE FOR SURVIVORS ACT (Sections 192.2520 & 197.135)

This act requires the statewide coordinator for the telehealth network for forensic examinations of victims of sexual offenses to regularly consult with Missouri-based stakeholders and clinicians regarding the training programs offered by the network, as well as the implementation and operation of the network. Current law permits the training to be offered online or in person and this act requires that the training be made available online and permits it to be offered in person. Providers shall not be required to utilize this training, so long as the training utilized by providers is, at a minimum, equivalent to the network's training.

SPONSOR: Luetkemeyer

HANDLER: Roberts

Current law requires licensed hospitals to perform forensic examinations of victims of sexual offenses beginning January 1, 2023. Under this act, such requirement shall only occur beginning January 1, 2023, or no later than 6 months after the establishment of the telehealth network, whichever is later. Finally, no individual hospital shall be required to comply with these provisions unless and until the Department of Health and Senior Services provides such hospital with access to the network for mentoring and training services without charge.

Finally, victims of sexual offenses who are 14 to 17 years of age may be referred by hospitals to SAFE CARE providers for medical or forensic evaluation and case review.

This provision is identical to SCS/SB 550 (2021).

#### JURISDICTION OF JUVENILE COURT (Sections 211.012, 211.438, & 211.439)

This act clarifies that, for purposes of the law and jurisdiction of the juvenile court, a person shall not be considered a child if at the time of the alleged violation such person was considered an adult according to the then existing law. This act repeals provisions relating to the age of certification of a child as an adult.

This provision contains an emergency clause.

This provision is identical to a provision in HB 1242 (2021).

#### JUVENILE DETENTION (Section 211.072)

This act provides that a juvenile, under the age of 18, who has been certified to stand trial as an adult, if currently placed in a secure juvenile detention, shall remain in juvenile detention, pending finalization of the judgment and completion of appeal, if any, of the judgment dismissing the juvenile petition to allow for prosecution under the general law, unless otherwise ordered by the juvenile court.

Upon any final judgment on appeal of the petition to dismiss prosecution of the juvenile under the general laws, and adult charges being filed, if the juvenile is currently in juvenile detention, the juvenile shall remain in detention unless the juvenile posts bond or the juvenile is transferred to an adult jail.

Additionally, this act provides that if the juvenile officer does not believe detention in a secure juvenile detention facility would be an appropriate placement or would continue to serve as an appropriate placement, the juvenile officer may file a motion in the adult criminal case, requesting that the juvenile be transferred from juvenile detention to jail. The court shall hear evidence relating to the appropriateness of the juvenile remaining in juvenile detention or being transferred to an adult jail. At the hearing, the juvenile, the juvenile's parents and counsel, the prosecuting attorney, and others as provided in the act, shall have the opportunity to present evidence and recommendations.

Following the hearing, the court shall order that the juvenile continue to be held in a secure juvenile detention facility or shall order that the pre-trial certified juvenile be held in an adult jail, but only after the court has made findings that it would be in the best interest of justice to move the pre-trial certified juvenile to an adult jail. The court shall weigh certain factors, as provided in the act, when deciding whether to detain a certified juvenile in an adult jail. In the event the court finds that it is in the best interest of justice to require the certified juvenile to be held in an adult jail, the court shall hold a hearing once every 30 days to determine whether the placement of the certified juvenile in an adult jail is still in the best interest of justice.

SPONSOR: Luetkemeyer

HANDLER: Roberts

This act provides that a juvenile cannot be held in an adult jail for more than 180 days unless the court finds, for good cause, that an extension is necessary or the juvenile waives the 180-day maximum period.

Effective December 21, 2021, all previously certified, pre-trial juveniles, under the age of 18, who had been certified prior to August 28, 2021 shall be transferred from adult jail to a secure juvenile detention facility, unless a hearing is held and the court finds that it would be in the best interest of justice to keep the juvenile in the adult jail. All certified juveniles who are held in adult jails shall continue to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.

If the certified juvenile remains in juvenile detention, the juvenile officer may file a motion to reconsider placement and a hearing shall be held as provided in the act. The court may amend its earlier order in light of the evidence and arguments presented at the hearing if the court finds that it would not be in the best interest of justice for the juvenile to remain in a juvenile detention facility.

The issue of setting or posting bond shall be held in the pre-trial certified juvenile's adult criminal case.

Finally, this act provides that upon attaining the age of 18 or upon conviction on the adult charges, the juvenile shall be transferred from juvenile detention to the appropriate adult facility. Any responsibility for transportation of the certified juvenile who remains in a secure juvenile detention facility shall be handled in the same manner as in all other adult criminal cases where the defendant is in custody.

These provisions are identical to provisions in SCS/SB 440 (2021).

#### DIVISION OF YOUTH SERVICES (Section 211.181)

No court shall require a child to remain in the custody of the Division of Youth Services for a period which exceeds the child's nineteenth birth date except upon a petition filed by the Division of Youth Services.

This provision contains an emergency clause.

This provision is identical to a provision in HB 1242 (2021).

#### JUVENILE WAIVER OF RIGHT TO COUNSEL (Section 211.211)

Under this act, when a petition has been filed in a juvenile court under certain provisions of law and a child has waived his or her right to counsel, such waiver may be made in open court and be recorded and in writing. The waiver shall be made knowingly, intelligently, and voluntarily, which shall be determined by the totality of the circumstances, including the child's age, background, experience, emotional stability, and the complexity of the proceedings. Such waiver shall only apply to that proceeding and in any subsequent proceedings, the child shall be informed of his or her right to counsel.

A child's right to counsel shall not be waived in the following proceedings: (1) at a detention hearing, (2) at a certification or dismissal hearing, (3) at an adjudication hearing for any misdemeanor or felony offense, (4) at a dispositional hearing, or (5) at a hearing on a motion to modify or revoke supervision under certain provisions of law.

This provision is identical to provisions in HCS/HB 218 (2021) and to provisions in SB 305 (2021).



SPONSOR: Luetkemeyer

HANDLER: Roberts

#### JUVENILE JUSTICE PRESERVATION FUND (Section 211.435)

This act also modifies provisions relating to the "Juvenile Justice Preservation Fund." This act moves such fund from the state treasury into each county's circuit court for the purpose of implementing and maintaining the expansion of juvenile court jurisdiction to 18 years of age. The funds shall consist of surcharges collected for traffic violations and other donations or appropriations.

Funds currently held by the state treasurer in the Juvenile Justice Preservation Fund shall be payable and revert to the circuit court's fund in the county of origination. Expenditures from the county circuit court fund shall be made at the discretion of the juvenile office for the circuit court and shall be used for the expansion of the juvenile court's jurisdiction. Funds shall not be expended for capital improvements or to replace or reduce the responsibilities of the county or state to provide funding for juvenile treatment services.

This provision contains an emergency clause.

This provision is identical to a provision in HB 1242 (2021).

#### INMATE CANTEEN FUND (Section 217.195)

Under current law, the chief administrative officer of a correctional center may operate a canteen or commissary for the use and benefit of the offenders with the approval of the Division Director. Each correctional center keeps revenues received from the canteen or commissary to purchase the goods sold and other operating expenses.

Under this act, the Director of the Department of Corrections must approve the creation and operation of any canteen or commissary. This act also creates the "Inmate Canteen Fund" in the state treasury which shall consist of funds received from the inmate canteens. Any proceeds generated from this fund shall be expended solely for the purpose of improving inmate recreational, religious, educational, and reentry services.

This act repeals the current "Inmate Canteen Fund", which receives the remaining funds from sales of the canteen or commissary.

These provisions are identical to SB 128 (2021), SB 864 (2020), and SB 434 (2019) and similar to HCS/HB 303 (2019).

#### INMATE FEMININE HYGIENE PRODUCTS (Section 217.199 & 221.065)

This act provides that Director of Corrections and any sheriff or jailer who holds a person in custody shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female offenders while confined in any correctional center or jail. The General Assembly may appropriate funds to assist with the funding of this requirement. This provision contains an emergency clause. This provision identical to HB 318 (2021).

These provisions contain an emergency clause.

These provisions are identical to provisions in HCS/SS/SB 212 (2021).

#### ALTERNATIVE SENTENCING (Sections 217.777 & 559.120)

SPONSOR: Luetkemeyer

HANDLER: Roberts

This act provides that the Department of Corrections shall administer a community corrections program to encourage the establishment of local sentencing alternatives for offenders to promote opportunities for nonviolent primary caregivers to care for their dependent children.

These provisions are identical to HB 531 (2021).

#### FEDERAL STIMULUS FUNDS TO INMATES (Section 217.845)

This act provides that offenders who receive funding from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act shall use such funds to make restitution payments ordered by a court resulting from a conviction of a violation of any local, state, or federal law. These provisions are identical to provisions in SCS/SB 374 (2021).

#### DEPARTMENT OF CORRECTIONS REIMBURSEMENTS TO COUNTIES (Section 221.105)

Under current law, the Department of Corrections shall issue a reimbursement to a county for the actual cost of incarceration of a prisoner not to exceed certain amounts as provided in the act. However, the amount shall not be less than the amount appropriated in the previous fiscal year.

This act repeals the provision that the amount reimbursed to counties shall not be less than the amount appropriated in the previous fiscal year.

This provision is identical to a provision in SS#2/SCS/HCS/HB 271 (2021).

#### COUNTY CORONER EMERGENCY VEHICLES (Sections 304.022 & 307.175)

This act allows coroners, medical examiners, and forensic investigators of the county medical examiner's office or a similar entity to display emergency lights on their vehicles or equipment when responding to a crime scene, motor vehicle accident, workplace accident, or any location where their services are requested by law enforcement, and accordingly modifies the definition of "emergency vehicle" for purposes of motorists' obligation to yield to emergency vehicles displaying emergency lighting.

This provision is identical to provisions in HCS/HB 307 (2021).

#### HEAD START BUSES (Section 304.050)

This act provides that Head Start buses that are certified by the Highway Patrol as meeting certain inspection requirements, operated by the holder of a validly-endorsed commercial driver's license who meets certain medical requirements, and transporting students to and from Head Start shall be included in the statute regarding traffic control for school bus loading, stopping, and passing purposes.

These provisions have a delayed effective date.

These provisions are identical to HB 257 (2021) and HCS/SS/SB 89 (2021).

#### CHILD CUSTODY ORDERS (Section 452.410)

This act modifies current law relating to the modification of a prior child custody decree by changing and adding intersectional references to current statutory provisions relating to child custody, visitation, and grandparent visitation.

These provisions are identical to provisions in HCS/SS/SCS/SB 71.

SPONSOR: Luetkemeyer

HANDLER: Roberts

OFFENSE OF STALKING (Section 455.010)

Under current law relating to the issuance of orders of protection, "stalking" is defined as a pattern of conduct composed of two or more acts over a period of time that serves no legitimate purpose and may include following the other person or unwanted communication or contact. This act modifies that definition to mean two or more acts that serve no legitimate purpose including, but not limited to, acts in which the stalker directly, indirectly, or through a third party follows, monitor, observes, surveils, threatens, or communicates to a person by any action, method, or device.

These provisions are identical to HCS/HB 292 (2021).

ORDERS OF PROTECTION (Sections 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, & 455.523)

Under this act, adult protection orders and child protection orders, full or ex parte, may be granted to restrain or enjoin an individual from committing or threatening to commit abuse against a pet. A protection order may include an order of possession of the pet where appropriate, as well as any funds needed to cover the medical costs resulting from abuse of the pet. "Pet" is defined in this act as a living creature maintained by a household member for companionship and not for commercial purposes.

These provisions are identical to provisions in SS/SCS/SB 71 (2021) and SCS/HCS/HB 744 (2021), HB 2626 (2020), and SB 959 (2020).

Under current law, a court may issue a full adult order of protection, after a hearing, for at least 180 days and not exceeding one year. Under this act, if the court finds, after an evidentiary hearing, that the respondent poses a serious danger to the physical or mental health of the petitioner or a minor household member, the protective order shall be valid for at least two years and not more than ten years. The full order may be renewed annually for a period of at least 180 days and not more than one year from the expiration date of the previously issued order; except, in cases where the court finds the respondent poses a serious danger to the petitioner or a minor household member, then the order may be renewed periodically and shall be valid for at least two years and up to the life of the respondent. The court may include a provision that any full order of protection shall be automatically renewed for any term of renewal as set forth in this act.

If a court finds that the respondent poses a serious risk to the petitioner or a minor household member, the court shall not modify the order until a period of at least two years from the date of the original full order of protection was issued and only after a hearing and making written findings that the respondent has shown proof of treatment and rehabilitation and no longer poses a serious danger.

Under current law, the clerk issues a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri Uniform Law Enforcement System (MULES) the same day the order is granted and the local law enforcement agency enters the information contained in the order into MULES. Under this act, the court shall provide all the necessary information regarding the order of protection for entry into MULES and the National Crime Information Center (NCIC). The sheriff shall enter the information into MULES within twenty-four hours and MULES shall forward that information to NCIC, thus making the order viewable in the National Instant Criminal Background Check System (NICS).

These provisions are identical to provisions of SS/SCS/SB 71 (2021), SCS/SB 415 (2021), and SCS/HCS/HB 744 (2021).

SPONSOR: Luetkemeyer

HANDLER: Roberts

#### GUARDIANSHIP OF A PERSON (Section 475.120)

This act provides that a guardian shall make decisions regarding the adult ward's support, care, education, health, and welfare. A guardian shall exercise authority only as necessitated by the adult ward's limitations and shall encourage the adult ward to participate in decisions.

These provisions are identical to provisions in HCS/SS#2/SCS/SB 27 (2021).

#### FEES FOR POLICE REPORTS (Section 479.162)

This act provides that in a proceeding for a municipal ordinance violation or any other proceeding in municipal court if the charge carries the possibility of 15 days or more in jail, a defendant shall not be charged any fee for obtaining a police report or probable cause statement. Such police report or probable cause statement shall be provided by the prosecutor upon written request by the defendant during discovery.

These provisions are identical to provisions in HB 177 (2021) and HCS/SS/SB 91 (2021).

#### VETERANS TREATMENT COURT (Section 488.016)

This act provides that costs for a veterans treatment court shall be fully waived for any person who is an honorably discharged veteran of any branch of the Armed Forces and who successfully completes such veterans treatment court.

This provision is identical to a provision in HCS/SS/SB 91 (2021).

#### CRIME LABORATORY SURCHARGES (Section 488.029)

This act provides that there shall be assessed and collected a surcharge of \$150 in all criminal cases for any controlled substance offense in which a crime laboratory makes an analysis of a controlled substance, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state or if the proceeding as been dismissed by a court.

This provision is identical to a provision in SCS/HCS/HB 530 (2021).

#### FORFEITURE BY WRONGDOING (Section 491.016)

This act provides that a statement made by a witness, which would otherwise not be admissible, is admissible as substantive evidence in a criminal proceeding when the court finds by a preponderance of evidence that:

- The defendant engaged in or acquiesced to wrongdoing with the purpose of causing the unavailability of the witness;
- The wrongdoing in which the defendant engaged in or acquiesced to has caused or substantially contributed to the unavailability of the witness;
- The state exercised due diligence to secure by subpoena or other means the attendance of the witness, or the witness is unavailable because the defendant caused the death of the witness; and
- The witness fails to appear at the proceeding.

Additionally, this act provides that in a jury trial, the hearing and finding to determine the admissibility of the statement shall be held and found outside the presence of the jury and before the case is submitted to the jury.

SPONSOR: Luetkemeyer

HANDLER: Roberts

This provision is identical to HB 548 (2021) and to a provision in HCS/SS/SB 91 (2021) and substantially similar to SB 402 (2021), HB 2 (First Extraordinary Session 2020) and similar to SB 4 (First Extraordinary Session 2020) and HCS/HB 1964 (2020).

#### CONFIDENTIALITY OF CRIME STOPPERS ORGANIZATIONS (Section 546.265)

This act provides that no person shall be required to disclose, by way of testimony or otherwise, a privileged communication between a person who submits a report of alleged criminal activity to a crime stoppers organization and the person who accepts the report on behalf of a crime stoppers organization. Additionally, no such person shall be required to produce, under subpoena, any records, documentary evidence, opinions, or decisions relating to such privileged communication in connection with any criminal proceeding or discovery procedure.

This act also provides that any person arrested or charged with a criminal offense may petition the court for an in-camera inspection of the records of a privileged communication concerning the report such person made to the crime stoppers organization. If the court determines the person is entitled to all or part of such records, the court may order production and disclosure as the court deems appropriate.

These provisions are identical to SB 312 (2021) and substantially similar to HB 1552 (2020).

#### MOTION TO VACATE OR SET ASIDE THE VERDICT (Section 547.031)

This act provides that a prosecuting or circuit attorney may file a motion to vacate or set aside the judgment at any time if he or she has information that the convicted person may be innocent or may have been erroneously convicted. The circuit court in which the person was convicted shall have jurisdiction and authority to consider, hear, and decide the motion. Upon the filing of such a motion, the court shall order a hearing and issue findings of fact and conclusions of law on all issues presented. The Attorney General shall be given notice of hearing of such a motion and shall be permitted to appear, question witnesses, and make arguments in the hearing.

This act provides that the court shall grant the motion of the prosecuting or circuit attorney to vacate or set aside the judgment where the court finds that there is clear and convincing evidence of actual innocence or constitutional error at the original trial or plea that undermines the confidence in the judgment. In considering the motion, the court shall take into consideration the evidence presented at the original trial or plea; the evidence presented at any direct appeal or post-conviction proceedings; and the information and evidence presented at the hearing on the motion.

The prosecuting attorney, circuit attorney, or the defendant shall have the authority and right to file and maintain an appeal of the denial or disposal of such a motion. The Attorney General shall also have the right to intervene in any appeal filed by the prosecuting or circuit attorney or the defendant.

These provisions are identical to provisions in SCS/SB 440 (2021).

#### CREDIT FOR JAIL TIME AWAITING TRIAL (Section 558.031)

Under current law, a person receives credit toward a sentence of imprisonment for all time in prison, jail, or custody after the offense occurred and before the commencement of the sentence if the time in custody is related to the offense. This act modifies these provisions to require a person to receive credit toward a sentence of imprisonment for all time in prison, jail, or custody after conviction and before commencement of the sentence in the Department of Corrections and the circuit court may award credit for time spent in prison, jail, or custody after the offense occurred and before conviction toward the

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HANDLER: Roberts

service of the sentence of imprisonment. This act will be applicable to offenses occurring on or after August 28, 2021.

These provisions are identical to provisions in SB 343 (2021).

#### SPECIAL VICTIMS (Section 565.058)

Any special victim as defined by law shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue.

Additionally, any special victim may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if said petition alleges that he or she would be endangered by such disclosure.

These provisions are identical to provisions in HCS/SS/SB 26 (2021).

#### OFFENSE OF UNLAWFUL POSTING OF CERTAIN INFORMATION ONLINE (Section 565.240)

Under current law, a person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, or telephone number of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person. Such offense is a Class C misdemeanor.

This act modifies the current offense by adding "any other personally identifiable information" and further provides that if a person knowingly posts the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, or prosecuting attorney, or the information of an immediate family member of such officers, he or she shall be guilty of a Class E felony.

These provisions are identical to SCS/SB 129 (2021).

#### SEXUAL MISCONDUCT OF POLICE OFFICERS (Section 566.145)

This act provides that a law enforcement officer who engages in sexual conduct with a detainee or prisoner who is in the custody of such officer shall be guilty of a class E felony.

This provision is identical to HB 2708 (2020).

#### OFFENSE OF USING A LASER POINTER (Section 574.110)

This act provides that a person commits the offense of using a laser pointer if such person knowingly directs a light from a laser pointer at a uniformed safety officer or other first responder as provided in the act. Such offense is a class A misdemeanor.

This provision is identical to a provision in HCS/SS/SB 26 (2021) and HB 876 (2021).

#### OFFENSE OF INTERFERENCE WITH A HEALTH CARE FACILITY (Section 574.203)

This act provides that a person, excluding any person who is developmentally disabled, commits the offense of interference with a health care facility if the person willfully or recklessly interferes with a health care facility or employee of a health care facility by: (1) Causing a peace disturbance while inside a health care facility; (2) Refusing an order to vacate a health care facility when requested to by an employee; or (3) Threatening to inflict injury on the patients or employees, or to inflict damage on the

SPONSOR: Luetkemeyer  
facility.

HANDLER: Roberts

Such offense is a Class D misdemeanor for the first offense and a Class C misdemeanor for any second or subsequent offense.

These provisions are identical to provisions in HCS/SS/SB 26 (2021) and HCS/HB 1022 (2021).

#### OFFENSE OF FAILURE TO EXECUTE A WARRANT (Section 575.180)

This act adds to the offense of failure to execute a warrant that it shall be an affirmative defense that the law enforcement officer acted under exigent circumstances in failing to execute an arrest warrant on a person who has committed a misdemeanor offense for a traffic violation.

This provision is identical to HB 300 (2021).

#### PEACE OFFICER LICENSURE (Sections 590.030)

Under current law, all licensed peace officers, as a condition of licensure, must obtain continuing law enforcement education and maintain a current address of record on file with the POST Commission.

This act provides that in addition to those requirements for licensure, peace officers must submit to being fingerprinted on or before January 1, 2022, and every six years thereafter and also submit to fingerprinting for the purposes of a criminal history background check and enrollment in the state and federal Rap Back Program.

Additionally, any time a peace officer is commissioned with a different law enforcement agency he or she must submit to being fingerprinted. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the peace officer's law enforcement agency. The Rap Back enrollment shall be for the purposes of peace officer disciplinary reports as required by law. Law enforcement officers and law enforcement agencies shall take all necessary steps to maintain officer enrollment in Rap Back for as long as an officer is commissioned with that agency. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022.

These provisions are identical to provisions in SCS/SB 289 (2021) and similar to HB 839 (2021).

#### COMMISSIONING REQUIREMENTS OF PEACE OFFICERS (Sections 590.070 and 590.075)

Under current law, the chief executive officer of each law enforcement agency must notify the Director of the POST Commission the circumstances surrounding a law enforcement officer's departure from the law enforcement agency within 30 days of the departure.

This act provides that the chief executive officer of each law enforcement agency shall, prior to commissioning any peace officer, request a certified copy from the Director of all notifications received regarding such peace officer. All notifications provided to the chief executive officer from the Director shall be received within 3 days of the request.

Finally, this act provides that the chief executive officer of each law enforcement agency has absolute immunity from suit for complying with such notification requirements to the Director, unless the chief executive officer presented false information to the Director with the intention of causing reputational harm to the peace officer. If the Director receives any additional notifications regarding the candidate for

SPONSOR: Luetkemeyer

HANDLER: Roberts

commissioning within 60 days of a chief executive officer's request, a copy of such notifications shall be forwarded by the director to the requesting chief executive officer within 3 business days following receipt.

#### CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM (Section 590.192)

This act establishes the "Critical Incident Stress Management Program" within the Department of Public Safety. The program shall provide services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. A "critical incident" is any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's physical integrity or the physical integrity of someone else.

This act provides that all peace officers shall be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider shall send a notification to the peace officer's commanding officer that he or she completed such check-in. Any information disclosed by a peace officer shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer, except as in certain instances as provided in the act.

Additionally, this act creates the "988 Public Safety Fund" within the state treasury and shall be used by the Department of Public Safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services.

These provisions are substantially similar to SCS/SB 551 (2021) and to provisions in SS#2/SB 26 (2021) and similar to SB 18 (First Extraordinary Session 2020).

#### RESPIRATORY CHOKE-HOLDS (Section 590.805)

This act provides that a law enforcement officer shall not knowingly use a respiratory choke-hold unless such use is in defense of the officer or another from serious physical injury or death.

A respiratory choke-hold includes the use of any body part or object to attempt to control or disable by applying pressure to a person's neck with the purpose of controlling or restricting such person's breathing.

#### POLICE USE OF FORCE DATABASE (Section 590.1265)

This act establishes the "Police Use of Force Transparency Act of 2021."

Starting March 1, 2022, each law enforcement agency shall, at least annually, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation (FBI). Use-of-force incidents shall include fatalities and serious physical injuries that are connected to the use of force by an officer.

Additionally, each law enforcement agency shall submit such information to the Department of Public Safety. The personally identifying information of individual peace officers shall not be included in the reports. The Department of Public Safety shall, no later than October 31, 2021, develop standards and procedures governing the collection and reporting of use-of-force data. The standards shall be consistent



SPONSOR: Luetkemeyer

HANDLER: Roberts

with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the FBI.

The Department of Public Safety shall publish the data reported by law enforcement agencies in a publicly available report at least annually starting March 1, 2023. Finally, the Department of Public Safety shall undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than June 30, 2025. The report shall be updated at least every five years.

These provisions are substantially similar to provisions in SCS/SB 74 (2020) and similar to HB 998 (2021) and HB 59 (2021).

#### CONFIDENTIAL RECORDS (Section 610.120)

Under current law, closed records shall be available to certain people and organizations, including law enforcement agencies for the issuance of permits to people seeking such permits to purchase or possess a firearm.

This act repeals the provision that law enforcement agencies for the issuance of permits to people seeking such permits to purchase or possess a firearm shall have access to closed records.

This provision is identical to a provision in HCS/HB 251 (2021).

#### ARREST RECORDS ELIGIBLE FOR EXPUNGEMENT (Section 610.122)

Under current law, a record of arrest shall only be eligible for expungement if the person who was arrested has no prior or subsequent misdemeanor or felony convictions and no civil action is pending relating to the arrest sought to be expunged. This act repeals the provision that a person who was arrested has to have no prior convictions.

This provision is identical to HB 902 (2021).

#### EXPUNGEMENT OF RECORDS (Section 610.140)

Under current law, a person who has been convicted of the offense of unlawful use of weapons, except for a person who was found guilty prior to January 1, 2017, of carrying a concealed weapon in a place where firearms are restricted, shall not be eligible for expungement.

This act adds that a person who was convicted of the offense of unlawful use of weapons when he or she exhibits in the presence of one or more person any weapon readily capable of lethal use in an angry or threatening manner shall be eligible for expungement.

This provision is identical to a provision in HCS/HB 251 (2021).

This act also changes the time a petition for expungement can be filed from seven years to three years, if the offense is a felony, from the date the petitioner completed any disposition of sentence imposed. This act changes the time a petition for expungement can be filed from three years to one year, if the offense is a misdemeanor, from the date the petitioner completed any disposition of sentence imposed.

Additionally, under current law, any rights that were restricted as a collateral consequence of a person's criminal record shall be restored upon issuance of the order of expungement. This act adds that if

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HANDLER: Roberts

a person was convicted of a federal misdemeanor crime of domestic violence, an order of expungement granted under this act shall be considered a complete removal of all effects of the expunged conviction.

This provision is identical to SB 540 (2021).

MARY GRACE BRUNTRAGER

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SPONSOR: May

HANDLER: Hicks

SS/SCS/SB 57 - This act creates provisions relating to funding to certain organizations to deter criminal behavior.

#### CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM (Section 590.192)

This act establishes the "Critical Incident Stress Management Program" within the Department of Public Safety. The program shall provide services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. A "critical incident" is any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's physical integrity or the physical integrity of someone else.

This act provides that all peace officers shall be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider shall send a notification to the peace officer's commanding officer that he or she completed such check-in. Any information disclosed by a peace officer shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer, except as in certain instances as provided in the act.

Additionally, this act creates the "988 Public Safety Fund" within the state treasury and shall be used by the Department of Public Safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services.

These provisions are identical to provisions in SS/SCS/SBs 53 & 60 (2021) and substantially similar to SCS/SB 551 (2021) and to provisions in SS#2/SB 26 (2021) and similar to SB 18 (First Extraordinary Session 2020).

#### ECONOMIC DISTRESS ZONE FUND (Section 650.550)

This act establishes the "Economic Distress Zone Fund" which shall be a fund used solely by the Department of Public Safety to provide funding to organizations registered with the IRS as a 501(c)(3) corporation that provide services to residents of the state in areas of high incidents of crime and deteriorating infrastructure, as defined in the act, for the purpose of deterring criminal behavior in such areas. If money appropriated to the fund exceeds \$3 million dollars, excluding any money made available by gift or otherwise, such money shall revert to general revenue.

This provision shall sunset on August 28, 2024.

This provision is identical to SCS/SB 488 (2021) and substantially similar to SB 986 (2020).

SPONSOR: May

HANDLER: Hicks

MARY GRACE BRUNTRAGER

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SPONSOR: Rehder

HANDLER: Smith

SS/SB 63 - This act establishes the "Joint Oversight Task Force of Prescription Drug Monitoring" within the Office of Administration, with members selected from the Board of Registration for the Healing Arts, the Board of Pharmacy, the Board of Nursing, and the Missouri Dental Board. The Task Force shall enter into a contract with a vendor, through a competitive bid process, to collect and maintain patient controlled substance prescription dispensation information submitted by dispensers throughout the state as specified in the act. Such information shall be retained by the vendor for no more than 3 years before deletion from the program.

The Task Force may apply for and accept any grants or other moneys to develop and maintain the program and shall work cooperatively with the MO HealthNet Division to apply for and accept federal moneys and other grants for the program.

The vendor shall treat patient dispensation information and any other individually identifiable patient information submitted under this act as protected health information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and any regulations promulgated thereunder. Such information shall only be accessed and utilized in accordance with the privacy and security provisions of HIPAA and the provisions of this act. Such information shall also be considered a closed record under state law.

The patient dispensation information submitted under this act shall only be utilized for the provision of health care services to the patient. Prescribers, dispensers, and other health care providers shall be permitted to access a patient's dispensation information collected by the vendor in the course of providing health care services to the patient. The vendor shall also provide dispensation information to the individual patient, upon his or her request. The MO HealthNet Division shall have access to dispensation information for MO HealthNet recipients.

The vendor shall provide patient dispensation information to any health information exchange operating in the state, upon the request of the health information exchange and at a cost not to exceed the cost of the technology connection or recurring maintenance of the connection. Any health information exchange receiving information under this act shall comply with the provisions of this act regarding privacy and security and permitted uses of dispensation information.

The Task Force may provide data to public and private entities for statistical, research, or educational purposes after removing identifying information.

No patient dispensation information shall be provided to law enforcement or prosecutorial officials or any regulatory body, professional or otherwise, for purposes other than those explicitly set forth in HIPAA and any regulations promulgated thereunder. No dispensation information shall be used to prevent an individual from owning or obtaining a firearm or as the basis for probable cause to obtain an arrest or search warrant as part of a criminal investigation.

Dispensers who knowingly fail to submit the required information or who knowingly submit incorrect dispensation information shall be subject to a penalty of \$1,000 per violation. Any persons who are

SPONSOR: Rehder

HANDLER: Smith

authorized to have patient dispensation information under this act and who purposefully disclose such information or who purposefully use it in a manner and for a purpose in violation of this act shall be guilty of a Class E felony.

These provisions shall supercede any local law, ordinance, order, rule, or regulation in this state for the purpose of monitoring the prescription or dispensation of prescribed controlled substances within the state. Any such program operating prior to August 28, 2021, shall cease operation when the vendor's program is available for utilization by dispensers throughout the state. The Task Force may enter into an agreement with such program to transfer patient dispensation information from the program to the program operated by the vendor under this act.

These provisions are substantially similar to CCS/SS#2/HB 1693 (2020).

This act also modifies the expiration date of the RX Cares for Missouri Program from August 28, 2019, to August 28, 2026.

This provision is identical to SB 519 (2021).

SARAH HASKINS

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SPONSOR: Gannon

HANDLER: Roberts

HCS/SS/SCS/SB 71 - This act modifies several provisions relating to civil proceedings.

Under this act, an interlocutory appeal shall be allowed to a parent, guardian ad litem, or juvenile officer from any order changing or modifying the placement of a child.

This provision is identical to a provision in HCS/SS/SB 327 (2021) and HCS/HB 673 (2021).

This act modifies current law relating to the modification of a prior child custody decree by changing and adding intersectional references to current statutory provisions relating to child custody, visitation, and grandparent visitation.

Under this act, adult protection orders and child protection orders, full or ex parte, may be granted to restrain or enjoin an individual from committing or threatening to commit abuse against a pet. A protection order may include an order of possession of the pet where appropriate, as well as any funds needed to cover the medical costs resulting from abuse of the pet. "Pet" is defined in this act as a living creature maintained by a household member for companionship and not for commercial purposes.

These provisions are substantially similar to provisions in HCS/HB 744 (2021), HB 2626 (2020), and SB 959 (2020).

Under current law relating to the issuance of orders of protection, "stalking" is defined as a pattern of conduct composed of two or more acts over a period of time that serves no legitimate purpose and may include following the other person or unwanted communication or contact. This act modifies that definition to mean two or more acts that serve no legitimate purpose including, but not limited to, acts in which the stalker directly, indirectly, or through a third party follows, monitor, observes, surveils, threatens, or communicates to a person by any action, method, or device.

SPONSOR: Gannon

HANDLER: Roberts

This provision is identical to HCS/HB 292 (2021).

Under current law, a court may issue a full adult order of protection, after a hearing, for at least 180 days and not exceeding one year. Under this act, if the court finds, after an evidentiary hearing, that the respondent poses a serious danger to the physical or mental health of the petitioner or a minor household member, the protective order shall be valid for at least two years and not more than ten years. The full order may be renewed annually for a period of at least 180 days and not more than one year from the expiration date of the previously issued order; except, in cases where the court finds the respondent poses a serious danger to the petitioner or a minor household member, then the order may be renewed periodically and shall be valid for at least two years and up to the life of the respondent. The court may include a provision that any full order of protection shall be automatically renewed for any term of renewal as set forth in this act.

If a court finds that the respondent poses a serious risk to the petitioner or a minor household member, the court shall not modify the order until a period of at least two years from the date of the original full order of protection was issued and only after a hearing and making written findings that the respondent has shown proof of treatment and rehabilitation and no longer poses a serious danger.

Under current law, the clerk issues a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri Uniform Law Enforcement System (MULES) the same day the order is granted and the local law enforcement agency enters the information contained in the order into MULES. Under this act, the court shall provide all the necessary information regarding the order of protection for entry into MULES and the National Crime Information Center (NCIC). The sheriff shall enter the information into MULES within twenty-four hours and MULES shall forward that information to NCIC, thus making the order viewable in the National Instant Criminal Background Check System (NICS).

These provisions are identical to SCS/SB 415 (2021) and substantially similar to provisions in HCS/HB 744 (2021).  
SARAH HASKINS

SPONSOR: Eslinger

HANDLER: Smith

CCS/HCS/SB 72 - This act creates a number of state designations.

The first Friday in May each year is designated as "Law Enforcement Appreciation Day". This provision is identical to HB 450 (2021).

August 31st of each year shall be known as "Random Acts of Kindness Day" in Missouri. This provision is identical to HB 202 (2021).

November 30th of each year is designated as "Mark Twain Day". This provision is identical to HB 894 (2021).

March 5th of each year is designated as "Iron Curtain Speech Day". This provision is identical to HB 893 (2021).

SPONSOR: Eslinger

HANDLER: Smith

Every November 30th shall be known as "John Jordan 'Buck' O'Neil Day". This provision is identical to HB 869 (2021).

The first full week in September is designated as "Missouri Fox Trotter Week". This provision is similar to HB 2082 (2020).

May 1st of each year is designated as "Walthall Moore Day." This provision is identical to HB 522 (2021).

The month of April is designated as "Limb Loss Awareness Month" in Missouri. This provision is identical to HB 404 (2021).

March 26th of each year is designated as "Pioneering Black Women's Day" in honor of Gwen B. Giles, who was the first Black woman to serve in the Missouri Senate. This provision is identical to SB 610 (2021).

September 22, 2021, is designated as "Hazel Erby Day" in Missouri. This provision is similar to HCR 47 (2021).

Finally, "The Gateway Arch" in St. Louis shall be known as the official state monument.  
JIM ERTLE

SPONSOR: Hegeman

HANDLER: Baker

CCS/SB 86 - This act prohibits the contribution or expenditure of public funds by any school district or by any officer, employee, or agent of any school district:

- To support or oppose the nomination or election of any candidate for public office;
- To support or oppose the passage or defeat of any ballot measure;
- To any committee supporting or opposing candidates or ballot measures; or
- To pay debts or obligations of any candidate or committee previously incurred for the above purposes.

The act additionally prohibits the contribution or expenditure of public funds by any officer, employee, or agent of any political subdivision to pay debts or obligations of any candidate or committee previously incurred for the purposes described above.

Any purposeful violation of this act is punishable as a class four election offense.

This provision is identical to provisions in the truly agreed to and finally passed CCS/SS#2/SCS/HCS/HB 271, SCS/SB 282 (2021), and SS#2/SCS/HCS/HB 1854 (2020), which was vetoed by the Governor.

The act also creates new provisions relating to educational assistance organizations (EAOs). Specifically, notwithstanding the provisions of the truly agreed to and finally passed HB 349 (2021) to the contrary, the act prohibits the annual increase to the cumulative amount of tax credits that can be issued for purposes of contributions to EAOs when the amount of tax credits reaches \$50 million. Furthermore,

SPONSOR: Hegeman

HANDLER: Baker

the cumulative amount of tax credits that may be allocated to all taxpayers contributing to EAOs in the first year of the Missouri Empowerment Scholarship Accounts Program shall not exceed \$25 million.

The act limits the number of EAOs that can be certified to no more than 10 in any single school year, with no more than 6 having their principal place of business in:

- Greene County;
- Jackson County;
- St. Charles County;
- St. Louis County; and
- St. Louis City.

The act creates the Missouri Empowerment Scholarship Accounts Board. The State Treasurer is permitted to delegate duties assigned to him under the truly agreed to and finally passed HB 349 (2021) to the Board.

Four percent of the total qualifying contributions received by each EAO per calendar year is required to be deposited in the Missouri Empowerment Scholarship Accounts Fund to be used by the State Treasurer for marketing and administrative expenses or the costs incurred in administering the program, whichever is less.

SCOTT SVAGERA

SPONSOR: Crawford

HANDLER: Shaul

SS/SCS/SB 106 - This act modifies various provisions relating to financial institutions.

#### STATE BANKING AND SAVINGS AND LOAN BOARD

(Section 361.097)

Under current law, two members of the State Banking and Savings and Loan Board are required to have at least 5 years of active bank management experience. This act requires at least three members to have at least 5 years of active bank or association management experience at an institution chartered under state law.

#### ELECTRONIC POSTINGS

(Section 361.110)

Current law requires the Director of the Division of Finance to keep a bulletin board in his or her office containing various statements of information concerning corporations and persons doing business in the state. This act modifies that requirement by requiring such statements to be posted on the Division of Finance website instead, to be updated each Monday. All such statements shall be public documents and at all reasonable times shall be retained by the Division, open to public inspection, and available on the Division website.

This provision is substantially similar to a provision in SB 362 (2021).

#### BANKING REGULATIONS

(Sections 362.044 - 362.765)

The act permits electronic notification of annual or special stockholders' meetings. (Section 362.044)

SPONSOR: Crawford

HANDLER: Shaul

The act permits directors of a bank or trust company to attend board meetings by telephonic conference call or video conferencing, and such directors may be counted as part of the quorum, provided the bank or trust company has a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System of the Federal Financial Institution Examination Counsel. The meeting minutes must reflect that a director appeared remotely and that he or she received notice of the meeting, received board meeting information required by law, was alone when participating in the hearing, and was able to hear the meeting clearly.

The act permits the Director of the Division of Finance to promulgate additional regulations to provide for the integrity of the board of directors' operations when directors attend board meetings remotely and for the safety and soundness of the bank and trust company's operation.

The act repeals a provision providing a remedy for when a bank, trust company, or director fails to follow the procedures for directors who are not physically present and counted toward the board's quorum. (Section 362.247)

Current law requires the oath taken by every elected director of a bank or trust company to be immediately transmitted to the Director of Finance to be filed and preserved in that office. This act repeals that requirement and requires the oath to be retained with the official records of the board of directors. (Section 362.250)

The act requires the inclusion of the relevant information relative to the amount or penal sum of the bonds or policies and the sureties or underwriters thereon on a form provided by the Division of Finance and retained and preserved by the bank or trust company. The Director of Finance shall publish an annual tiered schedule of minimum levels of coverages. (Section 362.340)

The act permits a bank or trust company to merge with one or more of its nonbank subsidiaries or affiliates pursuant to an agreement of merger in the manner described in the act. The Director of Finance must be presented the agreement of merger and approve or decline the agreement within 30 days. If the agreement is declined, the bank or trust company may appeal the decision to the State Banking and Savings and Loan Board. (Section 362.765)

#### RETAIL INSTALLMENT CONTRACTS - MOTOR VEHICLES

(Sections 365.100 and 365.140)

The act allows the holder of a retail installment contract to charge, finance, and collect a reasonable service fee not to exceed twenty-five dollars for each check, draft, order, or like instrument returned unpaid by a financial institution, plus an amount equal to the actual charge for the return of each check, draft, order, or like instrument returned unpaid. (Section 365.100)

If a retail installment contract is paid in full, the holder shall provide the buyer proof of payment in full which may be by a letter referencing the contract which shall include information identifying the contract such as the original loan date, account number or other identifying number or code, or by returning the original contract or a copy thereof that is marked as paid in full by the holder, or by returning the original contract or a copy thereof marked by the holder as paid in full. (Section 365.140)

These provisions are substantially similar to provisions in SB 385 (2021) and HCS/HB 571 (2021).

#### SAVINGS AND LOAN REGULATIONS

(Sections 369.049 - 369.705)



SPONSOR: Crawford

HANDLER: Shaul

Current law requires the name of every savings and loan association to include either the words "Savings Association" or "Savings and Loan Association". This act removes such requirement and instead permits it. The act further repeals the prohibition on using the following words in an association name: "National", "Federal", "United States", "Insured", "Guaranteed", "Government", and "Official."

The act permits a savings and loan institution or savings bank to merge with one or more of its subsidiaries or affiliates pursuant to an agreement of merger in the manner described in the act. The Director of Finance must be presented the agreement of merger and approve or decline the agreement within 30 days. If the agreement is declined, the savings and loan institution or savings bank may appeal the decision to the State Banking and Savings and Loan Board.

#### UNIFORM COMMERCIAL CODE

(Section 400.3-309)

This act modifies the process for how a person not in possession of an instrument can enforce an instrument under the Uniform Commercial Code. Specifically, a person can enforce such an instrument if, in addition to meeting criteria required under current law, the person either was entitled to enforce the instrument when the loss of possession occurred or the person has directly or indirectly acquired ownership of the instrument from a person who was entitled to enforce the instrument when loss of possession occurred.

This provision is identical to HB 518 (2021) and a provision in HCS/HB 814 (2021) and substantially similar to SB 359 (2021).

#### RATES OF INTEREST IN BUSINESS, COMMERCIAL, AND AGRICULTURAL LOANS

(Sections 408.035 and 408.100)

Current law allows parties to agree in writing to any rate of interest, fees, and other terms and conditions in connection with any business loan of five thousand dollars or more. This act modifies that provision to apply to extensions of credit primarily for business, commercial, or agricultural purposes. (Section 408.035). The act additionally repeals an exemption from a provision allowing any person, firm, or corporation to charge, contract for and receive interest on the unpaid principal balance at rates agreed to by the parties such that it applies to loans which are secured by a lien on nonprocessed farm products, livestock, farm machinery or crops or to loans to corporations.

These provisions are identical to provisions in HCS/HB 518 (2021) and substantially similar to provisions in SB 385 (2021) and HCS/HB 571 (2021).

#### PERMISSIBLE FEES INCIDENT TO EXTENSIONS OF CREDIT

(Section 408.140)

The act allows a lender to:

- Charge reasonable and bona fide third-party fees paid out by the lender to any public officer for remote or electronic filing in any public office; and
- Charge a reasonable service fee not to exceed \$25 for any check, draft, order, or like instrument returned unpaid by a financial institution, plus an amount equal to the actual charge for the return of each check, draft, order, or like instrument returned unpaid.

The act repeals a provision allowing a lender to collect a fee in advance for allowing the debtor to defer up to three monthly loan payments.

SPONSOR: Crawford

HANDLER: Shaul

These provisions are substantially similar to provisions in SB 385 (2021) and HCS/HB 571 (2021).

#### DEFERMENT OF MONTHLY LOAN PAYMENTS

(Section 408.178)

Current law allows a lender to collect a fee in advance for allowing a debtor to defer monthly loan payments on loans with an original amount of \$600 or more. This act repeals the loan amount threshold for this provision such that a lender may collect such a fee on a loan of any amount.

This provision is identical to a provision in SB 385 (2021) and substantially similar to a provision in HCS/HB 571 (2021).

#### SECOND MORTGAGES

(Sections 408.233 and 408.234)

The act allows the charge of a reasonable and bona fide third-party fee incurred for the remote or electronic filing of the perfection, release, or satisfaction of a security interest related to a second mortgage loan. (Section 408.233)

The act repeals a prohibition on the issuance of a second mortgage loan in an initial principal amount of less than \$2,500. (Section 408.234)

These provisions are identical to provisions in HCS/HB 571 (2021) and substantially similar to provisions in SB 385 (2021).

#### RETAIL TIME CONTRACTS

(Section 408.250)

The act allows reasonable and bona fide third-party fees incurred for remote or electronic filing in connection with any retail time contract.

These provisions are identical to provisions in HCS/HB 571 (2021) and substantially similar to provisions in SB 385 (2021).

#### LENDER RECOVERY UPON DEFAULT

(Section 408.553)

The act modifies the amount that a lender may collect from a borrower upon default. Specifically, a lender is entitled to recover the amount due and accrued under the agreement, including interest and penalties through the date of payment in full or to the date of final judgment. Following a judgment, the lender may additionally recover the simple interest equivalent of the rate provided in the contract as applied to the amount of the judgment until the date the judgment is paid and satisfied.

These provisions are identical to provisions in HCS/HB 571 (2021) and substantially similar to provisions in SB 385 (2021).

#### NOTICE OF DEFAULT

(Section 408.554)

Current law requires a default notice issued in the case of a second default on the same loan or transaction or a third default on the same second mortgage to contain a provision notifying the borrower that in case of further default the borrower will have no right to cure. This act repeals that provision.

SPONSOR: Crawford

HANDLER: Shaul

These provisions are substantially similar to provisions in SB 385 (2021) and HCS/HB 571 (2021).

#### LENDERS OF CONSUMER CREDIT LOANS

(Section 367.150)

The act repeals a law requiring lenders of consumer credit loans to file a report with the director of the Division of Finance detailing, among other things, the financial condition of the lender and the total aggregate number and principal amount of loans made by the lender.

This provision is identical to a provision in SB 362 (2021).

Various provisions in this act are substantially similar to HCS/HBs 928 & 927 (2021) and certain provisions in the perfected HCS/HB 814 (2021).

SCOTT SVAGERA

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SPONSOR: White

HANDLER: Bromley

SS/SCS/SB 120 - This act modifies provisions relating to military affairs, including state designations, hiring preferences and classifications for state employment, state agency services, school designations, military protections for motor vehicle insurance, and qualified military projects in the Missouri Works Program.

#### MILITARY FAMILY MONTH (SECTION 9.297)

This act designates November as "Military Family Month" in Missouri to recognize the daily sacrifices of military families.

This provision is identical to a provision in the truly agreed to and finally passed SS/SCS/SB 718 (2020) and HB 1328 (2020).

#### SURVIVING SPOUSES IN THE MERIT SYSTEM (SECTION 36.020)

This act modifies the definition of "surviving spouse" in provisions of law relating to the merit system.

This provision is identical to HB 296 (2021), SB 620 (2020), a provision in the truly agreed to and finally passed SS/SCS/SB 718 (2020), in HCS/SB 282 (2019), and in the perfected HB 461 (2019) and is substantially similar to a provision in HCS/SB 587 (2020) and HB 1566 (2020).

#### HIRING PREFERENCES FOR MISSOURI NATIONAL GUARD MEMBERS (SECTIONS 36.221 AND 105.1204)

This act creates new provisions establishing hiring preferences for current or former members of the Missouri National Guard for purposes of state employment. Specifically, in filling any position of state employment in a state agency, the appointing authority or employing agency shall offer an interview to every applicant who is or was a member of the Missouri National Guard and meets other specified criteria.

These provisions are identical to HB 659 (2021) and HB 1491 (2020) and are similar to provisions in the perfected SB 78 (2021).

SPONSOR: White

HANDLER: Bromley

DEPARTMENT OF THE NATIONAL GUARD (SECTIONS 41.035 AND 650.005)

This act creates the Missouri Department of the National Guard which shall be headed by the Adjutant General and shall administer the militia and programs of the state relating to military forces, except for the Missouri Veterans Commission. The Office of Adjutant General and the militia are transferred from the Department of Public Safety to the Missouri Department of the National Guard.

These provisions are contingent upon the passage of a constitutional amendment that provides for the establishment of the Missouri Department of the National Guard.

These provisions are identical to SCS/HB 60 (2021), are substantially similar to SCS/SB 198 (2021), and are similar to provisions in the truly agreed to and finally passed SS/SCS/SB 718 (2020), in HCS/SS#2/SCS/SB 523 (2020), HCS/SS/SB 600 (2020), HCS/SB 774 (2020), SB 896 (2020), HCS/HB 2209 (2020).

CLASSIFICATION OF MISSOURI NATIONAL GUARD MEMBERS (SECTION 41.201)

This act provides that service members of the Missouri National Guard shall be considered as state employees for the purpose of operating state-owned vehicles for official state business unless they are called into active federal military service by order of the President of the United States.

This provision is identical to a provision in the truly agreed to and finally passed SS/SB 258 (2021) and is substantially similar to HB 391 (2021) and a provision in the truly agreed to and finally passed HCS/SS/SB 6 (2021).

VETERAN QUESTIONS ON STATE AGENCY FORMS (SECTION 42.390)

This act requires that every state agency shall ensure that any form used to collect data from individuals that was first created or subsequently modified on or after August 28, 2021, include the following questions:

- (1) Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?
- (2) If answering Question 1 in the affirmative, would you like to receive information and assistance regarding the agency's veteran services?

Every state agency shall prepare information regarding applicable services and benefits that are available to veterans and provide such information to those who answer the questions in the affirmative.

INCOME TAX DEDUCTIONS FOR MILITARY RETIREMENT BENEFITS (SECTIONS 143.121 AND 143.124)

Current law authorizes an income tax deduction for retirement benefits received by a taxpayer for the taxpayer's service in the Armed Forces of the United States, including reserve components and the National Guard. This act makes a technical correction to ensure that one hundred percent of such benefits may be deducted without any reductions.

These provisions are identical to SB 629 (2021).

PURPLE STAR CAMPUS (SECTION 160.710)

The Department of Elementary and Secondary Education shall designate a school district as a purple star campus if the school district applies and qualifies for the designation. To qualify as a purple star campus, a school district shall:

SPONSOR: White

HANDLER: Bromley

- (1) Designate a staff member as a military liaison to serve as the point of contact between the school district and the military connected student, as defined in the act;
- (2) Identify military connected students enrolled in the school district;
- (3) Determine appropriate services available to military connected students;
- (4) Coordinate programs relevant to military connected students;
- (5) Maintain on the school district website an easily accessible webpage that includes resources for military connected students, including information regarding relocation, enrollment, registration, and transferring records to the school district, academic planning, counseling, and the military liaison;
- (6) Establish and maintain a transition program led by students, when appropriate, that assists military connected students in transitioning into the school district;
- (7) Offer professional development and education for staff members on issues related to military connected students; and
- (8) Offer at least one of the following: A resolution showing support for military connected students, recognition of military holidays with relevant events, or a partnership with a local military installation that provides opportunities for active duty military members to volunteer with the school district, speak at an assembly, or host a field trip.

#### VETERAN DESIGNATIONS ON DRIVER'S LICENSES (SECTION 302.188)

Under current law, the Department of Revenue may determine the appropriate placement of veteran designations on driver's licenses and identification cards. This act provides that the Department shall place the veteran designations on the front of the licenses and identification cards.

This provision is identical to SB 494 (2021) and HB 262 (2021).

#### MOTOR VEHICLE INSURANCE (SECTION 379.122)

This act requires the Adjutant General to ensure that members of the state military forces receive notice of certain protections relating to motor vehicle insurance, and encourages the secretaries of the branches of the United States Armed Forces to likewise notify members under their jurisdictions.

The act specifically notes that the term "adverse underwriting decision" shall include a decision to charge an increased premium.

This provision is identical to a provision in the truly agreed to and finally passed SS/SCS/SB 718 (2020) and SB 1036 (2020).

#### QUALIFIED MILITARY PROJECTS IN THE MISSOURI WORKS PROGRAM (SECTIONS 620.2005 AND 620.2010)

This act modifies the Missouri Works program to provided that, for qualified military projects, the benefit shall be based on part-time and full-time jobs created by the project.

This act contains an emergency clause for these provisions.

These provisions are identical to the truly agreed to and finally passed SS/SB 2 (2021) and are substantially similar to provisions in the truly agreed to and finally passed SS/SCS/SB 718 (2020), in HCS/SS#2/SB 704 (2020), in SS#2/SCS/HCS/HB 1854 (2020), and SB 1057(2020).

KATIE O'BRIEN

SS/SCS/SB 126 - This act modifies provisions relating to the sale of intoxicating liquors.

**ADVERTISING MATERIALS (Section 311.070.3(7) and 311.070.4(2))**

Currently, the amount of permanent point-of-sale advertising materials that may be sold or given to a retailer by a distiller, wholesaler, winemaker, or brewer shall not exceed \$500 per year, per brand, per retail outlet.

This act provides that the replacement of similar permanent point-of-sale advertising materials that are damaged and non-functioning shall not apply toward the maximum of \$500. Additionally, this act modifies the definitions of "equipment and supplies", "temporary point-of-sale advertising materials", "permanent point-of-sale advertising materials", and "product display."

These provisions are identical to provisions in SS/SCS/SB 283 (2021) and to SCS/SB 299 (2021).

**NON-REFRIGERATION DISPENSING ACCESSORIES (Section 311.070.3(3), 311.070.4(5), 311.070.4(6), and 311.070.7)**

This act adds the definition of "nonrefrigeration dispensing accessories" which includes beer and gas hoses, faucets, taps, and other accessories necessary to preserve and serve intoxicating liquor that are not self-refrigerating.

Under this act, a wholesaler or brewer may install non-refrigeration dispensing accessories at the retail business establishment for the purposes of beer equipment to properly preserve and serve draught beer or premixed distilled spirit beverages. A wholesaler or brewer may also lend, give, rent, sell, install, or repair nonrefrigeration dispensing accessories in order to facilitate the delivery to the retailers. A complete record of non-refrigeration dispensing accessories given, rented, sold, installed, and loaned, and repairs and services made to a retailer shall be retained for a period of not less than one year by the wholesaler, brewer, distiller, or winemaker.

Under this act, a distiller, wholesaler, winemaker, or brewer may furnish, give, or sell cleaning and sanitation services to a retailer to preserve product integrity of distilled spirits, wine, or malt beverages.

These provisions are identical to provisions in SS/SCS/SB 283 (2021) and to SCS/SB 299 (2021).

**DELIVERY OF CERTAIN LIQUORS BY WHOLESALER (Section 311.070.4(16) to 311.070.4(18))**

Under current law, a wholesaler may exchange for an equal quantity or allow a credit for certain intoxicating liquor that was delivered in a damaged condition. A wholesaler may also withdraw at the time of delivery certain intoxicating liquor if the wholesaler replaces or provides a credit for the retailer. This act adds malt liquor to these provisions. Additionally, this act provides that wholesalers shall distribute consumer advertising specialties, nonrefrigeration dispensing accessories, and other advertising materials to their retailers in a fair and reasonable manner.

These provisions are identical to provisions in SS/SCS/SB 283 (2021) and to SCS/SB 299 (2021) and substantially similar to SB 947 (2020) and similar to SB 340 (2019), HB 634 (2019), and HCS/HB 1924 (2018).

**SUNDAY LIQUOR SALES BY THE DRINK (Sections 311.070, 311.086, 311.089, 311.293, and 311.218)**

Under current law, establishments may apply for a Sunday by-the-drink license to sell intoxicating liquor

SPONSOR: Brown

HANDLER: Knight

by the drink at retail in resort areas and for tourism purposes in St. Louis and Kansas City as well as other cities and counties from the hours of 9 A.M. to 12:00 A.M. This act modifies the hours that establishments may apply for a Sunday by the drink license to 6 A.M. on Sundays and 1:30 A.M. on Mondays.

These provisions are substantially similar to provisions in SS/SCS/SB 283 (2021).

#### SUNDAY LIQUOR SALES FOR OFF PREMISE CONSUMPTION (Section 311.096)

Under current law, a person may obtain a license to sell intoxicating liquor by the drink at retail not for consumption on the premises but for consumption in a common eating and drinking area between the hours of 11:00 A.M. and 12:00 A.M. on Sundays.

This act modifies the hours to 6:00 A.M. on Sundays and 1:30 A.M. on Mondays. This act also allows such persons to apply for a special permit to remain open between the hours of 1:30 A.M. to 3:00 A.M. on Sundays.

These provisions are identical to provisions in SS/SCS/SB 283 (2021).

#### SUNDAY BY-THE-DRINK LICENSES IN CONVENTION TRADE AREAS (Sections 311.174, 311.176, and 311.178)

This act modifies the time of opening for those licensed to sell intoxicating liquor for consumption on the premises in convention trade areas in Kansas City, North Kansas City, Jackson County, St. Louis County, and St. Louis on Sundays to 6:00 A.M.

These provisions are identical to provisions in SS/SCS/SB 283 (2021).

#### SALE OF WINE AND BRANDY (Section 311.190)

This act modifies the hours a person may sell wine and brandy at retail to 6:00 A.M. on Sundays to 1:30 A.M. on Mondays.

#### SALE OF MALT LIQUOR (Section 311.200)

This act modifies the hours a person may sell malt liquor at retail to 6:00 A.M. on Sundays to 1:30 A.M. on Mondays.

These provisions are substantially similar to provisions in SS/SCS/SB 283 (2021).

#### TO-GO ALCOHOL (Section 311.202)

This act provides that the holder of a valid license to sell intoxicating liquor at retail may sell retailer-packaged liquor to a consumer in a container, filled on such premises by any employee who is 21 years of age or older, for off-premises consumption if the:

- Container is rigid, durable, leakproof, sealable, and has no openings for straws and contains a certain amount of liquor as provided in the act;
- Consumer orders and purchases a meal prepared on the premises at the same time as the consumer purchases the liquor;
- Holder of the license provides the consumer with a dated receipt for the purchase of the intoxicating liquor;
- Number of alcoholic beverages sold under this section by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee; and

SPONSOR: Brown

HANDLER: Knight

- Sealed container is placed in a one-time-use transparent bag that is sealed or the container has been sealed with tamperproof tape.

Additionally, containers shall have a label with the name and address of the business and another label that states, "THIS BEVERAGE CONTAINS ALCOHOL". This act does not apply to any wholesaler, distributor, or manufacturer of intoxicating liquors.

These provisions are identical to provisions in SS/SCS/SB 283 (2021) and substantially similar to HBs 547 & 752 (2021) and similar to provisions in HCS/SS/SB 600 (2020).

#### LIQUOR PERMITS TO NON-PROFIT ORGANIZATIONS (Section 311.482)

This act modifies the provisions that if a religious, civic, fraternal, or other non-profit organizations holds an event in which liquor is sold, the sale of liquor on the day of the event may begin at 6:00 A.M.

These provisions are identical to provisions in SS/SCS/SB 283 (2021) and similar to SB 835 (2020).

#### LIQUOR CONTROL AGENTS (Section 311.620)

Under current law, no person shall be appointed as an agent or inspector for the Department of Liquor Control who is not a resident taxpaying citizen of Missouri for a period of three years previous to his or her appointment and who is not able to pass a physical and mental examination prescribed by a board consisting of the Governor, Lieutenant Governor, Attorney General, and the Supervisor of Liquor Control.

This act modifies this provision to provide that a person shall not be appointed as an agent if he or she is not a resident taxpaying citizen of the state at the time of his or her appointment. Additionally, the person must pass a physical and mental examination prescribed by the Supervisor of Alcohol and Tobacco. Finally, this act changes "Supervisor of Liquor Control" and "Department of Liquor" to "Supervisor of Alcohol and Tobacco Control" and "Division of Alcohol and Tobacco Control".

These provisions are identical to SB 372 (2021).

MARY GRACE BRUNTRAGER

SPONSOR: Koenig

HANDLER: Eggleston

CCS/HCS/SS/SCS/SBs 153 & 97 - This act modifies several provisions relating to taxation.

#### USE TAX MAPPING

Current law requires the Department of Revenue to create and maintain a mapping feature on its website that displays various sales tax information. This act requires such mapping feature to include use tax information. Political subdivisions collecting a use tax shall send such data to the Department of Revenue by January 1, 2022, and the Department shall implement the mapping feature using the use tax data by July 1, 2022.

By July 1, 2022, the Department shall update the mapping feature to include the total sales tax rate for combined rates of overlapping sales taxes levied and the total use tax rate for combined rates of overlapping use taxes levied.

If the boundaries of a political subdivision in which a sales or use tax has been imposed shall



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HANDLER: Eggleston

thereafter be changed or altered, the political subdivision shall forward such changes to the Department, as described in the act. (Section 32.310)

This provision is substantially similar to a provision contained in SB 248 (2021), SB 287 (2021), SCS/HB 554 (2021), HCS/HB 555 (2021), HB 593 (2021), SS#2/SCS/SB 648 (2020), SB 805 (2020), SB 872 (2020), HB 2172 (2020), SCS/HB 1700 (2020), and HB 1895 (2020).

#### VIDEO SERVICE PROVIDER FEES

This act modifies provisions relating to communications services offered in political subdivisions.

The act modifies the definition of "gross revenues" for provisions of law relating to video service providers.

This act prohibits the state and political subdivisions from imposing a new tax, license, or fee upon the provision of satellite or streaming video services.

Under the act, a franchise entity may collect a video service provider fee equal to not more than 5% of the gross revenues of a video service provider providing service in the geographic area of such franchise entity. The fee shall be phased out as follows:

- Beginning August 28, 2023, 4.5% of gross revenues;
- Beginning August 28, 2024, 4% of gross revenues;
- Beginning August 28, 2025, 3.5% of gross revenues;
- Beginning August 28, 2026, 3% of gross revenues; and
- Beginning August 28, 2027, and continuing thereafter, 2.5% of gross revenues.

Currently, video service providers may identify and collect the amount of the video service provider fee as a separate line item on subscriber bills. Under this act, the fee shall be identified and collected as a separate line item.

The act also creates the Task Force on the Future of Right-of-Way Management and Taxation consisting of 16 members as set forth in the act. The purpose of the Task Force is to study best methods for right-of-way management, taxation of video services, and the future revenue needs of municipalities and political subdivisions as such revenue relates to video services.

The Task Force shall compile a report of its activities for submission to the General Assembly. The report shall be submitted no later than December 31, 2023, and shall include any recommendations which the Task Force may have for legislative action. The Task Force shall expire on December 31, 2023. (Sections 67.2677 to 67.2720)

These provisions are identical to provisions contained in SCS/HB 554 (2021), are substantially similar to SB 163 (2021), HB 386 (2021), and to provisions contained in HCS/HB 555 (2021), and are similar to SCS/SB 526 (2020) and HB 2091 (2020).

#### COMMUNITY IMPROVEMENT DISTRICTS

Current law requires a petition for the creation of a community improvement district (CID) to include a five year plan describing the improvements to be made in the district. This act requires such plan to include the anticipated sources of funds and the term of such sources used to pay the costs of such improvements. This act also limits the duration of a CID to twenty-seven years for CIDs formed after

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HANDLER: Eggleston

August 28, 2021.

Upon the creation of a district, this act requires the municipal clerk of the municipality to report in writing to the State Auditor in addition to the Missouri Department of Economic Development. (Section 67.1421)

For CIDs established after August 28, 2021, in which there are no registered voters, this act requires at least one director to be a person who resides within the municipality, is registered to vote, has no financial interest in any real property or business operating within the CID, and to not be a relative within the second degree of consanguinity to an owner of real property or a business operating within the CID. (Section 67.1451)

This act requires all construction contracts entered into after August 28, 2021, and that are in excess of \$5,000 shall be competitively bid and shall be awarded to the lowest and best bidder. (Section 67.1461)

In its annual report filed with the Department of Economic Development, this act requires a CID to include the dates the district adopted its annual budget, submitted its proposed annual budget to the municipality, and submitted its annual report to the municipal clerk. (Section 67.1471)

These provisions are substantially similar to HB 213 (2021) and to provisions contained in HS/HCS/HB 441 (2021).

#### REDEVELOPMENT DISTRICTS

This act modifies the definition of "blighted area" for the purposes of several redevelopment districts, including Community Improvement Districts, the Housing Authorities Law, Land Clearance for Redevelopment, Downtown and Rural Economic Stimulus Act, the Downtown Revitalization Preservation Program, the Planned Industrial Expansion Law, Enhanced Enterprise Zones, Urban Agriculture Zones, and the Urban Redevelopment Corporations Law. (Sections 67.1401 to 99.320, 99.918 to 135.950, 262.900 to 353.020)

These provisions are substantially similar to provisions contained in HCS/HB 555 (2021).

#### TAX INCREMENT FINANCING

This act modifies the definitions of "blighted area" and "conservation area", and creates new definitions for "port infrastructure projects", "retail area", and "retail infrastructure projects". (Section 99.805)

This act modifies local tax increment financing projects by providing that a study shall be conducted by a land use planner, urban planner, licensed architect, licensed commercial real estate appraiser, or licensed attorney, which details how the area meets the definition of an area eligible to receive tax increment financing.

This act also provides that retail areas, as defined in the act, shall not receive tax increment financing unless such financing is exclusively utilized to fund retail infrastructure projects, as defined in the act, or unless such area is a blighted or conservation area. (Section 99.810)

Current law requires cities, towns, and villages located in St. Louis County, St. Charles County, or Jefferson County to establish a twelve member commission that shall include six members appointed by

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HANDLER: Eggleston

the county executive or presiding commissioner prior to the adoption of any resolution or ordinance approving tax increment financing projects. This act adds Cass County to such list of counties. (Section 99.820)

For tax increment financing projects approved or amended after December 31, 2021, the City of St. Louis may provide for the deposit of up to 10% of the tax increment financing revenues generated by the project into a Strategic Infrastructure for Economic Growth Fund to be established by the city. Moneys deposited in such fund may be expended by the city for the purpose of funding capital investments in public infrastructure that is located in a census tract that is defined as a low-income community or is eligible to be designated as a Qualified Opportunity Zone under federal law. (Section 99.821)

This act prohibits new projects from being authorized in any Greenfield area. (Section 99.843)

Beginning January 1, 2022, this act also prohibits new projects from being authorized in an area designated as a flood plain by the Federal Emergency Management Agency unless such projects are located in 1) Jackson, Platte, Clay, or Cole counties; 2) the cities of Springfield, St. Joseph, Hannibal, or Jefferson City, 3) in a port district, provided such financing is utilized for port infrastructure projects; or 4) in a levee or drainage district created prior to August 28, 2021. Projects in flood plains shall not be authorized in St. Charles County unless the redevelopment area actually abuts a river or major waterway, as described in the act. (Section 99.847)

Current law allows districts and counties imposing a property tax for the purposes of providing emergency services to be entitled to reimbursement from the special allocation fund of a portion of the district's or county's tax increment. For projects approved after August 28, 2021, this act modifies such provision to allow reimbursement to ambulance districts, fire protection districts, and governing bodies operating a 911 center providing dispatch services and which impose economic activity taxes for such purposes. (Section 99.848)

These provisions are identical to provisions contained in CCS/SS/SB 22 (2021), are substantially similar to HB 1612 (2020), HCS/SS/SCS/SB 108 (2019), and HB 698 (2019), and to provisions contained in HCS/SS/SCS/SB 570 (2020), HCS/SCS/SB 616 (2020), and HCS/SS#2/SB 704 (2020), and are similar to SB 871 (2020), SB 311 (2019), HB 32 (2019), and SS/SCS/SB 859 (2018).

#### TAXATION OF AIRCRAFT

Current law requires aircraft which are at least twenty-five years, used solely for noncommercial purposes, and operated less than fifty hours per year to be assessed at five percent of true value. This act changes the operating hours requirement to two hundred hours. (Section 137.115)

This provision is identical to a provision contained in CCS/HCS/SB 226 (2021), CCS/SS/HCS/HB 66 (2021), HCS/HB 555 (2021), HCS/SB 686 (2020), HCS/SB 782 (2020), HCS/SCS/SB 867 (2020), and HCS/HB 1333 (2020), and is substantially similar to HB 1284 (2020) and HB 1205 (2019).

#### INDIVIDUAL INCOME TAX

Current law provides for a reduction in the top rate of income tax of 0.5% phased-in over a period of years in 0.1% increments, with each cut becoming effective if net general revenue collections meet a certain trigger. This act adds two additional 0.1% reductions to such provision. Additionally, beginning with the 2024 calendar year, the top rate of tax shall be reduced by 0.1%. (Section 143.011)

SPONSOR: Koenig

HANDLER: Eggleston

Current law allows a taxpayer to deduct from his or her Missouri adjusted gross income a portion of his or her federal income taxes paid, exempting federal income tax credits received for the 2020 tax year under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act when determining the amount of federal income tax liability allowable as a deduction. This act also exempts federal income tax credits received for the 2020 tax year under the supplemental CARES Act, as well as any other federal COVID-19-related income tax credits. (Section 143.171)

Current law also requires taxpayers who itemize deductions to include any federal income tax refund amounts in his or her Missouri adjusted gross income if such taxpayer previously claimed a deduction for federal income tax liability on his or her Missouri income tax return. This act provides that any amount of any federal income tax refund attributable to COVID-19-related tax credits in the supplemental CARES ACT, as well as any other federal COVID-19-related income tax credits, shall not be included in the taxpayer's Missouri adjusted gross income. (Section 143.121)

This provision contains an emergency clause.

This provision is identical to HB 991 (2021) and to a provision contained in CCS/HCS/SB 365 (2021) and HCS/HB 555 (2021), is substantially similar to SCS/SBs 405, 522, & 428 (2021) and HB 1039 (2021), and is similar to a provision contained in HB 913 (2021).

This act also establishes the Missouri Working Family Tax Credit Act. Beginning with the 2023 calendar year, this act creates a tax credit to be applied to a taxpayer's Missouri income tax liability after all reductions for other credits for which the taxpayer is eligible have been applied. The tax credit shall not exceed the amount of the taxpayer's tax liability, and shall not be refundable. The amount of such tax credit shall be a percentage of the amount of a taxpayer's federal earned income tax credit as such credit existed as of January 1, 2021. The initial percentage shall be 10% and may be increased to 20% of the amount of a taxpayer's federal earned income tax credit. The initial percentage claimed and any increase in the percentage claimed shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least \$150 million.

The Department of Revenue shall determine whether a taxpayer who did not apply for the tax credit established by this act is eligible and shall notify such taxpayer of his or her potential eligibility.

The Department shall prepare an annual report regarding the tax credit established by this act containing certain information as described in the act. (Section 143.177)

This provision is substantially similar to SB 248 (2021), SB 183 (2019), HB 291 (2019), HB 1194 (2019), SB 615 (2018), SB 197 (2017), SB 342 (2017), HCS/HB 109 (2017), and to a provision contained in HB 642 (2021), SB 248 (2021), SCS/SB 52 (2019), HB 846 (2019), SS#2/SCS/SBs 617, 611, & 667 (2018) and HCS/HB 1605 (2016), and is similar to HB 2154 (2016), SB 1018 (2016), SB 40 (2015), SB 687 (2014), HB 1120 (2014), HB 895 (2013), HB 1606 (2012), HB 581 (2011), and HB 1915 (2010).

#### USE TAX ECONOMIC NEXUS

This act modifies the definition of "engaging in business activities within this state" to include vendors that had cumulative gross receipts of at least \$100,000 from the sale of tangible personal property for the purpose of storage, use, or consumption in this state in the previous twelve-month period, as described in the act. Vendors meeting such criteria shall be required to collect and remit the use tax as

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provided under current law. (Section 144.605)

This provision is substantially similar to a provision contained in SB 248 (2021), SB 287 (2021), HB 244 (2021), SCS/HB 554 (2021), HCS/HB 555 (2021), HB 593 (2021), HCS/HB 644 (2021), SS#2/SCS/SB 648 (2020), SCS/SB 529 (2020), SCS/HB 1700 (2020), SB 659 (2020), SB 805 (2020), SB 872 (2020), HCS#2/HB 1957 (2020), HB 1967 (2020), HB 2172 (2020), and HB 2238 (2020).

#### MARKETPLACE FACILITATORS

Beginning January 1, 2023, marketplace facilitators, as defined in the act, that engage in business activities within the state shall register with the Department to collect and remit use tax on sales delivered into the state through the marketplace facilitator's marketplace by or on behalf of a marketplace seller, as defined in the act. Such retail sales shall include those made directly by the marketplace facilitator as well as those made by marketplace sellers through the marketplace facilitator's marketplace.

Marketplace facilitators shall report and remit use tax collected under this act as determined by the Department. Marketplace facilitators properly collecting and remitting use tax in a timely manner shall be eligible for any discount provided for under current law.

Marketplace facilitators shall provide purchasers with a statement or invoice showing that the use tax was collected and shall be remitted on the purchaser's behalf.

No class action shall be brought against a marketplace facilitator in any court in this state on behalf of purchasers arising from or in any way related to an overpayment of sales or use tax collected on retail sales facilitated by a marketplace facilitator, regardless of whether that claim is characterized as a tax refund claim. (Section 144.752)

This provision is substantially similar to a provision contained in SB 248 (2021), SB 287 (2021), HB 244 (2021), SCS/HB 554 (2021), HCS/HB 555 (2021), HB 593 (2021), HCS/HB 644 (2021), SS#2/SCS/SB 648 (2020), SCS/SB 529 (2020), SCS/HB 1700 (2020), SB 659 (2020), SB 805 (2020), SB 872 (2020), HCS#2/HB 1957 (2020), HB 1967 (2020), HB 2172 (2020), HB 2238 (2020), and SCS/SBs 46 & 50 (2019).

#### SALES TAX ADMINISTRATION

This act authorizes the Department of Revenue to consult, contract, and work jointly with the Streamlined Sales and Use Tax Agreement's Governing Board to allow sellers to use the Governing Board's certified service providers and central registration system services, or to consult, contract, and work with certified service providers independently. The Department may determine the method and amount of compensation to be provided to certified service providers. The act also authorizes the Department to independently take such actions as may be reasonably necessary to secure the payment of and account for the tax collected and remitted by retailers and vendors under the act.

This provision shall expire on January 1, 2028, unless reauthorized by the General Assembly. (Section 144.608)

This provision is identical to a provision contained in SCS/HB 554 (2021), and is substantially similar to a provision contained in SB 248 (2021), SB 287 (2021), HB 593 (2021), and SCS/HB 1700 (2020).

SPONSOR: Koenig

HANDLER: Eggleston

The school and Show Me Green sales tax holidays are modified by repealing the ability for political subdivisions to opt out of the sales tax holidays, and by defining how the sales tax exemption applies to the purchase or return of certain items. (Sections 144.049 and 144.526)

These provisions are substantially similar to provisions contained in SB 659 (2020), HB 2238 (2020), HB 1967 (2020), and SS/SCS/SBs 46 & 50 (2019).

The Director shall provide and maintain downloadable electronic databases at no cost to the user of the databases for taxing jurisdiction boundary changes, tax rates, and a taxability matrix detailing taxable property and services. Sellers and certified service providers (CSP) will be relieved from liability if they fail to properly collect tax based upon information provided by the Department. Certified service providers, sellers, and marketplace facilitators may utilize proprietary data, provided the Director certifies that such data meets the standards provided for under the act.

This act relieves a purchaser from any penalties for failure to pay the proper amount of sales tax if the error was a result of erroneous information provided by the Director of Revenue. (Sections 144.637 and 144.638)

This provision is substantially similar to a provision contained in SCS/SB 529 (2020), SB 659 (2020), SB 805 (2020), SB 872 (2020), SCS/HB 1700 (2020), HB 1895 (2020), HCS#2/HB 1957 (2020), and HB 2172 (2020).

Monetary allowances from taxes collected shall be provided to certain sellers and certified service providers for collecting and remitting state and local taxes, as described in the act. (Section 144.140)

Current law provides statutory sales tax collection thresholds to determine the frequency at which sellers shall file and remit sales taxes collected, with such periods being quarter-monthly, monthly, quarterly, and annually. Current law also allows the Department of Revenue to increase, but not decrease, such thresholds through rule. This act modifies the statutory thresholds for the monthly, quarterly, and annual filing periods.

For monthly filing, the threshold is changed from at least \$250 in the first or second month of a calendar quarter to at least \$500 per calendar month for the prior year.

For quarterly filing, the threshold is changed from at least \$45 in a calendar quarter, but not subject to monthly filing to less than \$500 per calendar month, but at least \$200 in a calendar quarter.

For annual filing, the threshold is changed from less than \$45 per calendar quarter to less than \$200 per calendar quarter. (Section 144.080)

This provision is identical to SB 741 (2020) and SB 141 (2019), and to a provision contained in CCS/HCS/SB 226 (2021).

#### LOCAL USE TAXES

This act modifies ballot language required for the submission of a local use tax to voters by repealing ballot language specific to St. Louis County and its municipalities and the City of St. Louis, and making requiring the ballot language in all municipalities identical.

SPONSOR: Koenig

HANDLER: Eggleston

This act prohibits a local use tax from being described as a new tax, described as not being a new tax, and being advertised or promoted in a manner in violation of current law. (Section 144.757)

This provision is substantially similar to HB 1584 (2020) and to a provision contained in SS#2/SCS/SB 648 (2020), SB 659 (2020), HCS/SS#2/SB 704 (2020), SCS/SB 770 (2020), SB 805 (2020), SB 872 (2020), SCS/HB 1700 (2020), SS#2/SCS/HCS/HB 1854 (2020), HB 1895 (2020), HB 2172 (2020), HB 2238 (2020), SCS/SB 189 (2019), SS/SCS/SBs 46 & 50 (2019), SS/HCS/HB 255 (2019), SCS/HCS/HB 674 (2019), and HB 701 (2019), and is similar to a provision contained in HCS#2/HB 1957 (2020).

This act provides that the portion of the local use tax imposed by St. Louis County shall be distributed to the cities, towns, villages, and unincorporated areas of the county on the ratio of the population that each such city, town, village, and unincorporated area bears to the total population of the county. (Section 144.759)

This provision is identical to a provision contained in SCS/HB 1700 (2020).

No later than the first week of November 2021, any county or municipality that has enacted a local use tax shall provide notice in a newspaper or on the county's or municipality's website that certain purchases from out-of-state vendors will become subject to the provisions of the act, as described in the act. (Section 1)

#### MISSOURI WORKS

Current law excludes store front consumer-based retail trade establishments from the definition of "qualified company" for the purposes of receiving benefits under the Missouri Works program. This act allows such establishments located in a third or fourth class county to be included in such definition. (Section 620.2005)

This provision is identical to HB 1061 (2021) and to a provision contained in HCS/HB 555 (2021) and HCS/HB 1202 (2021).

#### EFFECTIVE DATE

The provisions of this act relating to sales tax administration, use taxes, and income taxes shall become effective January 1, 2023. (Section B)

Provisions of the act relating to the deduction of federal income taxes paid contain an emergency clause. (Section C)

Provisions of the act modifying definitions relating to video service provider fees shall become effective August 28, 2023. (Section D)

The remaining provisions shall become effective August 28, 2021.

JOSH NORBERG

SPONSOR: Hough

HANDLER: Griesheimer

HCS/SS/SB 176 - This act enacts provisions relating to emerging technologies.

SPONSOR: Hough

HANDLER: Griesheimer

#### FOOD DELIVERY PLATFORMS (Section 196.276)

This act requires food delivery platforms, as defined in the act, to register with the Secretary of State prior to taking or arranging food pickup or delivery from a restaurant, as defined in the act. (Section 196.276.2(1))

No food delivery platform shall: use a restaurant's likeness, mark, or trade name in a manner that could reasonably be interpreted to falsely suggest sponsorship or endorsement by the restaurant; without an agreement with the restaurant, intentionally inflate or alter a restaurant's pricing, although other charges may be assessed to the consumer if noted separately; or, without an agreement with the restaurant, attempt to charge the restaurant to pay or absorb any fee, commission, or charge. Food delivery platforms shall remove a restaurant from its platform within 10 days of receiving the restaurant's request for removal, unless an agreement between the food delivery platform and restaurant states otherwise, and shall clearly provide to the consumer a mechanism to express order concerns directly to the food delivery platform. (Section 196.276.2(2))

Any agreement between a food delivery platform and a restaurant to take and arrange for delivery or pickup of orders shall: be in writing and expressly authorize the food delivery platform to take and arrange for delivery or pickup of orders from the restaurant; and clearly identify any fee, commission, or charge the restaurant will be required to absorb. Any such agreement shall not include any provision or clause requiring the restaurant to indemnify a food service platform, employee, contractor, or agent thereof, for any damages or harm caused by the platform, employee, contractor, or agent. (Section 196.276.2(3)) Any provision or clause of an agreement or in written consent contrary to these requirements shall be void and unenforceable. (Section 196.276.2(4))

The act provides that restaurants may bring action to enjoin a violation of the act. If the court finds a violation, the court shall issue an injunction, and may require the violator to pay to the injured party all profits derived from, or damages resulting from, the wrongful acts, and order that the wrongful acts be terminated. The act further provides that the court may order a food delivery platform acting in bad faith to pay reasonable attorney's fees and up to 3 times the amount of profits and damages. (Section 196.276.3)

These provisions are subject to an emergency clause. (Section B)

These provisions are identical to HCS/HB 1280 (2021) and similar to SCS/SB 574 (2021).

#### ELECTRIC BICYCLES (Sections 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 307.194, 365.020, 407.560, 407.815, 407.1025, and 578.120)

This act creates a definition for electric bicycles of three classifications, and excludes electric bicycles from definitions for other types of vehicles.

The act exempts electric bicycles from certain vehicle lighting requirements (Section 307.025), and provides that operators of electric bicycles and shall have the same rights, duties, and responsibilities as operators of other vehicles. (Section 307.188)

Electric bicycles operated by a person under the age of 17 may be impounded in the same manner as bicycles and motorized bicycles. (Section 307.193)



SPONSOR: Hough

HANDLER: Griesheimer

Except as otherwise specifically provided in the act, every person riding an electric bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to the operator of a bicycle, and shall be considered a vehicle to the same extent as a bicycle. (Section 307.194.1)

Electric bicycles and their operators are not subject to provisions of law applicable to motor vehicles, ATVs, off-road vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises, or motorcycle dealers or franchises, including with regard to vehicle registration, titling, drivers' licensing, and financial responsibility. (Section 307.194.2)

Beginning August 28, 2021, manufacturers and distributors of electric bicycles shall apply a permanent label to each electric bicycle detailing certain information as described in the act. (Section 307.194.3) No person shall modify an electric bicycle's capabilities unless he or she replaces the required label with a new label indicating the new classification. (Section 307.194.4)

Electric bicycles shall comply with equipment and manufacturing requirements under the federal law applicable to bicycles (Section 307.194.5), and shall operate in a manner such that the electric motor does not function when the rider stops pedaling or applies the brakes. (Section 307.194.6)

Electric bicycles may be operated in any place where bicycles are permitted to travel, provided that political subdivisions may regulate the operation of electric bicycles as provided in the act, and that these provisions shall not apply to a natural surface trail or other path designated as nonmotorized. (Section 307.194.7)

The operation of a class 3 electric bicycle, as defined in the act, shall be limited to persons at least 16 years of age. Persons under the age of 16 may ride as a passenger, provided the electric bicycle is designed to accommodate passengers. (Section 307.194.8)

The act also exempts electric bicycles from the prohibition against licensed vehicle dealers, distributors, and manufacturers operating a place of business for the sale or exchange of vehicles on Sunday. (Section 578.120.1(3))

These provisions are identical to provisions in HCS/HB 307 (2021) and provisions in the truly agreed to and finally passed SS#2/HB 661 (2021), and similar to provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), and provisions in HCS/SS/SB 89 (2021).

#### ADMINISTRATIVE FEES CHARGED BY VEHICLE DEALERS IN CONNECTION WITH THE SALE OR LEASE OF A VEHICLE (Section 301.558)

This act creates the Motor Vehicle Administration Technology Fund, to which 10% of administrative fees charged by motor vehicle dealers shall be remitted for purposes of developing a modernized, integrated system for the titling of vehicles, the issuance and renewal of vehicle registrations, driver's licenses, and identification cards, and the perfection and release of liens and encumbrances on vehicles. Following establishment of the system, the percentage of the fees required to be remitted is reduced to 1%. These provisions shall expire on January 1, 2037. (Section 301.558.3)

Additionally, this act increases, from less than \$200 to \$500 or less, the maximum administrative fee a motor vehicle, boat, or powersport dealer licensed by the Department of Revenue may charge for document storage or other administrative or clerical services without being deemed to be engaged in the

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HANDLER: Griesheimer

unauthorized practice of law. The maximum administrative fee specified under the act shall be increased annually by the Consumer Price Index for All Urban Consumers, or by zero, whichever is greater. (Section 301.558.4)

The act provides that the same administrative fee need not be charged to all retail customers if the dealer's franchise agreement limits the fee to certain classes of customers. (Section 301.558.5)

These provisions are identical to provisions in SCS/HB 578 (2021), provisions in the truly agreed to and finally passed SS#2/HB 661 (2021), provisions in HCS/SS/SCS/SB 4 (2021), provisions in HCS/SB 38 (2021), provisions in SS/SB 46 (2021), provisions in HCS/SS/SB 89 (2021), and HCS/HB 1023 (2021), and similar to SB 195 (2021), HB 810 (2021), and SB 1046 (2020).

#### PERSONAL DELIVERY DEVICES (Section 304.900)

This act enacts provisions relating to personal delivery devices ("PDDs"), as defined in the act.

PDDs may operate on sidewalks and crosswalks, and may operate on county or municipal roadways provided they do not unreasonably interfere with motor vehicles or traffic. (Section 304.900.2)

PDDs shall not block public rights of way, shall obey traffic and pedestrian control signals, shall not exceed 10 miles per hour on a sidewalk, shall display a unique identification number, shall include a means of identifying the operator of the device, and shall be equipped with a system allowing the device to come to a controlled stop. (Section 304.900.3)

PDDs operating on sidewalks shall have the same responsibilities as pedestrians. (Section 304.900.4). PDDs shall be exempt from motor vehicle registration requirements (Section 304.900.5), and shall maintain a general liability insurance policy of at least \$100,000. (Section 304.900.6) PDDs operated at night shall be equipped with lighting as provided in the act. (Section 304.900.7) PDDs shall not be used to transport hazardous materials regulated by federal law as specified in the act. (Section 304.900.8)

Nothing in this act shall prohibit a political subdivision from regulating the operation of PDDs on highways or pedestrian areas to insure the welfare and safety of its residents. However, political subdivisions shall not regulate the design, manufacture and maintenance of PDDs or the types of property they may transport. No political subdivision shall treat PDDs differently than other similar personal property for assessment or taxation purposes, or for other charges. (Section 304.900.9)

The act prohibits PDD operators from selling or disclosing a personally identifiable likeness, as described in the act, to a third party in exchange for monetary compensation. Use of personally identifiable likenesses by PDD operators to improve their products or services is specifically allowed under the act, and information that would otherwise be protected under the act shall only be provided to a law enforcement entity by subpoena. (Section 304.900.10)

These provisions are identical to provisions in the truly agreed to and finally passed SS#2/HB 661 (2021), and provisions in SCS/HCS/HB 825 (2021), and similar to HCS/HB 592 (2021), provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), and HCS/HB 2290 (2020).

#### DIGITAL ELECTRONIC EQUIPMENT (Section 407.005)

This act provides a definition for the term "digital electronic equipment" applicable to the chapter of law governing merchandising practices, and provides that the term "shall not include any motor vehicle

**\*\*\* SB 176 \*\*\* (Cont'd)**

SPONSOR: Hough

HANDLER: Griesheimer

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".

These provisions are identical to provisions in the truly agreed to and finally passed SS#2/HB 661 (2021) and provisions in HCS/SB 38 (2021).

ERIC VANDER WEERD

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**\*\*\* SB 189 \*\*\***

SPONSOR: Washington

HANDLER: Sharp

SB 189 - This act creates a "Negro Leagues Baseball Museum" special license plate. Upon making a \$10 contribution to the Negro Leagues Baseball Museum, a vehicle owner may apply for the plates. Applicants shall also pay a \$15 fee in addition to regular registration fees, but no additional fee shall be charged for the personalization of the plates.

This act is identical to HB 100 (2021), provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), and provisions in HCS/SS/SB 89 (2021), and similar to HB 2690 (2020).

ERIC VANDER WEERD

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**\*\*\* SB 226 \*\*\***

SPONSOR: Koenig

HANDLER: Christofanelli

CCS/HCS/SB 226 - This act modifies provisions relating to taxation.

**PROPERTY TAXES**

Current law requires aircraft which are at least twenty-five years old, used solely for noncommercial purposes, and operated less than fifty hours per year to be assessed at five percent of true value. This act changes the operating hours requirement to two hundred hours. (Section 137.115)

This provision is identical to a provision contained in CCS/HCS/SS/SCS/SBs 153 & 97 (2021), CCS/HCS/SB 365 (2021), CCS/SS/HCS/HB 66 (2021), HCS/HB 555 (2021), HCS/SB 686 (2020), HCS/SB 782 (2020), HCS/SCS/SB 867 (2020), and HCS/HB 1333 (2020), and is substantially similar to HB 1284 (2020) and HB 1205 (2019).

Beginning January 1, 2021, this act allows a taxpayer that is a resident of a city or county that imposes one or more restrictive orders for a combined total in excess of fifteen days in a calendar year to receive a credit against property taxes owed on such affected property. A restrictive order shall be any city-wide or county-wide ordinance or order imposed by a city or county that prohibits or otherwise restricts the use of a taxpayer's real property, including, but not limited to, occupancy restrictions, but shall not include any ordinance or order prohibiting or restricting the use of a taxpayer's real property due to a violation of a public health or safety code.

The amount of the credit shall be a percentage of the property tax liability that is equal to the percentage of the calendar year that the restrictions on the use of the property were in place, provided that the first fifteen total combined days of all such orders shall not count toward such calculation of the credit. A taxpayer shall pay his or her property taxes in full prior to submitting a statement to the county collector requesting the credit authorized by the act. Within thirty days of the receipt of such statement,

SPONSOR: Koenig

HANDLER: Christofanelli

the city or county shall issue the credit to the taxpayer.

A taxpayer receiving a tax credit under the act that leases or rents all or a portion of his or her affected real property to one or more other taxpayers shall distribute the tax credit on a pro rata basis to the taxpayers who are current on all lease or rental payments owed to the taxpayer receiving the credit.

The credit authorized by this act shall only apply to real property tax liabilities owed to a city or county imposing a restrictive order, and shall not apply to property tax liabilities owed to any other taxing jurisdiction. (Section 139.305)

This provision contains an emergency clause.

This provision is substantially similar to SCS/SB 100 (2021) and to a provision contained in SBs 12, et. al (2021) and HB 725 (2021).

#### INCOME TAXES

This act allows taxpayers authorized under the Missouri Constitution to operate a business related to medical marijuana to claim an income tax deduction in an amount equal to any expenditures otherwise allowable as a federal income tax deduction, but that are disallowed for federal purposes because cannabis is a controlled substance under federal law. (Section 143.121)

This provision is identical to HB 877 (2021) and to a provision contained in HCS/SS/SB 283 (2021), and is substantially similar to SB 436 (2021).

#### SALES TAX FILING PERIODS

Current law provides statutory sales tax collection thresholds to determine the frequency at which sellers shall file and remit sales taxes collected, with such periods being quarter-monthly, monthly, quarterly, and annually. Current law also allows the Department of Revenue to increase, but not decrease, such thresholds through rule. This act modifies the statutory thresholds for the monthly, quarterly, and annual filing periods.

For monthly filing, the threshold is changed from at least \$250 in the first or second month of a calendar quarter to at least \$500 per calendar month for the prior year.

For quarterly filing, the threshold is changed from at least \$45 in a calendar quarter, but not subject to monthly filing to less than \$500 per calendar month, but at least \$200 in a calendar quarter.

For annual filing, the threshold is changed from less than \$45 per calendar quarter to less than \$200 per calendar quarter. (Section 144.080)

This provision is identical to SB 741 (2020) and SB 141 (2019), and to a provision contained in CCS/HCS/SS/SCS/SBs 153 & 97 (2021).

#### SALES TAX RETENTION

Beginning August 28, 2021, and ending June 30, 2023, this act authorizes sellers to deduct and retain one hundred percent of the state portion of sales tax levied on purchases of admission tickets to movies, films, and musical performances, as well as on sales of concessions sold onsite at such seller's place of business. (Section 144.142)

SPONSOR: Koenig

HANDLER: Christofanelli

This provision is identical to HB 1307 (2021) and is similar to SB 529 (2021) and HB 1255 (2021).

#### SALES TAX EXEMPTIONS

This act provides a sales tax exemption for sales of class III medical devices that use electric fields for the purposes of treatment of cancer, including components and repair parts and disposable or single patient use supplies required for the use of such supplies. (Section 144.813)

This provision is identical to SB 483 (2021).

This act provides that the definition of "retail sale" or "sale at retail" for the purposes of the imposition of sales taxes shall not apply to the purchase by a retailer of products that are intended for resale but that cannot be resold because of theft or because the product is damaged and cannot be resold, or to the purchase by a grocery store of food that is intended for resale but that cannot be resold because of theft or because the food has become spoiled and would not be safe for consumption. (Section 144.011)

JOSH NORBERG

SPONSOR: White

HANDLER: Griffith

SS/SB 258 - This act modifies provisions relating to military affairs, including classification of national guard members and infrastructure and armory designations for members of the military.

#### CLASSIFICATION OF NATIONAL GUARD MEMBERS (SECTION 41.201)

This act provides that service members of the Missouri National Guard shall be considered as state employees for the purposes of operating state-owned vehicles for official state business unless the members are called into active federal military service by order of the President of the United States.

This provision is identical to a provision in the truly agreed to and finally passed SS/SCS/SB 120 (2021) and is substantially similar to HB 391 (2021) and a provision in the truly agreed to and finally passed HCS/SS/SB 6 (2021).

#### SERGEANT ROBERT WAYNE CROW JR. MEMORIAL ARMORY (SECTION 41.676)

This act designates the National Guard armory located in Joplin, Missouri as the "Sergeant Robert Wayne Crow Jr. Memorial Armory."

This provision is identical to the perfected HB 167 (2021) and a provision in HS/HB 513 (2021).

#### INFRASTRUCTURE DESIGNATIONS FOR MISSOURI MEDAL OF HONOR RECIPIENTS (SECTIONS 143.1032, 227.299, 301.020, 302.171 AND SECTION 1)

This act creates the "Missouri Medal of Honor Recipients Fund" to consist of moneys donated as provided in the act. Money in the fund shall be transferred upon request, but not less than monthly, to the Department of Transportation to pay any renewal fee for memorial bridge or memorial highway signs for Missouri Medal of Honor recipients, and for the maintenance and repair of all such signs. The act provides for Missouri citizens to make donations to the fund with their tax returns, vehicle registration application, or driver's license application. Additionally, the Department of Revenue shall provide notification of the payment transfer to the credit of the State Road Fund to the Department of Transportation.

SPONSOR: White

HANDLER: Griffith

The act also provides that Missouri recipients of the Medal of Honor shall not be eligible for the administrative process for limited-duration memorial highway and bridge designations, provides that the costs of signs designating the infrastructure for Medal of Honor Recipients shall be funded by the Department of Transportation, and requires the Department of Transportation to post a link on its website to biographical information of honorees.

These provisions are substantially similar to provisions in HCS/SS/SCS/SB 4 (2021) and is similar to provisions in HS/HCS/SCS/SB 520 (2021), HS/HB 152 (2021), and in HCS/HB 829 (2021).

**SPC JUSTIN BLAKE CARTER MEMORIAL HIGHWAY (SECTION 227.450)**

This act modifies the portion of U.S. Highway 60 designated for Spc. Justin Blake Carter, and removes the words "for life" from the designation.

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and HB 1217 (2021).

**PURPLE HEART TRAIL (SECTIONS 227.463, 227.464, 227.465, 227.466, AND 227.467)**

This act designates the portion of Interstate 29 from its intersection with Interstate 70/U.S. State Highway 71/40 in Jackson County north to the bridge crossing over Nishnabotna River in Atchison County, except for previously designated portions, the "Purple Heart Trail."

This act designates the portion of Interstate 55 from State Highway O in Pemiscot County to U.S. Highway 40 in St. Louis City, except for previously designated portions, the "Purple Heart Trail."

This act designates the portion of Interstate 57 from the Missouri/Illinois state line in Mississippi County continuing south to U.S. State Highway 60/State Highway AA in Scott County the "Purple Heart Trail."

This act designates the portion of Interstate 64 from Interstate 70 from the city of Wentzville in St. Charles County continuing east to Interstate 55 at the Missouri/Illinois state line in St. Louis City, except for previously designated portions, the "Purple Heart Trail."

Under the act, a highway's classification as a "Purple Heart Trail" shall not prevent a segment of such highway from being additionally designated as a memorial highway.

These provisions are identical to provisions in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and HB 1289 (2021).

**ARMY PFC CHRISTOPHER LEE MARION MEMORIAL HIGHWAY (SECTION 227.477)**

This act designates the portion of U.S. Business 71 from State Highway 76 West to State Highway EE in McDonald County the "Army PFC Christopher Lee Marion Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and HB 544 (2021).

**OTIS E MOORE MEMORIAL HIGHWAY (SECTION 227.478)**

This act designates the portion of U.S. State Highway 160 from West BYP to County Road 115 in

SPONSOR: White

HANDLER: Griffith

Greene County the "Otis E Moore Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and HB 708 (2021).

**ARMY SGT TIMOTHY J SUTTON MEMORIAL HIGHWAY (SECTION 227.486)**

This act designates the portion of U.S. State Highway 60 from CRD Mockingbird Road continuing east to State Highway PP in Webster County as the "Army SGT Timothy J Sutton Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and HB 534 (2021).

**U.S. ARMY SGT BRANDON MAGGART MEMORIAL BRIDGE (SECTION 227.488)**

This act designates the bridge on U.S. State Highway 63 crossing over Business 63 in Adair County the "U.S. Army SGT Brandon Maggart Memorial Bridge."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and HB 606 (2021).

**U.S. ARMY PFC ADAM L THOMAS MEMORIAL BRIDGE (SECTION 227.489)**

This act designates the bridge on U.S. Highway 63 crossing over the BSNF Railroad/Marceline Sub in La Plata in Macon County as the "U.S. Army PFC Adam L Thomas Memorial Bridge."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and HB 605 (2021).

**U.S. ARMY SFC MATTHEW C LEWELLEN MEMORIAL BRIDGE (SECTION 227.490)**

This act designates the bridge on U.S. State Highway 63 crossing over Patterson Street in Adair County the "U.S. Army SFC Matthew C Lewellen Memorial Bridge."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and HB 662 (2021).

**U.S. ARMY SPECIALIST MICHAEL CAMPBELL MEMORIAL HIGHWAY (SECTION 227.495)**

This act designates the portion of U.S. State Highway 54 from State Highway E to State Highway D in Cole County as the "U.S. Army Specialist Michael Campbell Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and HB 626 (2021).

**MEDAL OF HONOR PVT GEORGE PHILLIPS MEMORIAL HIGHWAY (SECTION 227.496)**

This act designates the portion of State Highway T from .05 miles west of Laretto Ridge Drive to Decker Road in the town of Labadie in Franklin County as "Medal of Honor PVT George Phillips Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and in HCS/HB 829 (2021).

SPONSOR: White

HANDLER: Griffith

US ARMY SERGEANT HUGH C DUNN MEMORIAL HIGHWAY (SECTION 227.497)

This act designates the portion of U.S. State Highway 63 from Spruce Street to McKay Street within the city of Macon in Macon County as the "US Army Sergeant Hugh C Dunn Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and HB 905 (2021).

US NAVY SEAL SCOTTY WIRTZ MEMORIAL HIGHWAY (SECTION 227.498)

This act designates the portion of Interstate 64 from Winghaven Boulevard to Prospect Road within the city of Lake St. Louis in St. Charles County as "US Navy SEAL Scotty Wirtz Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and the perfected HB 911 (2021).

US NAVY FA PAUL AKERS JR MEMORIAL BRIDGE (SECTION 227.777)

This act designates the bridge on State Highway 17 crossing over the BSNF Railroad south of the city of Crocker in Pulaski County as "US Navy FA Paul Akers Jr Memorial Bridge."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and HB 1205 (2021).

PFC DALE RAYMOND JACKSON MEMORIAL HIGHWAY (SECTION 227.780)

This act designates the portion of State Highway 163 from Stadium Boulevard/State Highway 740 continuing south to Mick Deaver Drive in Boone County as "PFC Dale Raymond Jackson Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and in HB 1319 (2021).

CORPORAL STEVEN LEE IRVIN MEMORIAL HIGHWAY (SECTION 227.781)

This act designates the portion of State Highway 163 from Mick Deaver Drive to Old Route K in Boone County as "Corporal Steven Lee Irvin Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and in HB 1319 (2021).

CPL DANIEL JOSEPH HEIBEL MEMORIAL HIGHWAY (SECTION 227.782)

This act designates the portion of State Highway 163 from Old Route K to Green Meadows Drive in Boone County as "CPL Daniel Joseph Heibel Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and in HB 1319 (2021).

LCPL LARRY HAROLD COLEMAN MEMORIAL HIGHWAY (SECTION 227.783)

This act designates the portion of State Highway 163 from Green Meadows Drive to Nifong in Boone County as "LCPL Larry Harold Coleman Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520



SPONSOR: White

HANDLER: Griffith

(2021), in HS/HB 152 (2021), and in HB 1319 (2021).

**VFW POST 2025 MEMORIAL BRIDGE (SECTION 227.784)**

This act designates the bridge on U.S. State Highway 63 crossing over Beaver Creek in Phelps County as "VFW Post 2025 Memorial Bridge."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and in HB 1355 (2021).

**VETERANS MEMORIAL BRIDGE (SECTION 227.785)**

This act designates the bridge on State Highway 21 crossing over the Current River in Ripley County as "Veterans Memorial Bridge."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HS/HCS/SCS/SB 520 (2021), in HS/HB 152 (2021), and in HB 1413 (2021).

**NATHANAEL GREENE HIGHWAY (SECTION 227.793)**

This act designates the portion of Interstate 44 from State Highway 744/N. MulRoy Road continuing east to RA IS 44 Strafford/Greene County Line in Greene County the "Nathanael Greene Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021).

KATIE O'BRIEN

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SPONSOR: Schatz

HANDLER: Ruth

SS#2/SCS/SB 262 - This act modifies provisions relating to transportation.

**MOTOR FUEL TAX (Sections 142.803, 142.822, and 142.824)**

This act enacts an additional tax on motor fuel, beginning with 2.5 cents in October 2021, and increasing by 2.5 cents in each fiscal year until reaching an additional 12.5 cents per gallon on July 1, 2025. (Section 142.803.3)

Motor fuel used for propelling highway vehicles shall be exempt from the additional tax, and an exemption and refund may be claimed by the taxpayer if the tax has been paid and no refund has been previously issued, provided that the taxpayer applies for the exemption and refund as provided in the act. (Section 142.822.1)

To claim an exemption and refund, a person shall present written verification that the claim is made under penalty of perjury, and stating the amount of fuel tax paid in the applicable fiscal year for each vehicle for which the exemption and refund is claimed. The claim shall not be transferred or assigned, and shall be filed on or after July 1, but not later than September 30, following the fiscal year for which the exemption and refund is claimed. The claim may be filed electronically, and shall be supported by certain documentation as provided in the act. (Section 142.822.2)

Every person shall maintain and keep records for 3 years to substantiate all claims for exemption and refund of the motor fuel tax, as specified in the act. (Section 142.822.3)

SPONSOR: Schatz

HANDLER: Ruth

The Director of the Department of Revenue may investigate exemptions and refunds prior to their issuance, or following issuance but within the time frame for making tax adjustments as provided by law. (Section 142.822.4)

The act provides for payment of interest by the Director for exemptions and refunds not issued within 45 days of an accurate and complete filing. (Section 142.822.5)

The exemption and refund of additional motor fuel tax shall be available only with regard to motor fuel delivered into a motor vehicle with a gross vehicle weight rating of 26,000 lbs or less. (Section 142.822.6)

This act also provides that the existing fuel tax exemption for non-highway use may be filed electronically, that applicants shall retain original sales slips rather than submitting them to the Department, and that refunds shall be issued within 45 days, rather than 30 days. (Sections 142.824.1, 142.824.5 and 142.824.8)

These provisions are similar to provisions in HB 114 (2021), provisions in HB 694 (2021), and provisions in HB 1044 (2021).

#### ALTERNATIVE FUEL DECAL FEES (Section 142.869)

Under the act, the fees for alternative fuel decals are increased by 20% per year for a period of 5 years, except that the fee for vehicles in excess of 36,000 pounds is increased by 10% per year for a period of 5 years, and the fee for temporary decals is not modified. (Section 142.869.2)

#### ELECTRIC VEHICLE TASK FORCE (Section 142.1000)

The act establishes within the Department of Revenue the "Electric Vehicle Task Force", with membership as specified in the act. As detailed in the act, the task force shall analyze and make recommendations regarding the impact of electric vehicle adoption on transportation funding. The task force shall deliver a written report to the General Assembly and the Governor no later than December 31, 2022. (Section 142.1000)

These provisions are similar to provisions in the truly agreed to and finally passed SS#2/HB 661 (2021).

#### ODOMETER READINGS (Sections 301.192, 301.280, 407.526, 407.536, and 407.556)

This act increases, from 10 years to 20 years, the maximum age of motor vehicle required to have its odometer readings recorded in certain circumstances. (Sections 301.192.1(6) and 301.280.1) A corresponding change is made with regard to odometer fraud offenses. (Sections 407.526 and 407.556.2(2)) The act also specifies that the Department of Revenue may allow electronic signatures on written powers of attorney authorizing mileage disclosures and transfers of ownership. (Section 407.536.8)

These provisions are subject to an emergency clause.

These provisions are identical to provisions in SB 370 (2021), provisions in HCS/SS/SCS/SB 4 (2021), provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), and provisions in HCS/SS/SB 89 (2021), and similar to provisions in the truly agreed to and finally passed SS#2/HB 661 (2021), provisions in SCS/HB 578 (2021), provisions in SS/HB 664 (2021), and HB 2660 (2020).

SPONSOR: Schatz

HANDLER: Ruth

#### CDL BANS FOR HUMAN TRAFFICKING CONVICTIONS (Section 302.755)

The act also enacts a lifetime ban from driving a commercial motor vehicle for any person convicted of using a commercial motor vehicle in the commission of a felony involving "severe forms of human trafficking in persons", as defined by federal law. (Section 302.755.19)

These provisions are subject to an emergency clause.

These provisions are identical to provisions in SB 370 (2021) and provisions in SCS/HB 578 (2021), and substantially similar to provisions in the truly agreed to and finally passed SS#2/HB 661 (2021), provisions in HCS/SS/SCS/SB 4 (2021), provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), and provisions in HCS/SS/SB 89 (2021).

ERIC VANDER WEERD

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SPONSOR: Gannon

HANDLER: Henderson

CCS/HCS/SB 303 - This act modifies various provisions relating to workers' compensation.

#### ELECTRONIC TRANSFER OF DISABILITY PAYMENTS

(Sections 287.170 to 287.180)

The act allows for the delivery of temporary total or temporary partial disability payments payable under workers' compensation laws by electronic transfer or other manner authorized by the claimant.

This provision is identical to a provision in the truly agreed to and finally passed SCS/HB 604 (2021), SCS/HCS/HB 384 (2021), HB 353 (2021), and SB 1079 (2020) and substantially similar to HB 2035 (2020).

#### SECOND INJURY FUND LIABILITIES

(Section 287.220)

The act modifies the applicability of the priority schedule for payment of liabilities of the Second Injury Fund (SIF). Specifically, the act allows for the payment from the SIF of the following SIF liabilities prior to any liability set forth in the priority schedule:

- All death benefits incurred relating to claims for deaths occurring prior to January 1, 2014, consistent with a temporary or final award; and
- Ongoing medical expenses, but not past medical expenses, relating to claims for injuries occurring prior to January 1, 2014, consistent with a temporary or final award which includes future medical benefits.

These provisions are identical to provisions in SCS/HCS/HB 384 (2021), SB 361 (2021), HB 163 (2021), SB 693 (2020), HB 1542 (2020), and SB 156 (2019).

#### THIRD-PARTY ADMINISTRATORS

(Section 287.280)

The act permits the Division of Workers' Compensation to call the security of a group self-insured employer or public sector individual employer if they are deemed insolvent, are determined to be insolvent, file for bankruptcy, or fail to pay any obligations owed under the workers' compensation laws.

SPONSOR: Gannon

HANDLER: Henderson

Furthermore, the Division is permitted to retain a third-party administrator for the purpose of paying any compensation benefits owed to an injured employee.

This provision is identical to a provision in SB 361 (2021), SB 693 (2020), SB 156 (2019) and substantially similar to a provision in SCS/HCS/HB 384 (2021), HB 163 (2021), HB 1542 (2020), HB 261 (2019), and SCS/SB 1089 (2018).

#### ELECTRONIC FILINGS WITH LIRC

(Section 287.480)

The act allows the Labor and Industrial Relations Commission to permit the filing of applications for review, briefs, motions, and other requests for relief with the Commission by electronic means, in such manner as it may, by rule, prescribe.

This provision is substantially similar to a provision in SCS/HCS/HB 384 (2021), SB 361 (2021), HB 163 (2021), SB 693 (2020), and HB 1542 (2020).

#### SUPPLEMENTAL SURCHARGE

(Section 287.715)

Under current law, the director of the Division of Workers' Compensation is required to collect a supplemental surcharge not to exceed three percent of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point. This provision expires December 31, 2021. This act extends that expiration date to December 31, 2023. The act also lowers the maximum amount of the supplemental surcharge for calendar year 2023 to 2.5% of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point.

This provision is identical to a provision in SCS/HCS/HB 384 (2021) and the truly agreed to and finally passed SCS/HB 604 (2021) and substantially similar to SCS/SB 360 (2021).

SCOTT SVAGERA

SPONSOR: Roberts

HANDLER: Ruth

CCS/HS/HCS/SCS/SB 520 - This act modifies provisions relating to the designation of memorial infrastructure.

#### DUANE S MICHIE MEMORIAL HIGHWAY (Section 227.479)

This act designates the portion of State Highway D from the intersection with State Highway 84 continuing north to County Road 321 in Pemiscot County the "Duane S Michie Memorial Highway".

This provision is identical to a provision in HS/HB 152 (2021) and a provision in HCS/SS/SCS/SB 4 (2021).

#### DEPUTY SHERIFF AARON P ROBERTS MEMORIAL HIGHWAY (Section 227.485)

This act designates the portion of State Highway H from Interstate 44 West continuing north to County Road 88 in Greene County as "Deputy Sheriff Aaron P Roberts Memorial Highway".

SPONSOR: Roberts

HANDLER: Ruth

This provision is identical to a provision in HS/HB 152 (2021) and a provision in HCS/SS/SCS/SB 4 (2021).

**MSGT CARL COSPER JR MEMORIAL HIGHWAY (Section 227.499)**

This act designates the portion of State Highway 37 from County Road 1062 continuing to County Road 1060 in Barry County as the "MSgt Carl Cosper Jr Memorial Highway".

This provision is substantially similar to HB 930 (2021), a provision in HS/HB 152 (2021), and a provision in HCS/SS/SCS/SB 4 (2021).

**STARS AND STRIPES HIGHWAY (Section 227.778)**

This act designates the portion of State Highway 25 from U.S. Highway 60 continuing north to Mary Street in Stoddard County as "Stars and Stripes Highway".

This provision is identical to HB 1278 (2021), a provision in HS/HB 152 (2021), and a provision in HCS/SS/SCS/SB 4 (2021).

**POLICE OFFICER MICHAEL V LANGSDORF MEMORIAL BRIDGE (Section 227.779)**

This act designates the bridge on Interstate 55 crossing over Butler Hill Road in St. Louis County as "Police Officer Michael V Langsdorf Memorial Bridge".

This provision is identical to HB 1306 (2021), a provision in HS/HB 152 (2021), and a provision in HCS/SS/SCS/SB 4 (2021).

**DAVID DORN MEMORIAL HIGHWAY (Section 227.787)**

This act designates the portion of Interstate 70 from Shreve Road continuing to Kingshighway Boulevard as "David Dorn Memorial Highway".

This provision is identical to HB 1363 (2021), a provision in HCS/SCS/SB 520 (2021), a provision in HS/HB 152 (2021), and a provision in HCS/SS/SCS/SB 4 (2021).

**POLICE SURGEON JAMES F COOPER MD MEMORIAL BRIDGE (Section 227.788)**

This act designates the bridge on Interstate 64 crossing over Sarah Street in St. Louis City as the "Police Surgeon James F Cooper MD Memorial Bridge".

This provision is identical to HB 1367 (2021), a provision in HS/HB 152 (2021), and a provision in HCS/SS/SCS/SB 4 (2021).

**BILLY RAY - COUSIN CARL - ANDERSON MEMORIAL HIGHWAY (Section 227.789)**

This act designates the portion of State Highway 91 from U.S. State 61 to State Highway C and continuing east on State Highway C through the city of Morley to State Highway H in Scott County as "Billy Ray - Cousin Carl - Anderson Memorial Highway".

This act is identical to HB 1437 (2021), a provision in HS/HB 152 (2021), and a provision in HCS/SS/SCS/SB 4 (2021).

**POLICE OFFICER CHRISTOPHER RYAN MORTON MEMORIAL HIGHWAY (Section 227.803)**

This act modifies the portion of road designated for Police Officer Christopher Ryan Morton.

**\*\*\* SB 520 \*\*\*** (Cont'd)

SPONSOR: Roberts

HANDLER: Ruth

This provision is identical to HB 1238 (2021), a provision in HS/HB 152 (2021), and a provision in HCS/SS/SCS/SB 4 (2021).

**CAPTAIN DAVID DORN MEMORIAL HIGHWAY (Section 227.806)**

This act designates the portion of State Highway 180 from Interstate 170 continuing to Kienlen Avenue as "Captain David Dorn Memorial Highway".

**WW II POW ALEX CORTEZ MEMORIAL BRIDGE (Section 1)**

This act designates the bridge on State Highway 34, also known as South Main Street, crossing over Makenzie Creek in Wayne County as "WW II POW Alex Cortez Memorial Bridge".

**FIREFIGHTER TYLER H CASEY MEMORIAL HIGHWAY (Section 2)**

This act designates the portion of State Highway 43 from State Highway U continuing to State Highway C in Newton County as "Firefighter Tyler H Casey Memorial Highway".

**BOBBY PLAGER MEMORIAL HIGHWAY (Section 3)**

This act designates the portion of Interstate 64 between Jefferson Avenue and Tucker Boulevard located in the City of Saint Louis as "Bobby Plager Memorial Highway".

ERIC VANDER WEERD

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**\*\*\* SCR 4 \*\*\***

SPONSOR: Burlison

HANDLER: Trent

SCR 4 - This concurrent resolution applies to the United States Congress, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states for the limited purpose of proposing amendments to the U.S. Constitution that impose fiscal restraint on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for federal officials and members of Congress. This application repeals and supercedes the application for an Article V Convention adopted by the General Assembly in SCR 4 (2017).

This concurrent resolution is similar to SCR 37 (2020).

JIM ERTLE

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**\*\*\* SCR 6 \*\*\***

SPONSOR: Moon

HANDLER: Walsh

SCR 6 - This concurrent resolution urges the U.S. Congress to resist any attempt to increase the number of Justices on the U.S. Supreme Court.

This concurrent resolution is identical to HCR 15 (2021).

JIM ERTLE

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**\*\*\* SCR 7 \*\*\***

SPONSOR: Hegeman

HANDLER: Black

SCR 7 - This resolution states that the Senate and the House of Representatives support funding of the North Central Missouri Regional Water Commission project by the state entering into a long-term

\*\*\* SCR 7 \*\*\* (Cont'd)

SPONSOR: Hegeman

HANDLER: Black

commitment of money in the Multipurpose Water Resource Program Fund, subject to appropriations, provided that the total annual cost does not exceed \$1.5 million, and the total cost over the life of the contract does not exceed \$24 million.

JAMIE ANDREWS

\*\*\* HB 1 \*\*\*

SPONSOR: Smith

HANDLER: Hegeman

HCS/HB 1 - Public Debt

	Governor	House
.		
GR	\$ 11,303,325	\$ 11,303,325
FEDERAL	0	0
OTHER	1,103,925	1,103,925
.		
TOTAL	<u>\$ 12,407,250</u>	<u>\$ 12,407,250</u>

	Senate	Final
.		
GR	\$ 11,303,325	\$ 11,303,325
FEDERAL	0	0
OTHER	1,103,925	1,103,925
.		
TOTAL	<u>\$ 12,407,250</u>	<u>\$ 12,407,250</u>

ADAM KOENIGSFELD

\*\*\* HB 2 \*\*\*

SPONSOR: Smith

HANDLER: Hegeman

CCS/SS/SCS/HCS/HB 2 - Elementary and Secondary Education

	Governor	House
.		
GR	\$3,599,725,032	\$3,615,549,547
FEDERAL	2,050,489,655	1,486,370,943
OTHER	1,625,254,386	1,626,293,411
.		
TOTAL	<u>\$7,275,469,073</u>	<u>\$6,728,213,901</u>

	Senate	Final
.		
GR	\$3,609,408,628	\$3,621,458,628
FEDERAL	2,256,181,515	2,259,731,515
OTHER	1,636,298,249	1,616,298,249
.		
TOTAL	<u>\$7,501,888,392</u>	<u>\$7,497,488,392</u>

ADAM KOENIGSFELD

\*\*\* HB 3 \*\*\*

SPONSOR: Smith

HANDLER: Hegeman

CCS/SS/SCS/HCS/HB 3 - Higher Education and Workforce Development

	Governor	House
.		
GR	\$ 964,578,646	\$ 947,070,665
FEDERAL	127,669,564	114,292,305
OTHER	271,775,740	277,420,740
.		
TOTAL	<u>\$1,364,023,950</u>	<u>\$1,338,783,710</u>

	Senate	Final
.		
GR	\$1,004,976,949	\$ 984,342,065
FEDERAL	130,440,062	152,606,946
OTHER	277,421,287	277,421,287
.		
TOTAL	<u>\$1,412,838,298</u>	<u>\$1,414,370,298</u>

ADAM KOENIGSFELD

SPONSOR: Smith

HANDLER: Hegeman

CCS/SS/SCS/HCS/HB 4 - Revenue & Transportation

REVENUE		
	Governor	House
.		
GR	\$ 61,803,505	\$ 63,278,045
FEDERAL	4,132,214	4,132,214
OTHER	444,507,540	443,807,540
.		
TOTAL	<u>\$ 510,443,259</u>	<u>\$ 511,217,799</u>
.		
	Senate	Final
GR	\$ 64,432,594	\$ 64,346,794
FEDERAL	4,132,214	4,132,214
OTHER	444,358,821	444,316,824
.		
TOTAL	<u>\$ 512,923,629</u>	<u>\$ 512,795,832</u>

TRANSPORTATION		
	Governor	House
.		
GR	\$ 94,986,350	\$ 88,656,231
FEDERAL	232,253,954	230,603,954
OTHER	2,896,230,902	2,798,937,285



SPONSOR: Smith

HANDLER: Hegeman

.		
TOTAL	<u>\$3,223,471,206</u>	<u>\$3,118,197,470</u>
.	Senate	Final
GR	\$ 95,986,350	\$ 95,986,350
FEDERAL	232,254,246	232,254,246
OTHER	2,806,873,228	2,813,946,230
.		
TOTAL	<u>\$3,135,113,824</u>	<u>\$3,142,186,826</u>
ADAM KOENIGSFELD		

SPONSOR: Smith

HANDLER: Hegeman

CCS/SCS/HCS/HB 5 - Office of Administration

OFFICE OF ADMINISTRATION

.	Governor	House
GR	\$ 444,171,737	\$339,583,135
FEDERAL	541,813,391	96,430,445
OTHER	112,569,605	115,569,605
.		
TOTAL	<u>\$1,098,554,733</u>	<u>\$551,583,185</u>
.	Senate	Final
GR	\$ 342,945,265	\$ 339,066,222
FEDERAL	537,848,524	538,529,179
OTHER	141,870,185	141,570,185
.		
TOTAL	<u>\$1,022,663,974</u>	<u>\$1,019,165,586</u>

EMPLOYEE BENEFITS

.	Governor	House
GR	\$ 724,042,170	\$ 723,661,704
FEDERAL	302,296,185	302,296,185
OTHER	230,588,841	230,588,841
.		
TOTAL	<u>\$1,256,927,196</u>	<u>\$1,256,546,730</u>
.	Senate	Final
GR	\$ 724,042,170	\$ 723,661,704
FEDERAL	302,296,185	302,296,185
OTHER	230,588,841	230,588,841

\*\*\* HB 5 \*\*\* (Cont'd)

SPONSOR: Smith

HANDLER: Hegeman

.		
TOTAL	\$1,256,927,196	\$1,256,546,730
ADAM KOENIGSFELD		

\*\*\* HB 6 \*\*\*

SPONSOR: Smith

HANDLER: Hegeman

CCS/SCS/HCS/HB 6 - Agriculture, Natural Resources & Conservation

AGRICULTURE

.		
.	Governor	House
GR	\$ 6,419,135	\$ 6,120,403
FEDERAL	6,957,572	6,887,759
OTHER	27,716,279	27,816,279
.		
TOTAL	<u>\$ 41,092,986</u>	<u>\$ 40,824,441</u>

.		
.	Senate	Final
GR	\$ 7,629,319	\$ 7,730,587
FEDERAL	26,957,828	26,908,015
OTHER	27,720,513	27,820,513
.		
TOTAL	<u>\$ 62,307,066</u>	<u>\$ 62,459,115</u>

NATURAL RESOURCES

.		
.	Governor	House
GR	\$ 35,774,483	\$ 30,607,763
FEDERAL	66,776,449	66,776,449
OTHER	521,604,472	521,604,472
.		
TOTAL	<u>\$624,155,404</u>	<u>\$618,988,684</u>

.		
.	Senate	Final
GR	\$ 36,507,669	\$ 31,368,405
FEDERAL	66,705,709	66,776,449
OTHER	521,767,186	521,769,040
.		
TOTAL	<u>\$624,980,564</u>	<u>\$619,913,894</u>

CONSERVATION

.		
.	Governor	House

**\*\*\* HB 6 \*\*\* (Cont'd)**

SPONSOR: Smith

HANDLER: Hegeman

GR	\$	0	\$	0
FEDERAL		0		0
OTHER		171,992,573		189,672,574
.				
TOTAL		<u>\$171,992,573</u>		<u>\$189,672,574</u>

.		Senate		Final
GR	\$	0	\$	0
FEDERAL		0		0
OTHER		180,375,484		174,752,997
.				
TOTAL	\$	<u>180,375,484</u>		<u>\$174,752,997</u>

ADAM KOENIGSFELD

**\*\*\* HB 7 \*\*\***

SPONSOR: Smith

HANDLER: Hegeman

CCS/SCS/HCS/HB 7 - Commerce and Insurance & Labor and Industrial Relations

ECONOMIC DEVELOPMENT

.		Governor		House
GR	\$	72,624,388	\$	68,546,580
FEDERAL		629,857,037		144,162,288
OTHER		39,387,426		39,765,234
.				
TOTAL		<u>\$741,868,851</u>		<u>\$252,474,102</u>

.		Senate		Final
GR	\$	76,886,644	\$	71,836,644
FEDERAL		629,858,186		620,858,186
OTHER		39,565,234		39,565,234
.				
TOTAL		<u>\$746,310,064</u>		<u>\$732,260,064</u>

COMMERCE AND INSURANCE

.		Governor		House
GR	\$	1,055,737	\$	1,055,737
FEDERAL		1,400,000		1,400,000
OTHER		63,682,017		63,682,017
.				
TOTAL	\$	<u>66,137,754</u>		<u>\$ 66,137,754</u>

.		Senate		Final
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**\*\*\* HB 7 \*\*\* (Cont'd)**

SPONSOR: Smith

HANDLER: Hegeman

GR	\$ 1,055,961	\$ 1,055,961
FEDERAL	1,400,000	1,400,000
OTHER	63,730,873	63,730,873
.		
TOTAL	<u>\$ 66,186,834</u>	<u>\$ 66,186,834</u>

LABOR AND INDUSTRIAL RELATIONS

	Governor	House
GR	\$ 2,391,391	\$ 2,391,391
FEDERAL	105,261,612	105,261,612
OTHER	129,922,835	129,922,835
.		
TOTAL	<u>\$237,575,838</u>	<u>\$237,575,838</u>

	Senate	Final
GR	\$ 2,391,624	\$ 2,391,588
FEDERAL	166,270,102	166,270,102
OTHER	129,896,070	129,896,070
.		
TOTAL	<u>298,557,796</u>	<u>\$298,557,760</u>

ADAM KOENIGSFELD

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**\*\*\* HB 8 \*\*\***

SPONSOR: Smith

HANDLER: Hegeman

CCS/SCS/HCS/HB 8 - Public Safety

	Governor	House
GR	\$ 77,499,277	\$ 77,839,384
FEDERAL	410,929,708	232,906,002
OTHER	463,071,872	474,571,872
.		
TOTAL	<u>\$951,500,857</u>	<u>\$785,317,258</u>

	Senate	Final
GR	\$ 93,795,591	\$ 88,014,454
FEDERAL	419,732,039	419,732,039
OTHER	463,110,776	463,110,776
.		
TOTAL	<u>\$976,638,406</u>	<u>\$970,857,269</u>

ADAM KOENIGSFELD

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**\*\*\* HB 9 \*\*\***

SPONSOR: Smith

HANDLER: Hegeman

CCS/HCS/HB 9 - Corrections

	Governor	House
.		
GR	\$736,945,832	\$739,685,832
FEDERAL	6,280,456	6,280,456
OTHER	75,256,641	74,256,641
.		
TOTAL	<u>\$818,482,929</u>	<u>\$820,222,929</u>

	Senate	Final
.		
GR	\$741,233,125	\$739,733,125
FEDERAL	11,995,548	8,495,548
OTHER	75,756,800	75,756,800
.		
TOTAL	<u>\$828,985,473</u>	<u>\$823,985,473</u>

ADAM KOENIGSFELD

SPONSOR: Smith

HANDLER: Hegeman

CCS/SS/SCS/HCS/HB 10 - Mental Health & Health

MENTAL HEALTH		
	Governor	House
.		
GR	\$1,032,628,392	\$ 962,099,071
FEDERAL	1,797,575,919	1,613,511,764
OTHER	46,039,331	46,039,331
.		
TOTAL	<u>\$2,876,243,642</u>	<u>\$2,621,650,166</u>

	Senate	Final
.		
GR	\$1,052,174,540	\$ 961,213,629
FEDERAL	1,695,849,356	1,777,321,254
OTHER	46,039,475	47,039,475
.		
TOTAL	<u>\$2,794,063,371</u>	<u>\$2,785,574,358</u>

HEALTH

	Governor	House
.		
GR	\$ 396,510,343	\$ 396,937,324
FEDERAL	1,840,439,767	1,415,835,350
OTHER	38,294,356	37,595,219

**\*\*\* HB 10 \*\*\* (Cont'd)**

SPONSOR: Smith

HANDLER: Hegeman

.  
TOTAL \$2,274,998,267 \$1,850,367,893

.  
Senate Final  
GR \$ 428,855,587 \$ 412,180,962  
FEDERAL 1,910,182,830 1,927,219,242  
OTHER 37,812,425 37,812,425  
.  
TOTAL \$2,376,850,842 \$2,377,212,629  
ADAM KOENIGSFELD

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**\*\*\* HB 11 \*\*\***

SPONSOR: Smith

HANDLER: Hegeman

CCS/SS/SCS/HCS/HB 11 - Social Services

.  
Governor House  
GR \$ 1,974,059,594 \$ 1,787,574,844  
FEDERAL 7,032,815,285 5,515,458,386  
OTHER 3,321,366,146 3,138,139,875  
.  
TOTAL \$12,328,241,025 \$10,441,173,105

.  
Senate Final  
GR \$ 1,889,823,346 \$ 1,830,039,266  
FEDERAL 5,685,432,710 5,686,755,352  
OTHER 3,139,421,716 3,139,410,772  
.  
TOTAL \$10,714,677,772 \$10,656,205,390  
ADAM KOENIGSFELD

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**\*\*\* HB 12 \*\*\***

SPONSOR: Smith

HANDLER: Hegeman

CCS/SCS/HCS/HB 12 - Elected Officials, Judiciary, Public Defender & General Assembly

ELECTED OFFICIALS

.  
Governor House  
GR \$ 71,311,958 \$ 76,061,583  
FEDERAL 38,755,413 39,599,413  
OTHER 79,337,543 79,337,543  
.  
TOTAL \$189,404,914 \$194,998,539

SPONSOR: Smith

HANDLER: Hegeman

.	Senate	Final
GR	\$ 79,495,608	\$ 79,445,608
FEDERAL	43,000,437	43,000,437
OTHER	79,344,016	79,344,016
.		
TOTAL	<u>\$201,840,061</u>	<u>\$201,790,061</u>

JUDICIARY

.	Governor	House
GR	\$215,391,343	\$212,956,423
FEDERAL	14,763,313	14,763,313
OTHER	12,505,875	15,005,875
.		
TOTAL	<u>\$242,660,531</u>	<u>\$242,725,611</u>

.	Senate	Final
GR	\$216,781,681	\$216,831,681
FEDERAL	14,767,438	14,767,438
OTHER	15,024,320	15,024,320
.		
TOTAL	<u>\$246,573,439</u>	<u>\$246,623,439</u>

PUBLIC DEFENDER

.	Governor	House
GR	\$ 50,456,677	\$50,456,677
FEDERAL	625,000	625,000
OTHER	2,737,359	2,737,359
.		
TOTAL	<u>\$ 53,819,036</u>	<u>\$53,819,036</u>

.	Senate	Final
GR	\$ 53,429,206	\$53,429,206
FEDERAL	625,000	625,000
OTHER	2,748,609	2,748,609
.		
TOTAL	<u>\$ 56,802,815</u>	<u>\$56,802,815</u>

GENERAL ASSEMBLY

.	Governor	House
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**\*\*\* HB 12 \*\*\* (Cont'd)**

SPONSOR: Smith

HANDLER: Hegeman

GR	\$ 38,940,693	\$ 39,363,782
FEDERAL	0	0
OTHER	375,989	375,989
.		
TOTAL	<u>\$ 39,316,682</u>	<u>\$ 39,739,771</u>

.	Senate	Final
GR	\$ 39,343,345	\$ 39,462,740
FEDERAL	0	0
OTHER	375,989	375,989
.		
TOTAL	<u>\$ 39,719,334</u>	<u>\$ 39,838,729</u>

ADAM KOENIGSFELD

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**\*\*\* HB 13 \*\*\***

SPONSOR: Smith

HANDLER: Hegeman

SCS/HCS/HB 13 - Statewide Leasing

.	Governor	House
GR	\$ 75,514,034	\$ 75,514,034
FEDERAL	18,917,568	19,367,568
OTHER	11,483,804	11,483,804
.		
TOTAL	<u>\$105,915,406</u>	<u>\$106,365,406</u>

.	Senate	Final
GR	\$ 75,514,034	\$ 75,514,034
FEDERAL	19,367,568	19,367,568
OTHER	11,483,804	11,483,804
.		
TOTAL	<u>\$106,365,406</u>	<u>\$106,365,406</u>

ADAM KOENIGSFELD

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**\*\*\* HB 15 \*\*\***

SPONSOR: Smith

HANDLER: Hegeman

CCS/SCS/HCS/HB 15 - Supplemental Appropriations

.	Governor	House
GR	\$ 269,475,799	\$ 204,807,955
FEDERAL	1,815,496,682	1,208,825,207
OTHER	116,818,309	116,667,940
.		



\*\*\* HB 15 \*\*\* (Cont'd)

SPONSOR: Smith

HANDLER: Hegeman

TOTAL \$2,201,790,790 \$1,530,301,102

	Senate	Final
. GR	\$ 254,807,955	\$ 254,807,955
FEDERAL	1,804,298,548	1,796,322,610
OTHER	116,667,940	116,667,940
. TOTAL	<u>\$2,175,774,443</u>	<u>\$2,167,798,505</u>

ADAM KOENIGSFELD

\*\*\* HB 16 \*\*\*

SPONSOR: Smith

HANDLER: Hegeman

HCS/HB 16 - Supplemental Appropriations

	Governor	House
. GR	\$ 0	\$ 0
FEDERAL	410,000,000	324,694,749
OTHER	0	0
. TOTAL	<u>\$410,000,000</u>	<u>\$324,694,749</u>

	Senate	Final
. GR	\$ 0	\$ 0
FEDERAL	324,694,749	324,694,749
OTHER		
. TOTAL	<u>\$324,694,749</u>	<u>\$324,694,749</u>

ADAM KOENIGSFELD

\*\*\* HB 17 \*\*\*

SPONSOR: Smith

HANDLER: Hegeman

HCS/HB 17 - Reappropriations

	Governor	House
. GR	\$ 2,054,685	\$ 1,629,386
FEDERAL	154,704,195	154,704,195
OTHER	80,806,684	73,404,018
. TOTAL	<u>\$ 237,565,564</u>	<u>\$ 229,737,599</u>

	Senate	Final
. GR		
FEDERAL		
OTHER		
. TOTAL		

**\*\*\* HB 17 \*\*\* (Cont'd)**

SPONSOR: Smith

HANDLER: Hegeman

GR	\$ 1,629,386	\$ 1,629,386
FEDERAL	154,704,195	154,704,195
OTHER	73,404,018	73,404,018
.		
TOTAL	\$ 239,737,599	\$ 229,737,599

ADAM KOENIGSFELD

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**\*\*\* HB 18 \*\*\***

SPONSOR: Smith

HANDLER: Hegeman

SCS/HCS/HB 18 - Maintenance and Repair

.	Governor	House
GR	\$ 194,763,386	\$ 94,763,386
FEDERAL	56,581,266	56,581,266
OTHER	160,910,561	160,910,561
.		
TOTAL	\$ 412,255,213	\$ 312,255,213

.	Senate	Final
GR	\$ 100,000,000	\$ 100,000,000
FEDERAL	56,581,266	56,581,266
OTHER	160,910,561	160,910,561
.		
TOTAL	\$ 317,491,827	\$ 317,491,827

ADAM KOENIGSFELD

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**\*\*\* HB 19 \*\*\***

SPONSOR: Smith

HANDLER: Hegeman

SS/SCS/HCS/HB 19 - Capital Improvements

.	Governor	House
GR	\$ 903,169	\$ 330,549
FEDERAL	32,425,000	134,048,169
OTHER	96,176,927	96,176,927
.		
TOTAL	\$ 129,505,096	\$ 230,555,645

.	Senate	Final
GR	\$ 330,549	\$ 330,549
FEDERAL	185,830,169	185,830,169
OTHER	96,176,927	96,176,927
.		
TOTAL	\$ 282,337,645	\$ 230,337,645

ADAM KOENIGSFELD

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SPONSOR: Billington

HANDLER: Bean

SCS/HCS#2/HB 69 - This act modifies provisions relating to certain metals.

#### PRECIOUS METALS (407.292)

Under current law, each item purchased by a buyer of precious metal shall be retained in an unaltered condition for 5 full working days. Under this amendment, such metal shall remain in an unaltered state for a period of 10 days that the buyer is open to the public.

Finally, records of buyer transactions shall be made available upon request and shall be made available at the location where the transaction occurred. The buyer shall not keep law enforcement officials, governmental entities, or any other concerned entities or persons from accessing such records during the buyer's normal business hours.

This provision is similar to SB 946 (2020).

#### COPPER PROPERTY (Section 407.297)

No person shall engage in the business of a copper property peddler, as such term is defined in the act, in the city of St. Louis without first obtaining a license from the city and complying with the provisions of the act.

The requirements for the application for a license are set forth in the act. No license shall be granted to any person who has been convicted of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the 2 years prior to the date of application.

The city has the power and authority to revoke a copper property peddler's license for any willful violation of the act.

This provision shall only be effective when the city is actively issuing licenses to copper property peddlers.

This provision is identical to a provision in the truly agreed CCS/SS#2/SCS/HCS/HB 271 (2021) and is similar to SCS/SB 38 (2021), SCS/SB 608 (2020), SCS/SB 492 (2019), and HB 395 (2013).

#### RECORDS FOR THE SALE OF METAL (Section 407.300)

This act requires records of sales of certain metals to be maintained for 3 years rather than 2 years. A transaction that includes a detached catalytic converter shall occur at the fixed place of business of the purchaser. A detached catalytic converter shall be maintained for 5 business days before it is altered, modified, disassembled, or destroyed.

Anyone licensed for selling motor vehicle parts as set forth in statute who knowingly purchases a stolen detached catalytic converter shall be subject to penalties as set forth in the act.

Currently, every purchaser or collector of, or dealer in, junk, scrap metal, or any second hand property is required to maintain written or electronic records for each purchase or trade in which certain types of material are obtained for value, with exceptions. This act repeals the exception to the records requirement for any transaction for which the total amount paid for all regulated material purchased or sold does not exceed \$50, unless the material is a catalytic converter.

SPONSOR: Billington

HANDLER: Bean

The records requirement of the act does not apply to transactions for which the seller has an existing business relationship with the purchaser and for which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state or by the U.S. government or agency thereof, and a copy is retained by the purchaser.

The act also specifies that transactions for metal that is a minor part of heating and cooling equipment shall not be subject to the records requirement of the act.

These provisions are identical to provisions in the truly agreed CCS/SS#2/SCS/HCS/HB 271 (2021) and similar to HCS/HB 1153 (2021).

OFFENSE OF STEALING (Section 570.030)

The offense of stealing shall be a Class E felony if the property is a catalytic converter.

This provision is identical to a provision in the truly agreed SS#2/HB 661 (2021) and a provision in the truly agreed CCS/SS#2/SCS/HCS/HB 271 (2021).

JAMIE ANDREWS

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SPONSOR: Taylor

HANDLER: Burlison

SCS/HCS/HBs 85 & 310 - This act creates the "Second Amendment Preservation Act", and lists various declarations of the Missouri General Assembly regarding the United States Constitution and the scope of the federal government's authority. In addition, the act declares that federal supremacy does not apply to federal laws that restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition within the state because such laws exceed the scope of the federal government's authority. Laws necessary for the regulation of the land and the United States Armed Forces are excluded from the types of federal firearms laws that exceed federal authority.

This act declares as invalid all federal laws that infringe on the right to bear arms under the Second Amendment to the U.S. Constitution and Article I, Section 23 of the Missouri Constitution. Some laws declared invalid under this act include certain taxes, certain registration and tracking laws, certain prohibitions on the possession, ownership, use, or transfer of a specific type of firearm, and confiscation orders as provided in the act.

The act declares that it is the duty of the courts and law enforcement agencies to protect the rights of law-abiding citizens to keep and bear arms.

Under this act, no public officer or state or local employee has the authority to enforce firearms laws declared invalid by the act. However, state employees may accept aid from federal officials in an effort to enforce Missouri laws. Sovereign immunity shall not be an affirmative defense under this act.

Any public officer or state or local employee who tries to enforce the firearms law declared invalid by the act or any person who acts under the color of law to deprive a Missouri citizen of rights or privileges ensured by the federal and state constitutions shall be subject to a civil penalty of \$50,000 per employee hired by the law enforcement agency. In such an action attorney's fees and costs may be awarded.

SPONSOR: Taylor

HANDLER: Burlison

Additionally, a person shall have standing to pursue an action for injunctive relief in the circuit court of the county in which the action allegedly occurred or in the circuit court of Cole County. The court shall hold a hearing on the motion for a temporary restraining order and preliminary injunction within 30 days of service of the petition.

It shall not be a violation of this act to provide aid to federal officials who are in pursuit of a suspect when there is a demonstrable criminal nexus with another state or county and the suspect is not a citizen of this state or is not present in this state. It shall not be a violation of this act to aid a federal prosecution for felony crimes involving a weapons violation against a person or for felony crimes involving a weapons violation and a controlled substance violation if such violation is a Class A or B felony.

The provisions of this act shall be applicable to offenses occurring on or after August 28, 2021.

This act contains a severability clause and an emergency clause.

This act is identical to SS/SB 39 (2021) and similar to SB 588 (2020), SB 367 (2019), HB 786 (2019), HB 1760 (2018), and similar to provisions in HB 1439 (2014).

MARY GRACE BRUNTRAGER

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SPONSOR: Wiemann

HANDLER: Crawford

CCS/SS#2/SCS/HCS/HB 271 - This act modifies provisions relating to local governments.

MISSOURI LOCAL GOVERNMENT EXPENDITURE DATABASE (Sections 37.1090 to 37.1098)  
This act establishes the "Missouri Local Government Expenditure Database". The database shall be available free of charge on the Office of Administration's website and shall include information about expenditures made during each fiscal year that begins after December 31, 2022.

The database shall include the following information: the amount of the expenditure; the date the expenditure was paid; the vendor to whom the expenditure was paid, unless such information is confidential; the purpose of the expenditure; and the municipality or county that made or requested the expenditure.

A municipality or county may choose to voluntarily participate in the database. Each municipality or county participating in the database shall provide electronically transmitted information to the Office of Administration biannually as provided in the act.

Additionally, if 5% of the registered voters in a municipality or county request to participate, the municipality or county shall participate in the database. Residents may request participation by submitting a written letter by certified mail to the governing body of the municipality or county and the Office of Administration. After receiving the requisite number of requests, a municipality or county shall begin participating in the database, but is not required to report expenditures incurred before one complete 6 month reporting period.

The Office of Administration shall provide financial reimbursement to any participating municipality or county for actual expenditures incurred from participation in the database.

SPONSOR: Wiemann

HANDLER: Crawford

This act provides that no later than one year after the database is implemented, the Office of Administration shall provide on its website an opportunity for public comment on the utility of the database.

Finally, each municipality or county that has a website shall display on its website a prominent internet link to the database.

These provisions are identical to provisions in SS#2/SCS/HCS/HB 1854 (2020) and HB 1933 (2020).

#### REGULATION OF COUNTY PROPERTY (Section 49.266)

Currently, the county commissions in first, second, and fourth class counties are authorized to promulgate regulations concerning the use of county property. This act authorizes the county commission in all first, second, third, and fourth class counties to promulgate such regulations.

This act is identical to SB 170 (2021) and to provisions in SS#2/SCS/HCS/HB 1854 (2020), SB 747 (2020), SB 464 (2019), HB 1269 (2018), and HB 1210 (2017).

#### COUNTY COURTHOUSES (Sections 49.310 & 476.083)

Currently, the county commission in counties of the first, second, or fourth classification may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods, and manner of such use and the regulation of pedestrian and vehicular traffic and parking. This act provides that the county commission in all noncharter counties may promulgate such orders or ordinances.

In absence of any local agreement, any courthouse that contains both county offices and court facilities, the presiding judge of the circuit may establish rules and procedures for court facilities and areas necessary for court-related usage. The county commission shall have authority over all other areas of the courthouse.

These provisions are identical to provisions in HB 678 (2021).

#### DOCUMENTS TO COUNTY TREASURERS (Section 50.166)

Under current law, a county clerk may transmit in the form of a warrant the amount due for a grant, salary, pay, and expenses to the county treasurer.

This act provides that, 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. If the warrant is received in the absence of a check, then the county treasurer shall have access to the information necessary to process the warrant.

Additionally, 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 office that is financially relevant to the salaries of county officers and assistants; however, a county official may redact, remove, or delete any personal identifying information before submission to the county treasurer. Finally, no county treasurer shall refuse to release funds for the payment of any properly approved expenditure.

These provisions are identical to provisions in SS/SCS/SB 27 (2021) and substantially similar to SCS/SB 576 (2020).

SPONSOR: Wiemann

HANDLER: Crawford

#### SALARIES OF 2ND CLASS COUNTY CORONERS (Section 50.327)

Under current law, the compensation for non-charter county coroners is based on salary schedules established by law.

Under this act, upon majority approval of the salary commission, the annual compensation of a county coroner may be increased up to \$14,000 greater than the compensation provided by the salary schedule established by law.

This provision is identical to SB 233 (2021) and to a provision in the truly agreed to and finally passed SS#2/SCS/HCS/HB 1854 (2020), which was vetoed by the Governor, and substantially similar to SB 837 (2020).

#### COUNTY BUDGET OFFICERS (Section 50.530)

This amendment repeals the provision that in Cass County the presiding commissioner shall be the budget officer unless the county commission designates the county clerk as the budget officer.

#### COMPETITIVE BID PROCESS OF COUNTIES (Sections 50.660 & 50.783)

Under current law, all contracts and purchases made by a county shall be given to the lowest and best bidder after opportunity for competition, except that advertising is not required in the case of contracts or purchases involving an expenditure of less than \$6,000. It is not necessary to obtain bids on any purchases in the amount of \$6,000 or less made from any one person or corporation during any period of ninety days.

Additionally, the county commission may waive the requirement of competitive bidding, except on any single feasible source purchase where the estimated expenditure is over \$6,000, the commission shall post notice of the proposed purchase and advertise the commission's intent in at least one daily and one weekly newspaper in regular circulation.

This act changes the threshold from \$6,000 to \$12,000 for these expenditures. It shall not be necessary to advertise or obtain bids for expenditures less than \$12,000.

These provisions are identical to SB 324 (2021).

#### BOND REQUIREMENTS FOR COUNTY RECORDERS OF DEEDS (Sections 59.021 and 59.100)

The act provides that each candidate for county recorder shall provide to the election authority a copy of an affidavit from a surety company authorized to do business in this state that indicates the candidate is able to satisfy the bond requirements of the office.

Additionally, under current law, all recorders of deeds elected in first, second, and third classification counties shall enter into bond with the state for an amount set by the county commission of not be less than one thousand dollars, with sufficient sureties. Under this act, these provisions shall only apply to recorders of deeds elected prior to January 1, 2022. For all recorders of deeds elected after December 31, 2021, in first, second, and third classification, counties shall enter into bond with the state for an amount set by the county commission of not be less than five thousand dollars, with sufficient sureties.

These provisions are identical to provisions in SCS/HCS/HB 685 (2021), SS/SCS/SB 27 (2021), and SCS/SB 62 (2021) and substantially similar to SB 987 (2020), the truly agreed to and finally passed

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SS#2/SCS/HCS/HB 1854 (2020), which was vetoed by the Governor, and SB 468 (2019).

#### BOONE COUNTY PROPERTY MAINTENANCE AND NUISANCE CODES (Section 64.207)

This act authorizes Boone County to adopt property maintenance regulations and ordinances as provided in the act. The unavailability of a utility service due to nonpayment is not a violation of the property maintenance code.

Under this act, the property maintenance code must require the county commission to create a process for selecting a designated officer to respond to written complaints of the condition of a rented residence that threaten the health or safety of the tenants. When a written complaint is filed, the owner of any rental residence must be served with a notice specifying the condition alleged in the complaint and state a reasonable date by which abatement of the condition must commence. If work to abate the condition does not commence as determined by the designated officer, the complaint shall be given a hearing before the county commission. If the county commission finds that the rented residence has a dangerous condition that is harmful to the health, safety, or welfare of the tenant, the county commission shall issue an order that the condition be abated. If the owner violates an order issued by the county commission the owner may be punished by a penalty, which shall not exceed a Class C misdemeanor. (Section 64.207)

These provisions are identical to HB 607 (2021) and HCS/HB 2336 (2020) and to a provision contained in HCS/SCS/SB 725 (2020) and SS#2/SCS/HCS/HB 1854 (2020).

#### PUBLIC HEALTH ORDERS ISSUED BY LOCAL GOVERNMENTS (Sections 67.265 & 192.300)

A political subdivision shall not issue a public health order, defined in the act as an order, ordinance, rule, or regulation issued in response to an actual or perceived threat to public health for the purpose of preventing the spread of a contagious disease, during a state of emergency declared by the governor that directly or indirectly closes, partially closes, or places restrictions on the opening of or access to any one or more businesses, churches, schools, or other places of gathering or assembly for a period of time longer than 30 calendar days in a 180-day period. Such orders may be extended more than once upon a simple majority vote of the political subdivision's governing body.

A political subdivision shall not issue a public health order of general applicability during a time other than a state of emergency that directly or indirectly closes an entire classification of businesses, churches, schools, or other places of gathering or assembly for a period of time longer than 21 days in a 180-day period. Such orders may be extended more than once upon a two-thirds vote of the political subdivision's governing body.

The governing bodies of the political subdivisions issuing orders under this act shall at all times have the authority to terminate an order issued or extended under this section upon a simple majority vote of the body.

No rule promulgated by the Department of Health and Senior Services shall authorize a local public health official to create or enforce any public health orders inconsistent with this act.

Finally, this act modifies provisions that a county health board shall not impose standards or requirements on a agricultural operation that are inconsistent with, in addition to, different from, or more stringent than any other law or regulation concerning such agricultural operations.

These provisions contain an emergency clause.



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This provision is similar to provisions in SS#2/SCS/SBs 12, 20, 21, 31, 56, 67, & 68 (2021) and HCS#2/HB 75 (2021).

#### NUISANCE ORDINANCES IN FRANKLIN COUNTY (Section 67.398)

This act adds that Franklin County may enact ordinances to provide for the abatement of a condition of any lot that has the presence of a nuisance or debris of any kind.

#### SENIOR CITIZENS' SERVICES FUND (Sections 67.990 & 67.993)

Under current law, counties and the City of St. Louis may collect a tax for a Senior Citizens' Services Fund. This act provides that deposits in such a fund shall be expended only upon approval of the board of directors and, if in a county, only in accordance with the fund budget approved by the county.

Additionally, this act provides that the board of directors of the City of St. Louis 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.

This provision is identical to SB 592 (2021) and HB 666 (2021).

#### COUNTY CONVENTION AND SPORTS FACILITIES AUTHORITY (Sections 67.1153 & 67.1158)

This act provides that the commissioners of a county convention and sports facilities authority shall be appointed by the county executive of the county in which the authority is created with the advice and consent of the county legislative body. If there is no county executive, then the commissioners shall be appointed by the governing body of the county.

Additionally, under current law, counties that have established a county convention and sports facilities authority may impose a transient guest tax. This act provides that after the effective date of such tax, the county may enter into an agreement with the authority for the authority to collect the tax.

Finally, any tax collected by the authority shall be due on the first day of the next calendar quarter. If any taxes are not paid within 30 days after the due date, the authority may collect 1% interest per month on the unpaid taxes and a penalty of 2% per month on the unpaid tax. Any suits to enforce the collection of the tax shall be filed and prosecuted only by the authority. The authority shall be entitled to recover costs and attorney's fees incurred in collecting the tax.

#### POLITICAL SUBDIVISION LINEAR FOOT FEES (Section 67.1847)

This act provides that a political subdivision, including a grand-fathered political subdivision, shall not charge a linear foot fee for the use of its right-of-way to a telecommunications company provided that a political subdivision that was charging linear foot fees as of May 1, 2021, may collect a fee of no more than 5% of gross telecommunications service revenue in lieu of linear foot fees and such gross revenue fee is in addition to any permit fees imposed to recover actual rights-of-way management costs.

This provision is similar to SB 55 9 (2021).

#### TAXES, LICENSES, AND FEES ON CERTAIN SERVICES (Section 67.2680)

Under this act, the state or any other political subdivision shall not impose any new tax, license, or fee in addition to any tax, license, or fee already authorized on or before August 28, 2021, on satellite or

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streaming video services.

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This provisions is identical to a provision in SS/SCS/SB 108 (2021).

#### BROADBAND INFRASTRUCTURE IMPROVEMENT DISTRICTS (Section 71.1000)

This act allows two or more municipalities to form a broadband infrastructure improvement district for the delivery of broadband internet service to the residents of such municipalities. A district created under the act shall have to power partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities as set forth in the act.

A district may finance the provision or expansion of broadband internet service through grants, loans, bonds, user fees, or a sales tax, not to exceed one percent. The act also sets forth the composition and operation of the district governing board.

This provision is identical to provisions in SS/SCS/SB 108 (2021) and similar to HB 735 (2021) and SB 874 (2020).

#### ST. LOUIS CITY LICENSE COLLECTOR (Section 82.390)

This act provides that beginning January 1, 2022, the license collector of St. Louis City shall receive a salary of \$125,000 per year and such salary may be annually increased by an amount equal to the annual salary adjustment for employees of St. Louis City as approved by the board of aldermen.

This provision is identical to SB 612 (2021).

#### POLICE COMMISSIONERS (Section 84.400)

This act provides that a member of the Kansas City Board of Police Commissioners or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, accept that such board member may accept a per diem or reimbursement for necessary expenses for attending meetings.

This provision is identical to a provision in SS/SCS/SBs 53 & 60 (2021).

#### RETAIL ELECTRIC SUPPLIERS (Sections 91.025, 386.800, 393.106, 394.020, & 394.315)

This act provides that in the event that a retail electric supplier is providing service to a structure located within a municipality that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

Additionally, in the absence of an approved territorial agreement, the municipally owned utility shall apply to the Public Service Commission for an order assigning nonexclusive service territories and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located within one mile outside of the boundaries of the proposed expanded service territory. In granting the applicant's request, the Commission shall give due regard to territories previously served by the other electric service suppliers and the wasteful duplication of electric service facilities.

Any municipally owned electric utility may extend its electric service territory to include areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities in the area proposed to be annexed, the majority of the

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existing developers, landowners, or prospective electric customers may submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations as provided in the act. These provisions shall also apply in the event an electrical corporation rather than a municipally owned electric utility is providing electric service in the municipality.

This act also changes the term "fair and reasonable compensation" to be two hundred percent, rather than four hundred percent, of gross revenues less gross receipts taxes received by the affected electric service supplier from the 12 month period preceding the approval of the municipality's governing body. Additionally, this act changes the definition of the population of a "rural area" to be increased by 6% every ten years after each census beginning in 2030.

Nothing in this act shall be construed as otherwise conferring upon the Public Service Commission jurisdiction over the service, rates, financing, or management of any rural electric cooperative or any municipally owned electric utility.

#### COUNTY BOARD OF PUBLIC WORKS (Section 91.450)

This act allows residents of a county that receive services from a board of public works in certain cities to be appointed to serve on such board.

This provision is identical to the introduced SB 725 (2020).

#### FILING PERIODS FOR CERTAIN CANDIDATES (Section 115.127)

Under current law, the period for filing a declaration of candidacy in certain political subdivisions and special districts is from 8:00 a.m. on the 16th Tuesday prior to the election until 5:00 p.m. on the 11th Tuesday prior to the election. Additionally, the opening date for filing a declaration of candidacy in Kansas City, and any political subdivision or special district within Kansas City, is 8:00 a.m. on the 15th Tuesday prior to the election until 5:00 p.m. on the 11th Tuesday prior to the election.

This act makes the filing period for declarations of candidacy in all political subdivisions and special districts that have not otherwise required a filing period by law or charter to be 8:00 a.m. on the 17th Tuesday prior to the election until 5:00 p.m. on the 14th Tuesday prior to the election.

These provisions are identical to provisions in SS/SCS/SB 27 (2021) and substantially similar to SB 815 (2020), a provision in the truly agreed to SS#2/SCS/HCS/HB 1854 (2020), and SB 402 (2019), and HB 595 (2019).

#### PUBLIC FUNDS IN ELECTIONS (Section 115.646)

This act prohibits the contribution or expenditure of public funds by any school district or by any officer, employee, or agent of any school district:

- To support or oppose the nomination or election of any candidate for public office;
- To support or oppose the passage or defeat of any ballot measure;
- To any committee supporting or opposing candidates or ballot measures; or
- To pay debts or obligations of any candidate or committee previously incurred for the above purposes.

The act additionally prohibits the contribution or expenditure of public funds by any officer, employee, or agent of any political subdivision to pay debts or obligations of any candidate or committee previously incurred for the purposes described above.

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Any purposeful violation of this act is punishable as a class four election offense.

This provision is identical to a provision in SS#2/SCS/HCS/HB 1854 (2020), which was vetoed by the Governor, and similar to SB 802 (2020).

#### PERSONAL PROPERTY TAX LISTS (Section 137.280)

This act allows a county assessor, upon request of a taxpayer, to send personal property tax lists and notices in electronic form.

This provision is identical to a provision in HC/SB 365 (2021).

#### COUNTY COLLECTOR PENALTIES (Section 139.100)

Current law requires a county collector to assess penalties on property tax payments not made as of January 1. For all property tax liabilities incurred on or after January 1, 2020, and on or before December 31, 2020, this act allows the St. Louis County collector to enter into an agreement with any taxpayer for the payment of such taxes, including a waiver or reduction of penalties, provided that any such agreement requires such taxes to be paid not later January 8, 2021. If the penalties are waived or reduced, the portion of the penalties and interest paid may be credited to the taxpayer. The county may then reduce on a pro-rata basis any distributions to taxing jurisdictions by the amount of any penalties waived or reduced.

This provision contains an emergency clause.

#### COMMON SEWER DISTRICTS (Section 204.569)

Under current law, when an unincorporated sewer subdistrict of a common sewer district has been formed, the board of trustees of the common sewer district shall have the power to issue bonds, and the issuance of such bonds shall require the assent of 4/7 of the voters of the subdistrict on the question. This act states that as an alternative to such vote, if the subdistrict is a part of a common sewer district located in whole or in part in certain counties, bonds may be issued for such subdistrict if the question receives the written assent of 3/4 of the customers, as such term is defined in the act, of the subdistrict.

This provision is identical to a provision in SS/SB 44 (2021).

#### REIMBURSEMENTS FROM THE DEPARTMENT OF CORRECTIONS (Section 221.105)

Under current law, the Department of Corrections shall issue a reimbursement to a county for the actual cost of incarceration of a prisoner not to exceed certain amounts as provided in the act. However, the amount shall not be less than the amount appropriated in the previous fiscal year.

This act repeals the provision that the amount reimbursed to counties shall not be less than the amount appropriated in the previous fiscal year.

This provision is identical to SB 511 (2021).

#### COPPER PROPERTY (Section 407.297)

No person shall engage in the business of a copper property peddler, as such term is defined in the act, in the city of St. Louis without first obtaining a license from the city and complying with the provisions of the act.

The requirements for the application for a license are set forth in the act. No license shall be granted

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to any person who has been convicted of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the 2 years prior to the date of application.

The city has the power and authority to revoke a copper property peddler's license for any willful violation of the act.

This provision shall only be effective when the city is actively issuing licenses to copper property peddlers.

This provision is substantially similar to provisions in SCS/SB 318 (2021) and identical to a provision contained in SCS/HCS#2/HB 69 (2021), and is similar to SCS/SB 608 (2020), SCS/SB 492 (2019), and HB 395 (2013).

#### RECORDS FOR THE SALE OF METAL (Section 407.300)

This act requires records of sales of certain metals to be maintained for 3 years rather than 2 years. A transaction that includes a detached catalytic converter shall occur at the fixed place of business of the purchaser. A detached catalytic converter shall be maintained for 5 business days before it is altered, modified, disassembled, or destroyed.

Anyone licensed for selling motor vehicle parts as set forth in statute who is knowingly purchases a stolen detached catalytic converter shall be subject to penalties as set forth in the act.

Currently, every purchaser or collector of, or dealer in, junk, scrap metal, or any second hand property is required to maintain written or electronic records for each purchase or trade in which certain types of material are obtained for value, with exceptions. This act repeals the exception to the records requirement for any transaction for which the total amount paid for all regulated material purchased or sold does not exceed \$50, unless the material is a catalytic converter.

The records requirement of the act does not apply to transactions for which the seller has an existing business relationship with the purchaser and for which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state or by the U.S. government or agency thereof, and a copy is retained by the purchaser.

The act also specifies that transactions for metal that is a minor part of heating and cooling equipment shall not be subject to the records requirement of the act.

This provision is substantially similar to provisions in SCS/SB 318 (2021) and identical to a provision contained in SCS/HCS#2/HB 69 (2021) and is similar to HCS/HB 1153 (2021).

#### ONLINE APPLICATIONS OF THE COUNTY RECORDER OF DEEDS (Section 451.040)

This act provides that applicants for a marriage license may present an application for the license to the recorder of deeds in person or electronically through an online process.

Additionally, in the event a recorder of deeds utilizes an online process to accept applications for a marriage license or to issue a marriage license and the applicants' identity has not been verified in person, the recorder shall have a two-step identity verification process or other process that verifies the identity of the applicants. Finally, the recorder shall not accept applications for or issue marriage licenses through an

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online process unless both applicants are at least 18 years of age and at least one of the applicants is a resident of the county in which the application was submitted.

These provisions are identical to provisions SCS/HCS/HB 685 (2021) and SS/SCS/SB 27 (2021), SCS/SB 62 (2021), and HB 144 (2021).

#### COMPENSATION OF COURT REPORTERS (Section 485.060)

This act provides that the annual salary of each court reporter for a circuit judge shall be adjusted by a percentage based on each court reporter's cumulative years of service with the circuit courts.

This provision is identical to a provision in HCS/HB 1242 (2021) and similar to HB 707 (2021), a provision in HCS/SS/SCS/SB 594 (2020), in HCS/SCS/SB 662 (2020), in HCS/SCS/SB 725 (2020), in HCS/HB 1819 (2020), SB 908 (2020), and HB 2191 (2020).

#### ADDITIONAL SURCHARGE FOR KANSAS CITY MUNICIPAL COURTHOUSE (Section 488.2235)

Under current law, in addition to all other court costs for municipal ordinance violations, Kansas City may collect additional court costs up to \$5 per case filed before a municipal division judge.

This act extends the sunset provision to August 28, 2026.

#### OFFENSE OF STEALING (Section 570.030)

The offense of stealing shall be a class E felony if the property is a catalytic converter.

This provision is identical to a provision contained in SCS/HCS#2/HB 69 (2021).

#### VACCINATION REQUIREMENTS (Section 1)

This act provides that no county, city, town, or village receiving public funds shall require documentation of an individual having received a vaccination against COVID-19 in order for the individual to access transportation system or services or any other public accommodations.

This provision is similar to provisions in SCS/SB 4 (2021), SS/SB 46 (2021), and SCS/HCS/HB 589 (2021).

MARY GRACE BRUNTRAGER

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CCS/SS#2/SCS/HB 273 - This act modifies provisions related to professional registration.

#### MILITARY LICENSE RECIPROCITY

Current law provides that any person who for at least one year has held a valid, current license issued by another state, a U.S. territory, or the District of Columbia, which allows the person to legally practice an occupation or profession in such jurisdiction may apply for an equivalent Missouri license through the appropriate oversight body, subject to procedures and limitations provided in current law.

This act allows any person who holds a valid, current license issued by a branch or unit of the military to also apply for an equivalent Missouri license. (Section 324.009)

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These provisions are identical to provisions in HB 476 (2021) and substantially similar to provisions in HCS/SB 9 (2021) and HCS/SB 330 (2021).

#### PROFESSIONAL LICENSING OF INDIVIDUALS WITH CRIMINAL RECORDS

Under current law, an individual with a criminal record may petition a licensing authority for a determination of whether the criminal record will disqualify the individual from obtaining a professional license. This act requires licensing authorities to notify the petitioner in writing of the grounds and reasons if the authority determines that the petitioner is disqualified. This act also removes an exemption for certain licensing authorities listed in current law from the petition requirements. This act also removes a provision in current law requiring licensing authorities to only list criminal convictions directly related to the licensed occupation for purposes of the Fresh Start Act of 2020. (Section 324.012)

These provisions are identical to SCS/SB 308 (2021) and to provisions in HCS/SB 9 (2021), HCS/SB 330 (2021), and HB 476 (2021).

#### OCCUPATIONAL THERAPY LICENSURE COMPACT

This act adopts the Occupational Therapy Licensure Compact.

The Compact allows eligible occupational therapists and occupational therapy assistants licensed in member states to practice in other member states, subject to the requirements and limitations described in the Compact.

The Compact establishes procedures for a licensee to apply for a new home state license in a member state of primary residence based on their licensure in another member state. Active-duty military personnel and their spouses shall retain home state licensure during the period of active duty service without having to maintain residency.

Under the Compact, only a home state may take adverse action on the home state license, while remote member states may take adverse action against the licensee's privilege to practice in the remote state. The Compact provides procedures for how member states shall coordinate in various aspects of adverse actions and investigations.

The Compact establishes the Occupational Therapy Compact Commission as a joint public agency to implement and administer the Compact. The Commission may collect an annual assessment on member states or impose fees on other parties to cover its costs.

The Compact creates qualified immunity from suit and liability for agents of the Commission for negligent misconduct within the scope of the agents' work with the Commission. Such agents shall also be entitled to representation and indemnity in civil actions for such misconduct.

Under the Compact, the Commission shall develop a data system containing information on all licensees related to licensure, adverse actions, and investigations. Member states shall report certain information, as described in the Compact, to the Commission for use in the data system.

Legislatures of member states may reject any rule promulgated by the Commission by a majority of such legislatures enacting a statute or resolution.

The Compact provides procedures for oversight, dispute resolution, and enforcement of the Compact,

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including procedures for default and termination of membership. The Commission may also sue a member state in federal court to enforce compliance with the Compact, its rules, and its bylaws.

The Compact shall become effective upon its enactment in at least ten states.

The Compact supercedes all other laws that conflict with provisions of the Compact to the extent of the conflict. (Section 324.087)

These provisions are identical to provisions in HCS/SB 330 (2021) and HB 476 (2021).

#### APPLICATION OF THE DIETITIAN PRACTICE ACT

Current law provides that, for purposes of provisions of law regulating the practice of nutrition and dietetics, "medical nutrition therapy" shall mean nutritional diagnostic, therapy, and counseling services furnished by a registered dietitian or register dietitian nutritionist. Under this act, "medical nutrition therapy" shall instead mean the provision of nutrition care services for the treatment or management of a disease or medical condition. (Section 324.200)

Under this act, no provision of law governing licensed dietitians shall interfere with any person credentialed in the field of nutrition providing advice, counseling, or evaluations related to food, diet, or nutrition within his or her scope of practice if such services do not constitute medical nutrition therapy under the Dietician Practice Act.

Prior to performing any service to which the law governing licensed dieticians does not apply under the act, a credentialed non-dietitian shall provide his or her name, title, business address and telephone number, a statement that he or she is not a licensed dietitian, a statement that his or her information or advice may constitute alternative care, and his or her qualifications. (Section 324.206)

These provisions are identical to provisions in HCS/SB 9 (2021), HCS/SB 330 (2021), and HB 476 (2021) and similar to SB 232 (2021), HCS/HB 475 (2021) and are similar to SB 893 (2020), and HB 2000 (2020).

#### ARCHITECTS

Current law sets forth the practice of architecture in Missouri as rendering or offering to render or represent oneself as willing or able to render service or creative work which requires architectural education, training and experience.

Under this act, the definition of practice of architecture is modified to include rendering or offering to render services in connection with the design and construction of public and private buildings, structures and shelters, and site improvements, in whole or part, which have as their principal purpose human occupancy or habitation. The act sets forth the services that may be included in the practice of architecture. Only a person with the required architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri. (Section 327.091)

Current law prohibits any person from practicing architecture in Missouri unless and until such person is licensed or certificated to practice architecture in the state. Current law also exempts certain persons from this requirement.

This act repeals provisions exempting persons who render architectural service in connection with the



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construction, remodeling, or repairing of certain commercial or industrial buildings or structures or structures containing less than two thousand square feet. All other persons exempt from the licensing requirement may engage in the practice of architecture, provided such person does not use the title "architect" or other terms set forth in the act that indicate or imply that such person is or holds himself or herself out to be an architect. This act also exempts any person who renders architectural services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agriculture purposes from the licensing requirement.

Current law also exempts any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building set forth in the act, provided such person indicates on any documents furnished in connection with such services that the person is not a licensed architect. This act repeals certain privately owned buildings from the list of buildings such person may provide services for, and adds to such list any one building which provides for the employment, assembly, housing, sleeping, or eating of not more than 9 persons; contains less than 2,000 square feet; and is not part of another building or structure. (Section 327.101)

Current law permits any person to apply for licensure as an architect who holds a certified Intern Development Program record with the National Council of Architectural Registration Boards. Under this act, such person may also hold a certified Architectural Experience Program record. (Section 327.131)

These provisions are identical to provisions in SCS/SB 257 (2021) and HB 476 (2021), and are similar to provisions in HCS/SB 9 (2021), HCS/SB 330 (2021), HCS/HB 481 (2021), HCS/SCS/SBs 673 & 560 (2020), SB 992 (2020), and HB 2575 (2021).

#### PROFESSIONAL ENGINEERS

Current law prohibits any person from practicing as a professional engineer in Missouri unless and until such person is licensed or certificated to practice engineering in the state. Current law also exempts certain persons from this requirement, including any person who is a regular full-time employee of a person, who performs professional engineering work for the person's employer if certain conditions are met.

Under this act, such exempted persons shall not use the title "professional engineer" or other terms set forth in the act that indicate or imply that such person is or holds himself or herself out to be a professional engineer. This act also exempts any person who renders professional engineering services in connection with the construction, remodeling, or repairing of any privately owned building, as set forth in the act, and professional engineering services rendered in connection with a building or structure used exclusively for agriculture, so long as the person rendering either such type of services indicates on any documents furnished in connection with such services that the person is not a licensed professional engineer.

Any person who renders engineering services in connection with the remodeling of any privately owned, multiple family dwelling house, flat, or apartment containing 3 or 4 families is also exempt, provided certain conditions are met. (Section 327.191)

This act repeals provisions in current law requiring any person entitled to be licensed as a professional engineer to be licensed within 4 years after the date on which he or she is entitled to be licensed, and providing that if such person is not licensed within that time, the Engineering Division of the Board may require him or her to take and satisfactorily pass an examination before issuing him or her a license.

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(Section 327.241)

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These provisions are identical to provisions in SCS/SB 257 (2021) and HB 476 (2021), are substantially similar to provisions in HCS/SB 9 (2021), HCS/SB 330 (2021), HCS/HB 481 (2021), and are similar to provisions in HCS/SCS/SBs 673 & 560 (2020), SB 992 (2020), and HB 2575 (2021).

#### LANDSCAPE ARCHITECTS

Current law permits any person who is of good moral character, 21 years of age, who has a degree in landscape architecture, and has at least three years of landscape architectural experience to apply to the Board for licensure as a professional landscape architect.

This act repeals the age requirement, and also provides that an applicant who may not have a degree in landscape architecture may instead have an education which, in the opinion of the Board, equals or exceeds the education received by a graduate of an accredited school. This act also requires an applicant to have taken and passed all sections of the landscape architectural registration examination administered by the Council of Landscape Architectural Registration Boards. (Section 327.612)

These provisions are identical to provisions in SCS/SB 257 (2021) and HB 476 (2021), are substantially similar to provisions in HCS/SB 9 (2021), HCS/SB 330 (2021), HCS/HB 481 (2021), and are similar to provisions in HCS/SCS/SBs 673 & 560 (2020), SB 992 (2020), and HB 2575 (2021).

#### SHAMPOOING

This act prohibits the Division of Professional Registration from requiring a person who engages solely in shampooing under the supervision of a licensed barber or cosmetologist to have a license as a barber or cosmetologist. (Section 329.034)

These provisions are identical to provisions in HCS/SB 9 (2021) and HCS/SB 330 (2021) and are similar to HB 1758 (2020) and HB 349 (2019).

#### PRISONER COMPLAINTS AGAINST A PSYCHOLOGIST'S LICENSE

Under current law, if the State Committee of Psychologists finds merit to a complaint made by a prisoner under the care and control of the Department of Corrections or who has been ordered to be taken into custody, detained, or held as a sexually violent predator, and takes further investigative action, no documentation may appear on file nor may any disciplinary action be taken in regards to the licensee's license unless there are grounds for the denial, revocation, or suspension of a license.

This act includes complaints made by individuals who have been ordered to be evaluated in a criminal proceeding involving mental illness.

Under this act, a psychologist subject to the complaint by an individual who has been ordered to be evaluated in a criminal proceeding involving mental illness prior to August 28, 2021, may submit a written request to destroy all documentation regarding the complaint, and notify any other licensing board in another state, or any national registry who had been notified of the complaint, that the Committee found the complaint to be unsubstantiated. (Section 337.068)

These provisions are identical to provisions in HCS/SB 9 (2021), HB 476 (2021), and SB 556 (2020), and are substantially similar to HB 1962 (2020) and provisions in HB 319 (2021) and HCS/SCS/SBs 673

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& 560 (2020).

HANDLER: Riddle

#### HIV POSTEXPOSURE PROPHYLAXIS

This act allows a pharmacist to dispense medication for HIV postexposure prophylaxis subject to a written protocol authorized by a licensed physician.

Such prophylaxis shall include drugs approved by the Food and Drug Administration that meet the same clinical eligibility recommendations provided in current HIV guidelines published by the Centers for Disease Control and Prevention.

The State Board of Registration for the Healing Arts and the State Board of Pharmacy shall jointly promulgate rules and regulations for the administration of this act and shall not do so separately. (Sections 338.010 and 338.730)

These provisions are identical to SCS/SB 79 (2021) and provisions in HCS/SS/SCS/SB 43 (2021), HCS/SB 64 (2021), and HB 476 (2021), and similar to provisions in HB 370 (2021) and HCS/HB 2304 (2020).

#### ADVERTISEMENTS FOR REAL ESTATE COMPANIES

Under this act, the Missouri Real Estate Commission may cause a complaint to be filed with the Administrative Hearing Commission against any licensed or previously licensed real estate broker, salesperson, broker-salesperson, appraiser, or appraisal manager for advertisements or solicitations which include a name or team name that uses the terms "realty", "brokerage", "company", or any other terms that can be construed to advertise a real estate company other than the licensee or a licensed business entity with whom the licensee is associated.

The Commission may consider the context of the advertisement or solicitation when determining whether there has been a violation of this act. (Section 339.100)

These provisions are identical to SB 473 (2021) and provisions in HB 476 (2021) and are similar to HCS/HB 695 (2021) and HB 1124 (2021) and provisions in HCS/SB 9 (2021) and HCS/SB 330 (2021).

#### PAYMENTS TO BUSINESSES OWNED BY REAL ESTATE LICENSEES

Under this act, a real estate broker may pay compensation directly to a business entity, as defined in the act, owned by a licensed real estate salesperson or broker-salesperson formed for the purpose of receiving compensation earned by such licensee.

The business entity shall not be required to be licensed and may be co-owned by an unlicensed spouse, a licensed spouse associated with the same broker as the licensee, or one or more other licensees associated with the same broker as the licensee. (Section 339.150)

These provisions are identical to SB 435 (2021) and provisions in SB 435 (2021) and HB 476 (2021) and are similar to provisions in HCS/SB 9 (2021), SCS/HCS/HB 162 (2021), HCS/SB 330 (2021), and HCS/HB 695 (2021).

#### CONTINUING EDUCATION CREDITS FOR INSURANCE PRODUCERS

This act specifies that an insurance producer's active participation in a local, regional, state, or national professional insurance association may be approved by the Director of the Department of Commerce and

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HANDLER: Riddle

Insurance for up to four hours of continuing education credit per biannual reporting period.

Credit granted under these provisions shall not be used to satisfy continuing education hours required to be in a classroom or classroom-equivalent setting, or to satisfy ethics education requirements. (Section 375.029)

These provisions are identical to SB 548 (2021) and HB 1114 (2021) and provisions in HCS/SS/SB 6 (2021), HCS/SB 9 (2021), HCS/SB 330 (2021), and SCS/HB 604 (2021) and are substantially similar to HCS/HB 1647 (2020).

#### ATHLETIC AGENTS

This act modifies provisions of the Uniform Athlete Agents Act.

Current law defines an athlete agent as an individual who enters into an agency contract with a student athlete or recruits or solicits a student athlete to enter into an agency contract.

Under this act, an athlete agent is defined as an individual who directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization. An athlete agent shall also mean a person providing certain services to a student athlete, as set forth in the act, including serving the student in an advisory capacity on a matter related to finance, business pursuits, or career management decisions, unless such person is an employee of an educational institution acting exclusively as an employee of the institution.

An athlete agent shall not include an individual who acts solely on behalf of a professional sports team or organization, or is a licensed, registered, or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless such person meets certain requirements set forth in the act. (Section 436.218)

Under this act, an applicant for registration as an athlete agent shall submit an application to the Director of the Division of Professional Registration that shall be in the name of an individual and shall include certain information set forth in the act, including each social media account with which the applicant or the applicant's business or employer is affiliated.

An applicant who is registered as an athlete agent in another state may apply for registration as an athlete agent, by submitting certain information to the Director.

The Director shall issue a certificate of registration to an applicant registered in another state who applies for registration under the act, if the Director determines that the application and registration requirements of the other state are substantially similar to or more restrictive than the requirements of this act, and if the registration has not been revoked or suspended and no action is pending against the applicant or the applicant's registration in any state.

The Director shall cooperate with any national organizations concerned with athlete agent issues and agencies in other states that register athlete agents to develop a common registration form, and to determine which states have laws substantially similar to or more restrictive than this act. The Director shall also exchange any information related to actions taken against registered athlete agents or their

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registrations with such organizations. (Section 436.227)

An athlete agent registered under the provisions of this act may renew his or her registration as set forth in the act or, if the registration in the other state has been renewed, by submitting to the Director copies of the application for renewal in the other state and the renewed registration from the other state. The Director shall renew the registration if he or she determines that the application and registration requirements of the other state are substantially similar to or more restrictive than the requirements of this act, and if the registration has not been revoked or suspended and no action is pending against the applicant or the applicant's registration in any state. (Section 436.230)

An agency contract shall contain a statement that the athlete agent is registered as an athlete agent in this state and shall include a list of any other states in which the athlete is registered as an athlete agent.

This act modifies the text required in an agency contract, and requires such contract to be accompanied by a separate record signed by the student athlete or, if the student athlete is a minor, by the parent or guardian of a student athlete acknowledging that signing the contract may result in the loss of the student athlete's eligibility to participate in the student athlete's sport.

If an agency contract is voided, by a student athlete, or by the parent or guardian of a minor student athlete, any consideration received by the student athlete from the athlete agent under the contract shall not be required to be returned.

If a student athlete is a minor, an agency contract shall be signed by the parent or guardian of the minor. (Section 436.242)

If an athlete agent enters into an agency contract with a student athlete, and the student athlete then enrolls in an educational institution, such athlete agent shall notify the athletic director of the institution of the existence of a contract within 72 hours of learning the student has enrolled.

If an athlete agent has a relationship with a student athlete before such student enrolls in an educational institution and receives a scholarship, the athlete agent shall notify the athletic director of the institution of such relationship within 10 days of enrollment.

An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with the student athlete in an attempt to influence such student to enter into an agency contract, or another individual to have such person influence the student to enter into an agency contract.

If a communication or attempted communication is initiated by a student athlete or another individual on behalf of the student athlete, the athlete agent shall give notice in a record to the athletic director at the educational institution at which the student athlete is enrolled within 10 days of the communication.

An educational institution that becomes aware of a violation of the act by an athlete agent shall notify the Director of the violation and any professional league or players' association with which the educational institution is aware the agent is licensed or registered. (Section 326.245)

An athlete agent, under this act, shall not intentionally provide any student athlete with false information with the intent to influence such athlete to enter into an agency contract, nor shall any agent

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furnish anything of value to an individual if to do so may result in the loss of the student athlete's eligibility to participate in a sport unless certain requirements are met.

An athlete agent also may not intentionally initiate contact, directly or indirectly, with a student athlete to recruit or solicit the student athlete to enter into an agency contract, encourage another individual to perform any of the actions set forth in the act, or encourage another individual to assist any other individual performing the listed acts. (Section 436.254)

An educational institution or a student athlete, under this act, may bring an action for damages against an athlete agent if the institution or athlete is adversely affected, as defined in the act, by an act or omission of the athlete agent. This act repeals the provision allowing a former student athlete to bring an action for damages.

This act repeals provisions of current law setting forth the damages that may be claimed by an educational institution. Under this act, a plaintiff who prevails in an action under this act may recover actual damages, costs, and reasonable attorney's fees. An athlete agent found liable under this act forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the athlete agent by or on behalf of the student athlete.

Any violation of this act shall be considered an unfair trade practice. (Section 436.260)

Any individual who violates the provisions of this act shall be guilty of a Class A misdemeanor. Any individual who commits a knowing violation shall be guilty of a Class E felony. Any such person shall also be liable for a civil penalty up to \$100,000. (Section 436.263)

This act repeals the provision providing that the commission of certain acts by an athlete agent shall be a Class B misdemeanor. (Section 436.257)

These provisions are identical to SCS/SB 263 (2021) and provisions in HCS/SB 9 (2021) and HCS/SB 330 (2021) and are similar to HB 971 (2021), SB 1016 (2020), HCS/HBs 2100 & 1532 (2020) and provisions in HCS/SCS/SB 616 (2020) and HCS/SCS/SBs 673 & 560 (2020).

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SS#2/HS/HB 297 - This act modifies provisions related to higher education.

#### ANNEXATION OF SCHOOL DISTRICTS

Under current law, a school district may be attached to a community college district or to one or more adjacent seven-director school districts by a majority vote in the school district.

This act requires that a community college proposing such an annexation present its proposal at a public, regularly-scheduled meeting of the school district 30-120 days prior to the annexation election.

This act modifies the form of the question to be submitted on the ballot by requiring such question to ask whether the school district shall become part of the district, rather than whether the school district shall be annexed to other school districts specified in the ballot question. This act also requires the

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question to be followed by information stating the amount per \$100 by which such annexation will raise the community college tax levy and that such annexation will result in school district residents being eligible for in-district tuition rates at the community college. Annexation elections shall be held on a November general election day. (Section 162.441)

These provisions are similar to provisions in HCS/SS/SCS/SB 152 (2021).

#### STUDENTS' RIGHT TO KNOW ACT

This act establishes the Students' Right to Know Act.

Beginning January 1, 2022, the Department of Higher Education and Workforce Development shall annually collect and compile information as specified in the act to help high school students make more informed decisions about their futures and ensure such students are adequately aware of the costs of four-year college and alternative career paths. The document shall be available to the Department of Elementary and Secondary Education for distribution to public school guidance counselors by October 15th each year. The information provided by the public institutions is also required to be available on the website of the Department of Higher Education and Workforce Development. (Section 161.625 and 173.035)

These provisions are identical to provisions in HCS/SS/SCS/SB 152 (2021); similar to HB 233 (2021), HB 355 (2021), and SB 622(2020); and similar to provisions in HCS/HBs 1774 & 1994 (2021) and HCS/SS/SCS/SB 528 (2020).

#### MISSOURI EDUCATION SAVINGS PROGRAM

Under this act, the Missouri Education Savings Program is renamed the Missouri Education Program.

This act modifies the definition of "eligible educational institution" to include all eligible educational institutions, as defined in Section 529 of the Internal Revenue Code, rather than just institutions of postsecondary education. (Sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.435, 166.440, and 166.456, and 166.502)

These provisions are identical to provisions contained in HS/HCS/HB 306 (2021), SCS/HCS/HB 320 (2021), HB 478 (2021), HB 540 (2021), HB 624 (2021), HB 627 (2021), and HB 980 (2021), and are similar to provisions contained in HCS/SS/SCS/SB 152 (2021), SCS/HCS/HB 1540 (2020), HCS/HB 2068 (2020) and HCS/HB 2261 (2020).

#### REDUCED RESTRICTION ON DEALING IN REAL PROPERTY

This act repeals a provision of current law prohibiting the Curators of the University of Missouri from subdividing, selling, or conveying title to land located within a university campus. (Section 172.020)

#### STATEWIDE PLAN FOR CAREER AND TECHNICAL EDUCATION CERTIFICATES

Under this act, the State Board of Education, in consultation with the Career and Technical Advisory Council, shall develop a statewide plan establishing the minimum requirements for a Career and Technical Education (CTE) Certificate. The statewide plan shall match workforce needs with appropriate educational resources.

Each local school district shall determine the curriculum, programs of study, and course offerings based on student needs and interests and the requirements of the statewide plan.

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The Department of Elementary and Secondary Education shall convene work groups from each CTE program area. Such work groups shall develop and recommend performance standards or course competencies. The Department shall develop written model curriculum frameworks for CTE programs, which shall not be subject to certain limits on performance standards provided under existing law, as described in the act.

(Section 170.029)

This act is identical to SB 386 (2021) and HB 1868 (2020) and is similar to SB 536 (2020).

#### COLLEGE ATHLETICS

Under this act, a postsecondary educational institution shall not uphold any rule, requirement, standard, or other limitation that prevents a student athlete from fully participating in intercollegiate athletics without penalty for earning compensation for the use of such athlete's name, image, or likeness rights, or athletic reputation. Such compensation shall not affect a student athlete's grant-in-aid or stipend eligibility, amount, duration, or renewal. Such institution shall also not interfere with a student athlete's participation based on obtaining representation in relation to contracts or legal matters. Grant-in-aid and stipends shall not be construed as compensation for the use of a student athlete's name, image, or likeness rights, or athletic reputation.

Student athletes shall not enter into apparel, equipment, or beverage contracts requiring advertisement for such products during official, mandatory team activities which conflict with a term in a contract of a postsecondary educational institution.

Student athletes shall not enter into any contract for compensation for the use of such athlete's name, image, or likeness rights, or athletic reputation without the consent of such institution if the contract conflicts with a term in a license or contract of such institution. Before the execution of any contract compensating a student athlete for the use of such athlete's name, image, likeness, or athletic reputation, regardless of whether a conflict exists, the student athlete shall disclose the contract to the institution.

Postsecondary educational institutions shall not compensate or cause compensation to a student athlete, prospective student athlete, or such an individual's family for the use of the individual's name, image, or likeness rights, or athletic reputation.

No contract of a college athletic program shall prevent a student athlete from receiving compensation for the use of such athlete's name, image, or likeness rights, or athletic reputation outside of official, mandatory team activities recorded in writing made publicly available upon request.

Institutions that enter into commercial agreements that directly or indirectly use a student athlete's name, image, or likeness rights, or athletic reputation, shall conduct a financial development program for student athletes, as described in the act.

Student athletes shall be represented only by an attorney or agent licensed in Missouri.

A student athlete may bring a civil suit for an injunction and actual damages against third parties in violation of this act. Such suit shall be brought in the county where the violation has occurred or will occur. Prevailing plaintiffs shall be awarded damages and court costs. Students bringing an action against a violator of the act shall not be deprived of any legal protections with respect to controversies



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arising under this act.

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Legal settlements shall not conflict with this act.

This act applies only to contracts entered into, modified, or renewed on or after August 28, 2021. (Section 173.280)

These provisions are identical to provisions in SCS/HCS/HB 320 (2021) and similar to HB 498 (2021) and HB 614 (2021).

#### REMOVING TUITION CAP RESTRICTION

This act authorizes community colleges and public universities to exceed the percentage change limitations for tuition currently established in current law after July 1, 2022. Public institutions of higher education that utilize differentiated tuition shall notify the Department of Higher Education and Workforce Development and shall no longer utilize required course fees. (Section 173.1003)

These provisions are identical to HB 856 (2021) and to provisions in HCS/SB/SCS/SB 152 (2021) and SCS/HCS/HB 320 (2021) and are similar to SB 601 (2021) and HB 1383 (2021).

#### SOUTHEAST MISSOURI STATE UNIVERSITY

This act designates Southeast Missouri State University (SEMO) as an institution with a statewide mission in the visual and performing arts, computer science, and cybersecurity.

The act requires members of the Board of Governors for SEMO to be appointed as described in the act. (Sections 174.281 and 174.453)

These provisions are substantially similar to SB 397 (2021) and SB 910 (2020) and to provisions in SCS/HCS/HB 1540 (2020), HCS/HB 2151 (2020), and HCS/SS/SCS/SB 528 (2020).

#### NORTHWEST MISSOURI STATE UNIVERSITY

This act designates Northwest Missouri State University as an institution with a statewide mission in educator preparation, emergency and disaster management, and profession-based learning.

Current law provides that public institutions of higher education charged with a statewide mission shall be governed by a board of governors as described in current law. Under this act, Northwest Missouri State University shall continue to be governed by its board of regents. (Sections 174.283 and 174.450)

These provisions are substantially similar to HB 908 (2021) and are similar to SB 376 (2021).

#### HARRIS-STOWE UNIVERSITY

This act designates Harris-Stowe State University as an institution with a statewide mission in science, technology, engineering, and mathematics (STEM) for underrepresented and underresourced students. (Section 174.285)

#### MISSOURI WESTERN STATE UNIVERSITY

This act repeals provisions of current law setting forth the requirement that two of the eight voting members of the Board of Governors for Missouri Western State University be selected from any of the

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counties in the state outside of the counties set forth under current law.

This act also removes the cap on the number of members that may be appointed from any one county. (Section 174.453)

These provisions are identical to SB 219 (2021) and provisions in HCS/SB/SCS/SB 152 (2021) and SCS/HCS/HB 1540 (2020).

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SPONSOR: DeGroot

HANDLER: Luetkemeyer

SS/HB 345 - This act modifies provisions relating to civil actions, including arbitration awards, covenants not to execute, contracts to limit recovery, and intervention in court proceedings for insurance companies.

#### ARBITRATION AWARDS (SECTION 435.415)

This act provides that no arbitration award for personal injury, bodily injury, or death shall be binding, admissible in evidence, or provide the basis for any judgment or decree against any insurer, as defined in the act, unless the insurer has agreed in writing to the arbitration proceeding. Additionally, any such arbitration award shall not be subject to garnishment, enforcement, or collection from any insurer unless the insurer has agreed in writing to the written arbitration agreement. Unless otherwise required by the insurance contract, an insurer's election to not participate in arbitration shall not constitute or be construed as bad faith. These provisions shall not apply to any arbitration required by statute or arbitration agreements preceding the date of injury or loss.

#### COVENANTS NOT TO EXECUTE, CONTRACTS TO LIMIT RECOVERY, AND INTERVENTION FOR INSURERS (SECTION 537.065)

Currently, any person having an unliquidated claim for damages against a tort-feasor may enter into a contract with the tort-feasor or any insurer to limit judgments to specified assets provided that the insurer has the opportunity to defend the tort-feasor without reservation but refuses to do so. This act provides that such person may enter into a contract with the tort-feasor or any insurer if the insurer has refused to withdraw a reservation of rights or declined coverage for such unliquidated claim.

Under current law, the insurer shall be provided with written notice of the execution of the contract and shall have 30 days to intervene before a judgment may be entered against a tort-feasor who has entered into such a contract. This act provides that for actions seeking a judgment on a claim against a tort-feasor pending at the time of execution of the contract, the tort-feasor is required to provide the insurer with a copy of the executed contract and a copy of the action within 30 days of execution of the contract. For actions which were pending at the time of execution but were later dismissed, the tort-feasor shall provide the insurer with a copy of the executed contract and the action within 30 days of any refiling of the action or the filing of any subsequent action seeking a judgment on the claim. If no action is pending at the time of the execution of any contract, the tort-feasor shall provide notice within 30 days after notice of any action. Judgment shall not be entered against any tort-feasor until the insurer has received written notice for at least 30 days. Furthermore, the act specifies that the insurers have the unconditional right to intervene in any pending civil action involving the claim for damages within 30 days of receiving notice.

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HANDLER: Luetkemeyer

This act provides that insurers intervening in a court proceeding where the tort-feasor has contracted to limit his or her liability to specified assets shall have all the same rights and defenses as are afforded to defendants. Additionally, the intervenor shall have reasonable and sufficient time to meaningfully assert its position. No stipulations, scheduling orders, or other orders affects the rights of intervenors and that were entered prior to intervention shall be binding upon the intervenor. These provisions shall not alter or reduce an intervening insurer's obligations to any insureds other than the tort-feasor, including any co-insureds.

All terms of any covenant not to execute or of any contract to limit recovery to specified assets shall be in writing and signed by the parties. No unwritten terms shall be enforceable against any party, insurer, or any other person.

In actions for bad faith, any agreement between the tort-feasor and the claimant shall be admissible in evidence. Furthermore, the exercise of any rights under this act shall not constitute or be construed as bad faith.

This act is similar to provisions in SS/SB 3 (2021), SB 179 (2021), in SS#1/SCS/SB 591 (2020), in HCS/SCS/SB 662 (2020), SCS/SB 726 (2020), SCS/HCS/HB 2049 (2020), SCS/SB 49 (2019), HB 120 (2019), and in SCS/HB 186 (2019).

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SPONSOR: Christofanelli

HANDLER: Koenig

HCS/HB 349 - This act establishes the "Missouri Empowerment Scholarship Accounts Program".

Any taxpayer who makes a qualifying contribution, as defined in the act, to an educational assistance organization (EAO) may claim a tax credit equal to the amount of the contribution. The tax credit shall not exceed 50% of the taxpayer's tax liability for the year in which the credit is claimed, but the remaining credit may be carried forward for the next four subsequent tax years.

The cumulative amount of tax credits available each year shall not exceed \$50 million, to be adjusted annually by the State Treasurer to account for inflation based on the Consumer Price Index, as described in the act, up to a maximum total amount of \$75 million.

The Treasurer shall establish a procedure to award the tax credits on a first-come, first-served basis to all EAOs. The Treasurer shall establish a period of time in which each EAO shall award all or a specified percentage of its tax credits for qualifying contributions. If an EAO fails to use the required amount of tax credits, the Treasurer may reallocate unused credits to other EAOs. The Treasurer may establish any number of distribution and reallocation periods per year.

Contributions may not be designated for particular students.

This act shall be effective only in any fiscal year after a fiscal year in which the amount appropriated to fund public school pupil transportation expenses equals or exceeds forty percent of the amount required to fully fund transportation aid funding under current law for the year 2021. Whenever the amount appropriated for a fiscal year falls below such amount, no scholarship grants shall be awarded under the act. (Section 135.713)

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Each EAO shall notify the Treasurer of its intent to provide scholarship accounts to qualified students, as defined in the act; demonstrate that it is a tax exempt 501(c)(3) organization; and shall provided Treasurer-approved receipts to taxpayers for contributions.

EAOs shall distribute grants to scholarship accounts of qualified students, giving first priority to students with Individualized Education Plans and students who qualify for free and reduced price lunch, and second priority to students whose households do not exceed 200% of the standard used to qualify for free and reduced price lunch.

EAOs shall ensure that their revenues and expenses are within limits described in the act.

Payments shall be distributed into scholarship accounts once or four times per year, as requested by parents. The total amount of payments to each qualified student shall not exceed the state adequacy target as calculated in current law for determining state aid to schools.

EAOs shall comply with accountability requirements related to disclosing criminal background checks, financial viability, student achievement testing data, student graduation and college attendance rates, and parental satisfaction survey data, as described in the act.

While ensuring compliance with student privacy laws, the Treasurer shall collect test results and publish such results and graduation rate data on a state website beginning after the third year of data collection.

EAOs may contract with private financial management firms to manage scholarship accounts with the supervision of the Treasurer. (Section 135.714)

The Treasurer shall provide a standardized format for receipts issued by EAOs for contributions to the program, a copy of which shall be required by the Department of Revenue when claiming a tax credit. The Treasurer shall provide a standardized format for EAOs to report information required for such receipts.

The Treasurer or State Auditor may investigate fraud committed by EAOs if the Treasurer has evidence of such fraud. The Treasurer may bar EAOs from participating in the program by establishing that the EAO intentionally and substantially failed to comply with certain requirements of the act. The EAO shall notify affected students and their parents as soon as possible after an EAO is barred.

The Treasurer shall issue a report on the state of the program, including information on EAO finances and educational outcomes, five years after the program goes into effect.

This act establishes the Missouri Empowerment Scholarship Accounts Fund. The Treasurer shall be the custodian of the Fund and may approve disbursements. Two percent of qualifying contributions shall be deposited in the funds for marketing and administrative expenses or the costs incurred in administering the program, whichever is less. (Section 135.716)

The Sunset Act shall not apply to the act. (Section 135.719)

Parents of qualified students may establish a Missouri Empowerment Scholarship Account for the

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student by entering into a written agreement with an EAO. The agreement shall provide that the student shall be enrolled in a qualified school, as described in the act, and that the student will not be enrolled in a public school or charter school in the student's district of residence. The agreement shall restrict the student's use of scholarship account funds to educational expenses listed in the act.

Scholarship accounts under the program are renewable annually until the student completes high school and submits required test scores to the Treasurer. Funds in a scholarship account shall revert back to the EAO if a student withdraws from a qualified school or is disqualified from the program. At the end of each year, unused funds shall remain in each scholarship account until the student graduates, at which point remaining funds shall be returned to the EAO for redistribution. (Section 166.705)

Beginning in the 2023-24 school year, the Treasurer shall conduct or contract for annual audits of scholarship accounts. The Treasurer may conduct or contract for further random or quarterly audits.

Parents, students, and vendors may be disqualified from the program if they are found to have committed an intentional program violation that consists of any misrepresentation or material violation. A parent may appeal the Treasurer's decision to remove the parent or student from eligibility.

The Treasurer may refer cases of substantial misuse of moneys to the Attorney General if there is evidence of fraud.

The Treasurer shall promulgate rules to implement procedures for examining the use of accounts, reviewing accounts, creating a fraud reporting online service and hotline, and requiring EAOs to post a surety bond. (Section 166.710)

A person commits a Class A misdemeanor if the person is found to have knowingly used program funds for a purpose not specified in the act. Financial institutions shall not be liable for providing scholarship account information to the Treasurer unless the institution knowingly and maliciously provided false information. (Section 166.715)

The act shall not be construed to permit governmental control or supervision of qualified schools other than public schools.

For the first five years following the effective date of the act, students who participate in the program shall continue to be counted in the weighted average daily attendance for the student's resident public school district or charter school, until the student no longer receives grant money in a scholarship account, until the student becomes counted in the weighted average daily attendance of another public or charter school, or until the student graduates. EAOs and the Treasurer shall provide the Department of Elementary and Secondary Education the information necessary for the calculation of state aid to resident public schools and charter schools.

In any legal proceeding challenging a requirement place upon qualified schools pursuant to the provisions of the act, the State shall have the burden of proving that the law is necessary and does not pose an undue burden. (Section 166.720)

This act is similar to SB 30 (2021), SB 251 (2021), SCS/SB 296 (2021), SCS/SB 581 (2020), HB 1733 (2020), and HCS/HB 2068(2020) and provisions in SCS/SBs 55, 23, & 25 (2021), and HB 729 (2021).

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HANDLER: Koenig

SPONSOR: DeGroot

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SCS/HCS/HB 362 - This act modifies provisions regarding the Sunshine Law and access to public records.

This act creates the "Government Lending Transparency Act". This act requires each administering agency, as defined in the act, to report to the State Auditor not later than August 30 of each year the following information:

- The name and statutory authority for each lending program and credit support program administered by the agency;
- 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
- 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.

The State Auditor is required to make an annual report compiling all of the data received from administering agencies under this act and submit it to the General Assembly not later than December 15 of each year.

Intentional or knowing failure to comply with any reporting requirement contained in this act is punishable by a fine of up to two thousand dollars.

This provision is similar to SB 605 (2021) and HB 1177 (2021).

Under this act, the Office of Child Advocate 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 Division and of the Division's employees. The identity of any individual who reports to or participates in the reporting system shall be confidential as described in the act. Any criminal act reported into the reporting system shall be disclosed by the Office to the appropriate law enforcement agency. In child abuse and neglect investigations, this act provides that nothing shall preclude the Office from releasing findings regarding the professional performance of multidisciplinary team members.

Under this act, in a municipal ordinance violation proceeding before a municipal court where the charge carries a possibility of fifteen or more days in jail or confinement, a defendant shall not be charged any fee for obtaining a police report, probable cause statement, or any relevant video.

These provisions are identical to HB 177 (2021).

A public governmental body is authorized to close records and meetings related to evacuation and lockdown procedures on property owned or leased by the body. Information submitted by software or surveillance companies that secure access to buildings of the body may also be closed.

A public governmental body is authorized to close records that are related to email addresses and

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HANDLER: Wieland

telephone numbers submitted to a public governmental body by individuals or entities for the sole purpose of receiving electronic or other communications. The public body may also close records of utility usage and bill records for customers of public utilities unless the customer requests them or authorizes their release.

Finally, this act states that 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. If the same or a substantially similar request for records is made within six months of the expiration of the thirty day period, then the public body can request payment of fees made for the original request.

This act is similar to HB 657 (2021) and HB 2603 (2020).

JIM ERTLE

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SPONSOR: Taylor

HANDLER: Bernskoetter

SS/HCS/HB 369 - This act modifies provisions relating to land management, including the purchase of cemeteries, control of feral swine on land, liability of landowners, and searches of private property.

#### PURCHASE OF THE ANTIOCH CEMETERY (SECTION 253.387)

This act authorizes the Department of Natural Resources to acquire by purchase or gift the Antioch Cemetery in Clinton, Missouri, to be operated and maintained by the Division of State Parks within the Department. The Department shall make adequate provisions for the proper care, maintenance, and safekeeping of the property.

The Department is required to allow for burials to continue until all plots have been purchased. The Department shall charge no more than \$100 per burial to be credited to the "Antioch Cemetery Fund", established in the act. The Department shall not be liable for additional costs associated with the burial.

This provision is identical to a provision in HCS/SCS/SB 40 (2021), SB 396 (2021), and HB 395 (2021) and is similar to HB 1556 (2020).

#### FERAL SWINE (SECTIONS 270.170, 270.180, 270.260, 270.270, AND 270.400)

This act modifies provisions relating to feral swine.

The act removes the phrase "or sheep" from provisions of law relating to certain animals running at large.

The act repeals a definition for "feral hog" and replaces it with a definition for "feral swine". Additionally, the term "feral hog" is replaced with "feral swine" throughout the act.

Any person who recklessly or knowingly releases any swine to live in a wild or feral state may be sentenced to pay a fine up to \$2,000.

Provisions of law relating to the release of feral swine shall not be construed to criminalize the release of domestic swine into a facility under a Department of Conservation permit or to hinder the ability to transport domestic swine to market or slaughter.

Any person possessing or transporting feral swine on or through public land is guilty of a Class A

SPONSOR: Taylor

HANDLER: Bernskoetter

misdemeanor. Any person shall be found guilty of a Class E felony if he or she has previously been found guilty of possessing or transporting feral swine on or through public land within ten years of the date of the occurrence of the present offense and is subsequently found guilty.

Provisions of law relating to the possession or transportation of feral swine shall not apply to the possession of the offspring of domestic swine that are unintentionally sired by feral swine and are reported to the state veterinarian as set forth in the act.

Any person who takes or kills a feral swine on public or private land without the consent of the landowner or with the use of an artificial light or thermal imagery is guilty of a Class A misdemeanor.

Finally, the act repeals rulemaking authority for the Director of the Department of Agriculture for health standards for certain wild swine and repeals provisions of law creating the Animal Health Fund.

These provisions are identical to SCS/HCS/HB 508 (2021) and are similar to SCS/SB 236 (2021), SB 1059 (2020), and HCS/HB 1798 (2020).

#### LIABILITY FOR INHERENT RISKS OF CAMPING ON PRIVATE CAMPGROUNDS (SECTION 537.328)

This act prohibits a private campground owner or employee or officer of a private campground owner from being liable for acts related to camping at a private campground if the injury or damage occurred as a result of an inherent risk of camping, as described within the act. This act does not apply to actions arising under the Missouri Workers' Compensation Law. Additionally, this act does not prevent or limit liability of an owner, employee, or officer who intentionally causes injury, death, or damage, who acts with a willful or wanton disregard for the safety of the person or property damaged, who fails to use the degree of care that an ordinarily careful and prudent person would use under the circumstances, or who fails to conspicuously post warning signs of known dangerous conditions on the property. Warning signs are required to appear in black letters of at least one inch in height on a white background. Warning signs and written contracts entered into by an owner, employee, or officer shall contain a warning notice, as specified in the act.

This provision is identical to SB 50 (2021), HB 72 (2021), a provision in HCS/SCS/SB 119 (2021), in HCS/SB 377 (2021), in the perfected HCS/HB 922 (2021), HB 1070 (2021), and SCS/SB 783 (2020), and is similar to HA#5 to HCS/SCS/SB 662 (2020), HB 1302 (2020), and HB 398 (2019).

#### LIABILITY OF LANDOWNERS FOR RECREATIONAL PURPOSES (SECTIONS 537.346 AND 537.348)

This act provides that no owner of land shall be liable for a trespasser's injuries that occur on his or her residential area or noncovered land if such area or land is adjacent to a park or trail and the trespasser accessed the area or land from the adjacent park or trail. The term "residential area" is currently defined as a tract of land of one acre or less predominately used for residential purposes, or a tract of land of any size used for multifamily residential services. This act repeals this definition and provides that the term "residential area" means land used for residential purposes in an area in which housing predominates, as opposed to industrial or commercial areas, and any land used for farming or agricultural purposes.

Additionally, this act repeals the provision providing that the limitations on liability for owners of land used for recreational purposes does not limit liability that would otherwise be incurred for those who use the land of others, or by owners of land for injuries occurring on or in any land within the corporate



SPONSOR: Taylor

HANDLER: Bernskoetter

boundaries of any city, municipality, town, or village in this state.

These provisions are identical to provisions in SCS/SB 306 (2021) and in SCS/SB 411 (2021), is substantially similar to provisions in HCS/HB 519 (2021), HCS/HB 441 (2021), and HB 806 (2021), and contains a provision similar to HB 2181 (2020).

#### LIABILITY OF LANDOWNERS FOR WILDLIFE MANAGEMENT PROGRAMS (SECTION 537.347)

Currently, a landowner who invites or permits any person to enter onto his or her land for recreational use in compliance with a state-administered recreational access program does not extend any assurance that the premises are safe, confer a duty requiring special or reasonable care, or assume liability for injuries caused by any condition on the premises or by an act or omission of any other person. This act extends these provisions to landowners of property used for recreational purposes in compliance with a state-administered wildlife management program.

This provision is identical to HCS/SB 377 (2021), HB 573 (2021), a provision in SCS/SB 306 (2021), and in HCS/HB 519 (2021).

#### LIABILITY OF LANDOWNERS FOR PRESCRIBED BURNS (SECTION 537.354)

This act establishes the Prescribed Burning Act, which specifies that no landowner or agent of a landowner shall be liable for damages caused by a prescribed burning conducted in accordance with a prescribed burn plan or the resulting smoke of such a prescribed burning unless the landowner or agent is proven to be negligent. Additionally, unless proven to be negligent, no certified burn manager shall be liable for damages caused by a prescribed burning or the resulting smoke conducted in accordance with a prescribed burn plan.

This act shall not apply to any property, land, right-of-way, or easement owned by a public utility, municipally-owned utility, rural electric cooperative, corporation organized for the purpose of supplying electric energy, or electric corporations operating under a cooperative business plan. Additionally, this act shall not apply to any property, land, right-of-way, or easement appurtenant or incidental to lands controlled by any railroad.

This provision is substantially similar to SCS/SB 301 (2021) and is similar SCS/SB 661 (2020), HCS/HB 1547 (2020), and HB 978 (2019).

#### SURVEILLANCE AND SEARCHES OF PRIVATE PROPERTY (SECTION 542.525)

This act provides that no employee of a state agency or a political subdivision shall place any surveillance camera or game camera on private property without first obtaining consent from the landowner or his or her designee, a search warrant pursuant to law, or permission from the highest ranking law enforcement chief or officer of the agency or political subdivision, provided that permission of the highest ranking law enforcement chief or officer is valid only when the camera is facing a location that is open to public access or use and the camera is located within 100 feet of the intended surveillance location.

This provision is similar to a provision in the perfected HCS/HB 682 (2021) and HB 1166 (2021).

KATIE O'BRIEN

SPONSOR: Mosley

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HCS/HB 402 - This act prohibits the State Lottery Commission, any employee of the State Lottery, and any organization contracted with the State Lottery from publishing identifying information of any person who wins the state lottery. A lottery winner may authorize in writing, on a form to be provided by the Lottery Commission, the public disclosure of his or her identifying information. Such form shall clearly state in at least a fourteen-point bolded font at the top of the form that a lottery winner is not required to sign such public disclosure form in order to claim his or her lottery winnings.

A violation of this act is a Class A misdemeanor.

This act is identical to SCS/SB 272 (2021) and is substantially similar to HB 1563 (2020).

JOSH NORBERG

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SPONSOR: Kelly

HANDLER: Koenig

SS/SCS/HCS/HB 429 - This act modifies several provisions relating to child placement, including: (1) adoption tax credits; (2) foster parent tax deductions; (3) birth match; (4) termination of parental rights; (5) third party custody or visitation; (6) adoption regulations; and (7) adoption proceedings.

**ADOPTION TAX CREDITS** (Sections 135.325, 135.326, 135.327, 135.335, 135.800, and 191.975)

Current law authorizes the Special Needs Adoption Tax Credit for nonrecurring expenses relating to the adoption of a special needs child. This act modifies such program by renaming it the Adoption Tax Credit, and by expanding such program to allow tax credits for nonrecurring expenses relating to the adoption of any child adopted on or after January 1, 2022, regardless of whether such child is a special needs child. Beginning July 1, 2021, the cap for the tax credit shall be expanded from two million dollars to six million dollars.

**FOSTER PARENT TAX DEDUCTIONS** (Section 143.1170)

For all tax years beginning on or after January 1, 2022, this act authorizes a tax deduction for expenses incurred directly by a taxpayer in providing care as a foster parent to one or more children in this state. The amount of such deduction for a taxpayer providing care as a foster parent for at least six months during the tax year shall not exceed \$5,000, provided that a deduction claimed under this provision if filing married separately shall not exceed \$2,500 per taxpayer. For a taxpayer providing care for less than six months during the tax year, the amount of the deduction shall be reduced on a pro rata basis.

A taxpayer claiming a deduction pursuant to this act shall file an affidavit affirming that such taxpayer is a foster parent, and the Department of Revenue shall collaborate with the Children's Division of the Department of Social Services to establish and implement a procedure to verify that a taxpayer is a foster parent.

**BIRTH MATCH** (Sections 193.075, 210.150, and 210.156)

Under this act, the Children's Division shall make available to the State Registrar the identifying information of certain individuals, within the previous ten years, whose parental rights have been terminated due to child abuse or neglect, individuals who pled or were found guilty of murder or manslaughter when the victim was a child, and individuals who pled guilty or were found guilty of certain sexual offenses against a child. The State Registrar shall provide to the Division the birth record information of children born to such individuals. The Division shall verify the identity of the parent and if that identity is verified, the Division shall provide the appropriate local office with information

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HANDLER: Koenig

regarding the birth of the child. Appropriate local Division personnel, or local providers designated by the Division, shall initiate contact with the family, or make a good faith effort to do so, to determine if the parent or family has a need for services and provide such voluntary and time-limited services as appropriate. The Division shall document the results of such contact and services provided, if any, in the Division's information system. Identifying information and records created and exchanged under this act shall be closed records and shall only be used as specified in the act.

#### TERMINATION OF PARENTAL RIGHTS (Section 211.447)

This act modifies the definition of and the grounds for determining abandonment of child in a termination of parental rights proceeding. Under this act, a mandatory termination of parental rights shall be initiated when the court finds a child under two years of age to be abandoned, including when a parent has, for a period of sixty days when the child was under one year of age, willfully, substantially, and continuously neglected to provide the child with necessary care and protection. A discretionary termination of parental rights may occur when the court finds a child two years of age or older has been abandoned, including when a parent has, for a period of 6 months immediately prior to the filing of the petition to terminate parental rights, willfully, substantially, and continuously neglected to provide the child with necessary care and protection. This act repeals a ground for a discretionary termination of parental rights when a child two years of age or older has been abandoned if the parent, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child.

Under current law, a termination of parental rights shall occur if the parent has been found guilty of certain felony offenses when the child or any child in the family was a victim. This act adds additional felony offenses to the list and removes the requirement that the child be a child in the family or that the child reside with the parent at the time of the offense.

This act modifies determinations of parental unfitness in a discretionary termination of parental rights proceedings to include circumstances when the child has been in foster care under the jurisdiction of the juvenile court for at least 15 of the 22 months prior to the filing of the petition.

#### THIRD PARTY CUSTODY OR VISITATION (Section 452.375)

Under this act, temporary third party custody or visitation may be awarded, if in the best interests of the child, to a person related by consanguinity or affinity to the child. If no such person is willing to accept custody of the child, then the court may award custody to any other person deemed by the court to be suitable.

#### ADOPTION REGULATIONS (Sections 453.014, 453.030, and 453.070)

This act modifies provisions granting, under current law, the Department of Social Services and the Department of Health and Senior Services regulatory authority for placing a child for adoption to instead grant such authority to the Children's Division and to repeal such authority from the Department of Health and Senior Services.

#### ADOPTION PROCEEDINGS (Sections 453.030 and 453.040)

Under current law, prospective adoptive parents or the child-placing agency shall pay reasonable attorney fees incurred by the birth parent throughout the adoption process, unless the court determines the adoptive parents are unable to pay such fees. This act repeals this provision, while retaining the provision guaranteeing the birth parent the right to legal representation. Additionally, this act permits the court to appoint an attorney to represent a birth parent under the age of 18 in cases where the birth parent requests

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HANDLER: Koenig

an attorney, the hiring of an attorney would represent a financial hardship for the birth parent, and the birth parent is not already represented by counsel.

Finally, this act modifies the circumstances in which a parent's consent to adoption is not required to reflect the changes made to identifying "abandoned" children in termination of parental rights proceedings.

This act is identical to the perfected SS/SB 327 (2021).

SARAH HASKINS

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SPONSOR: Kelly

HANDLER: Rehder

SS/SCS/HCS/HB 430 - This act modifies provisions relating to benevolent tax credits.

#### ADOPTION TAX CREDITS

Current law authorizes the Special Needs Adoption Tax Credit for nonrecurring expenses relating to the adoption of a special needs child. This act modifies such program by renaming it the Adoption Tax Credit, and by expanding such program to allow tax credits for nonrecurring expenses relating to the adoption of any child adopted on or after January 1, 2022, regardless of whether such child is a special needs child. Beginning July 1, 2021, this act increases the annual limit on the amount of tax credits that may be authorized from two million dollars to six million dollars. (Sections 135.325 to 135.335, 135.800, 191.975)

These provisions are identical to provisions contained in HCS#2/SS/SB 327 (2021), SS/SCS/HCS/HB 429 (2021), and HCS/HB 1095 (2021), and are substantially similar to HB 361 (2021) and to provisions contained in SB 461 (2021).

#### DOMESTIC VIOLENCE SHELTER TAX CREDIT

Current law authorizes a tax credit for contributions to domestic violence shelters in an amount equal to fifty percent of the contribution, with the maximum annual amount of tax credits limited to \$2 million. This act increases the tax credit from fifty percent of the amount contributed to seventy percent beginning July 1, 2022, and removes the limit on the cumulative amount of tax credits claimed by all taxpayers in a fiscal year beginning July 1, 2022. This act also shortens the ability to carry forward any unused credit from four years to one year.

This act also adds a definition of "rape crisis center" to allow taxpayers to receive tax credits for contributions to such facilities. (Section 135.550)

This provision is identical to a provision contained in SB 155 (2021), HB 1109 (2021), HB 1129 (2021), and SS/SCS/SB 648 (2020), and is substantially similar to SB 958 (2020) and to a provision contained in SS#2/SB 704 (2020).

#### MATERNITY HOME TAX CREDIT

Current law authorizes a tax credit for contributions to maternity homes in an amount equal to fifty percent of the contribution, with the maximum annual amount of tax credits limited to \$3.5 million. This act increases the tax credit from fifty percent of the amount contributed to seventy percent beginning July 1, 2022, removes the limit on the cumulative amount of tax credits claimed by all taxpayers in a fiscal

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HANDLER: Rehder

year beginning July 1, 2022, and removes the sunset provision. (Section 135.600)

This provision is identical to a provision contained in SB 155 (2021), HB 1109 (2021), and HB 1129 (2021).

JOSH NORBERG

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SPONSOR: Kelly

HANDLER: White

SS/SCS/HS/HB 432 - This act modifies several provisions relating to the protection of vulnerable persons, including: (1) seclusion and restraint policies in public schools; (2) public school policies accommodating nursing mothers; (3) recording of parent meetings; (4) sheltered workshops; (5) the Alzheimer's State Plan Task Force; (6) forensic examinations; (7) the birth match program; (8) nutrition assistance programs; (9) child care benefits; (10) MO HealthNet antipsychotic medication; (11) unaccompanied youth; (12) child care facilities; (13) newborn safety incubators; (14) children in the custody of the state; (15) a child's right to counsel; (16) the Missouri Food Security Task Force; (17) employment leave for victims of certain crimes; (18) child hearing aids; (19) insurance coverage for mental health conditions; (20) step therapy; (21) modification of prior custody orders or visitation; (22) prohibition of certain sex offenders from being near certain properties; and (23) the "Missouri Commission on Autism Spectrum Disorders".

#### THE USE OF SECLUSION AND RESTRAINTS IN PUBLIC SCHOOLS (Section 160.263)

Under this act, school discipline policies required under current law shall reserve confining a student in seclusion for situations or conditions in which there is an imminent danger of physical harm to the student or to another.

Beginning July 1, 2022, no school district, charter school, or publicly contracted private provider shall use any mechanical, physical, or prone restraint technique which cause certain obstructions, impairments, physical pressure, danger, or pain, as listed in the act. A student who primarily uses sign language or an augmentative mode of communication shall be permitted to have his or her hands free for brief periods unless doing so appears likely to result in harm.

Before July 1, 2022, each school district's written policy addressing restrictive behavioral interventions shall be updated to be consistent with the act's prohibitions and limitations related to restraint techniques. The policy shall require students to be removed from seclusion or restraint as soon as the student is determined to no longer be an imminent danger of physical harm, shall require all personnel to annually review policies and procedures related to seclusion and restraint, and to require personnel who use seclusion or restraint to complete an annual training on permitted techniques. The policy shall also require each use of seclusion or restraint to be monitored by a personnel member and for a report containing certain documentary and parental support information to be completed and retained. A copy of the report shall be provided to the parent within 5 days of the incident and to the Department of Elementary and Secondary Education within 30 days. The school shall attempt to notify the parent as soon as possible after the use of seclusion or restraint, but at the latest no later than one hour after the end of the school day.

No public or charter school officer, administrator, or employee shall retaliate against a person for reporting a violation of the school's seclusion and restraint policy or a violation of the act or for providing information regarding a violation of the act. The Department shall compile and maintain all reported

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seclusion or restraint incidents in its core data system and make such data available on the Missouri Comprehensive Data System, except for personally identifiable data.

By July 1, 2022, the Department shall update its model policy related to the confinement of students to include the provisions of the act related to the written seclusion and restraint policies.

These provisions are identical to provisions in HCS#2/SS/SB 327 (2021) and HB 387 (2021) and similar to HB 119 (2021), HB 1568 (2020), HB 1569 (2020), provisions in HCS/SS/SCS/SB 528 (2021), and HB 1023 (2019).

#### PUBLIC SCHOOL POLICIES ACCOMMODATING NURSING MOTHERS (Section 160.3005)

This act requires the Department of Elementary and Secondary Education to develop a model policy relating to accommodations for breast-feeding by January 1, 2022. Public school districts must adopt a written policy meeting the requirements of this act by July 1, 2022. The policy shall include provisions to provide certain minimum accommodations to lactating employees, teachers, and students to express or breast-feed in each public school building within the district for at least a year after the birth of a child. School districts must provide a minimum of three opportunities during a school day to express or breast-feed.

This provision is substantially similar to SB 76 (2021), HB 1490 (2020), and HB 1279 (2020).

#### RECORDING OF PARENT MEETINGS (Section 162.686)

Under this act, no school district or charter school shall prohibit a parent or legal guardian of a student from audio recording any meeting held under the federal Individuals with Disabilities Education Act (IDEA), or the federal Rehabilitation Act of 1973. Any audio recording made by a parent or legal guardian shall be the property of the parent or guardian, and shall not be considered to be a public record. School districts and charter schools shall not require parents to notify the school district or charter school of such parent's intent to record a meeting more than 24 hours in advance. No school district or charter school employee who reports any violation of this act shall be subject to discharge, retaliation, or any other adverse employment action for making such report.

This provision is identical to a provision in SCS/HCS/HB 228 (2021).

#### SHELTERED WORKSHOPS (Section 178.935)

In order to prevent the curtailment of employment opportunities for disabled persons working at sheltered workshops, the Department of Elementary and Secondary Education shall permit sheltered workshops to pay such disabled persons commensurate wages, defined as wages based on the disabled person's productivity in proportion to the productivity of an experienced non-disabled person in a similar job and that may be lower than the state minimum wage. The sheltered workshop shall provide written assurance to the Department that such wages shall be reviewed and adjusted periodically and no sheltered workshop shall be permitted to reduce the agreed-upon wage rate for a period of two years after approval without prior authorization from the Department.

This provision is identical to SB 582 (2021).

#### ALZHEIMER'S STATE PLAN TASK FORCE (Section 191.116)

This act establishes the "Alzheimer's State Plan Task Force" in the Department of Health and Senior Services, which shall consist of 21 members as specified in the act. The task force shall assess and

SPONSOR: Kelly

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maintain a state plan to overcome the challenges of Alzheimer's disease, including assessing the existing services and resources available for persons with Alzheimer's disease and their families and identifying opportunities for Missouri to coordinate with federal entities. The task force shall deliver a report to the Governor and General Assembly by June 1, 2022, and shall supplement the report annually thereafter. The task force shall expire on December 31, 2026.

This provision is identical to SB 523 (2021) and substantially similar to provisions in SCS/HCS/HB 1683 (2020) and SB 823 (2020).

#### FORENSIC EXAMINATIONS (Sections 192.2520 and 197.135)

This act requires the statewide coordinator for the telehealth network for forensic examinations of victims of sexual offenses to regularly consult with Missouri-based stakeholders and clinicians regarding the training programs offered by the network, as well as the implementation and operation of the network. Current law permits the training to be offered online or in person and this act requires that the training be made available online and permits it to be offered in person. Providers shall not be required to utilize this training, so long as the training utilized by providers is, at a minimum, equivalent to the network's training.

Current law requires licensed hospitals to perform forensic examinations of victims of sexual offenses beginning January 1, 2023. Under this act, such requirement shall only occur beginning January 1, 2023, or no later than 6 months after the establishment of the telehealth network, whichever is later. Finally, no individual hospital shall be required to comply with these provisions unless and until the Department of Health and Senior Services provides such hospital with access to the network for mentoring and training services without charge.

Finally, victims of sexual offenses who are 14 to 17 years of age may be referred by hospitals to SAFE CARE providers for medical or forensic evaluation and case review.

These provisions are identical to SCS/SB 550 (2021).

#### BIRTH MATCH PROGRAM (Sections 193.075, 210.150, and 210.156)

Under this act, the Children's Division shall make available to the State Registrar the identifying information of certain individuals, within the previous ten years, whose parental rights have been terminated due to child abuse or neglect, individuals who pled or were found guilty of murder or manslaughter when the victim was a child, and individuals who pled guilty or were found guilty of certain sexual offenses against a child. The State Registrar shall provide to the Division the birth record information of children born to such individuals. The Division shall verify the identity of the parent and if that identity is verified, the Division shall provide the appropriate local office with information regarding the birth of the child. Appropriate local Division personnel, or local providers designated by the Division, shall initiate contact with the family, or make a good faith effort to do so, to determine if the parent or family has a need for services and provide such voluntary and time-limited services as appropriate. The Division shall document the results of such contact and services provided, if any, in the Division's information system. Identifying information and records created and exchanged under this act shall be closed records and shall only be used as specified in the act.

These provisions are identical to provisions in the truly agreed to and finally passed SS/SCS/HCS/HB 429 (2021) and the perfected SS/SB 327 (2021).

SPONSOR: Kelly

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NUTRITION ASSISTANCE PROGRAMS (Sections 208.018, 208.285, 208.1060, and 210.251)

The current Supplemental Nutrition Assistance Program (SNAP) farmers' market pilot program expired on October 10, 2020. This act reauthorizes the program until August 28, 2027.

This provision is identical to SB 575 (2021).

This act changes the Missouri Senior Farmers' Market Nutrition Program to the Missouri Farmers' Market Nutrition Program and expands the program to include low-income pregnant and postpartum women, infants, and children under 5 years of age who are at nutritional risk. Additionally, this act removes language in current statute permitting vouchers under the program to be used at roadside stands and community-supported programs (CSAs).

This act modifies voucher distribution to permit eligible individuals to receive program vouchers from distribution sites in their county of residence or a neighboring county.

This provision is substantially similar to HB 652 (2021).

This act requires the Department of Social Services to submit a state plan to the U.S. Department of Agriculture for a "Farm to Food Bank Project" and to contract with any qualified food bank for the purpose of operating the project.

This provision is identical to SB 562 (2021).

Under this act, Missouri shall have no stricter requirements than federal regulations for participants in administering the program for at-risk school children through the federal Child and Adult Care Food Program. Facilities shall not be required to be licensed child care providers to participate in the program, as long as minimum health and safety standards are met and documented.

This provision is identical to a provision in HCS/SCS/SB 457 (2021) and HCS/HB 1337 (2021) and substantially similar to SCS/SB 563 (2021).

CHILD CARE BENEFITS (Section 208.053)

This act modifies an expired law relating to the "Hand-Up" pilot program, which was designed to ensure that certain participating recipients continued to receive child care subsidy benefits while paying a premium when their income surpassed the eligibility level for full benefits to continue. This act requires the Children's Division, subject to appropriations and by July 1, 2022, to implement a new pilot program in Jackson County, Clay County, and Greene County. The program shall be designed so that applicants may receive transitional child care benefits without first being eligible for full child care benefits, as long as the applicant's income falls within the income limits established through annual appropriations. The Division shall track the number of recipients in the program and the effectiveness of the program in encouraging recipients to secure employment with incomes greater than the maximum for full child care benefits. The report shall be issued to the General Assembly by September 1, 2023, and each September thereafter.

This act repeals provisions relating to the establishment and utilization of a "Hand-Up Premium Fund" in the State Treasury for premiums collected under the previous pilot program.

These provisions will expire on August 28, 2024, unless reauthorized.



SPONSOR: Kelly

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These provisions are identical to SB 206 (2021) and SB 584 (2020), substantially similar to HCS/HB 1311 (2018), and similar to SB 965 (2018).

#### MO HEALTHNET ANTIPSYCHOTIC MEDICATION (Sections 208.226 and 208.227)

Currently, no restrictions to access shall be imposed that preclude the availability of any individual atypical antipsychotic monotherapy for the treatment of certain disorders in MO HealthNet participants. Under this act, no such restrictions shall be imposed for any individual antipsychotic medication. Additionally, this act modifies current law regarding the MO HealthNet Division's requirements to issue a provider update regarding cost considerations when enumerating treatment and utilization principles, as well as repeals language regarding the Division's adherence to certain principles when implementing new policies and clinical edits for antipsychotic drugs.

This provision is identical to SB 173 (2021), SB 666 (2020), and HB 867 (2019).

#### UNACCOMPANIED YOUTH (Sections 210.115 and 210.121)

Under this act, for the purposes of providing or accessing supportive services or verifying the status of a youth as unaccompanied or homeless, the fact that a child is an unaccompanied youth, as defined in federal law, is not, in and of itself, a sufficient basis for reporting child abuse or neglect, unless the child is under 16 years of age or is incapacitated.

Additionally, an unaccompanied youth may access supportive services, as defined in the act, so long as the youth is verified as an unaccompanied youth. Acceptable documentation for verification shall include: (1) a statement signed by a licensed mental health professional, licensed social worker, or licensed counselor of a government or nonprofit agency that receives public or private funding to provide services to homeless people; (2) a statement signed by a local educational agency liaison for homeless children and youth or a school social worker or counselor; or (3) a statement signed by an attorney representing the youth in any legal matter.

A person who acts in good faith to accept a statement from a director or designee of a government or nonprofit agency and who is without actual knowledge that such statement is fraudulent or otherwise invalid, shall not be liable in any civil or criminal action for providing shelter or supportive services without having obtained permission from the minor's parent or guardian. The service provider shall not be relieved from liability for negligence or criminal acts on the basis of this act.

These provisions are identical to HCS/HB 1276 (2021) and substantially similar to SCS/SB 536 (2021).

#### CHILD CARE FACILITIES (Sections 210.201, 210.252, and B)

Under current law, Montessori schools are not required to have a child care facility license to operate in the state. This act modifies the definition of a Montessori school to include programs that are either accredited by, actively seeking accreditation by, or maintain an active school membership with the American Montessori Society, Association Montessori Internationale, the International Montessori Counsel, or the Montessori Educational Programs International.

This provision has an emergency clause.

This provision is identical to the perfected SCS/SB 457 (2021).

SPONSOR: Kelly

HANDLER: White

This act change the department responsible for certain building and premise health and sanitation inspections for licensed child care facility from the Department of Health and Senior Services to the Department of Elementary and Secondary Education.

#### NEWBORN SAFETY INCUBATORS (Section 210.950)

This act modifies the "Safe Place for Newborns Act of 2002" by permitting parents to relinquish a child up to 45 days old to a newborn safety incubator, defined as a medical device used to maintain an optimal environment for a newborn infant.

This provision is identical to HB 76 (2021).

#### CHILDREN IN THE CUSTODY OF THE STATE (Section 210.1225)

Under this act, the Children's Division shall take physical custody of a child who is in the legal custody of the Division and who is hospitalized but no longer in need of medical care. If the Division fails to take physical custody of the child, then the Division shall reimburse the hospital at the same rate the hospital would receive per day for an inpatient admission.

Additionally, if the Division requests transportation of a child to an emergency, the hospital to which the child is transported or any subsequent psychiatric hospital to which the child is transferred shall be allowed to administer emergency psychiatric treatment.

This provision is identical to SB 561 (2021) and substantially similar to HB 1147 (2021).

#### CHILD'S RIGHT TO COUNSEL (Section 211.211)

Under this act, when a petition has been filed in a juvenile court under certain provisions of law and a child has waived his or her right to counsel, such waiver may be made in open court and be recorded and in writing. The waiver shall be made knowingly, intelligently, and voluntarily, which shall be determined by the totality of the circumstances, including the child's age, background, experience, emotional stability, and the complexity of the proceedings. Such waiver shall only apply to that proceeding and in any subsequent proceedings, the child shall be informed of his or her right to counsel.

A child's right to counsel shall not be waived in the following proceedings: (1) at a detention hearing, (2) at a certification or dismissal hearing, (3) at an adjudication hearing for any misdemeanor or felony offense, (4) at a dispositional hearing, or (5) at a hearing on a motion to modify or revoke supervision under certain provisions of law.

This provision is identical to provisions in CCS/HCS/SS/SCS/SBs 53 & 60 (2021) and substantially similar to HCS/HB 218 (2021) and to provisions in SB 305 (2021)

#### MISSOURI FOOD SECURITY TASK FORCE (Section 261.450)

This act establishes the Missouri Food Security Task Force, to be comprised of 25 members as set forth in the act. The task force shall report a summary of its activities and recommendations to the Governor and the General Assembly before August 28th of each year, and shall terminate on December 31, 2023, or may be extended until December 31, 2025, as determined necessary by the Department of Agriculture.

This provision is identical to SCS/SB 441 (2021) and similar to HB 597 (2021) and HB 2108 (2020).

SPONSOR: Kelly

HANDLER: White

#### EMPLOYMENT LEAVE FOR VICTIMS OF CERTAIN CRIMES (Sections 285.625 to 285.670)

Under this act, any person employed by a public or private employer with at least 20 employees is entitled to unpaid leave if the person, or a family or household member, is a victim of domestic or sexual violence. Permissible reasons for taking leave include seeking medical attention, recovering from injury, obtaining victim services, obtaining counseling, participating in safety planning, and seeking legal assistance. Such leave shall be limited to 2 weeks of leave per year if the employer employs at least 50 employees and 1 week per year if the employer employs at least 20 but not more than 49 employees.

Employees are required to give 48 hours notice of the intent to take leave and may be required to provide certification to the employer that the leave is necessary. On return from leave, employees shall be restored to the same or equivalent employment position and shall not lose accrued benefits. Employers are required to maintain health coverage for the employee while on leave but the premium may be recovered if the employee does not return.

Employers are required to post and keep posted a notice summarizing the requirements of this act, which shall be prepared by the Director of the Department of Labor and Industrial Relations.

These provisions are identical to SB 16 (2021), substantially similar to SCS/SB 178 (2019), SB 739 (2018), SB 268 (2017), and SCS/SB 907 (2016), and similar to SB 130 (2015), SB 712 (2014) and SB 367 (2013).

#### CHILD HEARING AIDS (Section 376.1228)

This act requires health benefit plans delivered, issued, continued, or renewed on or after January 1, 2022, to provide coverage to children under 18 years of age for those hearing aids which are covered for children receiving benefits under MO HealthNet. Any additional costs to the state created under these provisions shall be subject to appropriation. These provisions shall be void if determined by the federal government to be in violation of federal law.

This provision is identical to provisions in HCS/SS/SCS/SB 43 (2021) and similar to HB 289 (2021).

#### INSURANCE COVERAGE FOR MENTAL HEALTH CONDITIONS (Section 376.1551)

Under this act, each health carrier that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2022, and that provider coverage for a mental health condition shall meet certain federal mental health parity requirements.

This provision is identical to a provision in the truly agreed to and finally passed SCS/SB 604 (2021).

#### STEP THERAPY (Section 376.2034)

Under this act, a step therapy override exception determination for health insurance shall be granted if the patient's treating health care provider attests that coverage of the prescribed prescription drug is necessary to save the life of the patient.

#### MODIFICATION OF PRIOR CUSTODY ORDERS OR VISITATION (Section 452.410)

This provision modifies current law relating to the modification of a prior child custody decree by changing and adding intersectional references to current statutory provisions relating to child custody, visitation, and grandparent visitation.

SPONSOR: Kelly

HANDLER: White

This provision is identical to a provision in HCS/SS/SCS/SB 71 (2021).

#### PROHIBITION OF CERTAIN OFFENDERS OF SEX CRIMES FROM BEING NEAR CERTAIN PROPERTIES (Section 566.150)

This act provides that persons guilty of certain sex crimes cannot be present or loiter within five hundred feet of athletic complexes or athletic fields that exist primarily for use and recreation of children or within five hundred feet of Missouri Department of Conservation Nature or Education Center properties, unless the registered sex offender is the parent of a child participating in an educational program of the Department of Conservation and has permission to be on the property.

This provision is identical to the perfected SCS/SB 91 (2021) and provisions in SB 250 (2021) and similar to SB 638 (2020) and SB 35 (2019).

#### "MISSOURI COMMISSION ON AUTISM SPECTRUM DISORDERS" (Section 633.200)

This act re-establishes the "Missouri Commission on Autism Spectrum Disorders" within the Department of Mental Health. The Commission shall produce an "Autism Roadmap for Missouri" encompassing the lifespan of a person living with autism spectrum disorder. The roadmap shall discuss best practices for care and services within health care, education, vocational support, and community resources, as described in the act. The Commission shall consist of 25 members and shall submit reports to the director of the Department and the Governor, as specified in the act.

SARAH HASKINS

SPONSOR: Grier

HANDLER: Bernskoetter

HB 476 - This act modifies professions related to professional registration.

#### PESTICIDE CERTIFICATION AND TRAINING

This act modifies provisions relating to pesticide certification and training.

The act creates and modifies several definitions related to pesticides. (Sections 281.015 and 281.020)

The act repeals a provision allowing the Director of the Department of Agriculture to provide by regulation for the one-time emergency purchase and use of a restricted use pesticide by a private applicator. (Section 281.025)

The Director may, by regulation, classify licenses, including a license for noncertified restricted use pesticide applicators. (Section 281.030)

No individual shall engage in the business of supervising the determination of the need for the use of any pesticide on the lands of another without a certified commercial applicator's license issued by the Director.

No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of any restricted pesticide on the land of another unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified commercial applicator in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial

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applicator's direct supervision.

No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified noncommercial applicator in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct supervision. (Section 281.035)

No pesticide technician shall use or determine the need for the use of any pesticide unless there is a certified commercial applicator, certified in categories as specified by regulation, working from the same physical location as the licensed pesticide technician. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional applicator.

A private applicator shall qualify for a certified private applicator's license or a certified provisional applicator's license by attending an approved program, completing an approved certification course, or passing a certification examination as listed in the act. (Section 281.037)

The University of Missouri extension may collect reasonable fees for training and study materials, for attendance of a certification training program, and for an online certification training program. Such fees shall be assessed based on the majority option decision of a review committee convened every 5 years by the Director. The committee shall be composed of members as set forth in the act.

A certified private applicator holding a valid license may renew such license for 5 years upon successful completion of recertification training or by passing the required private applicator certification examination.

On the date of the certified provisional private applicator's 18th birthday, his or her license will automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire 5 years from date of issuance and may then be renewed as a certified private applicator's license without charge or additional fee.

A provision allowing a private applicator to apply for a permit for the one-time emergency purchase and use of restricted use pesticides is repealed. (Section 281.040)

No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified public operator in which case the certified public operator shall be liable for any use of a restricted used pesticide by an individual operating under the certified public operator's direct supervision.

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HANDLER: Bernskoetter

Any person who volunteers to work for a public agency may use general use pesticides without a license under the supervision of the public agency on lands owned or managed by the state agency, political subdivision, or governmental agency. (Section 281.045)

The act creates provisions relating to the use of restricted pesticides. An application for a noncertified restricted use pesticide applicator's license shall follow requirements as set forth in the act and once licensed, a restricted use pesticide applicator shall use pesticides as set forth in the act, including when under supervision of another individual licensed by the Department of Agriculture.

Each pesticide dealership location or outlet from which restricted use pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user shall have at least one individual licensed as a pesticide dealer. No individual shall be issued more than one pesticide dealer license. Each mobile salesperson possessing restricted use pesticides for distribution or sale shall be licensed as a pesticide dealer.

Each applicant for a pesticide dealer's license shall pass a pesticide dealer examination provided by the Director. (Section 281.048)

Licensed certified applicators, licensed noncertified restricted use pesticide applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the Department within 10 days of any conviction of or plea to any offense listed in the act. (Section 281.060)

The Director may issue a pesticide applicator certification on a reciprocal basis with other states without examination to a nonresident who is licensed as a certified applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state.

The act repeals a provision stating that a nonresident applying for certain pesticide licenses to operate in Missouri shall designate the Secretary of State as the agent of such nonresident upon whom process may be served unless the nonresident has designated a Missouri resident agent. (Section 281.075)

The act prohibits any person to use or supervise the use of pesticides that are cancelled or suspended. It is unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides. Additionally, it is unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or aid and abet any person in an attempt to steal examinations or examination materials, cheat on examinations, or evade recertification or retraining requirements. (Section 281.101)

The act shall become effective on January 1, 2024.

These provisions are substantially similar to provisions in CCS#2/HCS/SS/SB 26 (2021) and are similar to SCS/SB 491 (2021), HCS/HB 1125 (2021), SB 1082 (2021), HB 2532 (2021), and provisions in HCS/HB 601 (2021).

#### MILITARY LICENSE RECIPROCITY

Current law provides that any person who for at least one year has held a valid, current license issued by another state, a U.S. territory, or the District of Columbia, which allows the person to legally practice

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an occupation or profession in such jurisdiction may apply for an equivalent Missouri license through the appropriate oversight body, subject to procedures and limitations provided in current law.

This act allows any person who holds a valid, current occupational or professional license issued by a branch or unit of the military to also apply for an equivalent Missouri license. (Section 324.009)

These provisions are identical to provisions in CCS/SS#2/SCS/HB 273 (2021) and substantially similar to provisions in HCS/SB 9 (2021) and HCS/SB 330 (2021).

#### PROFESSIONAL LICENSING OF INDIVIDUALS WITH CRIMINAL RECORDS

Under current law, an individual with a criminal record may petition a licensing authority for a determination of whether the criminal record will disqualify the individual from obtaining a professional license. This act requires licensing authorities to notify the petitioner in writing of the grounds and reasons if the authority determines that the petitioner is disqualified. This act also removes an exemption for certain licensing authorities listed in current law from the petition requirements.

This act also removes a provision in current law requiring licensing authorities to only list criminal convictions directly related to the licensed occupation for purposes of the Fresh Start Act of 2020. (Section 324.012)

These provisions are identical to SCS/SB 308 (2021) and to provisions in HCS/SB 9 (2021), CCS/SS#2/SCS/HB 273 (2021), and HCS/SB 330 (2021).

#### OCCUPATIONAL THERAPY LICENSURE COMPACT

This act adopts the Occupational Therapy Licensure Compact.

The Compact allows eligible occupational therapists and occupational therapy assistants licensed in member states to practice in other member states, subject to the requirements and limitations described in the Compact.

The Compact establishes procedures for a licensee to apply for a new home state license in a member state of primary residence based on their licensure in another member state. Active-duty military personnel and their spouses shall retain home state licensure during the period of active duty service without having to maintain residency.

Under the Compact, only a home state may take adverse action on the home state license, while remote member states may take adverse action against the licensee's privilege to practice in the remote state. The Compact provides procedures for how member states shall coordinate in various aspects of adverse actions and investigations.

The Compact establishes the Occupational Therapy Compact Commission as a joint public agency to implement and administer the Compact. The Commission may collect an annual assessment on member states or impose fees on other parties to cover its costs.

The Compact creates qualified immunity from suit and liability for agents of the Commission for negligent misconduct within the scope of the agents' work with the Commission. Such agents shall also be entitled to representation and indemnity in civil actions for such misconduct.

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Under the Compact, the Commission shall develop a data system containing information on all licensees related to licensure, adverse actions, and investigations. Member states shall report certain information, as described in the Compact, to the Commission for use in the data system.

Legislatures of member states may reject any rule promulgated by the Commission by a majority of such legislatures enacting a statute or resolution.

The Compact provides procedures for oversight, dispute resolution, and enforcement of the Compact, including procedures for default and termination of membership. The Commission may also sue a member state in federal court to enforce compliance with the Compact, its rules, and its bylaws.

The Compact shall become effective upon its enactment in at least ten states.

The Compact supercedes all other laws that conflict with provisions of the Compact to the extent of the conflict. (Section 324.087)

These provisions are identical to provisions in CCS/SS#2/SCS/HB 273 (2021) and HCS/SB 330 (2021).

## DIETITIANS

Current law provides that, for purposes of provisions of law regulating the practice of nutrition and dietetics, "medical nutrition therapy" shall mean nutritional diagnostic, therapy, and counseling services furnished by a registered dietitian or register dietitian nutritionist. Under this act, "medical nutrition therapy" shall instead mean the provision of nutrition care services for the treatment or management of a disease or medical condition.

Under this act, no provision of law governing licensed dietitians shall interfere with any person credentialed in the field of nutrition providing advice, counseling, or evaluations related to food, diet, or nutrition within his or her scope of practice if such services do not constitute medical nutrition therapy under the Dietitian Practice Act.

Prior to performing any service to which the law governing licensed dietitians does not apply under the act, a credentialed non-dietitian shall provide his or her name, title, business address and telephone number, a statement that he or she is not a licensed dietitian, a statement that his or her information or advice may constitute alternative care, and his or her qualifications. (Sections 324.200 and 324.206)

These provisions are identical to provisions in HCS/SB 9 (2021), CCS/SS#2/SCS/HB 273 (2021), and HCS/SB 330 (2021), and similar to SB 232 (2021), HCS/HB 475 (2021), SB 893 (2020), and HB 2000 (2020).

## ARCHITECTS

Current law sets forth the practice of architecture in Missouri as rendering or offering to render or represent oneself as willing or able to render service or creative work which requires architectural education, training and experience.

Under this act, the definition of practice of architecture is modified to include rendering or offering to render services in connection with the design and construction of public and private buildings, structures and shelters, and site improvements, in whole or part, which have as their principal purpose human



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occupancy or habitation. The act sets forth the services that may be included in the practice of architecture. Only a person with the required architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri. (Section 327.091)

Current law prohibits any person from practicing architecture in Missouri unless and until such person is licensed or certificated to practice architecture in the state. Current law also exempts certain persons from this requirement.

This act repeals provisions exempting persons who render architectural service in connection with the construction, remodeling, or repairing of certain commercial or industrial buildings or structures or structures containing less than two thousand square feet. All other persons exempt from the licensing requirement may engage in the practice of architecture, provided such person does not use the title "architect" or other terms set forth in the act that indicate or imply that such person is or holds himself or herself out to be an architect. This act also exempts any person who renders architectural services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agriculture purposes from the licensing requirement.

Current law also exempts any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building set forth in the act, provided such person indicates on any documents furnished in connection with such services that the person is not a licensed architect. This act repeals certain privately owned buildings from the list of buildings such person may provide services for, and adds to such list any one building which provides for the employment, assembly, housing, sleeping, or eating of not more than 9 persons; contains less than 2,000 square feet; and is not part of another building or structure. (Section 327.101)

Current law permits any person to apply for licensure as an architect who holds a certified Intern Development Program record with the National Council of Architectural Registration Boards. Under this act, such person may also hold a certified Architectural Experience Program record. (Section 327.131)

These provisions are identical to provisions in SCS/SB 257 (2021) and CCS/SS#2/SCS/HB 273 (2021), and are similar to provisions in HCS/SB 9 (2021), HCS/SB 330 (2021), HCS/HB 481 (2021), HCS/SCS/SBs 673 & 560 (2020), SB 992 (2020), and HB 2575 (2021).

## PROFESSIONAL ENGINEERS

Current law prohibits any person from practicing as a professional engineer in Missouri unless and until such person is licensed or certificated to practice engineering in the state. Current law also exempts certain persons from this requirement, including any person who is a regular full-time employee of a person, who performs professional engineering work for the person's employer if certain conditions are met.

Under this act, such exempted persons shall not use the title "professional engineer" or other terms set forth in the act that indicate or imply that such person is or holds himself or herself out to be a professional engineer. This act also exempts any person who renders professional engineering services in connection with the construction, remodeling, or repairing of any privately owned building, as set forth in the act, and professional engineering services rendered in connection with a building or structure used exclusively for agriculture, so long as the person rendering either such type of services indicates on any documents furnished in connection with such services that the person is not a licensed professional engineer.

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Any person who renders engineering services in connection with the remodeling of any privately owned, multiple family dwelling house, flat, or apartment containing 3 or 4 families is also exempt, provided certain conditions are met. (Section 327.191)

This act repeals provisions in current law requiring any person entitled to be licensed as a professional engineer to be licensed within 4 years after the date on which he or she is entitled to be licensed, and providing that if such person is not licensed within that time, the Engineering Division of the Board may require him or her to take and satisfactorily pass an examination before issuing him or her a license. (Section 327.241)

These provisions are identical to provisions in SCS/SB 257 (2021) and CCS/SS#2/SCS/HB 273 (2021), are substantially similar to provisions in HCS/SB 9 (2021), HCS/SB 330 (2021), HCS/HB 481 (2021), and are similar to provisions in HCS/SCS/SBs 673 & 560 (2020), SB 992 (2020), and HB 2575 (2021).

#### LANDSCAPE ARCHITECTS

Current law permits any person who is of good moral character, 21 years of age, who has a degree in landscape architecture, and has at least three years of landscape architectural experience to apply to the Board for licensure as a professional landscape architect.

This act repeals the age requirement, and also provides that an applicant who may not have a degree in landscape architecture may instead have an education which, in the opinion of the Board, equals or exceeds the education received by a graduate of an accredited school. This act also requires an applicant to have taken and passed all sections of the landscape architectural registration examination administered by the Council of Landscape Architectural Registration Boards. (Section 327.612)

These provisions are identical to provisions in SCS/SB 257 (2021) and CCS/SS#2/SCS/HB 273 (2021), are substantially similar to provisions in HCS/SB 9 (2021), HCS/SB 330 (2021), HCS/HB 481 (2021), and are similar to provisions in HCS/SCS/SBs 673 & 560 (2020), SB 992 (2020), and HB 2575 (2021).

#### PRISONER COMPLAINTS AGAINST A PSYCHOLOGIST'S LICENSE

Under current law, if the State Committee of Psychologists finds merit to a complaint made by a prisoner under the care and control of the Department of Corrections or who has been ordered to be taken into custody, detained, or held as a sexually violent predator, and takes further investigative action, no documentation may appear on file nor may any disciplinary action be taken in regards to the licensee's license unless there are grounds for the denial, revocation, or suspension of a license.

This act includes complaints made by individuals who have been ordered to be evaluated in a criminal proceeding involving mental illness.

Under this act, a psychologist subject to the complaint by an individual who has been ordered to be evaluated in a criminal proceeding involving mental illness prior to August 28, 2021, may submit a written request to destroy all documentation regarding the complaint, and notify any other licensing board in another state, or any national registry who had been notified of the complaint, that the Committee found the complaint to be unsubstantiated. (Section 337.068)

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These provisions are identical to provisions in HCS/SB 9 (2021), CCS/SS#2/SCS/HB 273 (2021), and SB 556 (2020), and are substantially similar to HB 1962 (2020) and provisions in HB 319 (2021) and HCS/SCS/SBs 673 & 560 (2020).

#### HIV POSTEXPOSURE PROPHYLAXIS

This act allows a pharmacist to dispense medication for HIV postexposure prophylaxis subject to a written protocol authorized by a licensed physician.

Such prophylaxis shall include drugs approved by the Food and Drug Administration that meet the same clinical eligibility recommendations provided in current HIV guidelines published by the Centers for Disease Control and Prevention.

The State Board of Registration for the Healing Arts and the State Board of Pharmacy shall jointly promulgate rules and regulations for the administration of this act and shall not do so separately. (Sections 338.010 and 338.730)

These provisions are identical to SCS/SB 79 (2021) and provisions in HCS/SS/SCS/SB 43 (2021), HCS/SB 64 (2021), and CCS/SS#2/SCS/HB 273 (2021), and similar to provisions in HB 370 (2021) and HCS/HB 2304 (2020).

#### RX CARES FOR MISSOURI PROGRAM EXTENSION

This act modifies the expiration date of the RX Cares for Missouri Program from August 28, 2019, to August 28, 2026. (Section 338.710)

These provisions are identical to SB 519 (2021) and provisions in HCS/SS/SCS/SB 43 (2021), SS/SB 63 (2021), and HCS/SS/SB 64 (2021).

#### REAL ESTATE PROFESSIONALS

Under this act, the Missouri Real Estate Commission may cause a complaint to be filed with the Administrative Hearing Commission against any licensed or previously licensed real estate broker, salesperson, broker-salesperson, appraiser, or appraisal manager for advertisements or solicitations which include a name or team name that uses the terms "realty", "brokerage", "company", or any other terms that can be construed to advertise a real estate company other than the licensee or a licensed business entity with whom the licensee is associated.

The Commission may consider the context of the advertisement or solicitation when determining whether there has been a violation of this act. (Section 339.100)

These provisions are identical to SB 473 (2021) and provisions in CCS/SS#2/SCS/HB 273 (2021) and are similar to HCS/HB 695 (2021) and HB 1124 (2021) and provisions in HCS/SB 9 (2021) and HCS/SB 330 (2021).

Under this act, a real estate broker may pay compensation directly to a business entity, as defined in the act, owned by a licensed real estate salesperson or broker-salesperson formed for the purpose of receiving compensation earned by such licensee.

The business entity shall not be required to be licensed and may be co-owned by an unlicensed

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spouse, a licensed spouse associated with the same broker as the licensee, or one or more other licensees associated with the same broker as the licensee. (Section 339.150)

These provisions are identical to SB 435 (2021) and provisions in CCS/SS#2/SCS/HB 273 (2021) and are similar to provisions in HCS/SB 9 (2021), SCS/HCS/HB 162 (2021), HCS/SB 330 (2021), and HCS/HB 695 (2021).

MATT KIMMINAU

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SPONSOR: Veit

HANDLER: White

SS/HCS/HBs 557 & 560 - Under this act, the Children's Division, law enforcement, or the prosecuting or circuit attorney may petition the court, as described in the act, for an order directing an exempt-from-licensure residential care facility that is subject to an investigation of child abuse or neglect to present the child or other children at the facility at a designated time and place for an assessment of the child's health, safety, and well-being. The petition and order may be made on an ex parte basis to protect the child and relevant evidence. The court shall expedite all proceedings under this act. Any person who knowingly violates these provisions shall be guilty of a Class A misdemeanor.

Under this act, officers, managers, contractors, volunteers with access to children, employees, and other support staff of licensed residential care facilities and licensed child placing agencies, as well as owners of such facilities and agencies with access to the facilities and the children, shall submit fingerprints and other information to the Missouri State Highway Patrol for state and federal fingerprint-based background checks. This act establishes similar requirements for employees, owners, volunteers, staff, and persons over 18 years of age residing at license-exempt residential care facilities. Individuals who have committed specified offenses shall be ineligible for employment or presence at the facilities.

This act establishes the "Residential Care Facility Notification Act", which sets forth certain regulations for residential care facilities, including exempt-from-licensure facilities. All residential facilities shall allow parents or guardians unencumbered access to their children in the facility without requiring prior notification to the facility. A facility shall provide for adequate food, clothing, shelter, medical care, and other care necessary for the child's physical, mental, or emotional health or development.

Facilities shall comply with all state and local fire, safety, health, and sanitation inspections.

Exempt-from-licensure facilities shall, upon request by the Department or a law enforcement officer, provide a full census and demographic information of children at the facility, including parental or other guardian contact information, and of adults working, residing, or having access to children at the facility.

The Department, the prosecuting or circuit attorney, or the Attorney General may seek injunctive relief to cease the operation of a facility and removal of the children for violations of this act, including an immediate health or safety concern for the children at the facility, as specified in the act. If the court refers the matter to a juvenile officer, the court may also enter an order placing a child in the emergency, temporary protective custody of the Children's Division for a period not to exceed 5 days until either the parent or legal guardian makes suitable arrangements for the child or the juvenile court assumes jurisdiction of the child for further proceedings.

SPONSOR: Veit

HANDLER: White

Nothing in this act shall give any governmental agency jurisdiction or authority to regulate or attempt to regulate, control, or influence the form, manner, or content of the religious curriculum, program, or ministry of a school or facility sponsored by a church or religious organization.

A person shall be guilty of a Class B misdemeanor if such person knowingly fails to complete a criminal background check as required under this act.

This act has an emergency clause.

SARAH HASKINS

SPONSOR: Haden

HANDLER: Riddle

SS/HCS/HB 574 - This act specifies that the Missouri Department of Agriculture, the Missouri Department of Natural Resources, the county sheriff for the county in which the facility is located, the United States Department of Agriculture, and any other federal or Missouri state agency with statutory or regulatory authority shall have exclusive authority to inspect the grounds or facilities located in Missouri for the production of eggs, milk or other dairy products, or the raising of livestock or poultry.

No person, individual, corporation or other association, governmental entity, or any other entity shall inspect such grounds or facilities to enforce or carry out the laws of Missouri or any other state unless specifically requested by the owner of the grounds or facilities, or pursuant to a search warrant lawfully issued by a court of competent jurisdiction.

The act shall not apply to:

1. Inspections performed in charter counties, except for St. Charles County, the city of St. Louis, or Kansas City;
2. Inspections performed on any further processing component of any production agriculture farm; or
3. Certain searches carried out by Department of Conservation agents and other law enforcement officers.

No testimony or evidence regarding any condition or event at the grounds or facilities listed in the act shall be admissible in any criminal prosecution unless offered by certain individuals listed in the act.

This act is similar to SCS/SB 254 (2021), SCS/SB 699 (2020), HB 1583 (2020), and the perfected HCS/HB 951 (2019).

JAMIE ANDREWS

SPONSOR: Gregory

HANDLER: Crawford

SCS/HB 604 - This act modifies provisions relating to insurance.

TAX DEDUCTION FOR CERTAIN INSURANCE PREMIUMS (Section 135.096)

This act modifies a tax deduction for certain long-term care insurance policies to include any insurance policy considered an asset or resource for purposes of eligibility for long-term care benefits under MO HealthNet. (Section 135.096.2)

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HANDLER: Crawford

These provisions are identical to provisions in SCS/SB 288 (2021).

#### ELECTRONIC TRANSFER OF WORKERS' COMPENSATION AWARD PAYMENTS (Sections 287.170 and 287.180)

The act allows for the delivery of temporary total or temporary partial disability payments payable under workers' compensation laws by electronic transfer or other manner authorized by the claimant.

These provisions are identical to provisions in the truly agreed to and finally passed CCS/HCS/SB 303 (2021), provisions in SCS/HCS/HB 384 (2021), HB 353 (2021), and SB 1079 (2020), and substantially similar to HB 2035 (2020).

#### SUPPLEMENTAL WORKERS' COMPENSATION SURCHARGE (Section 287.715)

Under current law, the director of the Division of Workers' Compensation is required to collect a supplemental surcharge not to exceed three percent of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point. This provision expires December 31, 2021. This act extends that expiration date to December 31, 2023. The act also lowers the maximum amount of the supplemental surcharge for calendar year 2023 to 2.5% of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point.

These provisions are identical to provisions in the truly agreed to and finally passed CCS/HCS/SB 303 (2021) and provisions in SCS/HCS/HB 384 (2021), and similar to HB 348 (2021) and SCS/SB 360 (2021).

#### CERTIFICATES OF SELF-INSURANCE (Section 303.220)

This act specifies that a religious denomination that has more than 25 members with motor vehicles and "discourages", rather than "prohibits", its members from purchasing insurance, as being contrary to its religious tenets, may obtain a certificate of self-insurance from the Director of the Department of Revenue.

This provision is identical to a provision in the truly agreed to and finally passed HCS/SS/SB 6 (2021), a provision in HCS/SB 29 (2021), SB 915 (2020), and HB 1851 (2020).

#### PETROLEUM STORAGE TANK INSURANCE FUND (Section 319.131)

Under current law, the Petroleum Storage Tank Insurance Fund assumes costs of 3rd-party claims and cleanup of contamination caused by releases from petroleum storage tanks and pays legal defense costs for eligible 3rd-party claims. This act specifies that the legal defense costs are separate from other coverage limits and allows the Fund to set a limit for such coverage.

These provisions are identical to SB 310 (2021), HB 974 (2021), provisions in the truly agreed to and finally passed HCS/SS/SB 6 (2021), provisions in HCS/SB 29 (2021), provisions in HCS/HB 1436 (2021), and provisions in SB 546 (2021).

#### CONTINUING EDUCATION CREDITS FOR INSURANCE PRODUCERS (Section 375.029)

This act specifies that an insurance producer's active participation in a local, regional, state, or national professional insurance association may be approved by the Director of the Department of

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Commerce and Insurance for up to four hours of continuing education credit per biannual reporting period.

Credit granted under these provisions shall not be used to satisfy continuing education hours required to be in a classroom or classroom-equivalent setting, or to satisfy ethics education requirements.

These provisions are identical to provisions in the truly agreed to and finally passed CCS/SS#2/SCS/HB 273 (2021) and provisions in the truly agreed to and finally passed HCS/SS/SB 6 (2021), and substantially similar to SB 548 (2021), HB 1114 (2021), provisions in CCS/SB 9 (2021), provisions in HCS/SB 330 (2021), and HCS/HB 1647 (2020).

#### CREDIT FOR REINSURANCE AS AN ASSET OR REDUCTION FROM LIABILITY OF AN INSURER (Section 375.246)

The act authorizes the Director of the Department of Commerce and Insurance to promulgate certain rules, as specified in the act, to establish requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance agreements described in the act, or the circumstances under which credit will be reduced or eliminated. (Sections 375.246.1 and 375.246.2)

In addition to as currently provided by law, credit for reinsurance shall be allowed when the reinsurance is ceded to an assuming insurer meeting certain conditions. (Section 375.246.1(6)(a)). The assuming insurer shall have its head office or be domiciled in, as applicable, and licensed in a reciprocal jurisdiction, as such term is defined in the act. (Section 375.246.1(6)(a)a). The assuming insurer shall have and maintain minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction in an amount to be set forth by the Director by rule. If the assuming insurer is an association, it shall maintain the same, net of liabilities, and a central fund containing an amount to be set forth by rule. (Section 375.246.1(6)(a)b). The assuming insurer shall have and maintain a minimum solvency or capital ratio, as applicable, which shall be set forth by rule. If the assuming insurer is an association, it shall have and maintain a minimum solvency and capital ratio in the reciprocal jurisdiction where the insurer has its head office or is domiciled, as applicable, and is also licensed. (Section 375.246.1(6)(a)c). The assuming insurer shall agree and provide adequate assurance to the Director that it will provide prompt written notice and explanation to the Director if it falls below minimum capital and surplus requirements outlined in the act, or if any regulatory action is taken against it for serious noncompliance with the law. The assuming insurer shall consent in writing to the jurisdiction of the courts of this state and to the appointment of the Director as agent for service of process. The Director may require that the consent for service of process be provided for and included in each reinsurance agreement. These provisions shall not alter the capacity of the parties to a reinsurance agreement to agree to enforceable alternative dispute resolution mechanisms. The assuming insurer shall consent in writing to pay all final judgments obtained by a ceding insurer or its legal successor, where enforcement is sought, which have been declared enforceable in the jurisdiction where the judgment was obtained. Each reinsurance agreement shall require the assuming insurer to provide security, in an amount equal to 100% of the assuming insurer's liabilities attributable to reinsurance under the agreement, if the assuming insurer resists enforcement of an enforceable final judgment or arbitration award. The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement involving this state's ceding insurers, and shall agree to notify the ceding insurer and the Director and to provide security as specified by rule in an amount equal to 100% of the assuming insurer's liabilities to the ceding insurer should the assuming insurer enter into such a solvent scheme of arrangement. (Section 375.246.1(6)(a)d). The assuming insurer or its legal successor shall provide, if requested by the Director,

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certain documentation as specified by rule. (Section 375.246.1(6)(a)e). The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements as specified by rule. (Section 375.246.1(6)(a)f). The assuming insurer's supervisory authority shall confirm to the Director on an annual basis that the assuming insurer complies with the minimum capital and surplus or solvency or capital ratio requirements specified in this act. (Section 375.246.1(6)(a)g). Nothing in these provisions precludes an assuming insurer from providing the Director with information on a voluntary basis. (Section 375.246.1(6)(a)h)

This act requires the Director to create and publish a list of reciprocal jurisdictions. (Section 375.246.1(6)(b)). The Director's list shall contain any jurisdiction meeting the definitions provided in the act and shall consider any other reciprocal jurisdiction included on the list published by the National Association of Insurance Commissioners (NAIC). The Director may approve additional jurisdictions under rules promulgated by the Director. (Section 375.246.1(6)(b)a). The Director may remove a jurisdiction from the list upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, except that the Director shall not remove a non-United States jurisdiction that is subject to a covered agreement, as defined in the act, or a United States jurisdiction that meets the requirements for NAIC accreditation. (Section 375.246.1(6)(b)b)

The Director shall create and publish a list of assuming insurers that have satisfied the conditions set forth in this act and to which cessions shall be granted credit as specified in the act. The Director may add an assuming insurer to the list if an NAIC accredited jurisdiction has added the assuming insurer to such a list, or if the eligible assuming insurer submits certain information to the Director, as provided in the act, and complies with any additional requirements the Director may adopt that are not in conflict with an applicable covered agreement. (Section 375.246.1(6)(c))

If the Director determines an assuming insurer no longer meets one or more requirements for recognition under the act, the Director may revoke or suspend the insurer's eligibility for recognition in accordance with the act. (Section 375.246.1(6)(d)). While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the date of suspension shall qualify for credit, except to the extent that the assuming insurer's obligations are secured as provided by law. (Section 375.246.1(6)(d)a). If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of revocation with respect to any reinsurance agreement entered into by the insurer, before or after the revocation, except to the extent the insurer's obligations are secured as provided by law. (Section 375.246.1(6)(d)b)

If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer or its representative may seek a court order requiring that the assuming insurer post security for all outstanding liabilities. (Section 375.246.1(6)(e)).

Nothing in this act shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by law. (Section 375.246.1(6)(f))

Credit may be taken under this act only for reinsurance agreements entered into, amended, or renewed on or after December 31, 2021, and only with respect to losses incurred and reserves reported on or after the later of: the date on which the assuming insurer has met applicable eligibility requirements, or the effective date of the new reinsurance agreement, amendment, or renewal. (Section 375.246.1(6)(g)). Nothing in this act shall alter or impair a ceding insurer's right to take credit for reinsurance under the act



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as long as the reinsurance qualifies for credit under another applicable provision of law. (Section 375.246.1(6)(g)a). Nothing in this act shall limit or in any way alter the capacity of parties to any reinsurance agreement to renegotiate the agreement. (Section 375.246.1(6)(g)b)

The act authorizes the Director to adopt rules and regulations applicable to reinsurance agreements relating to certain life insurance policies, variable annuities with guaranteed benefits, long-term care insurance policies, and such other life and health insurance and annuity products as to which the NAIC adopts model rules with respect to credit for reinsurance. (Section 375.246.4(2)(a)). A rule adopted under these provisions regarding life insurance policies may apply to any treaty containing policies issued on or after January 1, 2015, or policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with a treaty on or after January 1, 2015. (Section 375.246.4(2)(b)). A rule adopted under these provisions may require the ceding insurer, in calculating the amounts or forms of security required to be held, to use the NAIC valuation manual to the extent applicable. (Section 375.246.4(2)(c)). Regulations adopted under this authority shall not apply to an assuming insurer that: meets the conditions set forth in this act or, if this state has not fully implemented the provisions of this act, is operating in at least 5 states that have implemented the provisions of this act; is certified in this state; or maintains at least \$250,000,000 in capital and surplus as specified in the act and is licensed in at least 26 states, or licensed in at least 10 states and licensed or accredited in at least 35 states. (Section 375.246.4(2)(d)). The authority to adopt regulations under these provisions does not limit the Director's authority to otherwise adopt regulations relating to credit for reinsurance. (Section 375.246.4(2)(e))

These provisions are substantially similar to provisions in the truly agreed to and finally passed HCS/SS/SB 6 (2021), HB 249 (2021), provisions in HCS/SB 29 (2021), SB 634 (2020), HB 1619 (2020), and provisions in HCS/SB 551 (2020).

#### PREMIUM RATE INCREASES FOR LONG-TERM CARE INSURANCE (Section 376.1109)

This act also provides that no long-term care insurance policy shall increase premium rates, measured annually, in excess of the amount that is actuarially justified based on credible experience, and on the rate basis in effect in this state without recognition of rates that may be in effect in other states. (Section 376.1109.13)

These provisions are similar to provisions in SCS/SB 288 (2021).

#### MENTAL HEALTH PARITY (Section 376.1551)

This act requires certain health benefit plans that provide coverage for mental health conditions to meet the requirements of the federal Mental Health Parity and Addiction Equity Act of 2008, as amended, and the regulations promulgated thereunder.

These provisions are identical to provisions in the truly agreed to and finally passed SS/SCS/HS/HB 432 (2021), and similar to HCS/HB 889 (2021) and provisions in HCS/SS/SCS/SB 43 (2021).

#### ISSUANCE OF FUNDING AGREEMENTS (Section 376.2080)

This act specifies that life insurance companies may issue funding agreements, defined in the act as an agreement for an insurer to accept and accumulate funds and to make one or more payments at future dates in amounts not based on mortality or morbidity contingencies of the person to whom the funding agreement is issued. Funding agreements shall not be deemed to constitute a security. The issuance of a funding agreement shall be deemed to be doing insurance business.

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These provisions are identical to provisions in the truly agreed to and finally passed HCS/SS/SB 6 (2021), and substantially similar to provisions in SB 90 (2021), provisions in HCS/SB 29 (2021), HCS/HB 240 (2021), SB 698 (2020), and HB 1618 (2020).

#### EXPLANATIONS OF REFUSAL TO WRITE AUTOMOBILE INSURANCE (Section 379.120)

Under current law, if any insurer refuses to write a policy of automobile insurance, the insurer must send to the applicant a written explanation of the refusal which clearly states the reason for the refusal and that the applicant may be eligible for coverage through the assigned risk plan if other insurance is not available.

This act exempts insurers from these requirements if the applicant is written on a policy of insurance issued by an affiliate or subsidiary insurer within the same insurance holding company system.

These provisions are identical to provisions in the truly agreed to and finally passed HCS/SS/SB 6 (2021), SB 294 (2021), and SB 1074 (2020).

#### VALUATION OF INSURED PROPERTY - TOTAL LOSSES (Section 379.140)

Under the act, when insured real property incurs a covered total loss, the insurer shall be liable for the full amount for which the real property was insured, less any applicable deductible. (Section 379.140.1)

If two or more policies provide coverage for a total loss of real property, the insured may recover the face amount of the policy with the highest coverage limits, and the policies shall contribute to the payment in proportion to the limits of each policy. (Section 379.140.3)

For a total loss to a commercial building insured on a blanket basis for a stated amount that covers multiple buildings, the settlement of the claim shall be based on the initial value assigned to each building before the loss, with any balance remaining being settled in accordance with the terms of the policy. (Section 379.140.4)

The act excludes certain losses, property, and coverages from these provisions. (Section 379.140.2)

These provisions are similar to SB 369 (2021) and HB 907 (2021).

#### VALUATION OF INSURED PROPERTY - FIRE INSURANCE (Sections 379.150 and 379.160)

Under the act, any fire insurance policy issued or renewed on or after August 28, 2021, shall be construed to require that a partial loss caused by fire be adjusted in accordance with language specified in the act, which shall be considered part of the Standard Fire Insurance Policy for Missouri. The language provides that the insurer may elect to settle the loss at actual cash value, or to repair, rebuild or replace the property destroyed or damaged. However, if a policy covers partial losses by fire, in a policy form determined by the Director of the Department of Commerce and Insurance to be at least as favorable to the insured as the Standard Fire Insurance Policy for Missouri, the policy shall be adjusted in accordance with the policy form. (Section 379.150)

Lastly, the act removes personal property from the prohibition against insurers denying the insured value of property lost or damaged by fire. (Section 379.160)

These provisions are similar to SB 369 (2021) and HB 907 (2021).

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GROUP PERSONAL LINES PROPERTY AND CASUALTY INSURANCE (Sections 379.1800 to 379.1824)

The act specifies that no policy of group personal lines property and casualty insurance shall be issued or delivered in the state unless it conforms to one of the categories described in the act. (Section 379.1800.1)

The act describes policies issued to an employer or trustees of a fund established by an employer (Section 379.1800.1(1)), policies issued to a labor union or similar employee organization (Section 379.1800.1(2)), policies issued to a trust, or trustees of a fund, established by two or more employers or by one or more labor unions or similar employee organizations or by a combination thereof (Section 379.1800.1(3)), and policies issued to an association or to a trust, or trustees of a fund, established for the benefit of members of one or more associations. (Section 379.1800.1(4)). For each, the act specifies persons' eligibility for coverage under the policies, and the sources of funds from which the policy premiums may be paid. For policies issued for the benefit of an association or associations, the act further requires that the association or associations have at the outset least 100 members, have been organized and maintained in good faith for purposes other than obtaining insurance, and have been in active existence for at least 1 year. (Section 379.1800.1(4)). The association or associations' constitution and bylaws shall require that the association shall meet at least annually to further the purposes of the members, shall collect dues or solicit member contributions, and shall provide members with voting privileges and representation on the governing board and committees. (Section 379.1800.1(4)). Lastly, if compensation of any kind will be paid to the policyholder in connection with a group policy issued for the benefit of an association or associations, the insurer shall notify prospective insureds as required in the act. (Section 379.1800.1(4)(c)c)

Group personal lines property and casualty insurance issued to a group other than one described above shall meet additional requirements. (Section 379.1800.2). No such policy shall be issued or delivered in this state unless the Director of the Department of Commerce and Insurance finds that the issuance of the group policy is not contrary to the best interest of the public, would result in economies of acquisition or administration, and that the benefits are reasonable in relation to the premiums charged. (Section 379.1800.2(1)). No policy issued or delivered in another state shall offer coverage in this state unless the Director, or another state with comparable requirements, determines these additional requirements have been met. (Section 379.1800.2(2)). Premiums for these plans shall be paid from funds that are contributed by the policyholder, by covered persons, or by both. (Section 379.1800.2(3)). If compensation is to be paid to the policyholder in connection with the group policy, the insurer shall notify prospective insureds as specified in the act. (Section 379.1800.2(4))

For all group personal lines property and casualty insurance, master policies shall be issued to the policyholders, and eligible employees or members insured under a master policy shall be issued certificates of coverage setting forth a statement as to the insurance protection to which they are entitled. (Section 379.1803.1). No master policy or certificate of insurance, nor any subsequent amendments to the policy forms, shall be issued or delivered in this state unless the forms and any amendments thereto have met the applicable filing requirements of this state. (Section 379.1803.2). The master policy shall set forth coverages, exclusions, and conditions of the insurance provided, together with the terms and conditions of the agreement between the policyholder and insurer, as provided in the act. (Section 379.1803.3). If the master policy provides for remittance of premiums by the policyholder, failure by the policyholder to remit premiums timely paid by an employee or member shall not be considered nonpayment of premium by the employee or member. (Section 379.1803.4)

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The master policy shall provide a basic package of coverages and limits that are available to all eligible employees or members, including at least the minimum coverages and limits required in the employee's or member's state of residence or in the state where the subject property is located, and may offer additional coverages or limits to qualified employees or members for an increased premium. (Section 379.1806.1). The master policy shall provide coverage for all eligible employees or members who elect coverage during their initial period of eligibility, which may be up to 31 days. Employees or members who do not elect coverage during the initial period and later request coverage shall be subject to the insurer's underwriting standards. (Section 379.1806.2). Coverage under a master policy may be reduced only as to all members of a class, and shall never be reduced to a level below the limits required by applicable law. (Section 379.1806.3). Coverage under the master policy may be terminated as to an employee or member only for reasons specified in the act. (Section 379.1806.4). If optional coverages or limits are required by law to be available, the policyholder's acceptance or rejection of them on behalf of the group shall be binding on the employees or members. If the policyholder rejects any coverages or limits that are required by law to be provided unless rejected by the named insured, notice of the rejection shall be given to the employees or members upon or before delivery of their certificates of coverage. (Section 379.1806.5). The act prohibits the stacking of coverages or limits under a master policy, except that state law shall apply with regard to the stacking of coverages for separate certificates of coverage issued to relatives living in the same household. (Section 379.1806.6)

No master policy or certificate of insurance shall be issued or delivered in this state unless the rating plan and amendments thereto have met applicable filing requirements of this state. (Section 379.1809.1). Group insurance premium rates shall not be deemed to be unfairly discriminatory if adjusted to reflect past and prospective loss experience or group expense factors, or if averaged broadly among persons covered under the master policy. The rates likewise shall not be deemed unfairly discriminatory if they do not reflect individual rating factors including surcharges and discounts required for individual personal lines property and casualty policies. (Section 379.1809.2). Experience refunds or dividends may be paid to the policyholder of a group personal lines property and casualty policy if justified by the insurer's experience under that policy. However, if an experience refund or dividend is paid, it shall be applied for the sole benefit of the insured employees or members to the extent it exceeds the policyholder's contribution to premiums for the applicable period. (Section 379.1809.3)

An insurer issuing or delivering group personal lines property and casualty insurance shall maintain separate statistics as to the loss and expense experience pertinent thereto. (Section 379.1812.1). No insurer shall issue or deliver a policy if purchasing insurance is a condition of employment or membership in the group, or if any employee or member shall be penalized for nonparticipation. (Section 379.1812.2). The act prohibits insurers from issuing or delivering a policy if the purchase is contingent on purchase of other insurance, product, or services, or on the purchase of additional coverage under the policy, except as specified in the act. (Section 379.1812.3). The insurer's experience from the policies shall be included in the determination of its participation in residual market plans. (Section 379.1812.4). For purposes of premium taxes, the insurer shall allocate premiums in accordance with the rules for individual personal lines policies, except that the allocation may be based on an annual survey of the insureds. Premiums shall be apportioned among states without differentiation between the source of payment. (Section 379.1812.5)

The act requires persons acting as an insurance broker or agent in connection with the policies to be licensed in this state as an insurance producer, except as otherwise specified in the act (Section 379.1815.1), and provides that the signature of a licensed producer residing in this state shall not be required for issuance or delivery of a policy. (Section 379.1815.2)

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Regarding termination of coverage, the act requires insurers to give 30 days written notice, as specified in the act, to persons whose coverage is being terminated for reasons other than by their own request or a failure to pay premiums. (Section 379.1818.1). The employee or member whose coverage is terminated shall be entitled to be issued a comparable individual policy if he or she applies and pays the first premium within 30 days of receiving the notice. (Section 379.1818.2). These notice and replacement policy provisions shall not apply if the master policy is replaced within 30 days. (Section 379.1818.3)

The act further requires insurers to be duly authorized, specifies that the act is not applicable to mass marketing of individual policies, excludes certain credit insurance, specifies that it does not apply to or modify motor vehicle insurance or any policies issued by nonadmitted insurers as provided by law, and provides that it shall not modify the authority of the Director with respect to consumer complaints or disputes. (Section 379.1821)

These provisions shall take effect on January 1, 2022. A master policy or certificate of insurance that is lawfully in effect at that time shall comply with this act within 12 months of such date. (Section 379.1824)

These provisions are similar to SB 209 (2021), provisions in the truly agreed to and finally passed HCS/SS/SB 6 (2021), provisions in HCS/SB 29 (2021), HCS/SB 629 (2021), SB 843 (2020), HB 2085 (2020), provisions in HB 1634 (2020), and provisions in HCS/SB 551 (2020).

#### SETTLEMENTS INVOLVING MINORS (Sections 436.700 and 507.184)

This act creates the "Missouri Statutory Thresholds for Settlements Involving Minors Act" which allows persons having legal custody over a minor to enter into settlement agreements with a person or entity against whom the minor has a claim if following requirements are met:

- (1) A conservator or guardian ad litem has not been appointed for the minor;
- (2) The total amount of the claim, including reimbursement of medical expenses, liens, reasonable attorneys' fees and costs, is \$35,000 or less if paid in cash, by draft, or if paid by the purchase of a premium for an annuity;
- (3) The moneys paid pursuant to the settlement follow the requirements of this act; and
- (4) The person entering into the settlement agreement completes an affidavit or statement that attests that the person has made a reasonable inquiry and that the minor will be fully compensated by the settlement or that there is no practical way to obtain additional amounts from the person or entity.

The limit of \$35,000 for the total amount of the claim shall be increased by inflation every five years beginning January 1, 2027. The affidavit or statement shall be maintained by the attorney representing the person entering into the settlement agreement on behalf of the minor for at least six years in accordance with the Missouri Supreme Court Rules of Professional Conduct.

As set forth in the act, the payments from the settlement agreement shall be deposited into a uniform transfer to minors account for the sole benefit of the minor, shall be paid by direct payment to a provider of an annuity with the minor as the sole beneficiary, or shall be paid into a trust account or trust

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subaccount established by the Children's Division of the Department of Social Services for those minors in the custody of the state. The moneys in the minor's saving account, trust account, or trust subaccount may not be withdrawn, removed, paid out, or transferred to any person, including the minor, unless pursuant to court order, the minor attains 18 years of age, at the direction of a duly appointed conservator, at the direction of the custodian for the uniform transfer to minors account, or upon the minor's death.

The signature of the person entering into the settlement agreement on behalf of the minor is binding on the minor without the need for further court approval or review and has the same force and effect as if the minor were a competent adult entering into the agreement.

This act provides that a person, including any insurer of a person, acting in good faith in entering into a settlement agreement on behalf of a minor pursuant to this act shall not be liable to the minor for the moneys paid in the settlement or for any other claims arising out of the settlement of the claim. Additionally, any person or entity against whom a minor has a claim that settles the claim with the minor in good faith pursuant to this act shall not be liable to the minor for any claims arising from the settlement of the claim.

The provision of current law regarding settlements contracted by a next friend, guardian ad litem or guardian or conservator shall not be construed as prohibiting settlements made pursuant to this act or as requiring court approval of settlements made pursuant to this act.

These provisions are identical to SCS/SB 295 (2021) and similar to HB 802 (2021).  
ERIC VANDER WEERD

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SS#2/HB 661 - This act modifies provisions relating to transportation.

#### TOWING OF COMMERCIAL VEHICLES (Section 21.795)

Under this act, the Joint Committee on Transportation Oversight ("the committee") shall promulgate rules regarding the towing of commercial motor vehicles. The committee shall ensure towing companies charge fair, equitable, and reasonable rates for services rendered in connection with the towing of commercial motor vehicles, and shall promulgate rules that:

- Establish a process for complaints against a towing company regarding the towing of a commercial vehicle;
- Establish factors used in determining whether a rate charged in connection with the towing of a commercial motor vehicle is fair, equitable, and reasonable;
- Establish a process for suspending or removing a towing company from a towing rotation with regard to the towing of commercial motor vehicles; and
- Establish information required to be included on invoices or notices associated with the towing of a commercial motor vehicle.

The committee shall meet as necessary for the implementation of this act, and the meetings may be held concurrently with existing meetings required of the committee.

If the committee determines a violation may have occurred, the complaint shall be referred to the "Commercial Motor Vehicle Towing Adjudicative Board", established in the act. The committee shall

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specify a recusal process for the temporary removal or replacement of members of the adjudicative board who may have a conflict of interest. No fewer than 5 members of the board shall be present when the board makes a determination in accordance with the act, and determinations shall be made by majority vote of the members present. If the board determines that a violation has occurred, the towing company that committed the violation shall not be contacted by any law enforcement agency for a nonconsensual tow for 6 months for a first violation, 12 months for a second violation, and permanently for a third violation.

The committee may make recommendations to the Governor and General Assembly regarding statutes governing the nonconsensual towing of commercial motor vehicles.

These provisions are identical to provisions in HCS/SB 38 (2021), and provisions in HCS/SS/SB 46 (2021), similar to provisions in HCS/SS/SCS/SB 4 (2021), and similar to SCS/SB 387 (2021), HB 389 (2021), and HB 1101 (2019).

#### FEES PAID TO THE HIGHWAY PATROL (Section 43.253)

This act provides that a minimum fee of \$5 may be charged by the Missouri State Highway Patrol for any request where there are allowable fees of less than \$5. Such \$5 fee shall be in place of any allowable fee of less than \$5.

The Superintendent of the Missouri State Highway Patrol may increase the minimum fee by not more than \$1 every other year following August 28, 2021. The minimum fee shall not exceed \$10.

Additionally, this act provides that a request for public records shall be considered withdrawn if the requester fails to remit all fees within 30 days of a request for payment of the fees by the Missouri State Highway Patrol.

These provisions are identical to SB 429 (2021), HB 904 (2021), and provisions in HCS/SS/SCS/SB 4 (2021).

#### BIENNIAL ALTERNATIVE FUEL DECALS (Section 142.869)

This act provides that owners of alternative fuel vehicles may purchase a biennial alternative fuel decal for a fee of twice the amount of an annual alternative fuel decal.

#### ELECTRIC VEHICLE TASK FORCE (Section 142.1000)

This act establishes within the Department of Revenue the "Electric Vehicle Task Force", with membership as specified in the act. As detailed in the act, the task force shall analyze and make recommendations regarding the impact of electric vehicle adoption on transportation funding. The task force shall deliver a written report to the General Assembly and the Governor no later than December 31, 2022. (Section 142.1000)

These provisions are similar to provisions in the truly agreed to and finally passed SS#2/SCS/SB 262 (2021).

#### SCHOOL BUS SAFETY TASK FORCE (Section 162.066)

This act establishes the Joint Task Force on School Bus Safety to study school bus transportation safety in public schools. The Task Force shall include two state representatives appointed by the Speaker of the House of Representatives, two senators appointed by the President Pro Tempore of the Senate, the

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Commissioner of Education or his or her designee, the Director of the Department of Transportation or his or her designee, and the Director of the Department of Public Safety or his or her designee.

Starting in 2022, the Task Force shall meet at least three times annually to develop an annual report analyzing school bus transportation safety in public schools, including analyzing entrance and exit safety, the effectiveness of seatbelts, and other related topics determined by the Task Force chair. The Task Force shall submit its report to the Governor and General Assembly by December 31st each year.

These provisions are identical to SB 609 (2021).

#### PUBLICATION OF COST ESTIMATES FOR WORK ON THE STATE HIGHWAY SYSTEM (Section 227.101)

This act specifies that the Highways and Transportation Commission shall publish on the Department of Transportation's official website its cost estimate and project completion date for any construction, maintenance, or repair work on the state highway system at the time bidding on a contract for the work first closes.

This provision is identical to SCS/SB 239 (2021) and similar to SB 810 (2020).

#### ELECTRIC BICYCLES (Sections 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 307.194, 365.020, 407.560, 407.815, 407.1025, and 578.120)

This act creates a definition for electric bicycles of three classifications, and excludes electric bicycles from definitions for other types of vehicles.

The act exempts electric bicycles from certain vehicle lighting requirements (Section 307.025), and provides that operators of electric bicycles and shall have the same rights, duties, and responsibilities as operators of other vehicles (Section 307.188).

Electric bicycles operated by a person under the age of 17 may be impounded in the same manner as bicycles and motorized bicycles. (Section 307.193)

Except as otherwise specifically provided in the act, every person riding an electric bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to the operator of a bicycle, and shall be considered a vehicle to the same extent as a bicycle. (Section 307.194.1)

Electric bicycles and their operators are not subject to provisions of law applicable to motor vehicles, ATVs, off-road vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises, or motorcycle dealers or franchises, including with regard to vehicle registration, titling, drivers' licensing, and financial responsibility. (Section 307.194.2)

Beginning August 28, 2021, manufacturers and distributors of electric bicycles shall apply a permanent label to each electric bicycle detailing certain information as described in the act. (Section 307.194.3). No person shall modify an electric bicycle's capabilities unless he or she replaces the required label with a new label indicating the new classification. (Section 307.194.4)

Electric bicycles shall comply with equipment and manufacturing requirements under the federal law applicable to bicycles (Section 307.194.5), and shall operate in a manner such that the electric motor does not function when the rider stops pedaling or applies the brakes. (Section 307.194.6)



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Electric bicycles may be operated in any place where bicycles are permitted to travel, provided that political subdivisions may regulate the operation of electric bicycles as provided in the act, and that these provisions shall not apply to a natural surface trail or other path designated as nonmotorized. (Section 307.194.7)

The operation of a class 3 electric bicycle, as defined in the act, shall be limited to persons at least 16 years of age. Persons under the age of 16 may ride as a passenger, provided the electric bicycle is designed to accommodate passengers. (Section 307.194.8)

The act also exempts electric bicycles from the prohibition against licensed vehicle dealers, distributors, and manufacturers operating a place of business for the sale or exchange of vehicles on Sunday. (Section 578.120.1(3))

These provisions are identical to provisions in HCS/HB 307 (2021), and provisions in the truly agreed to and finally passed HCS/SS/SB 176 (2021), and similar to provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), and provisions in HCS/SS/SB 89 (2021).

#### AUTOCYCLES (Section 301.010(2))

This act modifies the definition of an autocycle by repealing the requirement that the vehicle is designed to be controlled with a steering wheel and pedals.

This provision is identical to HB 92 (2021), a provision in HCS/SS/SCS/SB 4 (2021), a provision in HCS/SB 38 (2021), a provision in HCS/SS/SB 46 (2021), and a provision in HCS/SS/SB 89 (2021).

#### LIMITATIONS ON CERTAIN COMMERCIAL MOTOR VEHICLES (Sections 301.010, 301.062, 304.180, and 304.240)

The act increases, from 100 miles to 150 miles, the radius within which land improvement contractors' commercial motor vehicles, local log trucks, and local log truck tractors may operate in certain circumstances (Section 301.010(27), (29) and (30)), and modifies a reference in the statute on extended distance log truck permits to refer to the radius specified in the definitions section rather than a specific number. (Section 301.062)

The act also repeals the requirement that local log trucks carry a load with dimensions not in excess of 25 cubic yards per two axles with dual wheels. (Section 301.010(29))

Lastly, the act specifies weight limits for local log trucks, specifies or relocates weight limits for local log truck tractors (Section 304.180.14), and provides for weight-based penalty amounts for load-limit violations involving local log trucks or local log truck tractors (Section 304.240).

These provisions are similar to HCS/HB 1270 (2021), provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), provisions in HCS/SS/SB 89 (2021) and provisions in HCS/HB 307 (2021).

#### FARM FLEET VEHICLES (Section 301.033)

This act requires the Director of the Department of Revenue to establish a system of registration on a calendar year basis, applicable to all farm vehicles owned or purchased by the owner of a farm vehicle fleet. Any owner of more than one farm vehicle required to be registered may register a fleet of farm vehicles on a calendar year or biennial basis in lieu of standard registration periods.

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All farm fleet vehicles shall be registered in April or on a prorated basis as provided in the act, and fees for farm fleet vehicles registered on a calendar year or biennial basis shall be payable not later than the last day of April, with 2 years' fees due for biennial registration. The act requires a certificate of inspection and approval issued no more than 120 days prior to registration. Fees for vehicles subsequently added to an existing farm vehicle fleet shall be prorated as specified in the act.

Farm vehicles registered under this act shall be issued a multi-year special license plate bearing the words "Farm Fleet Vehicle" and not requiring issuance of registration renewal tabs. Upon payment of the registration fees, the Director of the Department of Revenue shall issue a registration certificate or other suitable evidence that annual or biennial fees have been paid, which shall be carried in the vehicle at all times.

These provisions are identical to HB 153 (2021), provisions in HCS/HB 601 (2021), provisions in HCS/SS/SCS/SB 4 (2021), provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), and provisions in HCS/SS/SB 89 (2021).

#### HISTORIC MOTOR VEHICLE MILEAGE RESTRICTION (Section 301.131)

Currently historic motor vehicles may be operated for personal use, as described in the statute, for no more than 1000 miles per year. This act repeals this limitation.

This provision is identical to SB 278 (2021), HB 403 (2021), HB 1562 (2020), and HB 1118 (2019).

#### BIENNIAL MOTOR VEHICLE REGISTRATIONS (Sections 301.147, 307.350, and 643.315)

This act repeals the requirement that biennial vehicle registrations shall be renewed in even-numbered years if the vehicle's manufacturer model year is an even-numbered year, and in odd-numbered years if the manufacturer model year is an odd-numbered year. (Section 301.147) The act accordingly modifies certain vehicle safety and emissions inspection statutes to refer to biennial registration generally. (Section 307.350 and 643.315)

These provisions are identical to provisions in SCS/HB 578 (2021), and substantially similar to provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), and provisions in HCS/SS/SB 89 (2021).

#### ODOMETER READINGS (Sections 301.192, 301.280, 407.526, 407.536, and 407.556)

This act increases, from 10 years to 20 years, the maximum age of motor vehicle required to have its odometer readings recorded in certain circumstances, and specifies that the requirement shall only apply to vehicles with model years of 2011 or newer. (Sections 301.192.1(6) and 301.280.1) A corresponding change is made with regard to odometer fraud offenses. (Sections 407.526 and 407.556.2(2)) The act also specifies that the Department of Revenue may allow electronic signatures on written powers of attorney authorizing mileage disclosures and transfers of ownership. (Section 407.536.8)

These provisions are subject to an emergency clause. (Section B)

These provisions are identical to provisions in SCS/HB 578 (2021), and similar to provisions in the truly agreed to and finally passed SS#2/SCS/SB 262 (2021), provisions in HCS/SS/SCS/SB 4 (2021), provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), provisions in HCS/SS/SB 89 (2021), SB 370 (2021), HB 664 (2021), and HB 2660 (2020).

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**ADMINISTRATIVE FEES CHARGED BY VEHICLE DEALERS IN CONNECTION WITH THE SALE OR LEASE OF A VEHICLE (Section 301.558)**

This act creates the Motor Vehicle Administration Technology Fund, to which 10% of administrative fees charged by motor vehicle dealers shall be remitted for purposes of developing a modernized, integrated system for the titling of vehicles, the issuance and renewal of vehicle registrations, driver's licenses, and identification cards, and the perfection and release of liens and encumbrances on vehicles. Following establishment of the system, the percentage of the fees required to be remitted is reduced to 1%. These provisions shall expire on January 1, 2037. (Section 301.558.3)

Additionally, this act increases, from less than \$200 to \$500 or less, the maximum administrative fee a motor vehicle, boat, or powersport dealer licensed by the Department of Revenue may charge for document storage or other administrative or clerical services without being deemed to be engaged in the unauthorized practice of law. The maximum administrative fee specified under the act shall be increased annually by the greater of the Consumer Price Index for All Urban Consumers, or by zero, whichever is greater. (Section 301.558.4)

The act provides that the same administrative fee need not be charged to all retail customers if the dealer's franchise agreement limits the fee to certain classes of customers. (Section 301.558.5)

These provisions are identical to provisions in SCS/HB 578 (2021), provisions in the truly agreed to and finally passed HCS/SS/SB 176 (2021), provisions in HCS/SS/SCS/SB 4 (2021), provisions in HCS/SB 38 (2021), provisions in SS/SB 46 (2021), provisions in HCS/SS/SB 89 (2021), and HCS/HB 1023 (2021), and similar to SB 195 (2021), HB 810 (2021), and SB 1046 (2020).

**CDL BANS FOR HUMAN TRAFFICKING CONVICTIONS (Section 302.755)**

The act also enacts a lifetime ban from driving a commercial motor vehicle for any person convicted of using a commercial motor vehicle in the commission of a felony involving "severe forms of human trafficking in persons", as defined by federal law. (Section 302.755.19)

These provisions are subject to an emergency clause. (Section B)

These provisions are substantially similar to provisions in the truly agreed to and finally passed SS#2/SCS/SB 262 (2021), provisions in SCS/HB 578 (2021), provisions in HCS/SS/SCS/SB 4 (2021), and provisions in SB 370 (2021), and identical to provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), and provisions in HCS/SS/SB 89 (2021).

**MOTOR VEHICLE FINANCIAL RESPONSIBILITY (Sections 303.025, 303.041, 303.420, 303.422, 303.425, 303.430, and 303.440)**

The act specifies that the Department of Revenue shall establish by rule a process for the voluntary suspension of motor vehicle registration for vehicles which are inoperable or being stored and not in operation. The owner or nonresident shall not further operate the vehicle until notifying the Department that the vehicle will be in use, and the Department shall reinstate the registration upon receipt of proof of financial responsibility. Owners or nonresidents who operate a motor vehicle during a period of inoperability or storage claimed under the act shall be guilty of a class B misdemeanor, and may additionally be guilty of a violation of The Motor Vehicle Financial Responsibility Law.

The act also provides that the Department of Revenue may verify motor vehicle financial

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responsibility as provided by law, but shall not otherwise take enforcement action unless the Director determines a violation has occurred as described in the act. (Section 303.025.1)

Currently, a first violation of The Motor Vehicle Financial Responsibility Law is punishable as a class D misdemeanor, meaning a fine may be imposed of up to \$500; a second or subsequent offense is punishable by up to 15 days in jail and/or a fine not to exceed \$500. Under the act, a second or subsequent offense may be punished by up to 15 days in jail and shall be punished by a fine not less than \$200 but not to exceed \$500. (Section 303.025.3) Fines owed to the state for violations of the Motor Vehicle Financial Responsibility Law may be eligible for payment in installments. Rules for the application of payment plans shall take into account individuals' ability to pay. (Section 303.025.6)

The provisions of section 303.025 shall take effect on January 1, 2023. (Section C)

This act establishes the "Motor Vehicle Financial Responsibility Verification and Enforcement Fund" to be used by the Department of Revenue for the administration of the act. (Section 303.422)

This act creates, within the Department of Revenue, the Motor Vehicle Financial Responsibility Enforcement and Compliance Incentive Program ("the program") for the purpose of enforcing The Motor Vehicle Financial Responsibility Law. The Department of Revenue shall have the authority to contract with third-party vendors to facilitate the program. The Department of Revenue or its third-party vendor shall utilize technology to compare vehicle registration information with the information accessible through the motor vehicle financial responsibility verification system established under the act ("the verification system"), and the Department shall use this information to identify motorists who are in violation of The Motor Vehicle Financial Responsibility Law. All fees paid to the third-party vendors may come from violator diversion fees generated by the pretrial diversion option established under the act as an alternative to statutory fines and reinstatement fees prescribed under The Motor Vehicle Financial Responsibility Law. (Section 303.425.1)

The Department of Revenue may authorize law enforcement agencies or third-party vendors to use technology to collect data for purposes of the program. (Section 303.425.2) The Department may authorize traffic enforcement officers or third-party vendors to administer the processing and issuance of notices of violation and the collection of fees under the program. (Section 303.425.3) Access to the verification system shall be restricted to authorized parties as provided in the act. (Section 303.425.4) For purposes of the program, certain data specified in the act may be used to identify vehicles as being in violation of The Motor Vehicle Financial Responsibility Law, and shall constitute evidence of the violation. (Section 303.425.5)

Except as otherwise provided in the act, the Department of Revenue shall suspend, as provided by law (see section 303.041), the registration of any motor vehicle that is determined under the program to be in violation of The Motor Vehicle Financial Responsibility Law. (Section 303.425.6)

The Department of Revenue shall send to an owner whose vehicle is identified under the program as being in violation of The Motor Vehicle Financial Responsibility Law a notice that the vehicle's registration may be suspended unless the owner, within 30 days, provides proof of financial responsibility or proof of a pending criminal charge for a violation of The Motor Vehicle Financial Responsibility Law. The notice shall include information on obtaining proof of financial responsibility, as provided in the act. If proof of financial responsibility or a pending criminal charge is not provided within the time allotted, the Department shall suspend the vehicle's registration in accordance with current law, or shall send a

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notice of vehicle registration suspension, clearly specifying the grounds for and effective date of the suspension, the right to and procedure for requesting a hearing, and the date by which the request for hearing must be made, as well as informing the owner that the matter will be referred for prosecution, informing the owner that the minimum penalty for the violation is \$300 and 4 license points, and offering the owner participation in a pretrial diversion option to preclude referral for prosecution and registration suspension under the act. The notice of vehicle registration suspension shall give a period of 3 days from mailing for the vehicle owner to respond, and shall be deemed received 3 days after mailing.

If no request for hearing or agreement to participate in the diversion option is received prior to the date of suspension, the Director shall suspend the registration immediately and refer the case for prosecution.

If an agreement to participate in the diversion option is received prior to the date of suspension, then upon payment of a diversion participation fee not to exceed \$200, and agreement to obtain and retain financial responsibility for a period of 2 years, then no points shall be assessed to the owner's driver's license, and the Department shall not take further action against the owner under the act, subject to compliance with the terms of the pretrial diversion option. The Department shall suspend the registration of, and refer cases for prosecution of, participating vehicle owners who violate the terms of the pretrial diversion option.

If a request for hearing is received prior to the date of suspension, then for all purposes other than eligibility for the diversion option, the effective date of suspension shall be stayed until a final order is entered following the hearing. The Department shall suspend the registration of vehicles determined under the final order to have been in violation of The Motor Vehicle Financial Responsibility Law, and shall refer the case for prosecution.

The Department of Revenue or its third-party vendor shall issue receipts for the collection of diversion option participation fees, and the fees shall be paid into the Motor Vehicle Financial Responsibility Verification and Enforcement Fund, established in the act. A vehicle owner whose registration is suspended under the act may obtain reinstatement upon providing proof of financial responsibility and payment to the Department of a nonrefundable reinstatement fee. (Section 303.425.7)

Data collected or retained under the program shall not be used by any entity for purposes other than enforcement of The Motor Vehicle Financial Responsibility Law. Data collected and stored by law enforcement under the program shall be considered evidence if a violation is confirmed. The evidence and a corresponding affidavit as provided in the act shall constitute probable cause for prosecution, and shall be forwarded to the appropriate prosecuting attorney as provided in the act. (Section 303.425.8)

Owners of vehicles identified as being in violation of The Motor Vehicle Financial Responsibility Law shall be provided with options for disputing claims which do not require appearance at any court of law or administrative facility. Any person who provides timely proof that he or she was in compliance with The Motor Vehicle Financial Responsibility Law at the time of the alleged violation shall be entitled to dismissal of the charge with no assessment of fees or fines. Any proof provided that a vehicle was in compliance at the time of the alleged offense shall be recorded in the system established by the Department of Revenue under the act. (Section 303.425.9)

The collection of data or use of technology shall be done in a manner that prohibits bias towards a specific community, race, gender, or socioeconomic status of vehicle owner. (Section 303.425.10). Law

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enforcement agencies, third-party vendors, or other entities authorized to operate under the program shall not sell data collected or retained under the program for any purpose or share it for any purpose not expressly authorized by law. All data shall be secured and any third-party vendor may be liable for any data security breach. (Section 303.425.11)

The Department of Revenue shall not take action under the act against fleet vehicles, or against vehicles known to the Department of Revenue to be insured under a policy of commercial auto insurance, as defined in the act. (Section 303.425.12)

Following one year after the implementation of the program, and annually thereafter, the Department of Revenue shall provide a report on the program's operations as provided in the act. The Department may, by rule, require the state, counties, and municipalities to provide information in order to complete the report. (Section 303.425.13)

This act requires the Department of Revenue to establish a web-based system for the verification of motor vehicle financial responsibility, and to provide access to insurance reporting data and vehicle registration and financial responsibility data. The Department shall require motor vehicle insurers to establish functionality for it as provided in the act, and the system shall be the sole system used in the state for online verification of financial responsibility. (Section 303.430.1)

The verification system shall transmit requests to insurers for verification of insurance coverage via web services established in accordance with Insurance Industry Committee on Motor Vehicle Administration ("IICMVA") specifications, and the insurance company system shall respond with a prescribed response upon evaluating the data provided in the request. The system shall include appropriate data security protections, and the Department of Revenue shall maintain a historical record of the system data for up to 12 months from the date of the requests and responses. The system shall be used to verify financial responsibility required by law, and shall be accessible by authorized employees of the Department, the courts, law enforcement, and other entities as authorized by law, and shall be interfaced, wherever appropriate, with existing state systems. The system shall include information enabling the Department to submit inquiries to insurers regarding motor vehicle insurance which are consistent with insurance industry and IICMVA standards by using the insurer's National Association of Insurance Commissioners company code, vehicle identification number, policy number, verification date, or as otherwise described in IICMVA standards. The Department shall promulgate rules to offer insurers of 1,000 or fewer vehicles an alternative method for verifying coverage in lieu of web services, and to provide for the verification of financial responsibility when proof of financial responsibility is provided to the Department by means other than a policy of insurance. Insurers are not required to verify insurance coverage for vehicles registered in other jurisdictions. (Section 303.430.2(1))

The verification system shall respond within a time period established by the Department of Revenue. An insurer's system shall respond within the time period prescribed by the IICMVA's specifications and standards. Insurer systems shall be permitted reasonable system downtime for maintenance and other work with advance notice to the Department. Insurers shall not be subject to enforcement fees or other sanctions under such circumstances, or when their systems are not available because of emergency, outside attack, or other unexpected outages not planned by the insurer and reasonably outside of its control. (Section 303.430.2(2))

The verification system shall assist in the identification of motorists operating in violation of The Motor Vehicle Financial Responsibility Law in the most effective way possible. System responses shall

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have no effect on the determination of coverage under a claim. Nothing in this act shall prohibit the Department of Revenue from contracting with a third-party vendor or vendors who have successfully implemented similar systems in other states. (Section 303.430.2(3))

The Department of Revenue shall consult with insurance industry representatives and may consult with third-party vendors to determine the objectives, details, and deadlines related to the system by establishing an advisory council with membership as specified in the act. (Section 303.430.2(4))

The Department of Revenue shall publish for comment, and then issue, a detailed implementation guide for its online verification system. (Section 303.430.2(5))

The Department of Revenue and its third-party vendors, if any, shall each maintain a contact person for insurers during the establishment, implementation, and operation of the system. (Section 303.430.2(6))

If the Department of Revenue has reason to believe a vehicle owner does not maintain financial responsibility as required by law, it may also request for the insurer to verify the existence of financial responsibility in a form approved by the Department of Revenue. Insurers shall cooperate with the Department of Revenue in establishing and maintaining the verification system, and shall provide motor vehicle insurance policy status information in accordance with rules promulgated by the Department of Revenue. (Section 303.430.2(7))

Every property and casualty insurer licensed to issue motor vehicle insurance or authorized to do business in this state shall comply with this act for the verification of any vehicle for which the insurer issues a policy in this state. (Section 303.430.2(8))

For purposes of historical verification inquiries, insurers shall maintain a historical record of insurance data for a minimum period of 6 months from the date of a policy's inception or modification. (Section 303.430.2(9))

The act shall not apply with regard to "commercial auto coverage", as defined in the act. However, such insurers may participate on a voluntary basis, and vehicle owners may provide the Department with proof of commercial auto coverage to be recorded in the verification system. (Section 303.430.2(10)) Individuals covered by commercial or fleet automobile policies shall be provided with proof of coverage as described in the act. (Section 303.430.2(11))

Insurers shall be immune from civil and administrative liability for good faith efforts to comply with this act. Nothing in this act shall prohibit an insurer from using the services of a third-party vendor for facilitating the verification system as required under the act. (Section 303.430.2(12)-(13))

The verification system shall be in operation by January 1, 2023, following a testing period of not less than 9 months. No enforcement action shall be taken based on the system until successful completion of the testing period. (Section 303.440)

These provisions are similar to HCS/SS/SCS/SB 4 (2021), SB 1086 (2020), and HB 2733 (2020).

HEAD START BUSES (Section 304.050)

This act provides that Head Start buses that are certified by the Highway Patrol as meeting certain

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inspection requirements, operated by the holder of a validly-endorsed commercial driver's license who meets certain medical requirements, and transporting students to and from Head Start shall be included in the statute regarding traffic control for school bus loading, stopping, and passing purposes.

These provisions are identical to provisions in the truly agreed to and finally passed CCS/HCS/SS/SCS/SBs 53 & 60 (2021), provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), and substantially similar to HB 257 (2021) and provisions in HCS/SS/SB 89 (2021).

MOTOR CLUBS (Sections 304.153, 385.220, 385.320, and 385.450)

This act modifies the existing definition of "motor club" to specify that such term includes entities providing services relating to motor travel, which may include but are not limited to towing services, emergency road services, bail bond services, discount services, theft services, map services, touring services, legal fee reimbursement services in the defense of traffic offenses, and participation in an accident and sickness or accidental death insurance benefit program.

The act also specifies that fees collected from the sale of motor club contracts shall not be subject to premium tax, and provides that motor clubs complying with the provisions of the act shall not be subject to provisions governing insurance companies in this state.

These provisions are identical to provisions in the truly agreed to and finally passed HCS/SS/SB 6 (2021), provisions in HCS/SS/SB 89 (2021), HCS/HB 630 (2021), SB 1013 (2020), and HB 2465 (2020).

PERSONAL DELIVERY DEVICES (Section 304.900)

This act enacts provisions relating to personal delivery devices ("PDDs"), as defined in the act.

PDDs may operate on sidewalks and crosswalks, and may operate on county or municipal roadways provided they do not unreasonably interfere with motor vehicles or traffic. (Section 304.900.2)

PDDs shall not block public rights of way, shall obey traffic and pedestrian control signals, shall not exceed 10 miles per hour on a sidewalk, shall display a unique identification number, shall include a means of identifying the operator of the device, and shall be equipped with a system allowing the device to come to a controlled stop. (Section 304.900.3)

PDDs operating on sidewalks shall have the same responsibilities as pedestrians. (Section 304.900.4) PDDs shall be exempt from motor vehicle registration requirements (Section 304.900.5), and shall maintain a general liability insurance policy of at least \$100,000. (Section 304.900.6) PDDs operated at night shall be equipped with lighting as provided in the act. (Section 304.900.7) PDDs shall not be used to transport hazardous materials regulated by federal law as specified in the act. (Section 304.900.8)

Nothing in this act shall prohibit a political subdivision from regulating the operation of PDDs on highways or pedestrian areas to insure the welfare and safety of its residents. However, political subdivisions shall not regulate the design, manufacture and maintenance of PDDs or the types of property they may transport. No political subdivision shall treat PDDs differently than other similar personal property for assessment or taxation purposes, or for other charges. (Section 304.900.9)

The act prohibits PDD operators from selling or disclosing a personally identifiable likeness, as described in the act, to a third party in exchange for monetary compensation. Use of personally identifiable likenesses by PDD operators to improve their products or services is specifically allowed



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under the act, and information that would otherwise be protected under the act shall only be provided to a law enforcement entity by subpoena. (Section 304.900.10)

These provisions are identical to provisions in the truly agreed to and finally passed HCS/SS/SB 176 (2021), HCS/HB 592 (2021), and provisions in SCS/HCS/HB 825 (2021), and similar to provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), and HCS/HB 2290 (2020).

#### MOTORCYCLE LIGHTING (Section 307.128)

This act provides that motorcycles may be equipped with and use auxiliary lighting of any color, rather than only amber and white.

This provision is identical to HB 996 (2021), a provision in HCS/SS/SCS/SB 4 (2021), a provision in HCS/SB 38 (2021), a provision in HCS/SS/SB 46 (2021), and a provision in HCS/SS/SB 89 (2021).

#### NEW MOTOR VEHICLE SAFETY INSPECTIONS (Section 307.380)

This act exempts new motor vehicles from the requirement that motor vehicles receive a safety inspection immediately prior to their sale regardless of any current certificate of inspection and approval.

These provisions are identical to provisions in the truly agreed to and finally passed HCS/SCS/SB 49 (2021), provisions in SCS/HB 578 (2021), provisions in HCS/SS/SCS/SB 4 (2021), provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), provisions in HCS/SS/SB 89 (2021), and HB 687 (2021).

#### DIGITAL ELECTRONIC EQUIPMENT (Section 407.005)

This act provides a definition for the term "digital electronic equipment" applicable to the chapter of law governing merchandising practices, and provides that the 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".

These provisions are identical to provisions in the truly agreed to and finally passed HCS/SS/SB 176 (2021) and provisions in HCS/SB 38 (2021).

#### RECORDS FOR THE SALE OF CATALYTIC CONVERTERS (Section 407.300)

This act requires records of sales of certain metals to be maintained for 3 years rather than 2 years. A transaction that includes a detached catalytic converter shall occur at the fixed place of business of the purchaser. A detached catalytic converter shall be maintained for 5 business days before it is altered, modified, disassembled, or destroyed.

Anyone licensed for selling motor vehicle parts as set forth in statute who is knowingly purchases a stolen detached catalytic converter shall be subject to penalties as set forth in the act.

Currently, every purchaser or collector of, or dealer in, junk, scrap metal, or any second hand property is required to maintain written or electronic records for each purchase or trade in which certain types of material are obtained for value, with exceptions. This act repeals the exception to the records requirement for any transaction for which the total amount paid for all regulated material purchased or sold does not exceed \$50, unless the material is a catalytic converter.

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The records requirement of the act does not apply to transactions for which the seller has an existing business relationship with the purchaser and for which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state or by the U.S. government or agency thereof, and a copy is retained by the purchaser.

These provisions are substantially similar to provisions in the truly agreed to and finally passed SCS/HCS#2/HB 69 (2021) and provisions in the truly agreed to and finally passed CCS/SS#2/SCS/HCS/HB 271 (2021), and similar to provisions in HCS/HB 1153 (2021), HB 1175 (2021), provisions in HCS/SS/SCS/SB 4 (2021), provisions in HCS/SB 38 (2021), provisions in HCS/SS/SB 46 (2021), and provisions in HCS/SS/SB 89 (2021).

#### PENALTY FOR STEALING CATALYTIC CONVERTERS (Section 570.030)

The offense of stealing shall be a class E felony if the property is a catalytic converter.

This provision is identical to a provision in the truly agreed to and finally passed SCS/HCS#2/HB 69 (2021), a provision in the truly agreed to and finally passed CCS/SS#2/SCS/HCS/HB 271 (2021), a provision in HCS/SS/SCS/SB 4 (2021), a provision in HCS/SB 38 (2021), a provision in HCS/SS/SB 46 (2021), and a provision in HCS/SS/SB 89 (2021).

#### MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM (Section 643.310)

The act exempts St. Charles County, Franklin County, and Jefferson County from the motor vehicle emissions inspection program established by the Air Conservation Commission.

If these provisions have the effect of placing the state in noncompliance with any federal constitutional, statutory, or regulatory provision that results in the loss of any federal funds to the state, these provisions shall expire 3 years from the date the state is deemed to be in noncompliance.

These provisions are identical to provisions in HCS/SCS/SB 40 (2021), and similar to SB 156 (2021).

#### OVERNIGHT PARKING OF COMMERCIAL VEHICLES (Section 1)

This act prohibits businesses located within 500 feet of real property owned or leased by a hospital from offering overnight parking, unless a public hearing is held and owners and lessors of real property located within 500 feet of the business are timely notified and given an opportunity to be heard.

ERIC VANDER WEERD

SPONSOR: Chipman

HANDLER: Brown

SCS/HCS/HB 685 - This modifies various provisions relating to certain public officers.

#### ATTORNEY GENERAL RESIDENCY (Section 27.010)

Under current law, the Attorney General is required to reside at the seat of government in Jefferson City. This act repeals that requirement.

This provision is identical to provisions in the truly agreed to and finally passed CCS/HCS/SS/SCS/SBs 53 & 60 (2021), HCS/SS/SCS/SB 27 (2021), SS/SCS/HCS/HB 59 (2021),

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HCS/HB 339 (2021), HCS/HB 1787 (2020), HCS/SB 587 (2020), HB 769 (2019), HCS/HBs 1347 & 2144 (2018), HB 797 (2017), and SB 396 (2017), and similar to a provision in HCS/HB 553 (2021).

#### COUNTY TREASURERS

(Section 50.166)

Under current law, a county clerk may transmit in the form of a warrant the amount due for a grant, salary, pay, and expenses to the county treasurer.

This act provides that, 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. If the warrant is received in the absence of a check, then the county treasurer shall have access to the information necessary to process the warrant.

Additionally, 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 office that is financially relevant to the salaries of county officers and assistants; however, a county official may redact, remove, or delete any personal identifying information before submission to the county treasurer. Finally, no county treasurer shall refuse to release funds for the payment of any properly approved expenditure.

These provisions are identical to provisions in the truly agreed to and finally passed CCS/SS#2/SCS/HCS/HB 271 (2021) and substantially similar to provisions in HCS/SS/SCS/SB 27 (2021) and SCS/SB 576 (2020).

#### COUNTY BUDGET OFFICERS

(Section 50.530)

This amendment repeals a provision that in Cass County the presiding commissioner shall be the budget officer unless the county commission designates the county clerk as the budget officer.

This provision is identical to provisions in the truly agreed to and finally passed CCS/SS#2/SCS/HCS/HB 271 (2021) and HCS/SS/SCS/SB 27 (2021).

#### AGE REQUIREMENT FOR LOCAL OFFICES

(Sections 51.050, 55.060, 58.030, 60.010, 77.230, 79.080, 162.291, 190.050, 204.610, 247.060, 249.140, 321.130, and 483.010)

Current law requires a person to be over the age of 21, 24, or 25, depending on the office, in order to be qualified for various local offices. This act changes each of those requirements to 21 years of age or older.

These provisions are identical to provisions in HCS/SS/SCS/SB 27 (2021) and HCS/HB 1787 (2020).

#### BOND REQUIREMENTS FOR COUNTY RECORDERS OF DEEDS

(Sections 59.021 and 59.100)

The act provides that each candidate for county recorder shall provide to the election authority a copy of an affidavit from a surety company authorized to do business in this state that indicates the candidate is able to satisfy the bond requirements of the office.

Additionally, under current law, all recorders of deeds elected in first, second, and third classification

SPONSOR: Chipman

HANDLER: Brown

counties shall enter into bond with the state for an amount set by the county commission of not be less than one thousand dollars, with sufficient sureties. Under this act, these provisions shall only apply to recorders of deeds elected prior to January 1, 2022. For all recorders of deeds elected after December 31, 2021, in first, second, and third classification, counties shall enter into bond with the state for an amount set by the county commission of not be less than five thousand dollars, with sufficient sureties.

These provisions are identical to provisions in the truly agreed to and finally passed CCS/SS#2/SCS/HCS/HB 271 (2021), HCS/SS/SCS/SB 27 (2021), and SCS/SB 62 (2021) and substantially similar to HCS/HB 509 (2021), SB 987 (2020), the truly agreed to and finally passed SS#2/SCS/HCS/HB 1854 (2020), which was vetoed by the Governor, and SB 468 (2019).

#### TAX PAYMENTS

(Section 105.035)

The act stipulates that no person shall be appointed to an elected public office who is delinquent in the payment of any state income tax, personal property tax, municipal tax, or real property tax.

This provision is identical to a provision in HCS/SS/SCS/SB 27 (2021) and HCS/HB 1787 (2020).

#### DISSOLUTION OF CANDIDATE COMMITTEES

(Section 105.465)

Under current law, any person who registers as a lobbyist is required to dissolve his or her candidate committee. This act creates an exemption from this requirement for any person holding an elective municipal office or school district office and any person who is a candidate for an elective municipal office or school district office.

This provision is identical to SB 602 (2021).

#### ONLINE APPLICATIONS OF THE COUNTY RECORDER OF DEEDS

(Section 451.040)

This act provides that applicants for a marriage license may present an application for the license to the recorder of deeds in person or electronically through an online process.

Additionally, in the event a recorder of deeds utilizes an online process to accept applications for a marriage license or to issue a marriage license and the applicants' identity has not been verified in person, the recorder shall have a two-step identity verification process or other process that verifies the identity of the applicants. Finally, the recorder shall not accept applications for or issue marriage licenses through an online process unless both applicants are at least 18 years of age and at least one of the applicants is a resident of the county in which the application was submitted.

These provisions are identical to provisions in the truly agreed to and finally passed CCS/SS#2/SCS/HCS/HB 271 (2021), HCS/SS/SCS/SB 27 (2021), HCS#2/SCS/SB 91 (2021), substantially similar to SCS/SB 62 (2021) and HB 144 (2021), and similar to HB 969 (2021).

SCOTT SVAGERA

SPONSOR: DeGroot

HANDLER: Crawford

SS/SCS/HCS/HB 697 - This act modifies provisions relating to the Property Assessment Clean

SPONSOR: DeGroot  
Energy (PACE) Act.

HANDLER: Crawford

DEFINITIONS (Section 67.2800): This act adds the terms "director", "division", and "program administrator". The act also modifies the term "assessment contract" to state that property owners may enter into assessment contracts to finance energy efficiency improvements with a clean energy development board for a period of up to 20 years not to exceed the weighted average useful life of the qualified improvements.

COLLECTION OF SPECIAL ASSESSMENTS (Section 67.2815): A clean energy development board shall provide a copy of each signed assessment contract to the local collector and assessor for the county and the collector and assessor for the city of St. Louis. Additionally, the special assessments shall be collected by the collector of the county or the city of St. Louis collector.

PACE PROGRAM FOR RESIDENTIAL PROPERTIES (Section 67.2816): Municipalities that have created or joined a residential PACE program or district shall inform the Director of the Division of Finance by submitting a copy of the enabling ordinance to the Division. Any municipality that withdraws from a residential PACE program or district shall inform the Director by submitting a copy of the enabling ordinance for the withdrawal to the Division.

Clean energy development boards offering residential property programs in the state and their program administrator shall be subject to examination by the Division for compliance with provisions of law relating to assessment contracts under the PACE Act. The Division shall conduct an examination of each clean energy development board at least once every 24 months. Examination reports shall be made available to the public.

PACE PROGRAM CONTRACTS FOR RESIDENTIAL PROPERTIES (Sections 67.2817 and 67.2818): Notwithstanding any other contractual agreement to the contrary, each assessment contract shall be reviewed, approved, and executed by the clean energy development board and these duties shall not be delegated.

A clean energy development board shall not approve, execute, submit, or otherwise present for recording any residential assessment contract unless certain criteria set forth in the act are satisfied.

Any assessment contract for a project that, combined with any existing and outstanding indebtedness secured by the benefitted property, results in a loan-to-value ratio between 80% and 97% of the true value in money, as determined by the assessor pursuant to chapter 137, plus 10% of such amount of the benefitted property prior to the project as determined by reference to the assessment records for tax purposes for the most recent completed assessment by the county or city not within a county, shall include provision of an insurance policy providing coverage as set forth in the act, if such product exists.

The property owner executing a PACE assessment contract shall have a 3-day right to cancel the contract.

The clean energy development board shall advise the property owner in writing that any delinquent assessment shall be a lien on the property subject to the assessment contract and that the obligations under the PACE assessment contract continue even if the property owner sells or refinances the property.

If the residential property owner pays his or her property taxes and special assessments via a lender or

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HANDLER: Crawford

loan servicer's escrow program, the PACE board shall advise the property owner that the residential PACE assessment will cause the owner's monthly escrow requirements to increase and will increase the owner's total payment to the lender or the loan servicer. The clean energy development board shall further advise the property owner that if the special assessment results in an escrow shortage the owner will be required to pay the shortage in a lump-sum payment or catch-up the shortage over 12 months.

The clean energy development board shall also provide a statement providing a brief description of the residential project improvement, the cost of the improvement, and the annual assessment necessary to repay the obligation due on the assessment contract to any first lien holder within 3 days of the date the contract is recorded.

The PACE board shall maintain a public website with current information about the residential PACE program. The website shall list approved contractors for the program and shall disclose the standard assessment contract information and process for property owners or their successors to request information about their assessment contract.

The clean energy development board, contractor, or other third party shall not make any representations as to the income tax deductibility of an assessment contract unless the representation is accompanied by certain supporting documents, as listed in the act.

Any requirements and consumer protections established by federal laws and regulations that are applicable to PACE financing or similar programs shall apply to residential assessment contracts under the act.

The clean energy development board shall not enter into an assessment contract or levy or collect a special assessment under circumstances set forth in the act.

The PACE board that offers residential PACE projects shall provide a disclosure form to homeowners that shall show the financing terms of the assessment contract, as set forth in the act. The disclosure form shall be presented to a property owner prior to the execution of an assessment contract.

Before a property owner executes an assessment contract, the PACE board shall make a verbal confirmation that at least one owner of the property has a copy of the assessment contract documents, the financing estimate and disclosure form, and the right to cancel form. A verbal confirmation shall also be made of the key terms of the assessment contract, in plain language, and an acknowledgment shall be obtained from the property owner or authorized representative to whom the verbal confirmation is given. The verbal confirmation shall include information as listed in the act.

**PACE PROGRAM CONTRACTORS (Section 67.2819):** Contractors or other third parties shall not advertise the availability of residential assessment contracts that are administered by a PACE board or solicit property owners on behalf of the PACE board, unless the contractor meets certain requirements set forth in the act.

The act sets limitations on what incentives or information the PACE board shall provide to a contractor.

Finally, a contractor shall not provide a different price for a project financed as a residential PACE project than the contractor would provide if paid in cash by the property owner.

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HANDLER: Crawford

EFFECTIVE DATE (Section 67.2840): The provisions of this act relating to PACE boards, PACE contracts, and PACE contractors shall apply to the residential PACE programs of clean energy development boards and participating municipalities after January 1, 2022, and shall only apply to PACE programs for improvements to residential properties of four or fewer units. These provisions shall be effective and apply to residential PACE assessment contracts entered into after January 1, 2022.

This act is similar to SCS/SB 105 (2021), SB 577 (2020), HB 1555 (2020), SCS/SB 173 (2019), HCS/HB 215 (2019), SB 933 (2018), HB 2214 (2018), and HB 2344 (2018).

JAMIE ANDREWS

SPONSOR: O'Donnell

HANDLER: Cierpiot

CCS/SS/SCS/HCS/HB 734 - This act modifies provisions relating to utilities.

ENERGY CONNECTIONS (Section 67.309):

Under this act, no political subdivision shall adopt an ordinance, resolution, regulation, code or policy that prohibits, or has the effect of prohibiting, the connection or reconnection of a utility service based upon the type or source of energy to be delivered to an individual customer. Utility services shall include natural gas, propane gas, electricity, and any other form of energy provided to an end user customer.

This provision is similar to a provision contained in the perfected SS/SB 141 (2021) and SB 230 (2021).

SERVICE TERRITORIES OF RETAIL ELECTRIC SERVICE PROVIDERS (Sections 91.025, 386.800, 393.106, 394.020, & 394.315):

This act provides that in the event that a retail electric supplier is providing service to a structure located within a municipality that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

Additionally, in the absence of an approved territorial agreement, the municipally owned utility shall apply to the Public Service Commission for an order assigning nonexclusive service territories and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located within one mile outside of the boundaries of the proposed expanded service territory. In granting the applicant's request, the Commission shall give due regard to territories previously served by the other electric service suppliers and the wasteful duplication of electric service facilities.

Any municipally owned electric utility may extend its electric service territory to include areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities in the area proposed to be annexed, the majority of the existing developers, landowners, or prospective electric customers may submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations as provided in the act. These provisions shall also apply in the event an electrical corporation rather than a municipally owned electric utility is providing electric service in the municipality.

This act also changes the term "fair and reasonable compensation" to be 200%, rather than 400%, of

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gross revenues less gross receipts taxes received by the affected electric service supplier from the 12 month period preceding the approval of the municipality's governing body. Additionally, this act changes the definition of the population of a "rural area" to be an area not included within the boundaries of any city, town, or village in excess of 1600 inhabitants, and the number of inhabitants shall be increased by 6% every ten years after each census beginning in 2030.

Nothing in this act shall be construed as otherwise conferring upon the Public Service Commission jurisdiction over the service, rates, financing, or management of any rural electric cooperative or any municipally owned electric utility.

#### TAXATION OF PROPERTY ASSOCIATED WITH THE PRODUCTION OF ENERGY (Sections 137.123 & 153.030):

Beginning January 1, 2022, for purposes of assessing all real and tangible personal property associated with a project that uses wind energy directly to generate electricity, 37.5% of the original costs, as such term is described in the act, shall be the true value of such property.

This provision is similar to SCS/SB 379 (2021), HCS/HB 845 (2021), the perfected HCS/HB 835 (2021), HB 2454 (2020), and to provisions contained in HCS/SCS/SB 616 (2020).

#### ASSESSMENT OF CERTAIN PUBLIC UTILITY PROPERTY (Sections 153.030 & 153.034):

Beginning January 1, 2022, this act provides that any real and personal property owned by a public utility company that was constructed using chapter 100 financing shall, upon the transfer of such property to the public utility company, be assessed upon the local tax rolls. Any property consisting of land and buildings shall be assessed pursuant to current law relating to the assessment of such property in general, and all other business or personal property shall be assessed pursuant to the depreciation schedule provided under current law.

This provision is identical to SCS/SB 92 (2021) and substantially similar to HB 2680 (2020).

#### COMMON SEWER DISTRICTS (Section 204.569):

Under current law, when an unincorporated sewer subdistrict of a common sewer district has been formed, the board of trustees of the common sewer district shall have the power to issue bonds, and the issuance of such bonds shall require the assent of 4/7 of the voters of the subdistrict on the question. This act states that as an alternative to such vote, if the subdistrict is a part of a common sewer district located in whole or in part in certain counties, bonds may be issued for such subdistrict if the question receives the written assent of 3/4 of the customers, as such term is defined in the act, of the subdistrict.

This provision is identical to SB 558 (2021).

#### ASSESSMENTS AGAINST PUBLIC UTILITIES (Section 386.370):

Currently, the Public Service Commission can assess no more than 0.25% of the total gross intrastate operating revenues against all utilities subject to the jurisdiction of the Commission for the cost of regulating such utilities. This act changes the assessment rate to no more than 0.315% of the total gross intrastate operating revenues of such utilities.

This provision is identical to a provision contained in the perfected SS#2/SCS/SB 202 (2021) and similar to SCS/SB 280 (2021).



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HANDLER: Cierpiot

RENEWABLE NATURAL GAS (Section 386.895):

This act requires the Public Service Commission to adopt rules for gas corporations to offer a voluntary renewable natural gas program. The Commission shall establish reporting requirements and a process for gas corporations to fully recover incurred costs that are prudent, just, and reasonable associated with a renewable natural gas program. Such recovery shall not be permitted until the project is operational and produces renewable natural gas for customer use.

Any costs incurred by a gas corporation that are prudent, just, and reasonable shall be recovered by means of an automatic adjustment clause.

An affiliate of a gas corporation shall not be prohibited from making a capital investment in a biogas production project if the affiliate is not a public utility as defined in statute.

The Division of Energy shall provide a report on the program to certain members of the General Assembly by January 1, 2023. The report shall contain information as set forth in the act.

The renewable natural gas program shall expire 9 years after the program is established, unless reauthorized by the General Assembly; provided that any rate adjustment authorized by the act shall continue so long as the program remains in operation and produces renewable natural gas for customer use.

This provision is similar to the perfected SS/SB 141 (2021) and HCS/HB 892 (2021).

WHOLESALE ELECTRIC ENERGY (Section 393.106):

This act states that auxiliary power may be purchased on a wholesale basis, under the applicable tariffs of a regional transmission organization instead of under retail service tariffs filed with the Public Service Commission by an electrical corporation, for use at an electric generation facility located in Cass County, which commenced commercial operations prior to August 28, 2021, and which is operated as an independent power producer.

The act also creates definitions for "auxiliary power" and "independent power producer".

This provision is identical to HCS/HB 835 (2021), to a provision contained in the perfected SS#2/SCS/SB 202 (2021), and similar to SB 335 (2021).

RATEMAKING FOR UTILITIES (Section 393.355):

This act modifies the definition of "facility", to remove aluminum smelting facilities, for provisions of law allowing the Public Service Commission to approve a special rate, outside of a general rate proceeding, for certain electrical corporations.

This provision is identical to HB 154 (2021), SB 1040 (2020), and HB 2565 (2020).

CUSTOMER CLASS RATES OF ELECTRICAL CORPORATIONS (Section 393.1620):

Under this act, when determining the allocation of an electrical corporation's total revenue requirement among the electrical corporation's customer classes for the ultimate purpose of setting base rates for each customer class, the Public Service Commission shall only consider class cost of service study results that allocate the electrical corporation's production plant costs from nuclear and fossil generating units using the average and excess method or one of the methods of assignment or allocation

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contained within the National Association of Regulatory Utility Commissioners 1992 manual or a subsequent manual.

This provision expires on August 28, 2031.

This provision is identical to a provision contained in SS#2/SCS/SB 202 (2021) and similar to SB 406 (2021).

#### FINANCING ORDERS (Section 393.1700):

Under the act, an electrical corporation may petition the Public Service Commission for a financing order, which is an order from the Commission that authorizes the issuance of securitized utility tariff bonds; the imposition, collection, and periodic adjustments of a securitized utility tariff charge; the creation of securitized utility tariff property; and the sale, assignment, or transfer of securitized utility tariff property to an assignee. A securitized utility tariff charge shall be used to repay, finance, or refinance energy transition costs or qualified extraordinary costs and financing costs that are charges imposed on and part of all retail customer bills.

The time frame for proceedings on a petition for a financing order are set forth in the act. Judicial relief may be had as set forth in law for Commission decisions.

A financing order issued by the Commission shall include elements as set forth in the act.

A financing order issued to an electrical corporation may provide that the creation of the electrical corporation's securitized utility tariff property is conditioned upon, and simultaneous with, the sale or other transfer of the securitized utility tariff property to an assignee and the pledge of the securitized utility tariff property to secure securitized utility tariff bonds.

If a financing order is issued, the electrical corporation shall file a petition or letter at least annually applying the formula-based true-up mechanism requesting administrative approval to make applicable adjustments. The Commission has 30 days from receiving the petition or letter to approve the request or inform the electrical corporation of any mathematical or clerical errors in its calculation.

Once securitized utility tariff bonds are authorized the Commission may not amend, modify, or terminate the financing order by any subsequent action or make changes to securitized utility tariff charges approved in the financing order.

A financing order remains in effect, and securitized utility tariff property under the financing order continues to exist, until securitized utility tariff bonds issued pursuant to the financing order have been paid in full or defeased and, in each case, all Commission-approved financing costs of such securitized utility tariff bonds have been covered in full.

The securitized utility tariff bonds issued pursuant to a financing order shall not be considered to be debt of the electrical corporation other than for federal and state income taxes.

No electrical corporation is required to file a petition for a financing order. A decision not to file for a financing order shall not be admissible in any Commission proceeding or otherwise utilized or relied on by the Commission in certain proceedings.

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Debt reflected by the securitized utility tariff bonds shall not be utilized or considered in establishing the electrical corporation's capital structure used to determine any regulatory matter.

The Commission may not, directly or indirectly, consider the existence of securitized utility tariff bonds or the potential use of securitized utility tariff bond financing proceeds in determining the electrical corporation's authorized rate of return used to determine the electrical corporation's revenue requirement used to set rates.

Electric bills of an electrical corporation that has obtained a financing order and caused securitized utility tariff bonds to be issued shall include specific information set forth in the act.

Securitized utility tariff property specified in a financing order exists until securitized utility tariff bonds issued pursuant to the financing order are paid in full and all financing costs and other costs of such securitized utility tariff bonds have been recovered in full.

If an electrical corporation defaults on any required remittance of securitized utility tariff charges arising from securitized utility tariff property specified in a financing order, a court, upon application by an interested party, shall order the sequestration and payment of the revenues arising from the securitized utility tariff property to the financing parties or their assignees.

Any successor to an electrical corporation shall perform and satisfy all obligations of, and have the same rights under a financing order as, the electrical corporation under the financing order.

The act contains several provisions related to security interests in securitized utility tariff property.

A security interest in securitized utility tariff property is created, valid, and binding and perfected at the later of the time:

- The financing order is issued;
- A security agreement is executed and delivered by the debtor granting such security interest;
- The debtor has rights in such securitized utility tariff property or the power to transfer rights in such securitized utility tariff property; or
- Value is received for the securitized utility tariff property.

The law governing the validity, enforceability, attachment, perfection, priority, and exercise of remedies with respect to the transfer of an interest or right or the pledge or creation of a security interest in any securitized utility tariff property shall be the laws of Missouri.

The act lists entities that may legally invest any sinking funds, moneys, or other funds in securitized utility tariff bonds.

#### REPLACEMENT RESOURCES (Section 393.1705):

An electrical corporation may file a petition concurrently with a petition filed for a financing order for investment in replacement resources, as such term is defined in the act, and the Commission shall approve such investment as set forth in the act. Such approval shall constitute an affirmative and binding determination by the Commission, to be applied in all subsequent proceedings respecting the rates of the electrical corporation, that such investment is prudent and reasonable, that the replacement resource is necessary for the electrical corporation's provision of electric service to its customers, and that such investment shall be reflected in the revenue requirement used to set the electrical corporation's base rates.

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HANDLER: Cierpiot

The approval is subject only to the Commission's authority to determine that the electrical corporation did not manage or execute the project in a reasonable and prudent manner in some respect and the Commission's authority to disallow for ratemaking purposes only that portion of the investment that would not have been incurred had the unreasonable or imprudent management or execution of the project not occurred.

The changes in the electrical corporation's revenue requirement that shall be deferred to a regulatory asset or liability shall only consist of items listed in the act.

The time frame for proceedings on a petition to have investment in replacement resources approved is set forth in the act.

#### RATEMAKING PRINCIPLES AND TREATMENT (Section 393.1715):

An electrical corporation may petition the Commission for a determination of the ratemaking principles and treatment, as proposed by the corporation, that will apply to the reflection in base rates of the electrical corporation's capital and noncapital costs associated with one or more of the corporation's coal-fired facilities.

If the Commission fails to issue a determination within 215 days that a petition for a determination of ratemaking principles and treatment is filed, the ratemaking principles and treatment proposed by the petitioning electrical corporation shall be deemed to have been approved by the Commission.

The factors and circumstances to which such principles and treatment apply are listed in the act. If the electrical corporation determines that one or more major factor or circumstance has changed in a manner that warrants a change in the approved ratemaking principles and treatment, then it shall file a notice in the docket within 45 days of such determination.

A party that has concerns about the proposed changes in principles and treatment shall file a notice of its concerns within 30 days of the electrical corporation's filing. If a party believes that one or more factor or circumstance warrants a change in the approved principles and treatment and the electrical corporation does not agree, such party shall file a notice within 45 days, and such notice shall include information as listed in the act.

An electrical corporation shall be permitted to retain coal-fired generating assets in rate base and recover costs associated with operating the coal-fired assets that remain in service to provide greater certainty that generating capacity will be available to provide essential service to customers, including during extreme weather events, and the Commission shall not disallow any portion of such cost recovery on the basis that such coal-fired generating assets operate at a low capacity factor, or are off-line and providing capacity only, during normal operating conditions.

These provisions are identical to provisions contained in the perfected SS#2/SCS/SB 202 (2021).

#### UNIFORM COMMERCIAL CODE (Section 400.9-109):

Article 9 of the Uniform Commercial Code relating to secured transactions shall not apply to the creation, perfection, priority, or enforcement of any sale, assignment of, pledge of, security interest in, or other transfer of, any interest or right or portion of any interest or right in any securitized utility tariff property, except as expressly provided in the act.

SPONSOR: O'Donnell

HANDLER: Cierpiot

This provision is identical to a provision contained in the perfected SS#2/SCS/SB 202 (2021).

RURAL ELECTRIC COOPERATIVES (Section 394.120):

The board of directors of a rural electric cooperative shall have the power to set the time and place of the annual meeting and also to provide for voting by proxy, electronic means, by mail, or any combination thereof, and to prescribe the conditions under which such voting shall be exercised. The meeting requirement may be satisfied through virtual means.

This provision expires on August 28, 2022.

This provision is identical to a provision contained in the perfected SS/SB 333 (2021) and in the perfected SS#2/SCS/SB 202 (2021).

JAMIE ANDREWS

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\*\*\* HJR 35 \*\*\*

SPONSOR: Griesheimer

HANDLER: Schatz

HCS/HJR 35 - This constitutional amendment, if approved by the voters, modifies the powers of the State Treasurer. Specifically, the State Treasurer is required to invest certain state moneys in:

- Missouri banking institutions selected by the State Treasurer and approved by the Governor and State Auditor; or
- Obligations of the United States government or any agency or instrumentality thereof maturing and becoming payable not more than seven years from the date of purchase.

The amendment additionally authorizes the State Treasurer to invest in:

- Municipal securities possessing one of the five highest long term ratings or the highest short term rating issued by a nationally recognized rating agency and maturing and becoming payable not more than five years from the date of purchase; and
- Other reasonable and prudent financial instruments and securities as otherwise provided by law.

SCOTT SVAGERA

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**Administration, Office of**

- SB 63 - Modifies provisions relating to the monitoring of certain controlled substances  
HB 5 - Appropriations money for the Office of Administration  
HB 271 - Modifies provisions relating to local governments
- 

**Administrative Law**

- SB 26 - Creates provisions relating to public safety
- 

**Adoption**

- HB 429 - Modifies provisions relating to child placement  
HB 430 - Modifies provisions relating to benevolent tax credits
- 

**Advertising and Signs**

- HB 273 - Modifies provisions related to professional registration  
HB 297 - Modifies provisions relating to institutions of higher education  
HB 476 - Modifies provisions relating to professional registration
- 

**Agriculture**

- HB 476 - Modifies provisions relating to professional registration  
HB 574 - Restricts the inspection of grounds or facilities used for certain agricultural purposes  
HB 661 - Modifies provisions relating to transportation
- 

**Agriculture, Department of**

- SB 6 - Enacts provisions relating to insurance  
HB 6 - Appropriates money for the Departments of Agriculture; Natural Resources; and Conservation  
HB 369 - Modifies provisions relating to land management  
HB 476 - Modifies provisions relating to professional registration  
HB 574 - Restricts the inspection of grounds or facilities used for certain agricultural purposes
- 

**Alcohol**

- SB 126 - Modifies provisions relating to the sale of intoxicating liquor
- 

**Animals**

- SB 71 - Modifies several provisions relating to civil proceedings  
HB 369 - Modifies provisions relating to land management  
HB 574 - Restricts the inspection of grounds or facilities used for certain agricultural purposes
- 

**Annexation**

- HB 297 - Modifies provisions relating to institutions of higher education
- 

**Appropriations**

- SCR 7 - Urges support of state funding for a North Central Missouri Regional Water Commission project  
HB 1 - Appropriates money for the payment of public debt  
HB 2 - Appropriates money for the Department of Elementary and Secondary Education  
HB 3 - Appropriates money for the Department of Higher Education and Workforce Development  
HB 4 - Appropriates money for the Departments of Revenue and Transportation

**Appropriations (cont'd)**

- HB 5 - Appropriations money for the Office of Administration
  - HB 5 - Appropriations money for the Office of Administration
  - HB 6 - Appropriates money for the Departments of Agriculture; Natural Resources; and Conservation
  - HB 7 - Appropriates money for the Departments of Economic Development; Commerce and Insurance; and Industrial Relations
  - HB 8 - Appropriates money for the Department of Public Safety
  - HB 9 - Appropriates money for the Department of Corrections
  - HB 10 - Appropriates money for the Departments of Mental Health and Health
  - HB 11 - Appropriates money for the Department of Social Services
  - HB 12 - Appropriates money for elected officials including the General Assembly, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General
  - HB 13 - Appropriates money for statewide leasing
  - HB 15 - Appropriates money for supplemental purposes
  - HB 16 - Appropriates money for supplemental purposes
  - HB 17 - Reappropriations
  - HB 18 - Appropriates money for maintenance and repair of state property
  - HB 19 - Appropriates money for capital improvements
- 

**Architects**

- HB 476 - Modifies provisions relating to professional registration
- 

**Athletics**

- HB 273 - Modifies provisions related to professional registration
  - HB 297 - Modifies provisions relating to institutions of higher education
- 

**Attorney General**

- HB 12 - Appropriates money for elected officials including the General Assembly, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General
  - HB 69 - Modifies provisions relating to certain metals
  - HB 557 - Modifies provisions relating to residential care facilities
  - HB 685 - Modifies provisions relating to the duties and qualifications of certain public officers
- 

**Attorneys**

- SB 26 - Creates provisions relating to public safety
  - HB 297 - Modifies provisions relating to institutions of higher education
- 

**Auditor, State**

- HB 12 - Appropriates money for elected officials including the General Assembly, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General
- 

**Banks and Financial Institutions**

- SB 6 - Enacts provisions relating to insurance
  - SB 106 - Modifies various provisions relating to financial institutions
  - HB 297 - Modifies provisions relating to institutions of higher education
  - HB 734 - Modifies provisions relating to utilities
-

**Boards, Commissions, Committees, and Councils**

- SB 49 - Modifies provisions relating to public safety
  - SB 53 - Modifies provisions relating to the administration of justice
  - SB 63 - Modifies provisions relating to the monitoring of certain controlled substances
  - SB 262 - Modifies provisions relating to transportation
  - HB 273 - Modifies provisions related to professional registration
  - HB 402 - Prohibits publishing of identifying information of lottery winners
  - HB 476 - Modifies provisions relating to professional registration
  - HB 661 - Modifies provisions relating to transportation
  - HB 697 - Modifies provisions relating to property assessment contracts for energy efficiency
- 

**Boats and Watercraft**

- SB 49 - Modifies provisions relating to public safety
- 

**Bonds - General Obligation and Revenue**

- HB 734 - Modifies provisions relating to utilities
  - HJR 35 - Modifies the constitutional powers and duties of the State Treasurer
- 

**Business and Commerce**

- SB 6 - Enacts provisions relating to insurance
  - SB 51 - Establishes provisions relating to civil actions arising from the COVID-19 pandemic
  - SB 57 - Modifies provisions relating to funding to certain organizations to deter criminal behavior
  - SB 176 - Enacts provisions relating to emerging technologies
  - HB 69 - Modifies provisions relating to certain metals
  - HB 273 - Modifies provisions related to professional registration
  - HB 604 - Modifies provisions relating to insurance
- 

**Campaign Finance**

- HB 685 - Modifies provisions relating to the duties and qualifications of certain public officers
- 

**Capital Improvements**

- SB 262 - Modifies provisions relating to transportation
- 

**Cemeteries**

- HB 369 - Modifies provisions relating to land management
- 

**Charities**

- HB 69 - Modifies provisions relating to certain metals
- 

**Children and Minors**

- SB 71 - Modifies several provisions relating to civil proceedings
  - HB 297 - Modifies provisions relating to institutions of higher education
  - HB 349 - Establishes the "Missouri Empowerment Scholarship Accounts Program"
  - HB 429 - Modifies provisions relating to child placement
  - HB 430 - Modifies provisions relating to benevolent tax credits
  - HB 432 - Modifies provisions relating to protection of vulnerable persons
  - HB 557 - Modifies provisions relating to residential care facilities
  - HB 604 - Modifies provisions relating to insurance
  - HB 661 - Modifies provisions relating to transportation
-



**Children's Division**

- HB 429 - Modifies provisions relating to child placement  
HB 430 - Modifies provisions relating to benevolent tax credits  
HB 432 - Modifies provisions relating to protection of vulnerable persons  
HB 557 - Modifies provisions relating to residential care facilities
- 

**Cities, Towns, and Villages**

- SB 53 - Modifies provisions relating to the administration of justice  
SB 153 - Modifies provisions relating to taxation  
HB 271 - Modifies provisions relating to local governments
- 

**Civil Penalties**

- SB 63 - Modifies provisions relating to the monitoring of certain controlled substances  
HB 85 - Creates additional protections to the right to bear arms  
HB 273 - Modifies provisions related to professional registration  
HB 476 - Modifies provisions relating to professional registration  
HB 661 - Modifies provisions relating to transportation
- 

**Civil Procedure**

- SB 51 - Establishes provisions relating to civil actions arising from the COVID-19 pandemic  
HB 345 - Modifies provisions relating to the enforcement of arbitration awards and intervention in court proceedings for insurance companies  
HB 369 - Modifies provisions relating to land management  
HB 604 - Modifies provisions relating to insurance
- 

**Commerce and Insurance, Department of**

- SB 6 - Enacts provisions relating to insurance  
SB 106 - Modifies various provisions relating to financial institutions  
HB 7 - Appropriates money for the Departments of Economic Development; Commerce and Insurance; and Industrial Relations  
HB 273 - Modifies provisions related to professional registration  
HB 476 - Modifies provisions relating to professional registration  
HB 604 - Modifies provisions relating to insurance  
HB 661 - Modifies provisions relating to transportation
- 

**Commercial Code**

- SB 106 - Modifies various provisions relating to financial institutions
- 

**Compacts**

- HB 273 - Modifies provisions related to professional registration  
HB 476 - Modifies provisions relating to professional registration
- 

**Conservation, Department of**

- HB 6 - Appropriates money for the Departments of Agriculture; Natural Resources; and Conservation  
HB 369 - Modifies provisions relating to land management
- 

**Constitutional Amendments**

- SCR 4 - Calls for an Article V convention of the states to propose amendments to the United States Constitution placing limits on the federal government  
HJR 35 - Modifies the constitutional powers and duties of the State Treasurer
-

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**Consumer Protection**

- SB 6 - Enacts provisions relating to insurance
  - SB 176 - Enacts provisions relating to emerging technologies
  - HB 69 - Modifies provisions relating to certain metals
  - HB 604 - Modifies provisions relating to insurance
  - HB 661 - Modifies provisions relating to transportation
- 

**Contracts and Contractors**

- SB 106 - Modifies various provisions relating to financial institutions
  - HB 273 - Modifies provisions related to professional registration
  - HB 297 - Modifies provisions relating to institutions of higher education
  - HB 604 - Modifies provisions relating to insurance
  - HB 697 - Modifies provisions relating to property assessment contracts for energy efficiency
- 

**Corporations**

- HB 734 - Modifies provisions relating to utilities
- 

**Corrections, Department of**

- HB 9 - Appropriates money for the Department of Corrections
- 

**Cosmetology**

- HB 273 - Modifies provisions related to professional registration
- 

**Counseling**

- HB 273 - Modifies provisions related to professional registration
- 

**Counties**

- SB 53 - Modifies provisions relating to the administration of justice
  - SB 153 - Modifies provisions relating to taxation
  - HB 271 - Modifies provisions relating to local governments
  - HB 297 - Modifies provisions relating to institutions of higher education
- 

**County Government**

- SB 53 - Modifies provisions relating to the administration of justice
  - HB 271 - Modifies provisions relating to local governments
- 

**County Officials**

- HB 271 - Modifies provisions relating to local governments
  - HB 297 - Modifies provisions relating to institutions of higher education
  - HB 685 - Modifies provisions relating to the duties and qualifications of certain public officers
- 

**Courts**

- HB 273 - Modifies provisions related to professional registration
  - HB 432 - Modifies provisions relating to protection of vulnerable persons
  - HB 557 - Modifies provisions relating to residential care facilities
- 

**Crimes and Punishment**

- SB 49 - Modifies provisions relating to public safety
- SB 53 - Modifies provisions relating to the administration of justice
- SB 63 - Modifies provisions relating to the monitoring of certain controlled substances
- HB 69 - Modifies provisions relating to certain metals
- HB 273 - Modifies provisions related to professional registration

**Crimes and Punishment (cont'd)**

- HB 476 - Modifies provisions relating to professional registration  
HB 476 - Modifies provisions relating to professional registration  
HB 661 - Modifies provisions relating to transportation
- 

**Criminal Procedure**

- SB 26 - Creates provisions relating to public safety
- 

**Dairies and Dairy Products**

- HB 574 - Restricts the inspection of grounds or facilities used for certain agricultural purposes
- 

**Disabilities**

- HB 432 - Modifies provisions relating to protection of vulnerable persons
- 

**Domestic Relations**

- SB 71 - Modifies several provisions relating to civil proceedings  
HB 432 - Modifies provisions relating to protection of vulnerable persons
- 

**Drugs and Controlled Substances**

- SB 63 - Modifies provisions relating to the monitoring of certain controlled substances
- 

**Economic Development**

- SB 2 - Modifies provisions relating to the Missouri Works program  
SB 5 - Modifies provisions relating to taxation  
SB 57 - Modifies provisions relating to funding to certain organizations to deter criminal behavior  
SB 120 - Modifies provisions relating to military affairs
- 

**Economic Development, Department of**

- SB 2 - Modifies provisions relating to the Missouri Works program  
SB 36 - Establishes the Capitol Complex Tax Credit Act  
SB 57 - Modifies provisions relating to funding to certain organizations to deter criminal behavior  
SB 120 - Modifies provisions relating to military affairs  
HB 7 - Appropriates money for the Departments of Economic Development; Commerce and Insurance; and Industrial Relations
- 

**Education, Elementary and Secondary**

- SB 86 - Creates new provisions prohibiting the use of public funds to influence elections  
SB 120 - Modifies provisions relating to military affairs  
HB 349 - Establishes the "Missouri Empowerment Scholarship Accounts Program"
- 

**Education, Higher**

- HB 297 - Modifies provisions relating to institutions of higher education
- 

**Education, Proprietary**

- HB 297 - Modifies provisions relating to institutions of higher education
- 

**Elderly**

- HB 432 - Modifies provisions relating to protection of vulnerable persons
-

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**Elections**

- SB 86 - Creates new provisions prohibiting the use of public funds to influence elections  
HB 297 - Modifies provisions relating to institutions of higher education
- 

**Elementary and Secondary Education, Department of**

- SB 120 - Modifies provisions relating to military affairs  
HB 2 - Appropriates money for the Department of Elementary and Secondary Education  
HB 297 - Modifies provisions relating to institutions of higher education
- 

**Emergencies**

- SB 51 - Establishes provisions relating to civil actions arising from the COVID-19 pandemic
- 

**Employees - Employers**

- SB 6 - Enacts provisions relating to insurance  
SB 120 - Modifies provisions relating to military affairs  
HB 604 - Modifies provisions relating to insurance
- 

**Energy**

- HB 697 - Modifies provisions relating to property assessment contracts for energy efficiency  
HB 734 - Modifies provisions relating to utilities
- 

**Engineers**

- HB 273 - Modifies provisions related to professional registration  
HB 476 - Modifies provisions relating to professional registration
- 

**Entertainment, Sports and Amusements**

- HB 273 - Modifies provisions related to professional registration  
HB 297 - Modifies provisions relating to institutions of higher education
- 

**Environmental Protection**

- SB 6 - Enacts provisions relating to insurance  
HB 604 - Modifies provisions relating to insurance  
HB 661 - Modifies provisions relating to transportation
- 

**Family Law**

- SB 71 - Modifies several provisions relating to civil proceedings  
HB 429 - Modifies provisions relating to child placement  
HB 432 - Modifies provisions relating to protection of vulnerable persons
- 

**Federal - State Relations**

- SB 120 - Modifies provisions relating to military affairs  
SCR 4 - Calls for an Article V convention of the states to propose amendments to the United States Constitution placing limits on the federal government  
SCR 6 - Urges the United States Congress to resist any attempt to increase the number of Justices on the United States Supreme Court  
HB 85 - Creates additional protections to the right to bear arms  
HB 661 - Modifies provisions relating to transportation
- 

**Fees**

- SB 176 - Enacts provisions relating to emerging technologies  
HB 273 - Modifies provisions related to professional registration  
HB 476 - Modifies provisions relating to professional registration

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**Fire Protection**

SB 45 - Creates new provisions relating to certain firefighters who contracted certain types of cancer as a result of employment as a firefighter

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**Firearms**

HB 85 - Creates additional protections to the right to bear arms

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**Fishing and Hunting**

HB 369 - Modifies provisions relating to land management

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**Food**

SB 176 - Enacts provisions relating to emerging technologies  
HB 273 - Modifies provisions related to professional registration  
HB 476 - Modifies provisions relating to professional registration  
HB 574 - Restricts the inspection of grounds or facilities used for certain agricultural purposes

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**Gambling**

HB 402 - Prohibits publishing of identifying information of lottery winners

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**General Assembly**

HB 12 - Appropriates money for elected officials including the General Assembly, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General

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**Governor and Lt. Governor**

HB 12 - Appropriates money for elected officials including the General Assembly, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General

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**Health and Senior Services, Department of**

HB 10 - Appropriates money for the Departments of Mental Health and Health  
HB 429 - Modifies provisions relating to child placement  
HB 432 - Modifies provisions relating to protection of vulnerable persons

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**Health Care**

SB 51 - Establishes provisions relating to civil actions arising from the COVID-19 pandemic  
HB 273 - Modifies provisions related to professional registration  
HB 432 - Modifies provisions relating to protection of vulnerable persons  
HB 476 - Modifies provisions relating to professional registration

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**Health Care Professionals**

SB 51 - Establishes provisions relating to civil actions arising from the COVID-19 pandemic  
SB 63 - Modifies provisions relating to the monitoring of certain controlled substances  
HB 273 - Modifies provisions related to professional registration

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**Health, Public**

SB 51 - Establishes provisions relating to civil actions arising from the COVID-19 pandemic

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**Higher Education and Workforce Development, Department of**

- HB 3 - Appropriates money for the Department of Higher Education and Workforce Development  
HB 297 - Modifies provisions relating to institutions of higher education
- 

**Highway Patrol**

- SB 71 - Modifies several provisions relating to civil proceedings  
HB 661 - Modifies provisions relating to transportation
- 

**Historic Preservation**

- SB 36 - Establishes the Capitol Complex Tax Credit Act
- 

**Holidays and Observances**

- SB 72 - Creates a number of state designations, memorial highways, and the Missouri Medal of Honor Recipients Fund  
SB 120 - Modifies provisions relating to military affairs
- 

**Hospitals**

- SB 51 - Establishes provisions relating to civil actions arising from the COVID-19 pandemic
- 

**Insurance - Automobile**

- SB 6 - Enacts provisions relating to insurance  
SB 120 - Modifies provisions relating to military affairs  
HB 604 - Modifies provisions relating to insurance  
HB 661 - Modifies provisions relating to transportation
- 

**Insurance - General**

- SB 6 - Enacts provisions relating to insurance  
SB 176 - Enacts provisions relating to emerging technologies  
HB 345 - Modifies provisions relating to the enforcement of arbitration awards and intervention in court proceedings for insurance companies  
HB 604 - Modifies provisions relating to insurance  
HB 661 - Modifies provisions relating to transportation
- 

**Insurance - Health**

- SB 6 - Enacts provisions relating to insurance  
HB 432 - Modifies provisions relating to protection of vulnerable persons  
HB 604 - Modifies provisions relating to insurance  
HB 661 - Modifies provisions relating to transportation
- 

**Insurance - Life**

- SB 6 - Enacts provisions relating to insurance  
HB 604 - Modifies provisions relating to insurance  
HB 661 - Modifies provisions relating to transportation
- 

**Insurance - Property**

- SB 6 - Enacts provisions relating to insurance  
HB 604 - Modifies provisions relating to insurance
- 

**Interstate Cooperation**

- SB 6 - Enacts provisions relating to insurance  
HB 273 - Modifies provisions related to professional registration

**Interstate Cooperation (cont'd)**

- HB 604 - Modifies provisions relating to insurance  
HB 604 - Modifies provisions relating to insurance
- 

**Judges**

- SCR 6 - Urges the United States Congress to resist any attempt to increase the number of Justices on the United States Supreme Court
- 

**Labor and Industrial Relations, Department of**

- HB 7 - Appropriates money for the Departments of Economic Development; Commerce and Insurance; and Industrial Relations
- 

**Labor and Management**

- SB 6 - Enacts provisions relating to insurance
- 

**Lakes, Rivers and Waterways**

- SB 49 - Modifies provisions relating to public safety
- 

**Law Enforcement Officers and Agencies**

- SB 26 - Creates provisions relating to public safety  
SB 53 - Modifies provisions relating to the administration of justice  
SB 57 - Modifies provisions relating to funding to certain organizations to deter criminal behavior  
HB 85 - Creates additional protections to the right to bear arms  
HB 369 - Modifies provisions relating to land management  
HB 574 - Restricts the inspection of grounds or facilities used for certain agricultural purposes
- 

**Liability**

- SB 51 - Establishes provisions relating to civil actions arising from the COVID-19 pandemic  
HB 273 - Modifies provisions related to professional registration  
HB 345 - Modifies provisions relating to the enforcement of arbitration awards and intervention in court proceedings for insurance companies  
HB 369 - Modifies provisions relating to land management  
HB 476 - Modifies provisions relating to professional registration
- 

**Licenses - Driver's**

- SB 120 - Modifies provisions relating to military affairs  
SB 262 - Modifies provisions relating to transportation
- 

**Licenses - Liquor and Beer**

- SB 126 - Modifies provisions relating to the sale of intoxicating liquor
- 

**Licenses - Miscellaneous**

- SB 49 - Modifies provisions relating to public safety  
HB 273 - Modifies provisions related to professional registration  
HB 297 - Modifies provisions relating to institutions of higher education  
HB 476 - Modifies provisions relating to professional registration  
HB 604 - Modifies provisions relating to insurance
- 

**Licenses - Motor Vehicle**

- SB 189 - Creates a Negro Leagues Baseball Museum special license plate

**Licenses - Motor Vehicle (cont'd)**

- HB 661 - Modifies provisions relating to transportation  
HB 661 - Modifies provisions relating to transportation
- 

**Lotteries**

- HB 402 - Prohibits publishing of identifying information of lottery winners
- 

**Medicaid/MO Healthnet**

- SB 63 - Modifies provisions relating to the monitoring of certain controlled substances  
HB 432 - Modifies provisions relating to protection of vulnerable persons
- 

**Medical Procedures and Personnel**

- SB 51 - Establishes provisions relating to civil actions arising from the COVID-19 pandemic  
HB 273 - Modifies provisions related to professional registration  
HB 476 - Modifies provisions relating to professional registration
- 

**Mental Health**

- HB 273 - Modifies provisions related to professional registration  
HB 432 - Modifies provisions relating to protection of vulnerable persons  
HB 476 - Modifies provisions relating to professional registration
- 

**Mental Health, Department of**

- HB 10 - Appropriates money for the Departments of Mental Health and Health  
HB 273 - Modifies provisions related to professional registration  
HB 476 - Modifies provisions relating to professional registration
- 

**Merchandising Practices**

- SB 49 - Modifies provisions relating to public safety  
SB 176 - Enacts provisions relating to emerging technologies  
HB 69 - Modifies provisions relating to certain metals
- 

**Merit System**

- SB 120 - Modifies provisions relating to military affairs
- 

**Military Affairs**

- SB 2 - Modifies provisions relating to the Missouri Works program  
SB 120 - Modifies provisions relating to military affairs  
SB 258 - Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military  
HB 476 - Modifies provisions relating to professional registration
- 

**Mortgages and Deeds**

- SB 106 - Modifies various provisions relating to financial institutions
- 

**Motor Carriers**

- HB 661 - Modifies provisions relating to transportation
- 

**Motor Fuel**

- SB 262 - Modifies provisions relating to transportation
- 

**Motor Vehicles**

- SB 49 - Modifies provisions relating to public safety



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**Motor Vehicles (cont'd)**

- SB 120 - Modifies provisions relating to military affairs
  - SB 120 - Modifies provisions relating to military affairs
  - SB 176 - Enacts provisions relating to emerging technologies
  - SB 262 - Modifies provisions relating to transportation
  - HB 604 - Modifies provisions relating to insurance
  - HB 661 - Modifies provisions relating to transportation
- 

**National Guard**

- SB 120 - Modifies provisions relating to military affairs
  - SB 258 - Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military
- 

**Natural Resources, Department of**

- SB 6 - Enacts provisions relating to insurance
  - HB 6 - Appropriates money for the Departments of Agriculture; Natural Resources; and Conservation
  - HB 369 - Modifies provisions relating to land management
  - HB 574 - Restricts the inspection of grounds or facilities used for certain agricultural purposes
  - HB 604 - Modifies provisions relating to insurance
- 

**Nurses**

- SB 63 - Modifies provisions relating to the monitoring of certain controlled substances
- 

**Parks and Recreation**

- HB 369 - Modifies provisions relating to land management
- 

**Pharmacy**

- SB 63 - Modifies provisions relating to the monitoring of certain controlled substances
  - HB 273 - Modifies provisions related to professional registration
  - HB 476 - Modifies provisions relating to professional registration
- 

**Physical Therapists**

- HB 273 - Modifies provisions related to professional registration
- 

**Physicians**

- SB 63 - Modifies provisions relating to the monitoring of certain controlled substances
- 

**Political Subdivisions**

- SB 5 - Modifies provisions relating to taxation
  - SB 45 - Creates new provisions relating to certain firefighters who contracted certain types of cancer as a result of employment as a firefighter
  - SB 86 - Creates new provisions prohibiting the use of public funds to influence elections
  - SB 176 - Enacts provisions relating to emerging technologies
  - HB 85 - Creates additional protections to the right to bear arms
  - HB 271 - Modifies provisions relating to local governments
  - HB 297 - Modifies provisions relating to institutions of higher education
  - HB 734 - Modifies provisions relating to utilities
- 

**Prisons and Jails**

- HB 273 - Modifies provisions related to professional registration

**Prisons and Jails (cont'd)**

- HB 476 - Modifies provisions relating to professional registration  
HB 476 - Modifies provisions relating to professional registration
- 

**Professional Registration and Licensing**

- SB 6 - Enacts provisions relating to insurance  
HB 273 - Modifies provisions related to professional registration  
HB 297 - Modifies provisions relating to institutions of higher education  
HB 476 - Modifies provisions relating to professional registration  
HB 604 - Modifies provisions relating to insurance
- 

**Property, Real and Personal**

- HB 273 - Modifies provisions related to professional registration  
HB 297 - Modifies provisions relating to institutions of higher education  
HB 369 - Modifies provisions relating to land management  
HB 476 - Modifies provisions relating to professional registration  
HB 697 - Modifies provisions relating to property assessment contracts for energy efficiency
- 

**Psychologists**

- HB 273 - Modifies provisions related to professional registration  
HB 476 - Modifies provisions relating to professional registration
- 

**Public Officers**

- HB 685 - Modifies provisions relating to the duties and qualifications of certain public officers
- 

**Public Records, Public Meetings**

- HB 297 - Modifies provisions relating to institutions of higher education  
HB 362 - Modifies provisions relating to the Missouri Sunshine Law and access to public records
- 

**Public Safety, Department of**

- SB 49 - Modifies provisions relating to public safety  
SB 57 - Modifies provisions relating to funding to certain organizations to deter criminal behavior  
SB 120 - Modifies provisions relating to military affairs  
HB 8 - Appropriates money for the Department of Public Safety  
HB 661 - Modifies provisions relating to transportation
- 

**Public Service Commission**

- SB 44 - Modifies provisions related to utilities  
SB 262 - Modifies provisions relating to transportation  
HB 734 - Modifies provisions relating to utilities
- 

**Redistricting**

- HB 297 - Modifies provisions relating to institutions of higher education
- 

**Religion**

- HB 604 - Modifies provisions relating to insurance
- 

**Revenue, Department of**

- SB 120 - Modifies provisions relating to military affairs  
SB 176 - Enacts provisions relating to emerging technologies

**Revenue, Department of (cont'd)**

- SB 189 - Creates a Negro Leagues Baseball Museum special license plate  
SB 189 - Creates a Negro Leagues Baseball Museum special license plate  
SB 258 - Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military  
SB 262 - Modifies provisions relating to transportation  
HB 4 - Appropriates money for the Departments of Revenue and Transportation  
HB 604 - Modifies provisions relating to insurance  
HB 661 - Modifies provisions relating to transportation
- 

**Roads and Highways**

- SB 72 - Creates a number of state designations, memorial highways, and the Missouri Medal of Honor Recipients Fund  
SB 258 - Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military  
SB 262 - Modifies provisions relating to transportation  
SB 520 - Modifies provisions relating to the designation of memorial infrastructure
- 

**Saint Louis City**

- SB 72 - Creates a number of state designations, memorial highways, and the Missouri Medal of Honor Recipients Fund  
HB 69 - Modifies provisions relating to certain metals
- 

**Savings and Loan**

- SB 106 - Modifies various provisions relating to financial institutions  
HB 297 - Modifies provisions relating to institutions of higher education
- 

**Search and Seizure**

- HB 369 - Modifies provisions relating to land management
- 

**Secretary of State**

- HB 12 - Appropriates money for elected officials including the General Assembly, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General
- 

**Securities**

- SB 6 - Enacts provisions relating to insurance  
HB 604 - Modifies provisions relating to insurance
- 

**Sewers and Sewer Districts**

- SB 44 - Modifies provisions related to utilities
- 

**Sexual Offenses**

- SB 262 - Modifies provisions relating to transportation  
HB 661 - Modifies provisions relating to transportation
- 

**Social Services, Department of**

- HB 11 - Appropriates money for the Department of Social Services  
HB 429 - Modifies provisions relating to child placement  
HB 432 - Modifies provisions relating to protection of vulnerable persons  
HB 557 - Modifies provisions relating to residential care facilities
-

**State Departments**

SB 120 - Modifies provisions relating to military affairs

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**State Employees**

SB 120 - Modifies provisions relating to military affairs

SB 258 - Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military

HB 476 - Modifies provisions relating to professional registration

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**Tax Credits**

SB 36 - Establishes the Capitol Complex Tax Credit Act

HB 297 - Modifies provisions relating to institutions of higher education

HB 349 - Establishes the "Missouri Empowerment Scholarship Accounts Program"

HB 430 - Modifies provisions relating to benevolent tax credits

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**Tax Incentives**

HB 297 - Modifies provisions relating to institutions of higher education

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**Taxation and Revenue - General**

SB 153 - Modifies provisions relating to taxation

SB 262 - Modifies provisions relating to transportation

HB 297 - Modifies provisions relating to institutions of higher education

HB 349 - Establishes the "Missouri Empowerment Scholarship Accounts Program"

HB 661 - Modifies provisions relating to transportation

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**Taxation and Revenue - Income**

SB 5 - Modifies provisions relating to taxation

SB 120 - Modifies provisions relating to military affairs

SB 153 - Modifies provisions relating to taxation

HB 429 - Modifies provisions relating to child placement

HB 430 - Modifies provisions relating to benevolent tax credits

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**Taxation and Revenue - Property**

HB 297 - Modifies provisions relating to institutions of higher education

HB 697 - Modifies provisions relating to property assessment contracts for energy efficiency

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**Taxation and Revenue - Sales and Use**

SB 153 - Modifies provisions relating to taxation

SB 226 - Modifies the filing periods for the remittance of sales taxes

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**Teachers**

HB 349 - Establishes the "Missouri Empowerment Scholarship Accounts Program"

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**Telecommunications**

SB 49 - Modifies provisions relating to public safety

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**Transportation**

SB 6 - Enacts provisions relating to insurance

SB 49 - Modifies provisions relating to public safety

SB 120 - Modifies provisions relating to military affairs

SB 176 - Enacts provisions relating to emerging technologies

SB 189 - Creates a Negro Leagues Baseball Museum special license plate

SB 262 - Modifies provisions relating to transportation

**Transportation (cont'd)**

- SB 520 - Modifies provisions relating to the designation of memorial infrastructure
  - SB 520 - Modifies provisions relating to the designation of memorial infrastructure
  - HB 661 - Modifies provisions relating to transportation
- 

**Transportation, Department of**

- SB 258 - Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military
  - SB 262 - Modifies provisions relating to transportation
  - SB 520 - Modifies provisions relating to the designation of memorial infrastructure
  - HB 4 - Appropriates money for the Departments of Revenue and Transportation
  - HB 661 - Modifies provisions relating to transportation
- 

**Treasurer, State**

- SB 57 - Modifies provisions relating to funding to certain organizations to deter criminal behavior
  - HB 12 - Appropriates money for elected officials including the General Assembly, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General
  - HB 349 - Establishes the "Missouri Empowerment Scholarship Accounts Program"
  - HJR 35 - Modifies the constitutional powers and duties of the State Treasurer
- 

**Utilities**

- SB 44 - Modifies provisions related to utilities
  - SB 262 - Modifies provisions relating to transportation
  - HB 697 - Modifies provisions relating to property assessment contracts for energy efficiency
  - HB 734 - Modifies provisions relating to utilities
- 

**Veterans**

- SB 72 - Creates a number of state designations, memorial highways, and the Missouri Medal of Honor Recipients Fund
  - SB 120 - Modifies provisions relating to military affairs
  - SB 258 - Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military
  - SB 520 - Modifies provisions relating to the designation of memorial infrastructure
- 

**Victims of Crime**

- SB 71 - Modifies several provisions relating to civil proceedings
- 

**Vital Statistics**

- HB 429 - Modifies provisions relating to child placement
  - HB 432 - Modifies provisions relating to protection of vulnerable persons
- 

**Water Patrol**

- SB 49 - Modifies provisions relating to public safety
- 

**Water Resources and Water Districts**

- SB 44 - Modifies provisions related to utilities
  - SCR 7 - Urges support of state funding for a North Central Missouri Regional Water Commission project
-

**Workers Compensation**

SB 303 - Modifies various provisions relating to workers' compensation

HB 604 - Modifies provisions relating to insurance

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