

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SECOND DAY—THURSDAY, MAY 6, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Grow in grace and in the knowledge of the Lord...” (2 Peter 3:18)

Blessed Father, we began this morning in prayer and learning from one another. We are grateful for such times for they truly are a blessing to our souls and energize our lives. We shift gears from reflection to action as we are called to responsible considerations of bills before us, for we recognize it is our duty and obligation to do so that which is most helpful to others is placed before us. May we make decisions guided by Your spirit for then we know we are on the path that we must take. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from The Missouri Times were given permission to take pictures in the Senate Chamber.

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

Present—Senators

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

Absent—Senators—None

Absent with leave—Senator Gannon—1

Vacancies—None

The Lieutenant Governor was present.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived.

GOVERNOR
STATE OF MISSOURI
May 6, 2021

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

I hereby withdraw from your consideration the following appointments:

Carrie Gallagher Crompton, Democrat, 1722 Nicholson Place, Saint Louis, Saint Louis City, Missouri 63104, as a member of the Missouri Community Service Commission, for a term ending December 15, 2021, and until her successor is duly appointed and qualified; vice, Reena Hajat Carroll, resigned.

Keith A. Holloway, Republican, 2514 Saddle Ridge Lane, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2025, and until his successor is duly appointed and qualified; vice, David L. Steelman, term expired.

Respectfully submitted,

Michael L. Parson

Governor

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended, for **HCS** for **HB 362** and has taken up and passed **SCS** for **HCS** for **HB 362**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 53** and **60**, entitled:

An Act to repeal sections 56.380, 56.455, 57.280, 84.400, 105.950, 149.071, 149.076, 191.677, 191.1165, 211.181, 211.211, 211.435, 211.438, 211.439, 214.392, 217.010, 217.030, 217.195, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.777, 217.829, 221.105, 285.575, 304.050, 447.541, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, 455.523, 475.120, 485.060, 488.029, 545.940, 549.500, 556.046, 557.051, 558.011, 558.026, 558.031, 558.046, 558.047, 559.026, 559.105, 559.106, 559.115, 559.120, 559.125, 559.600, 559.602, 559.607, 565.240, 566.145, 571.030, 575.040, 575.050, 575.155, 575.157, 575.160, 575.205, 575.206, 575.270, 575.280, 576.030, 589.042, 590.030, 590.070, 590.500, 610.120, 610.140, 650.055, and 650.058, RSMo, and to enact in lieu thereof one hundred thirty new sections relating to the administration of justice, with penalty provisions, a delayed effective date for a certain section, and emergency clauses for certain sections.

With House Amendment Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6, as amended, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as

amended, House Amendment No. 8, House Amendment No. 1 to House Amendment No. 10, and House Amendment No. 10, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 47, Section 285.575, Line 59, by inserting after all of said section and line the following:

“304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An “emergency vehicle” is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer, [or] coroner, **medical examiner, or forensic investigator of the county medical examiner’s office**, or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a

motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550;

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; or

(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor.”; and

Further amend said bill, Page 49, Section 304.050, Line 76, by inserting after all of said section and line the following:

“307.175. 1. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022 while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies.

2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or display fixed, flashing, or rotating red or red and blue lights:

(a) Emergency vehicles, as defined in section 304.022, when responding to an emergency;

(b) Vehicles operated as described in subsection 1 of this section;

(c) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the red or red and blue lights shall be displayed on vehicles or equipment described in this paragraph only between dusk and dawn, when such vehicles or equipment are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs. No more than two vehicles or pieces of equipment in a work zone may display fixed, flashing, or rotating lights under this subdivision;

(d) Vehicles and equipment owned, leased, or operated by a coroner, medical examiner, or forensic investigator of the county medical examiner’s office or a similar entity, when responding to a crime scene, motor vehicle accident, workplace accident, or any location at which the services of such professionals have been requested by a law enforcement officer.

(2) The following vehicles and equipment may use or display fixed, flashing, or rotating amber or amber and white lights:

(a) Vehicles and equipment owned or leased by the state highways and transportation commission and operated by an authorized employee of the department of transportation;

(b) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs;

(c) Vehicles and equipment operated by a utility worker performing work for the utility, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, a utility worker is present, and such work zone is designated by a sign or signs. As used in this paragraph, the term “utility worker” means any employee while in performance of his or her job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned.

3. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and

shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, rescue squad, or the state highways and transportation commission and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor.”; and

Further amend said bill, Page 52, Section 455.010, Lines 63-66, by deleting said lines and inserting in lieu thereof the following:

“(b) “Course of conduct” means [a pattern of conduct composed of] two or more acts [over a period of time, however short,] that [serves] **serve** no legitimate purpose[. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact] **including, but not limited to, acts in which the stalker directly, indirectly, or through a third party follows, monitors, observes, surveils, threatens, or communicates to a person by any action, method, or device.**”; and

Further amend said bill, Page 89, Section 575.160, Line 6, by inserting after said section and line the following:

“575.180. 1. A law enforcement officer commits the offense of failure to execute an arrest warrant if, with the purpose of allowing any person charged with or convicted of a crime to escape, he or she fails to execute any arrest warrant, *capias*, or other lawful process ordering apprehension or confinement of such person, which he or she is authorized and required by law to execute.

2. The offense of failure to execute an arrest warrant is a class A misdemeanor, unless the offense involved is a felony, in which case failure to execute an arrest warrant is a class E felony.

3. It shall be an affirmative defense to prosecution under this section 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 under chapter 301, 302, 304, or 307 or a misdemeanor traffic offense in another state.”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 3, Section 21.405, Line 20, by inserting after said line the following:

“3. Nothing in this section shall be construed to deprive any person of any right, privilege, or immunity guaranteed by the Constitution of the United States or the constitution of Missouri.”; and

Further amend said bill, Page 11, Section 210.143, Line 2, by deleting the phrase **“or prosecuting attorney”** and inserting in lieu thereof the phrase **“prosecuting attorney; or circuit attorney”**; and

Further amend said bill, Page 16, Section 210.1256, Line 5, by inserting after word **“children”** the words **“of the parents or guardians”**; and

Further amend said bill, Page 18, Section 210.1271, Line 2, by inserting after first instance of the word **“attorney”** the phrase **“or circuit attorney”**; and

Further amend said bill, Page 20, Section 211.012, Line 4, by inserting after all of said section and line

the following:

“211.072. 1. A juvenile under eighteen years of age who has been certified to stand trial as an adult for offenses pursuant to section 211.071, if currently placed in a secure juvenile detention facility, shall remain in a secure juvenile detention facility 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 the judgment dismissing the petition to allow prosecution under the general laws becoming final and adult charges being filed, if the juvenile is currently in a secure juvenile detention facility, the juvenile shall remain in such facility unless the juvenile posts bond or the juvenile is transferred to an adult jail. If the juvenile officer does not believe juvenile detention would be the appropriate placement or would continue to serve as the appropriate placement, the juvenile officer may file a motion in the adult criminal case requesting that the juvenile be transferred from a secure juvenile detention facility to an adult jail. The court shall hear evidence relating to the appropriateness of the juvenile remaining in a secure juvenile detention facility or being transferred to an adult jail. At such hearing, the following shall have the right to be present and have the opportunity to present evidence and recommendations at such hearing: the juvenile; the juvenile’s parents; the juvenile’s counsel; the prosecuting attorney; the juvenile officer or his or her designee for the circuit in which the juvenile was certified; the juvenile officer or his or her designee for the circuit in which the pre-trial certified juvenile is proposed to be held, if different from the circuit in which the juvenile was certified; counsel for the juvenile officer; and representatives of the county proposed to have custody of the pre-trial certified juvenile.

2. Following the hearing, the court shall order that the juvenile continue to be held in a secure juvenile detention facility subject to all Missouri juvenile detention standards, or the court 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 the following factors when deciding whether to detain a certified juvenile in an adult facility:

- (1) The certified juvenile’s age;**
- (2) The certified juvenile’s physical and mental maturity;**
- (3) The certified juvenile’s present mental state, including whether they present an imminent risk of self-harm;**
- (4) The nature and circumstances of the charges;**
- (5) The certified juvenile’s history of delinquency;**
- (6) The relative ability of the available adult and juvenile facilities to both meet the needs of the certified juvenile but to protect the public and other youth in their custody;**
- (7) The opinion of the juvenile officer in the circuit of the proposed placement as to the ability of that juvenile detention facility to provide for appropriate care, custody, and control of the pre-trial certified juvenile;**
- (8) Any other relevant factor.**

3. 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 thirty days to determine whether the placement of the certified juvenile in an adult jail is still in the best interests of justice.

4. A certified juvenile cannot be held in an adult jail for more than one hundred eighty days unless the court finds, for good cause, that an extension is necessary or the juvenile, through counsel, waives the one hundred eighty day maximum period. If no extension is granted under this subsection, the certified juvenile shall be transferred from the adult jail to a secure juvenile detention facility.

5. Effective December 21, 2021, all previously pre-trial certified juveniles under eighteen years of age 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, based upon the factors in subsection 2 of this section, that it would be in the best interest of justice to keep the juvenile in the adult jail.

6. All pre-trial certified juveniles under eighteen years of age who are held in adult jails pursuant to the best interest of justice exception shall continue to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.

7. If the certified juvenile remains in juvenile detention, the juvenile officer may file a motion to reconsider placement. The court shall consider the factors set out in subsection 2 of this section and the individuals set forth in subsection 1 of this section shall have a right to be present and present evidence. 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 secure juvenile detention facility.

8. Issues related to the setting of, and posting of, bond along with any bond forfeiture proceedings shall be held in the pre-trial certified juvenile's adult criminal case.

9. Upon attaining eighteen years of age or upon conviction on the adult charges, the juvenile shall be transferred from juvenile detention to the appropriate adult facility.

10. Any responsibility for transportation of and contracted service for 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.

11. The per diem provisions as set forth in section 211.156 shall apply to certified juveniles who are being held in a secure juvenile detention facility.”; and

Further amend said bill, Page 25, Section 211.211, Line 43, by deleting said line and inserting in lieu thereof the following:

“(1) At any contested detention hearing under Missouri supreme court rule 127.08 where the petitioner alleges that the child violated any law that, if committed by an adult, would be a felony unless an”; and

Further amend said bill, Page 63, Section 479.162, Lines 4-5, by deleting the phrase **“police report or probable cause statement”** and inserting in lieu thereof the phrase **“police report, probable cause statement, or any video relevant to the traffic stop or arrest”**; and

Further amend said bill, page, and section, Line 5, by deleting the phrase “**police report or probable cause statement**” and inserting in lieu thereof the phrase “**police report, probable cause statement, or video**”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 11, Section 191.1165, Lines 39-40, by deleting said lines and inserting in lieu thereof the following:

“disorders using standard diagnostic criteria by a social worker; licensed professional counselor; licensed psychologist; psychiatrist; or qualified addiction professional, as defined by the department of mental health, acting within the scope of practice for which the qualified addiction professional is credentialed. The department of corrections or entity”; and

Further amend said bill, page, and section, Line 53, by inserting after said section and line the following:

“192.2520. 1. Sections 192.2520 and 197.135 shall be known and may be cited as the “Justice for Survivors Act”.

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

- (1) “Appropriate medical provider”, the same meaning as used in section 595.220;
- (2) “Department”, the department of health and senior services;
- (3) “Evidentiary collection kit”, the same meaning as used in section 595.220;
- (4) “Forensic examination”, the same meaning as used in section 595.220;
- (5) “Telehealth”, the same meaning as used in section 191.1145.

3. No later than July 1, 2022, there shall be established within the department a statewide telehealth network for forensic examinations of victims of sexual offenses in order to provide access to sexual assault nurse examiners (SANE) or other similarly trained appropriate medical providers. A statewide coordinator for the telehealth network shall be selected by the director of the department of health and senior services and shall have oversight responsibilities and provide support for the training programs offered by the network, as well as the implementation and operation of the network. **The statewide coordinator shall regularly consult with Missouri-based stakeholders and clinicians actively engaged in the collection of forensic evidence regarding the training programs offered by the network, as well as the implementation and operation of the network.**

4. The network shall provide mentoring and educational training services, including:

- (1) Conducting a forensic examination of a victim of a sexual offense, in accordance with best practices, while utilizing an evidentiary collection kit;
- (2) Proper documentation, transmission, and storage of the examination evidence;
- (3) Utilizing trauma-informed care to address the needs of victims;
- (4) Utilizing telehealth technology while conducting a live examination; and

(5) Providing ongoing case consultation and serving as an expert witness in event of a trial.

The network shall, in the mentoring and educational training services provided, emphasize the importance of obtaining a victim's informed consent to evidence collection, including issues involving minor consent, and the scope and limitations of confidentiality regarding information gathered during the forensic examination.

5. The training offered [may] **shall** be made available [both] online [or in person], including the use of video conferencing technology to connect trained interdisciplinary experts with providers in a case-based learning environment, **and may also be made available in-person.**

6. The network shall, through telehealth services available twenty-four hours a day, seven days a week, by a SANE or another similarly trained appropriate medical provider, provide mentoring, consultation services, guidance, and technical assistance to appropriate medical providers during and outside of a forensic examination of a victim of a sexual offense. The network shall ensure that the system through which the network provides telehealth services meets national standards for interoperability to connect to telehealth systems.

7. The department may consult and enter into any necessary contracts with any other local, state, or federal agency, institution of higher education, or private entity to carry out the provisions of this section, including, but not limited to, a contract to:

(1) Develop, implement, maintain, or operate the network;

(2) Train and provide technical assistance to appropriate medical providers on conducting forensic examinations of victims of sexual offenses and the use of telehealth services; and

(3) Provide consultation, guidance, or technical assistance to appropriate medical providers using telehealth services during a forensic examination of a victim of a sexual offense.

8. Beginning October 1, 2021, and each year thereafter, all hospitals licensed under chapter 197 shall report to the department the following information for the previous year:

(1) The number of forensic examinations of victims of a sexual offense performed at the hospital;

(2) The number of forensic examinations of victims of a sexual offense requested to be performed by a victim of a sexual offense that the hospital did not perform and the reason why the examination was not performed;

(3) The number of evidentiary collection kits submitted to a law enforcement agency for testing; and

(4) After July 1, 2022, the number of appropriate medical providers employed at or contracted with the hospital who utilized the training and telehealth services provided by the network.

The information reported under this subsection and subsection 9 of this section shall not include any personally identifiable information of any victim of a sexual offense or any appropriate medical provider performing a forensic examination of such victim.

9. Beginning January 1, 2022, and each year thereafter, the department shall make publicly available a report that shall include the information submitted under subsection 8 of this section. The report shall also include, in collaboration with the department of public safety, information about the number of evidentiary

collection kits submitted by a person or entity outside of a hospital setting, as well as the number of appropriate medical providers utilizing the training and telehealth services provided by the network outside of a hospital setting.

10. (1) The funding for the network shall be subject to appropriations. In addition to appropriations from the general assembly, the department shall apply for available grants and shall be able to accept other gifts, grants, bequests, and donations to develop and maintain the network and the training offered by the network.

(2) There is hereby created in the state treasury the “Justice for Survivors Telehealth Network Fund”, which shall consist of any gifts, grants, bequests, and donations accepted under this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department for the purpose of developing and maintaining the network and the training offered by the network. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

11. The department shall promulgate rules and regulations in order to implement the provisions of this section, including, but not limited to, the following:

(1) The operation of a statewide telehealth network for forensic examinations of victims of sexual offenses;

(2) The development of training for appropriate medical providers conducting a forensic examination of a victim of a sexual offense; and

(3) Maintenance of records and data privacy and security of patient information.

Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

197.135. 1. Beginning January 1, 2023, **or no later than six months after the establishment of the statewide telehealth network under section 192.2520, whichever is later**, any hospital licensed under this chapter shall perform a forensic examination using an evidentiary collection kit upon the request and consent of the victim of a sexual offense, or the victim’s guardian, when the victim is at least fourteen years of age. In the case of minor consent, the provisions of subsection 2 of section 595.220 shall apply. Victims under fourteen years of age shall be referred, **and victims fourteen years of age or older but less than eighteen years of age may be referred**, to a SAFE CARE provider, as such term is defined in section 334.950, for medical or forensic evaluation and case review. Nothing in this section shall be interpreted to preclude a hospital from performing a forensic examination for a victim under fourteen years of age upon the request and consent of the victim or victim’s guardian, subject to the provisions of section 595.220 and the rules promulgated by the department of public safety.

2. **(1)** An appropriate medical provider, as such term is defined in section 595.220, shall perform the forensic examination of a victim of a sexual offense. The hospital shall ensure that any provider performing the examination has received training conducting such examinations that is, at a minimum, equivalent to the training offered by the statewide telehealth network under subsection 4 of section 192.2520. **Nothing**

in this section shall require providers to utilize the training offered by the statewide telehealth network, as long as the training utilized is, at a minimum, equivalent to the training offered by the statewide telehealth network.

(2) If the provider is not a sexual assault nurse examiner (SANE), or another similarly trained physician or nurse, then the hospital shall utilize telehealth services during the examination, such as those provided by the statewide telehealth network, to provide guidance and support through a SANE, or other similarly trained physician or nurse, who may observe the live forensic examination and who shall communicate with and support the onsite provider with the examination, forensic evidence collection, and proper transmission and storage of the examination evidence.

3. The department of health and senior services may issue a waiver of the telehealth requirements of subsection 2 of this section if the hospital demonstrates to the department, in writing, a technological hardship in accessing telehealth services or a lack of access to adequate broadband services sufficient to access telehealth services. Such waivers shall be granted sparingly and for no more than a year in length at a time, with the opportunity for renewal at the department's discretion.

4. The department shall waive the requirements of this section if the statewide telehealth network established under section 192.2520 ceases operation, the director of the department of health and senior services has provided written notice to hospitals licensed under this chapter that the network has ceased operation, and the hospital cannot, in good faith, comply with the requirements of this section without assistance or resources of the statewide telehealth network. Such waiver shall remain in effect until such time as the statewide telehealth network resumes operation or until the hospital is able to demonstrate compliance with the provisions of this section without the assistance or resources of the statewide telehealth network.

5. The provisions of section 595.220 shall apply to the reimbursement of the reasonable costs of the examinations and the provision of the evidentiary collection kits.

6. No individual hospital shall be required to comply with the provisions of this section and section 192.2520 unless and until the department provides such hospital with access to the statewide telehealth network for the purposes of mentoring and training services required under section 192.2520 without charge to the hospital.”; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 3, Section 21.405, Line 20, by inserting after said section and line the following:

“27.010. The attorney general for the state of Missouri shall be elected at each general election at which a governor and other state officers are elected, and his term shall begin at 12:00 noon on the second Monday in January next succeeding his election, and shall continue for four years, or until his successor is elected and qualified. The attorney general shall **not be required to** reside at the seat of government [and] **but shall** keep his office in the supreme court building[,] and receive an annual salary of sixty-five thousand dollars plus any salary adjustment provided pursuant to section 105.005, payable out of the state treasury. The salary shall constitute the total compensation for all duties to be performed by him and there shall be no further payments made to or accepted by him for the performance of any duty now required of him under any existing law. The attorney general shall devote his full time to his office, and, except in the performance

of his official duties, shall not engage in the practice of law.”; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 2, Line 33, by inserting after all of the said line the following:

“Further amend said bill, Page 66, Section 545.940, Line 24, by inserting after all of said section and line the following:

“547.031. 1. A prosecuting or circuit attorney, in the jurisdiction in which a person was convicted of an offense, 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.

2. Upon the filing of a motion to vacate or set aside the judgment, the court shall order a hearing and shall 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 by the circuit clerk and shall be permitted to appear, question witnesses, and make arguments in a hearing of such a motion.

3. 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, including state or federal habeas actions; and the information and evidence presented at the hearing on the motion.

4. The prosecuting attorney or circuit attorney shall have the authority and right to file and maintain an appeal of the denial or disposal of such a motion. The attorney general may file a motion to intervene and, in addition to such motion, file a motion to dismiss the motion to vacate or to set aside the judgment in any appeal filed by the prosecuting or circuit attorney.”; and”; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Pages 36-37, Section 217.690, Lines 39-90, by deleting said lines and inserting in lieu thereof the following:

“6. Any offender sentenced to a term of imprisonment amounting to fifteen years or more or multiple terms of imprisonment that, taken together, amount to fifteen or more years who was under eighteen years of age at the time of the commission of the offense or offenses may be eligible for parole after serving fifteen years of incarceration, regardless of whether the case is final for the purposes of appeal, and may be eligible for reconsideration hearings in accordance with regulations promulgated

by the parole board.

7. The provisions of subsection 6 shall not apply to an offender found guilty of murder in the first degree or capital murder who was under eighteen years of age when the offender committed the offense or offenses who may be found ineligible for parole or whose parole eligibility may be controlled by section 558.047 or 565.033.

8. Any offender under a sentence for first degree murder who has been denied release on parole after a parole hearing shall not be eligible for another parole hearing until at least three years from the month of the parole denial; however, this subsection shall not prevent a release pursuant to subsection 4 of section 558.011.

[7.] **9.** A victim who has requested an opportunity to be heard shall receive notice that the **parole** board is conducting an assessment of the offender's risk and readiness for release and that the victim's input will be particularly helpful when it pertains to safety concerns and specific protective measures that may be beneficial to the victim should the offender be granted release.

[8.] **10.** Parole hearings shall, at a minimum, contain the following procedures:

(1) The victim or person representing the victim who attends a hearing may be accompanied by one other person;

(2) The victim or person representing the victim who attends a hearing shall have the option of giving testimony in the presence of the inmate or to the hearing panel without the inmate being present;

(3) The victim or person representing the victim may call or write the parole board rather than attend the hearing;

(4) The victim or person representing the victim may have a personal meeting with a **parole** board member at the **parole** board's central office;

(5) The judge, prosecuting attorney or circuit attorney and a representative of the local law enforcement agency investigating the crime shall be allowed to attend the hearing or provide information to the hearing panel in regard to the parole consideration; and

(6) The **parole** board shall evaluate information listed in the juvenile sex offender registry pursuant to section 211.425, provided the offender is between the ages of seventeen and twenty-one, as it impacts the safety of the community.

[9.] **11.** The **parole** board shall notify any person of the results of a parole eligibility hearing if the person indicates to the **parole** board a desire to be notified.

[10.] **12.** The **parole** board may, at its discretion, require any offender seeking parole to meet certain conditions during the term of that parole so long as said conditions are not illegal or impossible for the offender to perform. These conditions may include an amount of restitution to the state for the cost of that offender's incarceration.

[11.] **13.** Special parole conditions shall be responsive to the assessed risk and needs of the offender or the need for extraordinary supervision, such as electronic monitoring. The **parole** board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload conditions upon release, and to require the modification and reduction of conditions based on the person's continuing stability in the community. **Parole** board rules shall permit parole conditions to be modified by parole officers with review and approval

by supervisors.

[12.] **14.** Nothing contained in this section shall be construed to require the release of an offender on parole nor to reduce the sentence of an offender heretofore committed.

[13.] **15.** Beginning January 1, 2001, the **parole** board shall not order a parole unless the offender has obtained a high school diploma or its equivalent, or unless the **parole** board is satisfied that the offender, while committed to the custody of the department, has made an honest good-faith effort to obtain a high school diploma or its equivalent; provided that the director may waive this requirement by certifying in writing to the **parole** board that the offender has actively participated in mandatory education programs or is academically unable to obtain a high school diploma or its equivalent.

[14.] **16.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.”; and

Further amend said bill, Page 38, Section 217.692, Line 33, by deleting the number “8” and inserting in lieu thereof the numbers “[8] **10**”; and

Further amend said bill, Pages 94-100, Section 590.500, Lines 1-198, by deleting said lines and inserting in lieu thereof the following:

“590.502. 1. For purposes of this section, the following shall mean:

(1) “Administering authority”, any individual or body authorized by a law enforcement agency to hear and make final decisions regarding appeals of disciplinary actions issued by such agency;

(2) “Color of law”, any act by a law enforcement officer, whether on duty or off duty, that is performed in furtherance of his or her sworn duty to enforce laws and to protect and serve the public;

(3) “Economic loss”, any economic loss including, but not limited to, loss of overtime accrual, overtime income, sick time accrual, sick time, secondary employment income, holiday pay, and vacation pay;

(4) “Good cause”, sufficient evidence or facts that would support a party’s request for extensions of time or any other requests seeking accommodations outside the scope of the rules set out herein;

(5) “Law enforcement officer”, any commissioned peace officer with the power to arrest for a violation of the criminal code who is employed by any unit of the state or any county, charter county, city, charter city, municipality, district, college, university, or any other political subdivision or is employed by the board of police commissioners as defined in chapter 84. “Law enforcement officer” shall not include any officer who is the highest ranking officer in the law enforcement agency.

2. Whenever a law enforcement officer is under administrative investigation or is subjected to administrative questioning that the officer reasonably believes could lead to disciplinary action, demotion, dismissal, transfer, or placement on a status that could lead to economic loss, the investigation or questioning shall be conducted under the following conditions:

(1) The law enforcement officer who is the subject of the investigation shall be informed, in writing, of the existence and nature of the alleged violation and the individuals who will be conducting the investigation. Notice shall be provided to the officer along with a copy of the complaint at least twenty-four hours prior to any interrogation or interview of the officer;

(2) Any person, including members of the same agency or department as the officer under investigation, filing a complaint against a law enforcement officer shall have the complaint supported by a written statement outlining the complaint that includes the personal identifying information of the person filing the complaint. All personal identifying information shall be held confidential by the investigating agency;

(3) When a law enforcement officer is questioned or interviewed regarding matters pertaining to his or her law enforcement duties or actions taken within the scope of his or her employment, such questioning shall be conducted for a reasonable length of time and only while the officer is on duty unless reasonable circumstances exist that necessitate questioning the officer while he or she is off duty;

(4) Any interviews or questioning shall be conducted at a secure location at the agency that is conducting the investigation or at the place where the officer reports to work, unless the officer consents to another location;

(5) Law enforcement officers shall be questioned by up to two investigators and shall be informed of the name, rank, and command of the investigator or investigators conducting the investigation; except that, separate investigators shall be assigned to investigate alleged department policy violations and alleged criminal violations;

(6) Interview sessions shall be for a reasonable period of time. There shall be times provided for the officer to allow for such personal necessities and rest periods as are reasonably necessary;

(7) Prior to an interview session, the investigator or investigators conducting the investigation shall advise the law enforcement officer of the rule set out in *Garrity v. New Jersey*, 385 U.S. 493 (1967), specifically that the law enforcement officer 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 criminal proceedings;

(8) Law enforcement officers shall not be threatened, harassed, or promised rewards to induce them into answering any question; except that, law enforcement officers may be compelled by their employer to give protected *Garrity* statements to an investigator under the direct control of the employer, but such compelled statements shall not be used or derivatively used against the officer in any aspect of a criminal case brought against the officer;

(9) Law enforcement officers under investigation are entitled to have an attorney or any duly authorized representative present during any questioning that the law enforcement officer reasonably believes may result in disciplinary action. The attorney or representative shall be permitted to confer with the officer but shall not unduly disrupt or interfere with the interview. The questioning shall be suspended for a period of up to twenty-four hours if the officer requests representation;

(10) Prior to the law enforcement officer being interviewed, the officer and his or her attorney or representative shall have the opportunity to review the complaint;

(11) Law enforcement officers or their designated representative shall have the right to bring their own recording device and may record all aspects of the interview;

(12) The law enforcement agency conducting the investigation shall have ninety days from receipt of a citizen complaint or from the date the agency became aware of the alleged conduct upon which the allegation rests to complete such investigation. The agency shall determine the disposition of the complaint and render a disciplinary decision, if any, within ninety days. The agency may, for good cause, petition the administering authority overseeing the administration of discipline for an extension of time to complete the investigation. If the administering authority finds the agency has shown good cause for the granting of an extension of time to complete the investigation, the administering authority shall grant an extension of up to sixty days. The agency is limited to two extensions per investigation; except that, if there is an ongoing criminal investigation there shall be no limitation on the amount of sixty-day extensions. For good cause shown, the internal investigation may be tolled until the conclusion of a concurrent criminal investigation arising out of the same alleged conduct. Absent consent from the officer being investigated, the administering authority overseeing the administration of discipline shall set the matter for hearing and shall provide notice of the hearing to the law enforcement officer under investigation. The officer shall have the right to attend the hearing and to present evidence and arguments against extension;

(13) Within five days of the conclusion of the administrative investigation, the investigator shall inform the officer, in writing, of the investigative findings and any recommendation for further action, including discipline;

(14) A complete record of the administrative investigation shall be kept by the law enforcement agency conducting such investigation. Upon completion of the investigation, a copy of the entire record, including, but not limited to, audio, video, and transcribed statements, shall be provided to the officer or the officer's representative within five business days of the officer's written request. The agency may request a protective order to redact all personal identifying witness information; and

(15) All records compiled as a result of any investigation subject to the provisions of this section shall be held confidential and shall not be subject to disclosure under chapter 610, except by lawful subpoena or court order, by release approved by the officer, or as provided in section 590.070.

3. Law enforcement officers who are suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss shall be entitled to a full due process hearing. However, nothing in this section shall prohibit a law enforcement agency and the authorized bargaining representative for a law enforcement officer employed by that agency from reaching written agreements providing disciplinary procedures more favorable than those provided for this section. The components of the hearing shall include, at a minimum:

(1) The right to be represented by an attorney or other individual of their choice during the hearing;

(2) The right of the law enforcement officer or his or her attorney to conduct discovery prior to the hearing. Depositions may be taken in the same manner and under the same conditions as provided for in the Missouri civil rules of civil procedure for civil cases in the circuit court. Subpoenas may be issued by the board conducting the hearing or by the circuit court or the office of the clerk for the county where the agency has its principal place of business;

(3) Seven days' notice of the hearing date and time;

(4) An opportunity to access and review documents, at least seven days in advance of the hearing, that are in the employer's possession and that were used as a basis for the disciplinary action;

(5) The right of the law enforcement officer or his or her attorney to present witnesses and evidence in the officer's defense and a right to cross-examine any adverse witnesses against the officer;

(6) The right to refuse to testify at the hearing if the officer is concurrently facing criminal charges in connection with the same incident. A law enforcement officer's decision not to testify shall not result in additional internal charges or discipline;

(7) A complete record of the hearing shall be kept by the agency for purposes of appeal. The record shall be provided to the officer or his or her attorney upon written request;

(8) The entire record of the hearing shall remain confidential and shall not be subject to disclosure under chapter 610, except by lawful subpoena or court order.

4. Any decision, order, or action taken following the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each issue in the case. A copy of the decision or order accompanying findings and conclusions along with the written action and right of appeal, if any, shall be delivered or mailed promptly to the law enforcement officer or to the officer's attorney or representative of record.

5. Law enforcement officers shall have the opportunity to provide a written response to any adverse materials placed in their personnel file, and such written response shall be permanently attached to the adverse material.

6. 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.

7. Law enforcement officers may petition the circuit court in the county in which the law enforcement agency has its principal place of business to review the decision of the administrative body hearing the appeal of discipline. Upon a finding that the discipline was not justified, the circuit court may award the law enforcement officer back pay and costs incurred in bringing the suit, including attorney's fees.

8. Employers shall defend and indemnify law enforcement officers from and against civil claims made against them in their official and individual capacities if the alleged conduct arose in the course and scope of their obligations and duties as law enforcement officers. This includes any actions taken off duty if such actions were taken under color of law. In the event the law enforcement officer is convicted of, or pleads guilty to, criminal charges arising out of the same conduct, the employer shall no longer be obligated to defend and indemnify the officer in connection with related civil claims.

9. Law enforcement officers shall not be disciplined, demoted, dismissed, transferred, or placed on a status resulting in economic loss as a result of the assertion of their constitutional rights in any judicial proceeding, unless the officer admits to wrong-doing, in which case the provisions of this section shall not apply.

10. No state or local governmental unit including, but not limited to, a county, charter county, city,

charter city, municipality, district, college, university, or any other political subdivision that employs a law enforcement officer shall enact, promulgate, enforce, or follow any law, regulation, or policy that would abolish, conflict with, modify, or in any way diminish any right or remedy provided to law enforcement officers under this section.

11. The rights set out in this section are minimum standards to be applied throughout the state. However, nothing in this section shall prohibit a law enforcement agency and the authorized bargaining representative for a law enforcement officer employed by that agency from reaching written agreements providing disciplinary procedures more favorable than those provided in this section.

12. Any aggrieved law enforcement officer or authorized representative may seek judicial enforcement of the requirements of this section. Suits to enforce this section shall be brought in the circuit court for the county in which the law enforcement agency or governmental body has its principal place of business.

13. Upon a finding by a preponderance of the evidence that a law enforcement agency, governmental body, or member of same has violated any provision of this section, a court shall void any action taken in violation of this section. The court may also award the law enforcement officer the costs of bringing the suit including, but not limited to, attorneys' fees. A lawsuit for enforcement shall be brought within one year from which the violation is ascertainable.

14. Nothing in this section shall apply to any investigation or other action by the director regarding a license issued by the director under this chapter.

15. A law enforcement agency that has substantially similar or greater procedures shall be deemed in compliance with this section.”; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 2, Line 1, by inserting after said line the following:

“Further amend said bill and section, Page 105, Line 121, by inserting after the phrase “order of expungement.” the following:

“For purposes of 18 U.S.C. 921(a)33(B)(ii), an order or expungement granted pursuant to this section shall be considered a complete removal of all effects of the expunged conviction.”; and”; and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 102, Section 610.120, Line 30, by inserting after said section and line the following:

“610.122. 1. Notwithstanding other provisions of law to the contrary, any record of arrest recorded pursuant to section 43.503 may be expunged if:

(1) The court determines that the arrest was based on false information and the following conditions

exist:

(a) There is no probable cause, at the time of the action to expunge, to believe the individual committed the offense;

(b) No charges will be pursued as a result of the arrest; and

(c) The subject of the arrest did not receive a suspended imposition of sentence for the offense for which the arrest was made or for any offense related to the arrest; or

(2) The court determines the person was arrested for, or was subsequently charged with, a misdemeanor offense of chapter 303 or any moving violation as the term moving violation is defined under section 302.010, except for any intoxication-related traffic offense as intoxication-related traffic offense is defined under section 577.023 and:

(a) Each such offense or violation related to the arrest was subsequently nolle prossed or dismissed, or the accused was found not guilty of each offense or violation; and

(b) The person is not a commercial driver's license holder and was not operating a commercial motor vehicle at the time of the arrest.

2. A record of arrest shall only be eligible for expungement under this section if[

(1) The subject of the arrest has no prior or subsequent misdemeanor or felony convictions; and

(2)] no civil action is pending relating to the arrest or the records sought to be expunged.”; and

Further amend said bill, Page 104, Section 610.140, Lines 79-84, by deleting said lines and inserting in lieu thereof the following:

“(1) At the time the petition is filed, it has been at least [seven] **three** years if the offense is a felony, or at least [three years] **one year** if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;

(2) **At the time the petition is filed**, the person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters **301, 302, 303, 304, and 307**, during the”; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 1, Line 34, by inserting after the phrase “**judge of the county.**” the following:

“**If there is an increase in salary of less than ten thousand dollars, the increase shall take effect on January 1, 2022. If there is an increase of ten thousand dollars or more, the increase shall be paid over a period of five years in twenty percent increments per year.**”; and

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 3, Section 21.405, Line 20, by inserting after all of said section and line the following:

“50.327. 1. Notwithstanding any other provisions of law to the contrary, the salary schedules contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 56.265, [57.317,] 58.095, and 473.742 shall be set as a base schedule for those county officials. Except when it is necessary to increase newly elected or reelected county officials’ salaries, in accordance with Section 13, Article VII, Constitution of Missouri, to comply with the requirements of this section, the salary commission in all counties except charter counties in this state shall be responsible for the computation of salaries of all county officials; provided, however, that any percentage salary adjustments in a county shall be equal for all such officials in that county.

2. Upon majority approval of the salary commission, the annual compensation of part-time prosecutors contained in section 56.265 and the county offices contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 58.095, and 473.742 may be increased by up to two thousand dollars greater than the compensation provided by the salary schedules; provided, however, that any vote to increase compensation be effective for all county offices in that county **subject to the salary commission.**

[3. Upon majority approval of the salary commission, the annual compensation of a county sheriff as provided in section 57.317 may be increased by up to six thousand dollars greater than the compensation provided by the salary schedule of such section.

4. The salary commission of any county of the third classification may amend the base schedules for the computation of salaries for county officials referenced in subsection 1 of this section to include assessed valuation factors in excess of three hundred million dollars; provided that the percentage of any adjustments in assessed valuation factors shall be equal for all such officials in that county.]”; and

Further amend said bill, Page 6, Section 57.280, Line 61, by inserting after said section and line the following:

“57.317. 1. **(1)** The county sheriff in any county[, other than in a] **of the first or second** classification [chartered county,] shall receive an annual salary **equal to eighty percent of the compensation of an associate circuit judge of the county.**

(2) The county sheriff in any county of the third or fourth classification shall receive an annual salary computed as [set forth in] the following [schedule] **percentages of the compensation of an associate circuit judge of the county.** The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of sheriff [on January 1, 1997] **from the prior year.**

Assessed Valuation

[Salary] Percentage

\$18,000,000 to [40,999,999

\$36,000

41,000,000 to 53,999,999	37,000
54,000,000 to 65,999,999	38,000
66,000,000 to 85,999,999	39,000
86,000,000 to] 99,999,999	[40,000] 45%
100,000,000 to [130,999,999	42,000
131,000,000 to 159,999,999	44,000
160,000,000 to 189,999,999	45,000
190,000,000 to] 249,999,999	[46,000] 50%
250,000,000 to [299,999,999	48,000
300,000,000 to] 449,999,999	[50,000] 55%
450,000,000 to [599,999,999	52,000
600,000,000 to 749,999,999	54,000
750,000,000 to] 899,999,999	[56,000] 60%
900,000,000 [to 1,049,999,999	58,000
1,050,000,000 to 1,199,999,999	60,000
1,200,000,000 to 1,349,999,999	62,000
1,350,000,000] and over	[64,000] 65%

2. Two thousand dollars of the salary authorized in this section shall be payable to the sheriff only if the sheriff has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the sheriff's office when approved by a professional association of the county sheriffs of Missouri unless exempted from the training by the professional association. The professional association

approving the program shall provide a certificate of completion to each sheriff who completes the training program and shall send a list of certified sheriffs to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county sheriff in the same manner as other expenses as may be appropriated for that purpose.

3. The county sheriff in any county[,] other than a [first classification] charter county[,] shall not[, except upon two-thirds vote of all the members of the salary commission,] receive an annual compensation less than the [total] compensation [being received for the office of county sheriff in the particular county for services rendered or performed on the date the salary commission votes] **described under this section.**”; and

Further amend said bill, Page 12, Section B, Line 1, by deleting the words “section 304.050” and inserting in lieu thereof the phrase “sections 50.327, 57.317, and 304.050”; and

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

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 49, Section 304.050, Line 76, by inserting after all of said section and line the following:

“304.155. 1. Any law enforcement officer within the officer’s jurisdiction, or an officer of a government agency where that agency’s real property is concerned, may authorize a towing company to remove to a place of safety:

(1) Any abandoned property on the right-of-way of:

(a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours, or immediately if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner’s representative has had a reasonable opportunity to contact a towing company of choice;

(b) Any interstate highway or freeway outside of an urbanized area, left unattended for twenty-four hours, or after four hours if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner’s representative has had a reasonable opportunity to contact a towing company of choice;

(c) Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or

(d) Any state highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than twenty-four hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner’s representative has had a reasonable opportunity to contact a towing company of choice;

(2) Any unattended abandoned property illegally left standing upon any highway or bridge if the

abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal;

(3) Any abandoned property which has been abandoned under section 577.080;

(4) Any abandoned property which has been reported as stolen or taken without consent of the owner;

(5) Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer takes the person into custody and where such person is unable to arrange for the property's [timely] removal **within forty-eight hours of such person's arrest**;

(6) Any abandoned property which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations;

(7) Any abandoned property left unattended in violation of a state law or local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard;

(8) Any abandoned property illegally left standing on the waters of this state as defined in section 306.010 where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten hours or is floating loose on the water; or

(9) Any abandoned property for which the person operating such property or vehicle eludes arrest for an alleged offense for which the officer would have taken the offender into custody.

2. The department of transportation or any law enforcement officer within the officer's jurisdiction may immediately remove any abandoned, unattended, wrecked, burned or partially dismantled property, spilled cargo or other personal property from the right-of-way of any interstate highway, freeway, or state highway if the abandoned property, cargo or personal property is creating a traffic hazard because of its position in relation to the interstate highway, freeway, or state highway. In the event the property creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, the department's authority under this subsection shall be limited to authorizing a towing company to remove the commercial motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or the owner's designated representative shall have a reasonable opportunity to contact a towing company of choice. The provisions of this subsection shall not apply to vehicles transporting any material which has been designated as hazardous under Section 5103(a) of Title 49, U.S.C.

3. Any law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved from the immediate vicinity shall complete a crime inquiry and inspection report. Any state or federal government agency other than a law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved away from the immediate vicinity in which it was abandoned shall report the towing to the state highway patrol or water patrol within two hours of the tow along with a crime inquiry and inspection report as required in this section. Any local government agency, other than a law enforcement agency, authorizing a tow pursuant to this section where property is towed away from the immediate vicinity shall report the tow to the local law enforcement agency within two hours along with a crime inquiry and inspection report.

4. Neither the law enforcement officer, government agency official nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section or by ordinance of a county or municipality licensing

and regulating the sale of abandoned property by the municipality, other than damages occasioned by negligence or by willful or wanton acts or omissions.

5. The owner of abandoned property removed as provided in this section or in section 304.157 shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in section 304.158.

6. Upon the towing of any abandoned property pursuant to this section or under authority of a law enforcement officer or local government agency pursuant to section 304.157, the law enforcement agency that authorized such towing or was properly notified by another government agency of such towing shall promptly make an inquiry with the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. If the abandoned property is not claimed within ten working days of the towing, the tower who has online access to the department of revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the department of revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of subsection 3 of section 304.156. If the tower does not have online access, the law enforcement agency shall submit a crime inquiry and inspection report to the director of revenue. A towing company that does not have online access to the department's records and that is in possession of abandoned property after ten working days shall report such fact to the law enforcement agency with which the crime inquiry and inspection report was filed. The crime inquiry and inspection report shall be designed by the director of revenue and shall include the following:

(1) The year, model, make and property identification number of the property and the owner and any lienholders, if known;

(2) A description of any damage to the property noted by the officer authorizing the tow;

(3) The license plate or registration number and the state of issuance, if available;

(4) The storage location of the towed property;

(5) The name, telephone number and address of the towing company;

(6) The date, place and reason for the towing of the abandoned property;

(7) The date of the inquiry of the national crime information center, any statewide Missouri law enforcement computer system and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the law enforcement agency making the inquiry;

(8) The signature and printed name of the officer authorizing the tow;

(9) The name of the towing company, the signature and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the department's records; and

(10) Any additional information the director of revenue deems appropriate.

7. One copy of the crime inquiry and inspection report shall remain with the agency which authorized the tow. One copy shall be provided to and retained by the storage facility and one copy shall be retained by the towing facility in an accessible format in the business records for a period of three years from the date

of the tow or removal.

8. The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

9. Any person who removes abandoned property at the direction of a law enforcement officer or an officer of a government agency where that agency's real property is concerned as provided in this section shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid security interest of record. Any personal property within the abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the abandoned property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the property shall be strictly liable for the condition and safe return of the personal property. Such lien shall be enforced in the manner provided under section 304.156.

10. Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain information regarding the authorization to tow, copies of all correspondence with the department of revenue concerning the abandoned property, including copies of any online records of the towing company accessed and information concerning the final disposition of the possession of the abandoned property.

11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the local law enforcement agency where the repossession occurred within two hours of the repossession and shall further provide the local law enforcement agency with any additional information the agency deems appropriate. The local law enforcement agency shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

12. Notwithstanding the provisions of section 301.227, any towing company who has complied with the notification provisions in section 304.156 including notice that any property remaining unredeemed after thirty days may be sold as scrap property may then dispose of such property as provided in this subsection. Such sale shall only occur if at least thirty days has passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in section 304.156. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of revenue within two weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three years that shall be available for inspection by law enforcement and authorized department of revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the

towing company as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in section 301.227. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in section 301.227 on vehicles purchased on a bill of sale pursuant to this section.”; and

Further amend said bill, Page 93, Section 590.075, Line 9, by inserting after said section and line the following:

“590.120. 1. There is hereby established within the department of public safety a “Peace Officer Standards and Training Commission” which shall be composed of eleven members, including a voting public member, appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of public safety. No more than two members of the POST commission shall reside in the same congressional district as any other at the time of their appointments but this provision shall not apply to the public member. Three members of the POST commission shall be police chiefs, three members shall be sheriffs, one member shall represent a state law enforcement agency covered by the provisions of this chapter, two members shall be peace officers at or below the rank of sergeant employed by a political subdivision, and one member shall be a chief executive officer of a certified training academy. The public member shall be at the time of appointment a registered voter; a person who is not and never has been a member of any profession certified or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession certified or regulated under this chapter. Each member of the POST commission shall have been at the time of his appointment a citizen of the United States and a resident of this state for a period of at least one year, and members who are peace officers shall be qualified as established by this chapter. No member of the POST commission serving a full term of three years may be reappointed to the POST commission until at least one year after the expiration of his most recent term.

2. Three of the original members of the POST commission shall be appointed for terms of one year, three of the original members shall be appointed for terms of two years, and three of the original members shall be appointed for terms of three years. Thereafter the terms of the members of the POST commission shall be for three years or until their successors are appointed. The director may remove any member of the POST commission for misconduct or neglect of office. Any member of the POST commission may be removed for cause by the director but such member shall first be presented with a written statement of the reasons thereof, and shall have a hearing before the POST commission if the member so requests. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term. No two members of the POST commission shall be employees of the same law enforcement agency.

3. Annually the director shall appoint one of the members as chairperson. The POST commission shall meet at least twice each year as determined by the director or a majority of the members to perform its duties. A majority of the members of the POST commission shall constitute a quorum.

4. No member of the POST commission shall receive any compensation for the performance of his official duties.

5. The director shall employ staff as the director deems necessary including, but not limited to, no fewer than one POST investigator for each administrative hearing commissioner.

6. The POST commission shall guide and advise the director concerning duties pursuant to this

chapter.”; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 10

Amend House Amendment No. 10 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 1, Line 13, by inserting after the word “**excluding**” the words “**individuals seeking mental health, psychiatric, or psychological care and**”; and

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

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 53 & 60, Page 79, Section 559.607, Line 21, by inserting after all of said line the following:

“565.058. 1. Any special victim as defined under section 565.002 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.

2. Any special victim as defined under section 565.002 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.”; and

Further amend said bill, Page 86, Section 574.110, Line 7, by inserting after all of said line the following:

“574.203. 1. Except as otherwise protected by state or federal law, a person, excluding any person who is developmentally disabled as defined in section 630.005, 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 any employee of the health care facility;

(3) Threatening to inflict injury on the patients or employees, or damage to the property of a health care facility.

2. Hospital policies shall address incidents of workplace violence against employees, including protecting an employee from retaliation when such employee complies with hospital policies in seeking assistance or intervention from local emergency services or law enforcement when a violent incident occurs.

3. The offense of interference with a health care facility is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense.

4. As used in this section, “health care facility” means a hospital that provides health care services directly to patients.

574.204. 1. Except as otherwise protected by state or federal law, 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 or recklessly disrupt any ambulance service by threatening to inflict injury on any person providing ambulance services or damage the ambulance.

2. The offense of interference with an ambulance service is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense.”; and

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

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 1202—Small Business and Industry.

HCS for HB 682—General Laws.

HB 445—Transportation, Infrastructure and Public Safety.

HB 395—Agriculture, Food Production and Outdoor Resources.

HB 447—Progress and Development.

HCS for HB 814—Insurance and Banking.

HCS for HB 1358—General Laws.

HB 1008—Judiciary and Civil and Criminal Jurisprudence.

HB 764—General Laws.

REPORTS OF STANDING COMMITTEES

Senator Schatz, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Randall Brian Walker, Republican, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Glen Kolkmeier, as a member of the Public Service Commission;

Also,

Dan Manley, Independent, as a member of the Missouri Fire Safety Education/Advisory Commission;

Also,

R. Bradley Weaver, Independent, as a member of the State Banking and Savings and Loan Board;

Also,

Lowell K. Wood, III, as a member of the Missouri Real Estate Commission;

Also,

Dale Hardy Roberts, as a member of the State Board of Mediation;

Also,

Jill C. Irvin, as a member of the Child Abuse and Neglect Review Board; and

Michelle Luster, as a member of the Board of Cosmetology and Barber Examiners.

Senator Schatz requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Schatz moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem Schatz referred **HB 834** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Eigel, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HB 585**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HCS for HB 334**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cierpiot, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS for HB 242**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bernskoetter, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS for HB 508**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Burlison, Chairman of the Committee on Small Business and Industry, submitted the following

report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HCS** for **HB 162**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **HCS** for **HBs 1123** and **1221**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 402**, **HCS** for **HB 649**, with **SCS**, and **HCS** for **HBs 85** and **310**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 352**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 911**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator O’Laughlin, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 320**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 825**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1242**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

PRIVILEGED MOTIONS

Senator Luetkemeyer moved that the Senate refuse to concur in **SS** for **SCS** for **SBs 53** and **60**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate

a conference thereon, which motion prevailed.

Senator Bean moved that the Senate refuse to concur in **SS** for **SB 141**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 542 introduced by Representative Shields, entitled:

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to the occupational therapy licensure compact.

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

Senator Burlison offered **SS** for **HB 542**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 542

An Act to repeal sections 324.200, 324.206, 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 337.068, and 338.710, RSMo, and to enact in lieu thereof twelve new sections relating to professional registration.

Senator Burlison moved that **SS** for **HB 542** be adopted.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 542, Page 48, Section 338.710, Line 31, by inserting after all of said line the following:

“339.150. 1. No real estate broker shall knowingly employ or engage any person to perform any service to the broker for which licensure as a real estate broker or a real estate salesperson is required pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860, unless such a person is:

(1) A licensed real estate salesperson or a licensed real estate broker as required by section 339.020; or
(2) For a transaction involving commercial real estate as defined in section 339.710, a person regularly engaged in the real estate brokerage business outside the state of Missouri who has, in such forms as the commission may adopt by rule:

(a) Executed a brokerage agreement with the Missouri real estate broker;
(b) Consented to the jurisdiction of Missouri and the commission;
(c) Consented to disciplinary procedures under section 339.100; and
(d) Appointed the commission as his or her agent for service of process regarding any administrative or legal actions relating to the conduct in Missouri; or

(3) For any other transaction, a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

Any such action shall be unlawful as provided by section 339.100 and shall be grounds for investigation, complaint, proceedings and discipline as provided by section 339.100.

2. No real estate licensee shall pay any part of a fee, commission or other compensation received by the licensee to any person for any service rendered by such person to the licensee in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless such a person is a licensed

real estate salesperson regularly associated with such a broker, or a licensed real estate broker, or a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

3. Notwithstanding the provisions of subsections 1 and 2 of this section, any real estate broker who shall refuse to pay any person for services rendered by such person to the broker, with the consent, knowledge and acquiescence of the broker that such person was not licensed as required by section 339.020, in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate for which services a license is required, and who is employed or engaged by such broker to perform such services, shall be liable to such person for the reasonable value of the same or similar services rendered to the broker, regardless of whether or not the person possesses or holds any particular license, permit or certification at the time the service was performed. Any such person may bring a civil action for the reasonable value of his services rendered to a broker notwithstanding the provisions of section 339.160.

4. Notwithstanding provisions of this chapter to the contrary, a broker may pay compensation directly to a business entity owned by a licensee that has been formed for the purpose of receiving compensation earned by such licensee. A business entity that receives compensation from a broker as provided for in this subsection shall not be required to be licensed under this chapter and shall be owned:

(1) Solely by the licensee;

(2) By the licensee together with the licensee’s spouse, but only if the spouse and licensee are both licensed and associated with the same broker, or the spouse is not also licensed; or

(3) By the licensee and one or more other licensees, but only if all such owners are licensees which are associated with the same broker.

5. For purposes of subsection 4 of this section, the following terms shall mean:

(1) “Business entity”, any corporation, partnership, limited partnership, limited liability company, professional corporation, or association;

(2) “Licensee”, any real estate broker-salesperson or real estate salesperson, as such terms are defined under section 339.010.”; and

Further amend the title and enacting clause accordingly.

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

Senator Brown offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 542, Page 46, Section 327.612, Line 12, by inserting after all of said line the following:

“333.041. 1. [Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he or she is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board.

2. Every person desiring to enter the profession of embalming dead human bodies within the state of Missouri and who is enrolled in a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board shall register with the board

as a practicum student upon the form provided by the board. After such registration, a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while serving his or her practicum. The form for registration as a practicum student shall be accompanied by a fee in an amount established by the board.

3.] Each applicant for a **student** license to practice embalming shall **submit an application to the state board of embalmers and funeral directors, pay all application fees, and** furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board; **and**

(2) **Is currently enrolled in a funeral service education program or** has completed a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board. [If an applicant does not complete all requirements for licensure within five years from the date of his or her completion of an accredited program, his or her registration as an apprentice embalmer shall be automatically cancelled. The applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application;

(3) Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board examination of the Conference of Funeral Service Examining Boards. If any applicant fails to pass the state examination, he or she may retake the examination at the next regular examination meeting. The applicant shall notify the board office of his or her desire to retake the examination at least thirty days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board;

(4) Has been employed full time in funeral service in a licensed funeral establishment and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who holds a current and valid Missouri embalmer's license during an apprenticeship of not less than twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the apprenticeship period. All transcripts and other records filed with the board shall become a part of the board files.

4. If the applicant does not complete the application process within the five years after his or her completion of an approved program, then he or she must file a new application and no fees paid previously shall apply toward the license fee.

5. Examinations required by this section and section 333.042 shall be held at least twice a year at times and places fixed by the board. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.]

2. After a student's application has been approved by the board, student licensees who are enrolled in a funeral service education program may assist, under the direct supervision of an

embalmer or funeral director licensed under this chapter, in an establishment licensed for embalming under this chapter. Student licensees shall not assist when not under such supervision.

3. In order to be eligible for full licensure under subsection 6 of this section, a student licensee shall, after completing a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board, demonstrate that he or she has completed an apprenticeship of no less than six months and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who is licensed under this chapter.

4. In order to be eligible for full licensure under subsection 6 of this section, a student licensee shall pass the National Board or State Board Arts examination, National Board Science examination, and the Missouri law examination.

5. A student licensee shall have five years to complete the requirements for full licensure under subsection 6 of this section. If the student fails to complete the requirements within such period, the student's application for licensure shall be cancelled. If the application is cancelled, the student shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application. If the student licensee completes the requirements of this section within five years, the student licensee may apply for an embalmer license by completing the appropriate application.

6. Upon establishment of his or her qualifications as specified by this section or section 333.042, the board shall issue to the applicant a license to practice funeral directing or embalming, as the case may require, and shall register the applicant as a duly licensed funeral director or a duly licensed embalmer. Any person having the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming.

7. The board shall, upon request, waive any requirement of this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury. **No student licensee or embalmer licensed under this chapter shall be required to sign a death certificate as the embalmer of the body for any body that they have embalmed. This provision does not relieve a person who holds both an embalmer and funeral director's license from signing the death certificate as the funeral director in charge if otherwise required to do so.**

333.042. 1. Every person desiring to engage in the practice of funeral directing as an apprentice in this state shall obtain a provisional funeral director license from the board. To apply for a provisional license, the applicant shall make application with the state board of embalmers and funeral directors and pay the current application fees and furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age; and

(2) Is working as an apprentice funeral director under personal supervision of a funeral director licensed under this chapter.

The applicant shall provide to the board the name and license number of the funeral director performing his or her supervision and the location where the applicant will practice.

2. An applicant for a provisional funeral director license under subsection 1 of this section shall have twenty-four months to complete the requirements for licensure under this section. If the applicant fails to complete the requirements within such period, the student's application for licensure shall be cancelled. If the application is cancelled, the applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application.

3. Every person desiring to enter the profession of funeral directing in this state shall make application with the state board of embalmers and funeral directors, [and] pay the current application [and examination] fees, [. Except as otherwise provided in section 41.950, applicants not entitled to a license pursuant to section 333.051 or 324.009 shall serve an apprenticeship for at least twelve consecutive months in a funeral establishment licensed for the care and preparation for burial and transportation of the human dead in this state or in another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirements for admission to practice funeral directing in this state. The applicant shall devote at least fifteen hours per week to his or her duties as an apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall submit proof to the board, on forms provided by the board, that the applicant has arranged and conducted ten funeral services during the applicant's apprenticeship under the supervision of a Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall appear before the board to be tested on the applicant's legal and practical knowledge of funeral directing, funeral home licensing, preneed funeral contracts and the care, custody, shelter, disposition and transportation of dead human bodies. Upon acceptance of the application and fees by the board, an applicant shall have twenty-four months to successfully complete the requirements for licensure found in this section or the application for licensure shall be cancelled.

2. If a person applies for a limited license to work only in a funeral establishment which is licensed only for cremation, including transportation of dead human bodies to and from the funeral establishment, he or she shall make application, pay the current application and examination fee and successfully complete the Missouri law examination. He or she shall be exempt from the twelve-month apprenticeship required by subsection 1 of this section and the practical examination before the board. If a person has a limited license issued pursuant to this subsection, he or she may obtain a full funeral director's license if he or she fulfills the apprenticeship and successfully completes the funeral director practical examination.

3. If an individual is a Missouri licensed embalmer or has completed a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board or has successfully completed a course of study in funeral directing offered by an institution accredited by a recognized national, regional or state accrediting body and approved by the state board of embalmers and funeral directors, and desires to enter the profession of funeral directing in this state, the individual shall comply with all the requirements for licensure as a funeral director pursuant to subsection 1 of section 333.041 and subsection 1 of this section; however, the individual is exempt from the twelve-month apprenticeship required by subsection 1 of this section] **and furnish evidence to establish to the satisfaction of the board that he or she:**

(1) Is at least eighteen years of age and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;

(2) Has successfully completed:

(a) A program accredited by the American Board of Funeral Service Education, any successor

organization, or other accrediting entity as approved by the board;

(b) A course of study in funeral directing offered by an institution accredited by a recognized national, regional, or state accrediting body and approved by the state board of embalmers or funeral directors; or

(c) A qualifying apprenticeship for at least twelve months; and

(3) Has passed the National Board or State Board Arts examination and the Missouri law examination.

For purposes of this subsection, a qualifying apprenticeship means one in which the applicant devoted at least fifteen hours per week to his or her duties as an apprentice under the personal supervision of a funeral director licensed under this chapter in a funeral establishment licensed for the care and preparation for burial and transportation of the human dead under this chapter. Personal supervision means that the licensed funeral director shall be physically present during any arrangement conferences, but such person shall not be required to be present in the building when the apprentice performs any other functions relating to the practice of funeral directing. In order for an apprenticeship to qualify under this subsection, applicants shall arrange and conduct at least ten funeral services under the supervision of a funeral director licensed under this chapter and present proof of such performance to the board on forms provided by the board.

4. Every person desiring to obtain a funeral director limited license in this state shall make application with the state board of embalmers and funeral directors and pay the current application fees and furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age; and

(2) Has successfully completed the Missouri law examination.

5. A person holding a funeral director limited license shall not be authorized to practice funeral directing in the state, except as follows:

(1) He or she may work in a funeral establishment licensed only for cremation, including transportation of dead human bodies to and from the funeral establishment; and

(2) He or she may perform cremations and duties relating to cremations.

6. If a person has a funeral director limited license issued under this section, he or she may obtain a full funeral director's license by fulfilling the apprenticeship requirements of subsection 3 of this section or by successfully completing a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board and successfully completing the National Board or State Board Arts examination.

333.061. 1. No funeral establishment shall be operated in this state unless the owner or operator thereof has a **funeral establishment license issued by the board.**

2. A license for the operation of a funeral establishment shall be issued by the board, if the board finds:

(1) That the establishment is under the general management and the supervision of a duly licensed funeral director;

(2) That all embalming performed therein is performed by or under the direct supervision of a duly

licensed embalmer;

(3) That any place in the funeral establishment where embalming is conducted contains a preparation room with a sanitary floor, walls and ceiling, and adequate sanitary drainage and disposal facilities including running water, and complies with the sanitary standard prescribed by the department of health and senior services for the prevention of the spread of contagious, infectious or communicable diseases;

(4) Each funeral establishment shall have a register book or log which shall be available at all times for the board's inspector and that shall contain:

(a) The name of each body that has been in the establishment;

(b) The date the body arrived at the establishment;

(c) If applicable, the place of embalming, if known; and

(d) If the body was embalmed at the establishment, the date and time that the embalming took place, and the name, signature, and license number of the embalmer; and

(5) The establishment complies with all applicable state, county or municipal zoning ordinances and regulations.

3. The board shall grant or deny each application for a license pursuant to this section within thirty days after it is filed. The applicant may request in writing up to two thirty-day extensions of the application, provided the request for an extension is received by the board prior to the expiration of the thirty-day application or extension period.

4. Licenses shall be issued pursuant to this section upon application and the payment of a funeral establishment fee and shall be renewed at the end of the licensing period on the establishment's renewal date.

5. The board may refuse to renew or may suspend or revoke any license issued pursuant to this section if it finds, after hearing, that the funeral establishment does not meet any of the requirements set forth in this section as conditions for the issuance of a license, or for the violation by the owner of the funeral establishment of any of the provisions of section 333.121. No new license shall be issued to the owner of a funeral establishment or to any corporation controlled by such owner for three years after the revocation of the license of the owner or of a corporation controlled by the owner. Before any action is taken pursuant to this subsection the procedure for notice and hearing as prescribed by section 333.121 shall be followed.

6. Beginning November 1, 2021, each funeral establishment licensed by the board under this section to make funeral arrangements shall also be a licensed provider for preneed funeral contracts under section 333.315 unless a licensee provides written notification to the board that the licensee does not want to be a provider for preneed funeral contracts. No separate application or renewal of the preneed provider license shall be necessary so long as the funeral establishment license is current and active and that, as part of the application or renewal of the funeral establishment license, the licensee provides the name and address of the custodian of records responsible for maintaining the books and records of the licensee relating to preneed contracts and the names and addresses of each seller authorized by the licensee to sell preneed contracts in which the licensee is designated or obligated as the provider. A licensee that has notified the board that it does not want to be a provider for preneed funeral contracts may rescind that notification in a writing to the board that includes the custodian of records responsible for maintaining the books and records of the licensee relating to

preneed contracts and the names and addresses of each seller authorized by the licensee to sell preneed contracts in which the licensee is designated or obligated as the provider.

333.081. 1. Each license issued to a funeral director, [or] embalmer, **or funeral establishment** pursuant to this chapter shall expire unless renewed on or before the renewal date. The board may, however, provide for the renewal of licenses held by individuals who are not actively engaged in practice and who are over sixty-five years of age without fee. The board shall renew any such license upon due application for renewal and upon the payment of the renewal fee, except that no license shall expire during the period when the holder thereof is actively engaged in the military service of the United States. Any licensee exempted from the renewal of his or her license because of military service shall, before beginning practice in this state after leaving military service, apply for and pay the renewal fee for the current licensing period.

2. When renewing a funeral director's or embalmer's license the licensee shall specify the address of the funeral establishment at which he or she is practicing or proposes to practice and shall notify the board of any termination of his or her connection therewith. The licensee shall notify the board of any new employment or connection with a funeral establishment of a permanent nature. If the licensee is not employed at or connected with a funeral establishment he shall notify the board of his or her permanent address.

3. The holder of an expired license shall be issued a new license by the board within two years of the renewal date after he or she has paid delinquent renewal fees. Any license not renewed within two years shall be void.

4. Failure of the licensee to receive the renewal notice shall not relieve the licensee of the duty to pay the renewal fee and renew his or her license.

333.315. 1. No person shall be designated as a provider or agree to perform the obligations of a provider under a preneed contract unless, at the time of such agreement or designation, such person is licensed as a preneed provider by the board. Nothing in this section shall exempt any person from meeting the licensure requirements for a funeral establishment as provided in this chapter.

2. An applicant for a preneed provider license shall:

(1) File an application on a form established by the board and pay an application fee in an amount established by the board by rule;

(2) Be authorized and registered with the Missouri secretary of state to conduct business in Missouri;

(3) Identify the name and address of a custodian of records responsible for maintaining the books and records of the provider relating to preneed contracts;

(4) Identify the name and address of each seller authorized by the provider to sell preneed contracts in which the provider is designated or obligated as the provider;

(5) File with the state board a written consent authorizing the state board to inspect or order an investigation, examination, or audit of the provider's books and records which contain information concerning preneed contracts sold for or on behalf of a seller or in which the applicant is named as a provider; and

(6) If the applicant is a corporation, each officer, director, manager, or controlling shareholder shall be eligible for licensure if they were applying for licensure as an individual.

Funeral establishments licensed under section 333.031 shall be exempt from the requirements of this subsection.

3. Each preneed provider shall apply to renew his or her license on or before October thirty-first of each year or a date established by the division of professional registration pursuant to section 324.001. A license which has not been renewed prior to the renewal date shall expire. Applicants for renewal shall:

(1) File an application for renewal on a form established by the board by rule;

(2) Pay a renewal fee in an amount established by the board by rule, however no renewal fee shall be required for any funeral establishment whose Missouri license is current and active;

(3) Be authorized and registered with the Missouri secretary of state to conduct business in Missouri;

(4) File an annual report with the state board which shall contain:

(a) The name and address of a custodian of records responsible for maintaining the books and records of the provider relating to preneed contracts;

(b) The business name or names used by the provider and all addresses from which it engages in the practice of its business;

(c) The name and address of each seller with whom it has entered into a written agreement since last filing an annual report with the board authorizing the seller to designate or obligate the licensee as the provider in a preneed contract; and

(d) Any information required by any other applicable statute or regulation enacted pursuant to state or federal law.

4. A license which has not been renewed as provided by this section shall expire. A licensee who fails to apply for renewal may apply for reinstatement within two years of the renewal date by satisfying the requirements of subsection 3 of this section and paying a delinquent fee as established by the board by rule.

5. A preneed provider license held by a licensed funeral establishment shall automatically renew with the renewal of the funeral establishment license.”; and

Further amend said bill, page 48, section 338.710, line 31, by inserting after all of said line the following:

“339.100. 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee’s designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, or for any offense an essential element of which is fraud, dishonesty or an act of violence, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which:

(a) Is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; **or**

(b) Includes 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 business entity licensed under this chapter with whom the licensee is associated. The context of the advertisement or solicitation may be considered by the commission when determining whether a

licensee has committed a violation of this paragraph;

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, “material” means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson’s license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bean assumed the Chair.

Senator Razer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 542, Page 48, Section 337.068, Line 44, by inserting after all of said line the following:

“338.010. 1. The “practice of pharmacy” means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; the prescribing and dispensing of any nicotine replacement therapy product under section 338.665; **the dispensing of HIV postexposure prophylaxis pursuant to section 338.730**; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM",

“VMD”, “BVSe”, “BVMS”, “BSe (Vet Science)”, “VMB”, “MRCVS”, or an equivalent title means a person who has received a doctor’s degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient’s [primary] health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.”; and

Further amend said bill and page, section 338.710, line 31, by inserting after all of said line the following:

“338.730. 1. Notwithstanding any other law to the contrary, a pharmacist may dispense HIV postexposure prophylaxis in accordance with this section. Such prophylaxis shall be dispensed only if the pharmacist follows a written protocol authorized by a licensed physician.

2. For purposes of this section, “postexposure prophylaxis” shall mean any drug approved by the Food and Drug Administration that meets the same clinical eligibility recommendations provided in CDC guidelines.

3. For purposes of this section, “CDC guidelines” shall mean the current HIV guidelines published by the federal Centers for Disease Control and Prevention.

4. 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 section. Neither board shall separately promulgate rules governing a pharmacist’s authority to dispense HIV postexposure prophylaxis under this section.

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

Further amend the title and enacting clause accordingly.

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

Senator Razer offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 542, Page 48, Section 337.068, Line 44, by inserting after all of said line the following:

“338.010. 1. The “practice of pharmacy” means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; **the administration of vaccines by written protocol authorized by a physician for the prevention of COVID-19 as authorized or approved by the United States Food and Drug Administration and recommended by the Advisory Committee on Immunization Practices of the Center for Disease Control and Prevention except that the administration of vaccines in a pharmacy shall not be delegated to a person who is not a licensed pharmacist under this chapter;** the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; the prescribing and dispensing of any nicotine replacement therapy product under section 338.665; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will

be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by

a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.";

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted.

Senator Razer offered **SA 1** to **SA 4**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for House Bill No. 542, Page 6, Line 171, by

inserting after all of said line the following:

“Further amend said bill, page 48, section 338.710, line 31, by inserting after all of said line the following:

“Section B. Because of the necessity for accessible vaccines for Missourians during the COVID-19 pandemic, the repeal and reenactment of section 338.010 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 338.010 of section A of this act shall be in full force and effect upon its passage and approval.”; and”.

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

Senator Razer moved that SA 4, as amended, be adopted, which motion prevailed.

Senator Hegeman offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 542, Page 1, Section A, Line 6, by inserting after all of said line the following:

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

(1) “Community-based faculty preceptor”, a physician or physician assistant who is licensed in Missouri and provides preceptorships to Missouri medical students or physician assistant students without direct compensation for the work of precepting;

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

(3) “Division”, the division of professional registration of the Missouri department of commerce and insurance;

(4) “Federally Qualified Health Center (FQHC)”, a reimbursement designation from the Bureau of Primary Health Care and the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services;

(5) “Medical student”, an individual enrolled in a Missouri medical college approved and accredited as reputable by the American Medical Association or the Liaison Committee on Medical Education or enrolled in a Missouri osteopathic college approved and accredited as reputable by the American Osteopathic Association;

(6) “Medical student core preceptorship” or “physician assistant student core preceptorship”, a preceptorship for a medical student or physician assistant student that provides a minimum of one hundred twenty hours of community-based instruction in family medicine, internal medicine, pediatrics, psychiatry, or obstetrics and gynecology, under the guidance of a community-based faculty preceptor. A community-based faculty preceptor may add together the amounts of preceptorship instruction time separately provided to multiple students in determining whether he or she has reached the minimum hours required under this subdivision, but the total preceptorship instruction time provided shall equal at least one hundred twenty hours in order for such preceptor to be eligible for the tax credit authorized under this section;

(7) “Physician assistant student”, an individual participating in a Missouri physician assistant

program accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization;

(8) “Taxpayer”, any individual, firm, partner in a firm, corporation, or shareholder in an S corporation doing business in this state and subject to the state income tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

2. (1) Beginning January 1, 2022, any community-based faculty preceptor who serves as the community-based faculty preceptor for a medical student core preceptorship or a physician assistant student core preceptorship shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, in an amount equal to one thousand dollars for each preceptorship, up to a maximum of three thousand dollars per tax year, if he or she completes up to three preceptorship rotations during the tax year and did not receive any direct compensation for the preceptorships.

(2) To receive the credit allowed by this section, a community-based faculty preceptor shall claim such credit on his or her return for the tax year in which he or she completes the preceptorship rotations and shall submit supporting documentation as prescribed by the division and the department.

(3) In no event shall the total amount of a tax credit authorized under this section exceed a taxpayer’s income tax liability for the tax year for which such credit is claimed. No tax credit authorized under this section shall be allowed a taxpayer against his or her tax liability for any prior or succeeding tax year.

(4) No more than two hundred preceptorship tax credits shall be authorized under this section for any one calendar year. The tax credits shall be awarded on a first-come, first-served basis. The division and the department shall jointly promulgate rules for determining the manner in which taxpayers who have obtained certification under this section are able to claim the tax credit. The cumulative amount of tax credits awarded under this section shall not exceed two hundred thousand dollars per year.

(5) Notwithstanding the provisions of subdivision (4) of this subsection, the division is authorized to exceed the two hundred thousand dollars per year tax credit program cap in any amount not to exceed the amount of funds remaining in the medical preceptor fund, as established under subsection 3 of this section, as of the end of the most recent tax year, after any required transfers to the general revenue fund have taken place in accordance with the provisions of subsection 3 of this section.

3. (1) Funding for the tax credit program authorized under this section shall be generated by the division from a license fee increase of seven dollars per license for physicians and surgeons and from a license fee increase of three dollars per license for physician assistants. The license fee increases shall take effect as of January 1, 2022, based on the underlying license fee rates prevailing on that date. The underlying license fee rates shall be determined under section 334.090 and all other applicable provisions of chapter 334.

(2) (a) There is hereby created in the state treasury the “Medical Preceptor Fund”, which shall consist of moneys collected under this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by

the division for the administration of the tax credit program authorized under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the medical preceptor fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(b) Notwithstanding any provision of this chapter or any other provision of law to the contrary, all revenue from the license fee increases described under subdivision (1) of this subsection shall be deposited in the medical preceptor fund. After the end of every tax year, an amount equal to the total dollar amount of all tax credits claimed under this section shall be transferred from the medical preceptor fund to the state's general revenue fund established under section 33.543. Any excess moneys in the medical preceptor fund shall remain in the fund and shall not be transferred to the general revenue fund.

4. (1) The division shall administer the tax credit program authorized under this section and certify rotations for the tax credit. Each taxpayer claiming a tax credit under this section shall file an affidavit with his or her income tax return, affirming that he or she is eligible for the tax credit.

(2) No amount of any tax credit allowed under this section shall be refundable. No tax credit allowed under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive the tax credit authorized under this section if such taxpayer employs persons who are not authorized to work in the United States under federal law.

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

Further amend the title and enacting clause accordingly.

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

Senator Burlison moved that **SS** for **HB 542**, as amended, be adopted, which motion prevailed.

Senator Burlison moved that **SS** for **HB 542**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **HB 542**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 330**, entitled:

An Act to repeal sections 191.1145, 191.1146, 324.009, 324.012, 324.200, 324.206, 324.520, 327.011,

327.091, 327.101, 327.131, 327.191, 327.241, 327.612, 332.071, 333.041, 333.042, 333.061, 333.081, 333.315, 334.036, 334.104, 334.108, 334.506, 334.530, 334.613, 334.655, 335.175, 337.068, 339.100, 339.150, 376.1900, 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof forty-nine new sections relating to licensed professionals, with penalty provisions and a delayed effective date for a certain section.

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

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 330, Page 1, Section A, Line 12, by inserting after all of said section and line the following:

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

(1) “Community-based faculty preceptor”, a physician or physician assistant who is licensed in Missouri and provides preceptorships to Missouri medical students or physician assistant students without direct compensation for the work of precepting;

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

(3) “Division”, the division of professional registration of the Missouri department of commerce and insurance;

(4) “Federally Qualified Health Center (FQHC)”, a reimbursement designation from the Bureau of Primary Health Care and the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services;

(5) “Medical student”, an individual enrolled in a Missouri medical college approved and accredited as reputable by the American Medical Association or the Liaison Committee on Medical Education or enrolled in a Missouri osteopathic college approved and accredited as reputable by the American Osteopathic Association;

(6) “Medical student core preceptorship” or “physician assistant student core preceptorship”, a preceptorship for a medical student or physician assistant student that provides a minimum of one hundred twenty hours of community-based instruction in family medicine, internal medicine, pediatrics, psychiatry, or obstetrics and gynecology, under the guidance of a community-based faculty preceptor. A community-based faculty preceptor may add together the amounts of preceptorship instruction time separately provided to multiple students in determining whether he or she has reached the minimum hours required under this subdivision, but the total preceptorship instruction time provided shall equal at least one hundred twenty hours in order for such preceptor to be eligible for the tax credit authorized under this section;

(7) “Physician assistant student”, an individual participating in a Missouri physician assistant program accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization;

(8) “Taxpayer”, any individual, firm, partner in a firm, corporation, or shareholder in an S corporation doing business in this state and subject to the state income tax imposed under chapter

143, excluding withholding tax imposed under sections 143.191 to 143.265.

2. (1) Beginning January 1, 2022, any community-based faculty preceptor who serves as the community-based faculty preceptor for a medical student core preceptorship or a physician assistant student core preceptorship shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, in an amount equal to one thousand dollars for each preceptorship, up to a maximum of three thousand dollars per tax year, if he or she completes up to three preceptorship rotations during the tax year and did not receive any direct compensation for the preceptorships.

(2) To receive the credit allowed by this section, a community-based faculty preceptor shall claim such credit on his or her return for the tax year in which he or she completes the preceptorship rotations and shall submit supporting documentation as prescribed by the division and the department.

(3) In no event shall the total amount of a tax credit authorized under this section exceed a taxpayer's income tax liability for the tax year for which such credit is claimed. No tax credit authorized under this section shall be allowed a taxpayer against his or her tax liability for any prior or succeeding tax year.

(4) No more than two hundred preceptorship tax credits shall be authorized under this section for any one calendar year. The tax credits shall be awarded on a first-come, first-served basis. The division and the department shall jointly promulgate rules for determining the manner in which taxpayers who have obtained certification under this section are able to claim the tax credit. The cumulative amount of tax credits awarded under this section shall not exceed two hundred thousand dollars per year.

(5) Notwithstanding the provisions of subdivision (4) of this subsection, the division is authorized to exceed the two hundred thousand dollars per year tax credit program cap in any amount not to exceed the amount of funds remaining in the medical preceptor fund, as established under subsection 3 of this section, as of the end of the most recent tax year, after any required transfers to the general revenue fund have taken place in accordance with the provisions of subsection 3 of this section.

3. (1) Funding for the tax credit program authorized under this section shall be generated by the division from a license fee increase of seven dollars per license for physicians and surgeons and from a license fee increase of three dollars per license for physician assistants. The license fee increases shall take effect as of January 1, 2022, based on the underlying license fee rates prevailing on that date. The underlying license fee rates shall be determined under section 334.090 and all other applicable provisions of chapter 334.

(2) (a) There is hereby created in the state treasury the "Medical Preceptor Fund", which shall consist of moneys collected under this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by the division for the administration of the tax credit program authorized under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the medical preceptor fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(b) Notwithstanding any provision of this chapter or any other provision of law to the contrary, all revenue from the license fee increases described under subdivision (1) of this subsection shall be deposited in the medical preceptor fund. After the end of every tax year, an amount equal to the total dollar amount of all tax credits claimed under this section shall be transferred from the medical preceptor fund to the state’s general revenue fund established under section 33.543. Any excess moneys in the medical preceptor fund shall remain in the fund and shall not be transferred to the general revenue fund.

4. (1) The division shall administer the tax credit program authorized under this section and certify rotations for the tax credit. Each taxpayer claiming a tax credit under this section shall file an affidavit with his or her income tax return, affirming that he or she is eligible for the tax credit.

(2) No amount of any tax credit allowed under this section shall be refundable. No tax credit allowed under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive the tax credit authorized under this section if such taxpayer employs persons who are not authorized to work in the United States under federal law.

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

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 330, Page 3, Line 21, by deleting said line and inserting in lieu thereof the following:

“by the nearest adjacent corners on opposite sides of the quarter-section corner to be established.

89.410. 1. The planning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the city, town or village; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the city plan or official map of the city, town or village; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic; provided that, the city, town or village may only impose requirements for the posting of bonds, letters of credit or escrows for subdivision-related improvements as provided for in subsections 2 to 5 of this section.

2. The regulation may include requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities. Compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the council may provide for the tentative approval of the plat previous to the improvements and utility

installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the council shall accept, at the option of the developer, an escrow secured with cash or an irrevocable letter of credit deposited with the city, town, or village. The city, town, or village may accept a surety bond, and such bond shall be in an amount and with surety and other reasonable conditions, providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the bond. The release of any such escrow, letter of credit, or bond by the city, town or village shall be as specified in this section. The council may enforce the escrow or bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the council is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest. **The regulations shall not require the creation of any private indentures, declarations, covenants, regulations or homeowners' associations. Any such private indentures, declarations, covenants, regulations or homeowners' associations that a developer may choose to create shall not be subject to the regulations. However, the regulations may require script on a plat to provide for the common maintenance of shared and privately maintained infrastructure.**

3. The regulations shall provide that in the event a developer who has posted an escrow, or letter of credit, or bond with a city, town, or village in accordance with subsection 2 of this section transfers title of the subdivision property prior to full release of the escrow, letter of credit, or bond, the municipality shall accept a replacement escrow or letter of credit from the successor developer in the form allowed in subsection 2 of this section and in the amount of the escrow or letter of credit held by the city, town, or village at the time of the property transfer, and upon receipt of the replacement escrow or letter of credit, the city, town, or village shall release the original escrow or letter of credit in full and release the prior developer from all further obligations with respect to the subdivision improvements if the successor developer assumes all of the outstanding obligations of the previous developer. The city, town, or village may accept a surety bond from the successor developer in the form allowed in subsection 2 of this section and in the amount of the bond held by the city, town, or village at the time of the property transfer, and upon receipt of the replacement bond, the city, town, or village shall release the original bond in full, and release the prior developer from all further obligations with respect to the subdivision improvements.

4. The regulations shall provide that any escrow or bond amount held by the city, town or village to secure actual construction and installation on each component of the improvements or utilities shall be released within thirty days of completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent which shall be released upon completion of all improvements and utility work. The city, town, or village shall inspect each category of improvement or utility work within twenty business days after a request for such inspection. Any such category of improvement or utility work shall be deemed to be completed upon certification by the city, town or village that the project is complete in accordance with the ordinance of the city, town or village including the filing of all documentation and certifications required by the city, town or village, in complete and acceptable form. The release shall be deemed effective when the escrow funds or bond amount are duly posted with the United States Postal Service or other agreed-upon delivery service or when the escrow funds or bond amount are hand delivered to an authorized person or place as specified by the owner or developer.

5. If the city, town or village has not released the escrow funds or bond amount within thirty days as provided in this section or provided a timely inspection of the improvements or utility work after request for such inspection, the city, town or village shall pay the owner or developer in addition to the escrow funds due the owner or developer, interest at the rate of one and one-half percent per month calculated from the expiration of the thirty-day period until the escrow funds or bond amount have been released. Any owner or developer aggrieved by the city's, town's or village's failure to observe the requirements of this section may bring a civil action to enforce the provisions of this section. In any civil action or part of a civil action brought pursuant to this section, the court may award the prevailing party or the city, town or village the amount of all costs attributable to the action, including reasonable attorneys' fees.

6. Nothing in this section shall apply to performance, maintenance and payment bonds required by cities, towns or villages.

7. Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing thereon shall be held by the council.

8. The provisions of subsection 2 of this section requiring the acceptance of an escrow secured by cash or an irrevocable letter of credit, rather than a surety bond, at the option of the developer, all of the provisions of subsection 3 of this section, and the provisions of subsections 4 and 5 of this section regarding an inspection of improvements or utility work within twenty business days shall not apply to any home rule city with more than four hundred thousand inhabitants and located in more than one county.

9. Notwithstanding the provisions of section 290.210 to the contrary, improvements secured by escrow, letter of credit, or bond as provided in this section shall not be subject to the terms of sections 290.210 to 290.340 unless they are paid for wholly or in part out of public funds.”; and”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 330, Page 1, Section A, Line 12, by inserting after all of said section and line the following:

“60.301. Whenever the following words and terms are used in this chapter they shall have the following meaning unless the context clearly indicates that a different meaning is intended:

(1) “Corners of the United States public land survey”, those points that determine the boundaries of the various subdivisions represented on the official plat such as the township corner, the section corner, the quarter-section corner, grant corner [and] , meander corner, **and center of section**;

(2) “Existent corner”, a corner whose position can be identified by verifying the evidence of the original monument or its accessories, or by some physical evidence described in the field notes, or located by an acceptable supplemental survey record or some physical evidence thereof, or by testimony. The physical evidence of a corner may have been entirely obliterated but the corner will be considered existent if its position can be recovered through the testimony of one or more witnesses who have a dependable knowledge of the original location. A legally reestablished corner shall have the same status as an existent corner;

(3) “Lost corner”, a corner whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position;

(4) “Monument”, the physical object which marks the corner point determined by the surveying process. The accessories, such as bearing trees, bearing objects, reference monuments, mounds of stone and other similar objects that aid in identifying the corner position, are also considered a part of a corner monument;

(5) “Obliterated, decayed or destroyed corner”, [an existent corner] **a position** at whose point there are no remaining traces of the original monument or its accessories, but whose location has been perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by the acts and testimony of local residents, competent surveyors, other qualified local authorities or witnesses, or by some acceptable record evidence. A position that depends upon the use of collateral evidence can be accepted only if duly supported, generally through proper relation to known corners, and agreement with the field notes regarding distances to natural objects, stream crossings, line trees, etc., or unquestionable testimony;

(6) “Original government survey”, that survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the Missouri department of agriculture;

(7) “Proportionate measurement”, a measurement of a line that gives equal relative weight to all parts of the line. The excess or deficiency between two existent corners is so distributed that the amount of excess or deficiency given to each interval bears the same proportion to the whole difference as the record length of the interval bears to the whole record distance:

(a) “Single proportionate measurement”, a measurement of a line applied to a new measurement made between known points on a line to determine one or more positions on that line;

(b) “Double proportionate measurement”, a measurement applied to a new measurement made between four known corners, two each on intersecting meridional and latitudinal lines, for the purpose of relating the intersection to both. [The procedure is described as follows: first, measurements will be made between the nearest existent corners north and south of the lost corner. A temporary point will be determined to locate the latitude of the lost corner on the straight line connecting the existent corners and at the proper proportionate distance. Second, measurements will be made between the nearest existent corners east and west of the lost corner. A temporary point will be determined to locate the longitude of the lost corner on the straight line connecting the existent corners and at the proportionate distance. Third, determine the location of the lost corner at the intersection of an east-west line through the point determining the latitude of the lost corner with a north-south line through the point determining the longitude of the lost corner.] When the total length of the line between the nearest existing corners was not measured in the original government survey, the record distance from one existing corner to the lost corner will be used instead of the proportionate distance. This exception will apply to either or both of the east-west or north-south lines;

(8) “Record distance”, the distance or length as shown on the original government survey. In determining record distances, consideration shall be given as to whether the distance was measured on a random or true line.

60.315. The following rules for the reestablishment of lost corners shall be applied only when it is determined that the corner is lost: (The rules utilize proportional measurement which harmonizes surveying practice with legal and equitable considerations. This plan of relocating a lost corner is always employed unless it can be shown that the corner so located is in substantial disagreement with the general scheme of the original government survey as monumented. In such cases the surveyor shall use procedures that produce results consistent with the original survey of that township.)

(1) Existent original corners shall not be disturbed. Consequently, discrepancies between the new and record measurements shall not in any manner affect the measurements beyond the existent corners; but the differences shall be distributed proportionately within the several intervals along the line between the corners;

(2) Standard parallels shall be given precedence over other township exteriors, and, ordinarily, the latter shall be given precedence over subdivisional lines; section corners shall be located or reestablished before the position of lost quarter-section corners can be determined;

(3) Lost township corners common to four townships shall be reestablished by double proportionate measurement between the nearest existent corners on opposite sides of the lost township corner;

(4) Lost township corners located on standard parallels and common only to two townships shall be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost township corner on the standard parallel;

(5) [Lost standard corners shall be reestablished on a standard or correction line by single proportionate measurement on the line connecting the nearest identified standard or closing corners on opposite sides of the lost corner or corners, as the case may be;

(6) All lost section and quarter-section corners on the township boundary lines shall be reestablished by single proportionate measurement between the nearest existent corners on opposite sides of the lost corner according to the conditions represented upon the original government plat;

(7) Lost corners on township exteriors, excluding corners referenced in subdivision (3) of this section, whether they are standard or closing corners, will be reestablished by single proportionate measurement on the line connecting the next nearest existent standard or closing corner on opposite sides of the lost corner;

(6) A lost interior corner of four sections shall be reestablished by double proportionate measurement;

[(8) A lost closing corner shall be reestablished on the true line that was closed upon, and at the proper proportional interval between the nearest existent corners on opposite sides of the lost corner;

(9) **(7)** All lost quarter-section corners on the section boundaries within the township shall be reestablished by single proportionate measurement between the adjoining section corners, after the section corners have been identified or reestablished; and

[(10)] **(8)** Where a line has been terminated with a measurement in one direction only, a lost corner shall be reestablished by record bearing and distance, counting from the nearest regular corner, the latter having been duly identified or reestablished.

60.345. The quarter-section corners of sections south of the township line and east of the range line, and not established by the original government survey will be established according to the conditions represented upon the official government plat using **single** proportionate measurement between the [adjoining] section corners belonging to the same section as the quarter-section corner being established, the section corners having first been identified or reestablished. **The proportional position shall be offset, if necessary, in a cardinal direction to the true line defined by the nearest adjacent corners on opposite sides of the quarter-section corner to be established.**”;

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Bill No. 330, Page 1, Line 1, by deleting all of said line and inserting in lieu thereof the following:

“Amend House Committee Substitute for Senate Bill No. 330, Page 1, Section A, Line 12, by inserting after all of said section and line the following:

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

(1) “Athlete”, an individual who participates or has participated in an intercollegiate sport for a postsecondary educational institution. “Athlete” shall not be construed to apply to an individual’s participation in a college intramural sport or in a professional sport outside of intercollegiate athletics;

(2) “Athletic association”, an entity with athletics governance authority that is composed of postsecondary educational institutions and athletic conferences;

(3) “Athletic conference”, an entity that has athletics governance authority, is a member of an athletic association, and has a membership composed of postsecondary educational institutions that compete against other postsecondary educational institutions. “Athletic conference” includes a collaboration of such entities, such as the autonomy conferences;

(4) “Certification”, the process of developing and enforcing professional and legal policies and practices;

(5) “Group”, three or more athletes from the same sport;

(6) “Group licensing”, any agreement to allow a third party the right to use the name, image, likeness rights, or athletic reputation of a group;

(7) “Postsecondary educational institution”, any campus of a public or private institution of higher education in this state that is subject to the coordinating board for higher education under section 173.005;

(8) “Third party”, any individual or entity other than a postsecondary educational institution, athletic conference, or athletic association.

2. (1) No postsecondary educational institution shall uphold any rule, requirement, standard, or other limitation that prevents a student of that institution from fully participating in intercollegiate athletics without penalty and earning compensation as a result of the use of the student’s name, image, likeness rights, or athletic reputation. Earning compensation from the use of a student’s name, image, likeness rights, or athletic reputation shall not affect the student’s grant-in-aid or stipend eligibility, amount, duration, or renewal.

(2) No postsecondary educational institution shall interfere with or prevent a student from fully participating in intercollegiate athletics or obtaining professional representation in relation to contracts or legal matters including, but not limited to, representation provided by athlete agents, financial advisors, or legal representation provided by attorneys.

3. A grant-in-aid or stipend from the postsecondary educational institution in which a student is

enrolled shall not be construed to be compensation for use of the student's name, image, likeness rights, or athletic reputation for purposes of this section, and no grant-in-aid or stipend shall be revoked or reduced as a result of a student earning compensation under this section.

4. (1) No student athlete shall enter into an apparel, equipment, or beverage contract providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic reputation if the contract requires the athlete to display a sponsor's apparel, equipment, or beverage or otherwise advertise for the sponsor during official team activities if such provisions are in conflict with a provision of the athlete's team contract.

(2) Any student athlete who enters into a contract providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic reputation shall disclose the full contract to an official of the postsecondary educational institution, with such official to be designated by such institution. No institution or its designated official shall disclose terms of an athlete's contract that the athlete or the athlete's legal representation deems to be a trade secret or nondisclosable.

(3) An institution asserting a conflict described in subdivision (1) of this subsection shall disclose to the student athlete or the athlete's legal representation the full contract the institution asserts to be in conflict. No athlete or member of the athlete's legal representation shall disclose terms of an institution's contract that the institution deems to be a trade secret or nondisclosable.

5. No team contract of a postsecondary educational institution's athletic program shall prevent a student athlete from receiving compensation for using the athlete's name, image, likeness rights, or athletic reputation for a commercial purpose when the athlete is not engaged in official mandatory team activities that are recorded in writing and made publicly available. Such team activities shall not exceed twenty hours per week during the season and eight hours per week during the off-season.

6. (1) Postsecondary educational institutions that enter into commercial agreements that directly or indirectly require the use of an athlete's name, image, likeness, or athletic reputation shall conduct a financial development program of up to fifteen hours in duration once per year for their athletes.

(2) The financial development program shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services.

7. (1) Postsecondary educational institutions shall help distribute informational materials as needed.

(2) Postsecondary educational institutions shall inform their athletes of such meetings and provide appropriate meeting space.

8. Athlete attorney representation shall be by persons licensed by this state.

9. (1) Any athlete may bring a civil action against third parties that violate this section for appropriate injunctive relief or actual damages, or both. Such action shall be brought in the county where the violation occurred, or is about to occur, and the court shall award damages, court costs, and reasonable attorney's fees to a prevailing plaintiff.

(2) Students and state or local prosecutors seeking to prosecute violators of this section shall not be deprived of any protections provided under law with respect to a controversy that arises and shall have the right to adjudicate claims that arise under this section.

10. Legal settlements shall not permit noncompliance with this section.

11. This section shall apply only to agreements or contracts entered into, modified, or renewed on or after July 1, 2022. Such agreements or contracts include, but are not limited to, the national letter of intent, an athlete’s financial aid agreement, commercial contracts in the athlete group licensing market, and athletic conference or athletic association rules or bylaws.

12. The state of Missouri hereby requests that any federal legislation relating to this section respect and permit Missouri college athletes’ rights, protections, and other provisions included in this section.”; and

Further amend said bill, Page 92, Section 436.263, Line 5, by”; and

Further said amendment Page 1, Line 2, by inserting after all of said line the following:

“Further amend said bill, Page 92, Section B, Line 3, by inserting after all of said section and line the following:

“Section C. Because of the importance of financial needs of certain students of the state of Missouri, the enactment of section 173.280 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 173.280 of this act shall be in full force and effect upon its passage and approval.”; and”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 330, Page 92, Section 436.263, Line 5, by inserting after the word, “**hundred**” the word, “**thousand**”; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 330, Page 53, Section 334.036, Lines 75-77, by deleting all of said lines; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 330, Page 3, Section 191.1146, Line 20, by inserting after all of said section and line the following:

“281.015. Sections 281.005 to 281.115 shall be administered by the director of the department of agriculture of the state of Missouri[, hereafter referred to as the “director”].

281.020. As used in sections 281.010 to 281.115, the following terms mean:

(1) “Animal”, all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish;

(2) “Applicator, operator or technician”:

(a) **“Certified applicator”, any certified commercial applicator, certified noncommercial applicator, certified private applicator, certified provisional private applicator, or certified public operator;**

(b) **“Certified commercial applicator”, any individual, whether or not [he] the individual is a private applicator with respect to some uses, who is certified by the director as authorized to use, supervise the use of, [or] determine the need for the use of, or supervise the determination of need for any pesticide, whether classified for restricted use or for general use, while [he] the individual is engaged in the business of using pesticides on the lands of another as a direct service to the public in exchange for a fee or compensation;**

[(b)] (c) **“Certified noncommercial applicator”, any individual, whether or not [he] the individual is a private applicator with respect to some uses, who is certified by the director as authorized to use, or to supervise the use of, any pesticide which is classified for restricted use only on lands owned or rented by [him] the individual or [his] the individual’s employer;**

[(c)] (d) **“Certified private applicator”, any individual who is certified by the director as authorized to use[, or to supervise the use of,] any pesticide [which] that is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by [him] the individual or [his] the individual’s employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities[, on the property of another person];**

[(d)] (e) **“Certified provisional private applicator”, any individual who is sixteen or seventeen years of age, an immediate family member of a certified private applicator, and certified by the director to use any pesticide that is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by the individual’s immediate family member, as long as the following requirements are met:**

- a. **The restricted use pesticide is not a fumigant;**
- b. **The restricted use pesticide does not contain sodium cyanide or sodium fluoroacetate;**
- c. **The individual does not apply any restricted use pesticide using aerial application equipment;**
- d. **The individual does not supervise the use of any restricted use pesticide; and**
- e. **The individual does not purchase any restricted use pesticide;**

(f) **“Certified public operator”, any individual who is certified by the director as authorized to use, or to supervise the use of, any pesticide classified for restricted use in the performance of [his] the individual’s duties as an official or employee of any agency of the state of Missouri or any political subdivision thereof, or any other governmental agency;**

[(e)] (g) **“Noncertified restricted use pesticide applicator”, any person who is not certified in accordance with sections 281.010 to 281.115 who uses or determines the need for the use of restricted use pesticides under the direct supervision of a certified commercial applicator or uses restricted use pesticides under the direct supervision of a certified noncommercial applicator or certified public operator;**

(h) **“Private applicator”, any person not holding a certified private applicator’s license or certified provisional private applicator’s license who [shall be required to obtain a permit for the use of any**

restricted use pesticide] **uses general use pesticides or minimum risk pesticides** for the purposes of producing any agricultural commodity on property owned or rented by [him] **the person** or [his] **the person's** employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities[, such permit shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a one-time emergency use of that pesticide];

[(f)] **(i)** “Pesticide technician”, any individual working under the direct supervision of a commercial applicator certified in categories as specified by regulation, and who having met the competency requirements of [this chapter] **sections 281.010 to 281.115**, is authorized by the director to determine the need for the use of any pesticide as well as to the use of any pesticide;

[(g)] **(j)** “Pesticide technician trainee”, any individual working in the physical presence and under the direct supervision of a certified commercial applicator to gain the required on-the-job training in preparation for obtaining a pesticide technician’s license;

(3) “Beneficial insects”, those insects [which] **that**, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial;

(4) “Defoliant”, any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission;

(5) “Department” or “department of agriculture”, the state department of agriculture, and when by sections 281.010 to 281.115 the department of agriculture is charged to perform a duty, the director of the department of agriculture is authorized to perform such duty;

(6) “Desiccant”, any substance or mixture of substances intended for artificially accelerating the drying of plant tissue;

[(6)] **(7)** “Determining the need for the use of any pesticide”, the act of inspecting land for the presence of pests for the purpose of contracting for their control or prevention through the use of pesticides in categories as specified by regulation;

[(7)] **(8)** “Device”, any instrument or contrivance, other than a firearm, [which] **that** is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than man and other than bacteria, viruses, or other microorganisms on or in living man or other living animals, but not including equipment used for the application of pesticides when sold separately therefrom;

(9) “Director”, the director of the department of agriculture or the director’s designee;

(10) “Distribute”, to sell, offer for sale, hold for sale, deliver for transportation in intrastate commerce, or transport in intrastate commerce;

[(8)] **(11)** “Environment” includes, **but is not limited to**, water, air, land, and all plants and man and other animals living therein, and the interrelationships [which] **that** exist among these;

[(9)] **(12)** “Equipment” [means] , any type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized hand-sized household apparatus used to apply any pesticide, or any equipment or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application;

[(10)] **(13)** “Fungus”, any nonchlorophyll-bearing thallophyte, [that] **which** is[, any nonchlorophyll-bearing plant of a lower order than mosses and liverworts, **such** as[, for example,] rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other living animals, and except those on or in processed food, beverages, or pharmaceuticals;

(14) “General use pesticide”, any pesticide, when applied in accordance with its directions for use, warnings, and cautions, and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, that will not generally cause unreasonable adverse effects on the environment;

(15) “Immediate family”, familial relationships limited to the spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins. As used in this subdivision, “first cousin” means the child of a parent’s sibling, i.e., the child of an aunt or uncle;

[(11)] **(16)** “Individual”, any responsible, natural human being;

[(12)] **(17)** “Insect”, any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, **such** as[, for example,] beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, **such** as[, for example,] spiders, mites, ticks, centipedes, and wood lice;

[(13)] **(18)** “Land”, all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances, and machinery, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation;

(19) “Minimum risk pesticide”, any pesticide product exempted under 40 C.F.R. 152.25(f) from registration requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended;

[(14)] **(20)** “Misuse of a pesticide”, a use of any [registered] pesticide in a manner inconsistent with its labeling; provided, that the use of a lesser concentration than provided on the label shall not be considered the misuse of a pesticide when used strictly for agricultural purposes, and when requested in writing by the person on whose behalf a pesticide is used;

[(15)] **(21)** “Nematode”, invertebrate animals of the phylum Nematelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms;

(22) “Nontarget organism”, any plant, animal, or organism other than the target pests that a pesticide is intended to affect;

[(16)] **(23)** “Person”, any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not;

[(17)] **(24)** “Pest”:

(a) Any insect, snail, slug, rodent, nematode, fungus, weed; or

(b) Any other form of terrestrial or aquatic plant or animal life or virus, bacterium, or other

microorganism, except viruses, bacteria, or other microorganisms on or in living man or other living animals, [which] **that** is normally considered to be a pest;

[(18)] **(25)** “Pesticide”:

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; or

(b) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant;

[(19)] **(26)** “Pesticide dealer”, any individual who is engaged in the business of distributing, selling, offering for sale, or holding for sale at retail, or direct wholesale to the end user, any pesticide classified for restricted use;

(27) “Pesticide dealership”, any location or outlet where restricted use pesticides are held for sale, distributed, or sold;

[(20)] **(28)** “Plant regulator”, any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments. The term “plant regulator” does not include any of those nutrient mixtures or soil amendments [which] **that** are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, and [which] **that** are not for pest destruction and are nontoxic, nonpoisonous in the undiluted package concentration;

[(21)] “Private applicator permit”, a written certificate, issued by the director or his authorized agent, authorizing the purchase, possession or use of certain restricted use pesticides by a private applicator. Such permit shall authorize the one-time emergency purchase of a restricted use pesticide for the purpose of a one-time emergency use of such pesticide;

[(22)] **(29)** “Restricted use pesticide” or “**RUP**”, any pesticide when applied in accordance with its directions for use, warnings, and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, the director determines may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator;

[(23)] **(30)** “Sale”, selling or offering for sale any pesticide;

[(24)] **(31)** “Snails” or “slugs” includes all harmful mollusks;

[(25)] **(32)** “Unreasonable adverse effects on the environment”, any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide;

[(26)] **(33)** “Under the direct supervision of a certified applicator”, when a pesticide is used by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is used;

[(27)] **(34)** “Use”, mixing, **loading, or applying**[, storing or disposing of a] **any pesticide; cleaning pesticide equipment; or storing or disposing of pesticide containers, pesticides, spray mix, equipment**

wash waters, or other pesticide-containing materials;

[(28)] **(35)** “Weed”, any plant [which] **that** grows where not wanted; [and

(29)] **(36)** “Wildlife”, all living things that are neither human, domesticated, or pests, including, but not limited to, mammals, protected birds, and aquatic life.

281.025. 1. The director shall administer and enforce the provisions of sections 281.010 to 281.115 and shall have authority to issue regulations after a public hearing following due notice of not less than thirty days to all interested persons, in conformance with the provisions of chapter 536, to carry out the provisions of sections 281.010 to 281.115. Where the director finds that such regulations are needed to carry out the purpose and intent of sections 281.010 to 281.115, such regulations may relate to, but need not be limited to, prescribing the time, place, manner, methods, materials, and amounts and concentrations, in connection with the use of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and shall encompass all reasonable factors [which] **that** the director deems necessary to prevent damage or injury. In issuing such regulations, the director may give consideration to pertinent research findings and recommendations of other agencies of this state, the federal government, or other reliable sources. The director may by regulation require that notice of a proposed application of a pesticide be given to landowners adjoining the property to be treated or in the immediate vicinity thereof, if [he] **the director** finds that such notice is necessary to carry out the purpose of sections 281.010 to 281.115. [The director may, by regulation, provide for the one-time emergency purchase and one-time emergency use of a restricted use pesticide by a private applicator.]

2. The pesticides on the list of restricted use pesticides, as determined by the federal agency having jurisdiction over the classification of pesticides, shall be so restricted in the state of Missouri. The director shall publish, at least annually, a list of pesticides [which] **that** have restricted uses. Such publication shall be made available to the public upon request. If the director determines that a pesticide, when used in accordance with its directions for use, warnings, and cautions, and for uses for which it is registered, may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator or other persons, the pesticide shall be used only by or under the direct supervision of a certified applicator[, or a private applicator with a permit]. Such pesticides may be subject to other restrictions as determined by the director, to include the time and conditions of possession and use.

3. No regulation, or any amendment or repeal thereof, provided for in sections 281.010 to 281.115 shall be adopted, except after public hearing giving an opportunity to the public to be heard, to be held after no less than thirty days’ prior notice of the date, time, and place of hearing, to be given by regular mail to any person who has registered with the director for purposes of notice of such public hearings, in accordance with procedures prescribed by the director.

4. At any hearing, opportunity to be heard shall be afforded to any interested person upon written request received not later than twenty-four hours prior to the hearing, and may also be afforded to other persons. In addition, any interested person, whether or not heard, may submit within seven days subsequent to the hearing a written statement of views. The director may solicit the views in writing of persons who may be affected by, or interested in any proposed regulation. Any person heard or represented at the hearing, or making written request for notice, shall be given written notice of the action of the director with respect to the subject thereof.

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

281.030. 1. The director may, by regulation, classify [certified applicator, operator or technician] licenses to be issued under sections 281.010 to 281.115. Such classifications may include but not be limited to commercial applicators, noncommercial applicators, private applicators, **provisional private applicators**, public operators [or], pesticide technicians, **or noncertified RUP applicators**. Separate classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides or to the use of pesticides for the control of pests.

2. The director may, by regulation, establish certification categories to be provided under each license classification. Each certification category shall be subject to separate testing procedures and requirements; provided, that no individual shall be required to pay an additional fee if [he] **the individual** is certified in one or all of the certification categories provided under the license for which [he] **the individual** has applied. The director may, by regulation, establish certification categories limited to the use of certain pesticides and issue a license therefor. Each certification category shall be subject to separate testing procedures covering only those pesticides for which the applicant seeks to be licensed.

3. The director may by regulation establish fees for identification documents.

281.035. 1. No individual shall engage in the business of determining the need for the use of, supervising the use of, **supervising the determination of the need for the use of**, or using any pesticide, in categories as specified by regulation, on the lands of another at any time without a certified commercial applicator's license issued by the director. A certified commercial applicator shall not determine the need for the use of, supervise the use of, **supervise the determination of the need for the use of**, or use any pesticide for any particular purpose unless [he or she] **the certified commercial applicator** has demonstrated [his or her] **such certified commercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. The director shall require an annual fee of sixty-five dollars for each certified commercial applicator's license issued. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any **general use pesticide or minimum risk pesticide** on the land of another at any time unless such individual is a pesticide technician or pesticide technician trainee in such categories as specified by regulation or is working under the direct supervision of a certified commercial applicator so authorizing, directing or instructing, in which case the certified commercial applicator shall be liable for any use of a **general use pesticide or minimum risk pesticide** by an individual operating under [his or her] **the certified commercial applicator's** direct supervision. The certified commercial applicator or the employer shall assure that the director is informed in writing within ten [working] days of the employment of any person as a pesticide technician or pesticide technician trainee.

2. **No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any restricted use pesticide on the land of another at any time unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified commercial applicator so authorizing, directing, or instructing, 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.**

3. Application for a certified commercial applicator's license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include such information as prescribed by the director by regulation.

[3.] **4.** The director shall not issue a certified commercial applicator's license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his or her] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications [he or she] **the applicant** had applied for, and [his or her] **the applicant's** knowledge of the standards prescribed by regulations for the certification of commercial applicators.

[4.] **5.** The director may renew any certified commercial applicator's license under the classification for which such applicant is licensed, [subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge that may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[5.] **6.** If the director finds the applicant qualified to use pesticides in the classification for which application has been made, and if the applicant files evidence that the requirement for bonds or insurance has been met as required under section 281.065, the director shall issue a certified commercial applicator's license limited to the classifications for which [he or she] **the applicant** is qualified, which shall expire one year from date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause; provided, such financial responsibility required under section 281.065 does not expire at an earlier date, in which case [said] **the license** shall expire upon the expiration date of the financial responsibility. The director may limit the license of the applicant to the use of certain [restricted use] pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] **7.** The director shall require each certified commercial applicator or [his or her] **the certified commercial applicator's** employer to maintain records with respect to applications of any pesticide, **including pesticides used under direct supervision by licensed pesticide technicians, pesticide technician trainees, and licensed noncertified RUP applicators.** Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified commercial applicator or [his or her] **the certified commercial applicator's** employer.

[7.] **8.** A person or individual engaged in the business of using pesticides on the lands of another, who is deprived of [his or her] **such person's or individual's** sole certified commercial applicator by reason of death, illness, incapacity, or any absence which the director determines is unavoidable, is authorized to continue business operations without the services of a certified commercial applicator for a period of time deemed appropriate by the director, but not to exceed sixty days; except that, no restricted-use pesticide shall be used, or caused to be used, by such person or individual. Any such person or individual shall immediately notify the director as to the absence of [his or her] **such person's or individual's** sole certified commercial applicator.

[8.] **9.** Every certified commercial applicator shall display [his or her] **the certified commercial applicator's** license in a prominent place at the site, location, or office from which [he or she] **the certified commercial applicator** will operate as a certified commercial applicator; that place, location, or office being at the address printed on the license.

[9.] **10.** Every certified commercial applicator who changes the address from which [he or she] **the certified commercial applicator** will operate as a certified commercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed

address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.037. 1. Any individual who is not certified pursuant to section 281.035, 281.040, or 281.045[, or has not been issued a private applicator permit pursuant to subsection 5 of section 281.040] shall not use, or supervise the use of, any [restricted-use] **restricted use** pesticide without a certified noncommercial applicator license. A certified noncommercial applicator shall not use, or supervise the use of, any restricted use pesticide for any purpose unless [he or she] **the certified noncommercial applicator** has demonstrated [his or her] **the certified noncommercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category.

2. **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 RUP applicator while working under the direct supervision of a certified noncommercial applicator so authorizing, directing, or instructing, 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.**

3. Application for a certified noncommercial applicator license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include such information as prescribed by the director by regulation.

[3.] 4. The director shall not issue a certified noncommercial applicator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his or her] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which [he or she] **the applicant** has applied, and [his or her] **the applicant's** knowledge of the standards prescribed by regulations for the certification of noncommercial applicators.

[4.] 5. If the director finds the applicant qualified to use restricted use pesticides in the classification for which [he or she] **the applicant** has applied, the director shall issue a certified noncommercial applicator license limited to the applicator categories in which [he or she] **the applicant** is certified. The license shall expire one year from the date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[5.] 6. The director may renew any certified noncommercial applicator license under the classification for which the license is issued [subject to] **upon successful completion of approved recertification training or** reexamination for additional knowledge [which] **that** may be required to apply pesticides safely and properly.

[6.] 7. The director shall collect a fee of thirty-five dollars for each certified noncommercial applicator license issued.

[7.] 8. Any certified noncommercial applicator may use, or supervise the use of, restricted use pesticides only to or on lands or structures owned, leased or rented by [himself or herself] **the certified**

noncommercial applicator or [his or her] **the certified noncommercial applicator's** employer.

[8.] **9.** The director shall require the certified noncommercial applicator or [his or her] **the certified noncommercial applicator's** employer to maintain records with respect to applications of restricted use pesticides. Any relevant information [which] **that** the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified noncommercial applicator or [his or her] **the certified noncommercial applicator's** employer.

[9.] **10.** Every certified noncommercial applicator shall display [his or her] **the certified noncommercial applicator's** license in a prominent place at the site, location, or office from which [he or she] **the certified noncommercial applicator** will operate as a certified noncommercial applicator; that place, location, or office being at the address printed on the license.

[10.] **11.** Every certified noncommercial applicator who changes the address from which [he or she] **the certified noncommercial applicator** will operate as a certified noncommercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.038. 1. [After July 1, 1990,] No individual working under the direct supervision of a certified commercial applicator shall determine the need for the use of **or use any general use** pesticide [nor use any] **or minimum risk** pesticide in categories as specified by regulation, unless and until the individual has met the requirements of [this chapter] **sections 281.010 to 281.115.**

2. Application for a pesticide technician's license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department.** Each application shall include such information as prescribed by the director by regulation and shall be received by the director within forty-five days of employment of the pesticide technician or pesticide technician trainee.

3. The director shall not issue a pesticide technician's license until the individual has demonstrated [his or her] **the applicant's** competence by completion of an approved training program to the satisfaction of the director.

4. The director may renew any pesticide technician's license under the classification for which that applicant is licensed subject to completion of an additional approved training program to the satisfaction of the director as prescribed by regulation.

5. The director shall collect a fee of thirty-five dollars for each pesticide technician license issued.

6. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, the director shall issue a pesticide technician's license limited to the classifications for which [he or she] **the applicant** is qualified, which shall expire one year from date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons for such denial of license.

7. In order for pesticide technicians to use or determine the need for the use of any general use

pesticide:

(1) A certified commercial applicator shall be licensed to work from the same physical location as the pesticide technician; and

(2) The licensed certified commercial applicator shall be certified in the same use categories as the pesticide technician as specified by regulation.

8. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

281.040. 1. No private applicator shall use any [restricted-use] **restricted use** pesticide unless [he] **the private applicator** first complies with the requirements determined pursuant to subsection [2 or 5] **3** of this section, as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use.

2. 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 private applicator.

3. The private applicator shall qualify for a certified private applicator's license or a certified provisional private applicator's license by [either] attending [a course or completing an online course of instruction] an approved certification training program provided by University of Missouri Extension, completing an online certification training program provided by University of Missouri Extension, or by passing the required private applicator certification examination provided by the director on the use, handling, storage, and application of [restricted-use] restricted use pesticides in the proper certification categories as specified by regulation. The content of the instruction shall be determined and revised as necessary by the director. Upon completion of the [course] certification training program, completion of the online certification training program, or passage of the required private applicator certification examination, the director shall issue a certified private applicator's license or certified provisional private applicator's license to the applicant. The director shall not collect a fee for the issuance of such license[, but the] . University of Missouri Extension [service may] shall collect [a fee for the actual cost of the materials necessary to complete the course of instruction] reasonable fees for study materials and for enrollment in certification or recertification programs administered in-person or online. [However, no fee] Such fees shall be assessed [or collected from an individual completing an online course of instruction. Both the director of the department and of the University of Missouri Extension service shall review such costs annually.] based on the majority decision of a review committee convened every five years or as needed by the director. Such fees shall not exceed seventy-five dollars per program per applicant unless the members of the review committee representing statewide agricultural organizations vote unanimously in favor of setting the fee in an amount in excess of seventy-five dollars. Such committee shall be provided revenue and expense information for the training program from the University of Missouri Extension and information on the content of the instruction and method of delivery from the director. The review committee shall also determine a maximum in-seat training time limit for the training programs. The committee shall report its minutes, fee decisions, time limitation decisions, and its evaluation of the training provided to the chairs of the House of Representatives and Senate agriculture or equivalent committees. The review committee shall be composed of five members including:

- (1) **The director;**
- (2) **The director of the University of Missouri Extension, or such director’s designee;**
- (3) **The president of a statewide corn producers organization who actively grows corn, or such president’s designee;**
- (4) **The president of a statewide soybean producers organization who actively grows soybeans, or such president’s designee; and**
- (5) **The president of the state’s largest general farm membership organization, or such president’s designee.**

[3.] **4. A certified private applicator’s license shall expire five years from date of issuance and may then be renewed without charge or additional fee. Any certified private applicator holding a valid license may renew that license for the next five years [without additional training unless the director determines that additional knowledge related to the use of agricultural pesticides makes additional training necessary.] upon successful completion of approved recertification training or by passing the required private applicator certification examination.**

5. On the date of the certified provisional private applicator’s eighteenth birthday, such certified provisional private applicator’s license shall 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 five years from date of issuance and may be renewed as a certified private applicator’s license without charge or additional fee.

[4.] **6. If the director does not qualify the private applicator under this section [he] , the director shall inform the applicant in writing of the reasons therefor.**

[5. The private applicator may apply to the director, or his designated agent, for a private applicator permit for the one-time emergency purchase and use of restricted use pesticides. When the private applicator has demonstrated his competence in the use of the pesticides to be purchased and used on a one-time emergency basis, he shall be issued a permit for the one-time emergency purchase and use of restricted use pesticides. The director or his designated agent shall not collect a fee for the issuance of such permit.]

281.045. 1. All agencies of the state of Missouri and the political subdivisions thereof, and any other governmental agency shall be subject to the provisions of sections 281.010 to 281.115 and rules adopted thereunder concerning the use of restricted use pesticides.

2. Public operators for agencies listed in subsection 1 of this section shall not use, or supervise the use of, any restricted use pesticides on any land or structure without a certified public operator license issued by the director. The certified public operator shall not use or supervise the use of any restricted use pesticide for any purpose unless [he] **the certified public operator** has demonstrated [his] **the certified public operator’s** competence to use pesticides for that purpose by being certified by the director in the proper certification category. [Any employee of any agency listed in subsection 1 of this section who is not licensed as a certified public operator may use restricted use pesticides only under the direct supervision of a certified public operator.]

3. **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 RUP applicator while working under the direct supervision of a certified public**

operator so authorizing, directing, or instructing, in which case the certified public operator shall be liable for any use of a restricted use pesticide by an individual operating under the certified public operator's direct supervision.

4. Application for a certified public operator license shall be [made in writing] **submitted** to the director on a designated form obtained from the [director's office] **department**. Each application shall include all information prescribed by the director by regulation.

[4.] **5.** The director shall not issue a certified public operator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which [he] **the applicant** has applied, and [his] **the applicant's** knowledge of the standards prescribed by regulations for the certification of public operators.

[5.] **6.** If the director finds the applicant qualified to use pesticides in the classification for which [he] **the applicant** has applied, the director shall issue a license, without a fee, to the certified public operator who has so qualified. The certified public operator license shall be valid only when the operator is acting as an operator using, or supervising the use of, restricted use pesticides in the course of [his] **the operator's** employment. A certified public operator license shall expire three years from the date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] **7.** The director may renew any certified public operator license under the classification for which that applicant is licensed[, subject to] **upon successful completion of approved recertification training or reexamination** for additional knowledge [which] **that** may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[7.] **8.** The director shall require the certified public operator, or [his] **the certified public operator's** employer, to maintain records with respect to applications of restricted use pesticides. Any relevant information which the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified public operator or [his] **the certified public operator's** employer.

[8.] **9.** Agencies listed in subsection 1 of this section shall be subject to a legal action by any person damaged by any use of any pesticide, which may be brought in the county where the damage or any part thereof occurred.

[9.] **10.** Every certified public operator shall display [his] **the certified public operator's** license in a prominent place at the site, location, or office from which [he] **the certified public operator** will operate as a certified public operator, that place, location, or office being at the address printed on the license.

[10.] **11.** Every certified public operator who changes the address from which [he] **the certified public operator** will operate as a certified public operator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

12. 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.

281.048. 1. No individual shall use or determine the need for the use of any restricted use pesticide while working under the direct supervision of a certified commercial applicator until the individual has met the requirements of this section.

2. No individual shall use restricted use pesticides while working under the direct supervision of a certified noncommercial applicator or certified public operator until the individual has met the requirements of this section.

3. Application for a noncertified RUP applicator's license shall be submitted to the director on a designated form obtained from the department. Each application shall include such information as prescribed by the director by regulation.

4. The director shall issue or renew a noncertified RUP applicator license once an individual has met the requirements set forth in 40 C.F.R. 171.201(c)(1) or (3). The director shall collect an annual fee of thirty-five dollars for each noncertified RUP applicator license issued. The license shall be valid for one year unless revoked or suspended by the department prior to its expiration. Any individual whose application is denied shall receive a written explanation as to the determination of the denial.

5. Individuals holding a valid noncertified RUP applicator license may use and determine the need for the use of restricted use pesticides, general use pesticides, and minimum risk pesticides under the direct supervision of a certified commercial applicator and only for the categories in which the commercial applicator is certified. The director may limit the license of the applicant to the use of certain pesticides, to certain areas, or to certain types of equipment if the applicant is only so qualified.

6. Every certified commercial applicator, certified noncommercial applicator, or certified public operator providing direct supervision to a licensed noncertified RUP applicator shall immediately notify the director when the licensed noncertified RUP applicator has changed address from which the applicator or operator will operate as a licensed noncertified RUP applicator or when the noncertified RUP applicator's employment has been terminated. The director shall immediately issue a revised license upon which shall be printed the change of address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

7. A noncertified RUP applicator may complete retraining requirements and renew the applicator's license without a certified commercial applicator, certified noncommercial applicator, or certified public operator working from the same physical location.

8. Every licensed noncertified RUP applicator shall display the applicator's license in a prominent place at the site, location, or office from which the applicator will operate as a noncertified RUP applicator, that place, location, or office being at the address printed on the license.

281.050. 1. No individual shall act in the capacity of a pesticide dealer or shall engage in the business of, advertise as, or assume to act as a pesticide dealer unless [he or she] the individual has obtained a license from the director [which] that shall expire one year from date of issuance. [An individual shall be required to obtain a license for] Each pesticide dealership location or outlet from which [such] restricted

use pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user]. Pesticide dealers may be designated by the director as agents of the state for the purpose of issuing permits for restricted use pesticides to private applicators] **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 restricted use pesticides at retail or wholesale from a motor vehicle shall be licensed as a pesticide dealer. For the purposes of this subsection, “selling or holding and offering for sale” shall not include solely transporting product in commerce. No individual shall be issued more than one pesticide dealer license.**

2. Application for a pesticide dealer’s license shall be made on a designated form obtained from the [director’s office] **department**. The director shall collect a fee of thirty-five dollars for the issuance of each license. The provisions of this section shall not apply to a pesticide applicator who sells pesticides only as an integral part of [his or her] **the applicator’s** pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide applications. The provisions of this section shall not apply to any federal, state, or county agency [which] **that** provides pesticides for its own programs.

3. Each applicant shall satisfy the director as to [his or her] **the applicant’s** knowledge of the laws and regulations governing the use and sale of pesticides and [his or her] **the applicant’s** responsibility in carrying on the business of a pesticide dealer **by passing a pesticide dealer examination provided by the director**. Each licensed pesticide dealer shall be responsible for insuring that all of [his or her] **the dealer’s** employees and agents who sell or recommend restricted use pesticides have adequate knowledge of the laws and regulations governing the use and sale of such restricted use pesticides.

4. Each pesticide dealer shall be responsible for the acts of each person employed by [him or her] **the dealer** in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The dealer’s license shall be subject to denial, suspension, or revocation after a hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by the dealer’s officer, agent or employee.

5. No pesticide dealer shall sell, give away, or otherwise make available any restricted use pesticides to anyone but certified **commercial applicators, certified noncommercial applicators [or] , certified public operators**, or to **certified** private applicators [who have met the requirements of subsection 5 of section 281.040,] **holding valid certifications in proper certification categories** or to other **licensed** pesticide dealers, except that pesticide dealers may allow the designated representative of such certified applicators, operators or private applicators to take possession of restricted use pesticides when those restricted use pesticides are purchased by and for use by or under the direct supervision of such certified applicator, operator or private applicator.

6. The director shall require the pesticide dealer, or [his or her] **the dealer’s** employer, to maintain books and records with respect to sales of restricted use pesticides **at each dealership location or outlet**. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of sale of the restricted use pesticide to which such records refer, and the director shall upon request in writing be furnished with a copy of such records by any licensed pesticide dealer or [his or her] **the dealer’s** employer.

7. Every licensed pesticide dealer who changes [his or her] **the dealer’s** address or place of business shall immediately notify the director.

281.055. 1. If the [application for] renewal of any license[,] **or** certification [or permit] provided for in

[this chapter] **sections 281.010 to 281.115** is not filed prior to **the** expiration date in any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the license[,] **or** certification [or permit] shall be renewed[; provided, that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the business subsequent to the expiration of his license, certification or permit]. Any person holding a current valid license[,] **or** certification [or permit] may renew the license[,] **or** certification [or permit] for the next year without taking another examination unless the director determines that additional knowledge related to classifications for which the applicant has applied makes a new examination necessary. However, if the license is not renewed within sixty days following the date of expiration [then] , **the license shall be cancelled and** the licensee shall be required to satisfy all the requirements of licensure as if such person was never licensed.

2. The director may promulgate reasonable regulations requiring additional training and instruction on the part of any applicant for a license issued under sections 281.010 to 281.115.

3. The director shall have prepared for prospective licensee's use[,] a book of guidelines of factual necessary information related to the requirements of sections 281.010 to 281.115. A reasonable fee may be collected for [said] **the** publication.

281.060. 1. The director, after inquiry, and after opportunity for a hearing, may deny, suspend, revoke, or modify the provisions of any license[, permit,] or certification issued under sections 281.010 to 281.115, if [he] **the director** finds that the applicant or the holder of a license[, permit,] or certification has violated any provision of sections 281.010 to 281.115, or any regulation issued thereunder, or has been convicted or subject to a final order imposing a civil or criminal penalty pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, or has been convicted, or is the subject of prosecution, in [another] **this state or in any** state or protectorate of the United States, or has had a pesticide applicator license[,] **or** certificate [or permit] denied, suspended, revoked or modified by [another] **any** state or protectorate of the United States, or the person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under [this chapter] **sections 281.010 to 281.115**, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed. **Licensed certified applicators, licensed noncertified RUP applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the department within ten days of any conviction of or plea to any offense listed in this section.**

2. If the director determines, after inquiry and opportunity for a hearing, that any [individual] **person** is in violation of any provision of sections 281.010 to 281.115, or any regulations issued thereunder, the director shall have the authority to assess a civil penalty of not more than one thousand dollars for each violation, and in addition, may order that restitution be made to any person.

3. In the event that a person penalized or ordered to pay restitution under this section fails to pay the penalty or restitution, the director may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty or restitution.

281.063. The director may subpoena witnesses and compel the production of books, documents, and records anywhere in the state in any hearing affecting the authority or privilege granted by a license[,] **or** certificate [or permit] issued under the provisions of sections 281.010 to 281.115.

281.065. 1. The director shall not issue a certified commercial applicator's license until the applicant

or the employer of the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of [the operations of] **pesticide use by** the applicant; except that, such surety bond or liability insurance policy need not apply to damages or injury to crops, plants or land being worked upon by the applicant. Following the receipt of the initial license, the certified commercial applicator shall not be required to furnish evidence of financial responsibility to the department for the purpose of license renewal unless upon request. Annual renewals for surety bonds or liability insurance shall be maintained at the business location from which the certified commercial applicator is licensed. Valid surety bonds or liability insurance certificates shall be available for inspection by the director [or his or her designee] at a reasonable time during regular business hours or, upon a request in writing, the director shall be furnished a copy of the surety bond or liability insurance certificate within ten [working] days of receipt of the request.

2. The amount of the surety bond or liability insurance required by this section shall be not less than fifty thousand dollars for each occurrence. Such surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified by the surety or insurer within twenty days prior to any cancellation or reduction of the surety bond or liability insurance. If the surety bond or liability insurance policy which provides the financial responsibility for the certified commercial applicator is provided by the employer of the certified commercial applicator, the employer of the certified commercial applicator shall immediately notify the director upon the termination of the employment of the certified commercial applicator or when a condition exists under which the certified commercial applicator is no longer provided bond or insurance coverage by the employer. The certified commercial applicator shall then immediately execute **and submit to the director** a surety bond or an insurance policy to cover the financial responsibility requirements of this section and the certified commercial applicator or the applicator's employer shall maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding one thousand dollars; except that, if the bond- or policyholder has not satisfied the requirement of the deductible amount in any prior legal claim, such deductible clause shall not be accepted by the director unless the bond- or policyholder executes and maintains a surety bond or liability insurance which shall satisfy the amount of the deductible as to all claims that may arise in [his or her] **the bond- or policyholder's** application of pesticides.

3. If the surety becomes unsatisfactory, **the commercial applicator license shall expire and become invalid and** the bond- or policyholder shall immediately execute **and submit to the director** a new bond or insurance policy and maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed, and if [he or she] **the bond- or policyholder** fails to do so, the director shall cancel [his or her] **the bond- or policyholder** license, or deny the license of an applicant, and give [him or her] **the bond- or policyholder** notice of cancellation or denial, and it shall be unlawful thereafter for the applicant to engage in the business of using pesticides until the bond or insurance is brought into compliance with the requirements of subsection 1 of this section. If the bond- or policyholder does not execute a new bond or insurance policy within sixty days of expiration of such bond or policy, the licensee shall be required to satisfy all the requirements for licensure as if never before licensed.

4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms

to the rules and regulations of the director.

281.070. 1. The director may investigate the use of any pesticide or claims of damages [which] **that** result from the use of any pesticide.

2. Any person who claims to have been damaged as a result of a pesticide use and who requests an investigation of that damage by the director shall file with the director, on a form provided by the director, a written statement claiming that [he] **the person** has been damaged. Damage statements shall be filed within thirty days after the date the damage is alleged to have occurred, unless a growing crop is alleged to have been damaged. If a growing crop is alleged to have been damaged, the damage statement shall be filed at least two weeks prior to the time that twenty-five percent of that crop has been harvested. The director shall, upon receipt of the statement, notify the person alleged to have caused the damage and the owner or lessee of the land, or other person who may be charged with the responsibility of the damages claimed, and furnish copies of any statements which may be requested. The director shall inspect damages whenever possible and [he] **the director** shall make [his] **the director's** inspection reports available to the person claiming damage and to the person who is alleged to have caused the damage. Where damage is alleged to have occurred, the claimant shall permit the director, the licensee, and [his] **the licensee's** representatives, such as the bondsman or insurer, to observe, within reasonable hours, the lands or nontarget organism alleged to have been damaged.

3. The filing of or the failure to file need not be alleged in any complaint which might be filed in a court of law, and the failure to file a damage claim shall not be considered any bar to the maintenance of any criminal or civil action. The failure to file such a report shall not be a violation of sections 281.010 to 281.115. However, if the person failing to file such report is the only one injured from such use or application of a pesticide by others, the director may, when in the public interest, refuse to hold a hearing for the denial, suspension, or revocation of a license [or permit] issued under sections 281.010 to 281.115 until such report is filed.

4. The director may in the conduct of any investigation or hearing authorized or held by [him] **the director**:

(1) Examine, or cause to be examined, under oath, any person;

(2) Examine, or cause to be examined, books and records of the sale or use of any pesticide directly related to the investigation;

(3) Hear such testimony and take such evidence as will assist [him] **the director** in the discharge of [his] **the director's** duties under [this chapter] **sections 281.010 to 281.115**;

(4) Administer or cause to be administered [oath] **oaths**; and

(5) Issue subpoenas to require the attendance of witnesses and the production of books and records directly related to the investigation.

281.075. [1.] The director may issue a [license or] **pesticide applicator** certification on a reciprocal basis with other states without examination to a nonresident who is licensed [or] **as a certified** [in another state substantially] **applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state. A pesticide applicator certification shall be issued** in accordance with the provisions of sections 281.010 to 281.115; except that, financial responsibility [must] **shall** be filed pursuant to section 281.065. Fees collected shall be the same as for resident licenses or certification.

[2. Any nonresident applying for any license under section 281.035, 281.037, 281.038 or 281.050 to operate in the state of Missouri shall designate in writing the secretary of state as the agent of such nonresident upon whom process may be served as provided by law; except that, any such nonresident who has designated a resident agent upon whom process may be served as provided by law shall not be required to designate the secretary of state as such agent. The secretary of state shall be allowed such fees therefor as provided by law for designating resident agents. The director shall be furnished with a copy of such designation of the secretary of state or of a resident agent, such copy to be certified by the secretary of state.]

281.085. No person shall discard, transport, or store any pesticide or pesticide containers in such a manner **that is inconsistent with label directions or** as to cause injury to humans, vegetation, crops, livestock, wildlife, beneficial insects, or to pollute any waterway. The director may promulgate rules and regulations governing the discarding and storing of such pesticide or pesticide containers. In determining these rules and regulations the director shall take into consideration any regulations issued by the federal Environmental Protection Agency.

281.101. 1. It shall be unlawful for any [individual] **person** to violate any provision of sections 281.010 to 281.115, or any regulation issued thereunder.

2. The following are determined to be unlawful acts:

(1) It shall be unlawful to recommend for use, [to] **cause to use**, use, or [to] supervise the use of any pesticide in a manner inconsistent with its labeling required by labeling requirements of FIFRA, **the** Missouri pesticide use act or **the** Missouri pesticide registration act;

(2) It shall be unlawful for any [individual] **person** to misuse any pesticide;

(3) **It shall be unlawful for any person to use or supervise the use of pesticides that are cancelled or suspended;**

(4) **It shall be 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;**

(5) It shall be unlawful to make any false or misleading statements during the course of an investigation into the sale, distribution, use, or misuse of any pesticide;

[(4)] (6) It shall be unlawful to make any false or misleading statement on any application, form, or document submitted to the director concerning licensing pursuant to sections 281.010 to 281.115 or any regulations issued thereunder;

[(5)] (7) It shall be unlawful to make any false, misleading, or fraudulent statement or claim, through any media, [which] **that** misrepresents the effects of any pesticide, the methods to be utilized in the application of any pesticide, or the qualifications of the person determining the need for the use of any pesticide or using any pesticide;

[(6)] (8) It shall be unlawful to make any false or misleading statement specifying[,] or inferring that a person or [his] **the person's** methods are recommended by any branch of government or that any pesticide work done will be inspected by any branch of government;

[(7)] (9) It shall be unlawful to aid or abet any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder, or to conspire with any

licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder; and

(10) It shall be 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 to aid or abet any person in stealing or attempting to steal examinations or examination materials, cheating on examinations, or evading recertification or retraining requirements.

3. Other acts [which] that are not specified, but [which] that violate sections 281.010 to 281.115 or regulations issued thereunder, shall nevertheless be unlawful.

301.033. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration on a calendar year basis of all farm vehicles, as defined in section 302.700, owned or purchased by a farm vehicle fleet owner registered under this section. The director of revenue shall prescribe the forms for such farm vehicle fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of more than one farm vehicle which is required to be registered under this chapter may, at his or her option, register a fleet of farm vehicles on a calendar year or biennial basis under this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of a fleet of farm vehicles registered under this section.

2. All farm vehicles included in the fleet of a registered farm vehicle fleet owner shall be registered during April of the corresponding year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the farm vehicle fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of the corresponding year, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an application for registration of a farm vehicle fleet shall be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the farm vehicle fleet which are required to be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee, and when licensed on or after January first the fee shall be one-fourth the annual fee. If biennial registration is sought for vehicles added to a farm vehicle fleet, an additional year's annual fee shall be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a farm vehicle fleet purchases or otherwise acquires a farm vehicle which is to be added to the farm vehicle fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The farm vehicle fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred under this subsection.

4. Except as specifically provided in this subsection, all farm vehicles registered under this section shall be issued a special license plate which shall have the words "Farm Fleet Vehicle" and shall meet the requirements prescribed by section 301.130. Farm fleet vehicles shall be issued multiyear license

plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

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

Further amend said bill, Page 92, Section B, Line 2, by inserting after all of said section and line the following:

“Section C. The repeal and reenactment of sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101 of section A of this act and the enactment of section 281.048 of section A of this act shall become effective on January 1, 2024.”; and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 330, Page 78, Section 375.029, Line 25, by inserting after all of said section and line the following:

“376.1575. As used in sections 376.1575 to 376.1580, the following terms shall mean:

(1) “Completed application”, a practitioner’s application to a health carrier that seeks the health carrier’s authorization for the practitioner to provide patient care services as a member of the health carrier’s network and does not omit any information which is clearly required by the application form and the accompanying instructions;

(2) “Credentialing”, a health carrier’s process of assessing and validating the qualifications of a practitioner to provide patient care services and act as a member of the health carrier’s provider network;

(3) “Health carrier”, the same meaning as such term is defined in section 376.1350. **The term “health carrier” shall also include any entity described in subdivision (4) of section 354.700;**

(4) “Practitioner”:

(a) A physician or physician assistant eligible to provide treatment services under chapter 334;

(b) A pharmacist eligible to provide services under chapter 338;

(c) A dentist eligible to provide services under chapter 332;

(d) A chiropractor eligible to provide services under chapter 331;

(e) An optometrist eligible to provide services under chapter 336;

- (f) A podiatrist eligible to provide services under chapter 330;
- (g) A psychologist or licensed clinical social worker eligible to provide services under chapter 337; or
- (h) An advanced practice nurse eligible to provide services under chapter 335.”; and

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

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS#2** for **SB 26**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 226**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1**, **SA 2**, **SA 3**, **SA 4**, **SA 5**, **SA 6**, and **SA 8** to **HB 476** and has taken up and passed **HB 476**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended, for **HCS** for **HB 685** and has taken up and passed **SCS** for **HCS** for **HB 685**, as amended.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 141**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SBs 53** and **60**, as amended, and grants the

Senate a conference thereon.

REPORTS OF STANDING COMMITTEES

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **HJR 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS FOR THIRD READING

HB 604, with **SCS**, introduced by Representative Gregory (51), entitled:

An Act to repeal section 303.220, RSMo, and to enact in lieu thereof two new sections relating to the regulation of insurance.

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

Senator Bernskoetter assumed the Chair.

SCS for **HB 604**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 604

An Act to repeal sections 303.220, 319.131, 375.246, 379.120, and 507.184, RSMo, and to enact in lieu thereof seventeen new sections relating to insurance.

Was taken up.

Senator Crawford moved that **SCS** for **HB 604** be adopted.

Senator White offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 604, Page 41, Section 379.120, Line 24, by inserting after all of said line the following:

“379.140. [In all suits brought upon policies of insurance against loss or damage by fire hereafter issued or renewed, the defendant shall not be permitted to deny that the property insured thereby was worth at the time of the issuing of the policy the full amount insured therein on said property; and in case of total loss of the property insured, the measure of damage shall be the amount for which the same was insured, less whatever depreciation in value, below the amount for which the property is insured, the property may have sustained between the time of issuing the policy and the time of the loss, and the burden of proving such depreciation shall be upon the defendant; and in case of partial loss, the measure of damage shall be that portion of the value of the whole property insured, ascertained in the manner prescribed in this chapter, which the part injured or destroyed bears to the whole property insured.] **1. When real property incurs a total loss caused by a peril covered under an insurance policy and such total loss is a covered loss under the insurance policy, then the liability of the insurance company writing the policy shall be the amount of money for which the real property was insured, less any deductible, as specified in the policy.**

2. This section shall not apply to:

- (1) Any partial loss;**
- (2) Any personal property that is not scheduled;**
- (3) Any detached or appurtenant structure;**
- (4) Any builder’s risk policy;**
- (5) Any policy of mortgage insurance;**
- (6) Two or more buildings insured under a blanket basis or limit of insurance;**
- (7) Any loss in which the insured or one acting on the insured’s behalf engaged in any fraudulent or criminal activity that contributed to the loss;**
- (8) Any loss to property if the insured increased the risk of loss insured against within sixty days of the date of the loss without the consent of the insurer and the increase in the risk of loss was a cause of the loss;**
- (9) Any replacement cost coverage provided for in a policy or by endorsement, except that this section shall not be construed to prohibit an insured from recovering any replacement cost coverage pursuant to the terms and conditions of a policy or endorsement; or**
- (10) Any loss that is covered by two or more policies.**

3. If two or more policies provide coverage for a total loss of real property caused by a peril, then the insureds may recover the face amount of the policy with the highest limit of coverage, and each policy shall contribute to the payment of the loss in proportion to the amount of insurance mentioned in each policy.

4. For a total loss to a commercial building that is insured on a blanket basis for a stated amount that covers two or more commercial buildings, the settlement of the claim shall be based on the initial value assigned to each affected commercial building before the loss, with any balance remaining being settled according to the terms and conditions of the policy.

379.150. [Whenever there is a partial destruction or damage to property covered by insurance, it shall be the duty of the party writing the policies to pay the assured a sum of money equal to the damage done to the property, or repair the same to the extent of such damage, not exceeding the amount written in the policy, so that said property shall be in as good condition as before the fire, at the option of the insured.] **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 the following language which shall be considered part of the standard fire insurance policy for Missouri under the provisions of section 379.160: “It shall be optional with the company to settle the loss at the actual cash value or to repair, rebuild or replace the property destroyed or damaged with other of like kind or quality within a reasonable time, on giving notice of its intention within thirty days or after the receipt of the proof of loss herein required.” However, if any fire policy provides coverage for a partial loss caused by fire, in a policy form determined and approved by the director to be at least as favorable to the insured as the standard fire insurance policy for Missouri, then the insurer issuing the policy shall adjust the loss in accordance with the policy form. Notwithstanding any administrative rule to the contrary, nothing in this section shall be construed to create a general contractor relationship by the company**

to the insured.

379.160. 1. Each fire insurance company doing business in the state of Missouri is hereby required to file the form of policy for use by it in the state of Missouri, covering the responsibilities of the companies as well as the duties of the assured, to be classed and known as the standard fire insurance policy. Said policy form may be approved by the director of the department of commerce and insurance of the state, and no policy shall be issued in this state carrying risks by fire or lightning by any company which does not embrace the form filed and approved of, as herein provided. There may be printed upon such policy the words "Standard Fire Insurance Policy for Missouri" and there may be inserted before and after the word "Missouri" a designation of any state or states or territory in which such form is standard.

2. All such policies shall have an address of the company in the United States fully printed thereon, to which, in case of loss, the assured may send notice of such loss, and to which notice shall be given within sixty days after the loss.

3. The appearance of an adjuster of any company at the place of fire and loss in which said company is interested by reason of an insurance on such property, shall be considered evidence of notice and to be held as a waiver of the same on the part of the company; provided, that on any policies issued upon property, real or personal, or real and personal, there may be attached a coinsurance clause; and provided further, that when a coinsurance clause is attached to any policy a reduction in rate shall be given therefor, in accordance with coinsurance credits that are now or may hereafter be filed as a part of the public rating record in the office of the director of the department of commerce and insurance in this state, by fire insurance companies, that have been or shall hereafter be approved by the director of the department of commerce and insurance; provided further, that in all suits brought upon policies of insurance against loss or damage by fire hereafter issued or renewed, the defendant shall not be permitted to deny that the **real** property insured thereby was worth at the time of the issuing of the policy the full amount insured therein on said **real** property [covering both real and personal property]; and provided further, that nothing in this section shall be construed to repeal or change the provisions of section 379.140."; and

Further amend said bill, page 59, section 507.184, line 34, by inserting after all of said line the following:

"[379.145. 1. When fire insurance policies shall be hereafter issued or renewed by more than one company upon the same property, and suit shall be brought upon any of said policies, the defendant shall not be permitted to deny that the property insured was worth the aggregate of the several amounts for which it was insured at the time the policy was issued or renewed thereon, unless willful fraud or misrepresentation is shown on part of the insured in obtaining such additional insurance; and in such suit the measure of damage shall be as provided in section 379.140; provided, that whatever depreciation in value below the amount for which the property is insured may be shown, as provided in section 379.140, shall be deducted from the amount insured in each policy, in the proportion which the amount in each such policy bears to the aggregate of all the amounts so insured on such property.

2. This and section 379.140 shall apply only to real property insured.

3. Any condition in any policy of insurance contrary to the provisions of this chapter shall be illegal and void.]"

Further amend the title and enacting clause accordingly.

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

Senator Wieland offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 604, Page 1, Section A, Line 6, by inserting after all of said line the following:

“287.170. 1. For temporary total disability the employer shall pay compensation for not more than four hundred weeks during the continuance of such disability at the weekly rate of compensation in effect under this section on the date of the injury for which compensation is being made. The amount of such compensation shall be computed as follows:

(1) For all injuries occurring on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee’s average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(2) For all injuries occurring on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee’s average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee’s average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(4) For all injuries occurring on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee’s average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred five percent of the state average weekly wage;

(5) For all injuries occurring on or after September 28, 1981, the weekly compensation shall in no event be less than forty dollars per week.

2. Temporary total disability payments shall be made to the claimant by check or other negotiable [instruments approved by the director which will not result in delay in payment] **instrument, or by electronic transfer or other manner authorized by the claimant**, and shall be forwarded directly to the claimant without intervention, or, when requested, to claimant’s attorney if represented, except as provided in section 454.517, by any other party except by order of the division of workers’ compensation.

3. An employee is disqualified from receiving temporary total disability during any period of time in which the claimant applies and receives unemployment compensation.

4. If the employee is terminated from post-injury employment based upon the employee’s post-injury misconduct, neither temporary total disability nor temporary partial disability benefits under this section or section 287.180 are payable. As used in this section, the phrase “post-injury misconduct” shall not include absence from the workplace due to an injury unless the employee is capable of working with

restrictions, as certified by a physician.

5. If an employee voluntarily separates from employment with an employer at a time when the employer had work available for the employee that was in compliance with any medical restriction imposed upon the employee within a reasonable degree of medical certainty as a result of the injury that is the subject of a claim for benefits under this chapter, neither temporary total disability nor temporary partial disability benefits available under this section or section 287.180 shall be payable.

287.180. 1. For temporary partial disability, compensation shall be paid during such disability but not for more than one hundred weeks, and shall be sixty-six and two-thirds percent of the difference between the average earnings prior to the accident and the amount which the employee, in the exercise of reasonable diligence, will be able to earn during the disability, to be determined in view of the nature and extent of the injury and the ability of the employee to compete in an open labor market. The amount of such compensation shall be computed as follows:

(1) For all injuries occurring on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wages are determined by the division of employment security, as of the July first immediately preceding the date of injury;

(2) For all injuries occurring on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury;

(3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(4) For all injuries occurring on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this subdivision shall not exceed an amount equal to one hundred five percent of the state average weekly wage.

2. Temporary partial disability payments shall be made to the claimant by check, or other negotiable instrument [approved by the director which will not result in delay in payment], **or by electronic transfer or other manner authorized by the claimant.**

287.715. 1. For the purpose of providing for revenue for the second injury fund, every authorized self-insurer, and every workers' compensation policyholder insured pursuant to the provisions of this chapter, shall be liable for payment of an annual surcharge in accordance with the provisions of this section. The annual surcharge imposed under this section shall apply to all workers' compensation insurance policies and self-insurance coverages which are written or renewed on or after April 26, 1988, including the state of Missouri, including any of its departments, divisions, agencies, commissions, and boards or any political subdivisions of the state who self-insure or hold themselves out to be any part self-insured. Notwithstanding

any law to the contrary, the surcharge imposed pursuant to this section shall not apply to any reinsurance or retrocessional transaction.

2. Beginning October 31, 2005, and each year thereafter, the director of the division of workers' compensation shall estimate the amount of benefits payable from the second injury fund during the following calendar year and shall calculate the total amount of the annual surcharge to be imposed during the following calendar year upon all workers' compensation policyholders and authorized self-insurers. The amount of the annual surcharge percentage to be imposed upon each policyholder and self-insured for the following calendar year commencing with the calendar year beginning on January 1, 2006, shall be set at and calculated against a percentage, 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, that shall generate, as nearly as possible, one hundred ten percent of the moneys to be paid from the second injury fund in the following calendar year, less any moneys contained in the fund at the end of the previous calendar year. All policyholders and self-insurers shall be notified by the division of workers' compensation within ten calendar days of the determination of the surcharge percent to be imposed for, and paid in, the following calendar year. The net premium equivalent for individual self-insured employers shall be based on average rate classifications calculated by the department of commerce and insurance as taken from premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. For employers qualified to self-insure their liability pursuant to this chapter, the rates filed by such group of employers in accordance with subsection 4 of section 287.280 shall be the net premium equivalent. Any group of political subdivisions of this state qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 may choose either the average rate classification method or the filed rate method, provided that the method used may only be changed once without receiving the consent of the director of the division of workers' compensation. The director may advance funds from the workers' compensation fund to the second injury fund if surcharge collections prove to be insufficient. Any funds advanced from the workers' compensation fund to the second injury fund must be reimbursed by the second injury fund no later than December thirty-first of the year following the advance. The surcharge shall be collected from policyholders by each insurer at the same time and in the same manner that the premium is collected, but no insurer or its agent shall be entitled to any portion of the surcharge as a fee or commission for its collection. The surcharge is not subject to any taxes, licenses or fees.

3. All surcharge amounts imposed by this section shall be deposited to the credit of the second injury fund.

4. Such surcharge amounts shall be paid quarterly by insurers and self-insurers, and insurers shall pay the amounts not later than the thirtieth day of the month following the end of the quarter in which the amount is received from policyholders. If the director of the division of workers' compensation fails to calculate the surcharge by the thirty-first day of October of any year for the following year, any increase in the surcharge ultimately set by the director shall not be effective for any calendar quarter beginning less than sixty days from the date the director makes such determination.

5. If a policyholder or self-insured fails to make payment of the surcharge or an insurer fails to make timely transfer to the division of surcharges actually collected from policyholders, as required by this section, a penalty of one-half of one percent of the surcharge unpaid, or untransferred, shall be assessed against the liable policyholder, self-insured or insurer. Penalties assessed under this subsection shall be collected in a civil action by a summary proceeding brought by the director of the division of workers'

compensation.

6. Notwithstanding subsection 2 of this section to the contrary, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed three percent for calendar years 2014 to [2021] **2022** 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. **For calendar year 2023, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed two and one-half 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.** All policyholders and self-insurers shall be notified by the division of the supplemental surcharge percentage to be imposed for such period of time as part of the notice provided in subsection 2 of this section. The provisions of this subsection shall expire on December 31, [2021] **2023**.

7. Funds collected under the provisions of this chapter shall be the sole funding source of the second injury fund.”; and

Further amend the title and enacting clause accordingly.

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

Senator Eigel offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 604, Page 1, Section A, Line 6, by inserting after all of said line the following:

“135.096. 1. In order to promote personal financial responsibility for long-term health care in this state, [for all taxable years beginning after December 31, 1999, a resident individual may deduct from such individual's Missouri taxable income an amount equal to fifty percent of all nonreimbursed amounts paid by such individual for qualified long-term care insurance premiums to the extent such amounts are not included the individual's itemized deductions.] for all taxable years beginning after December 31, [2006] **2020**, a resident individual may deduct from each individual's Missouri taxable income an amount equal to one hundred percent of all nonreimbursed amounts paid by such individuals for qualified long-term care insurance premiums to the extent such amounts are not included in the individual's itemized deductions. A married individual filing a Missouri income tax return separately from his or her spouse shall be allowed to make a deduction pursuant to this section in an amount equal to the proportion of such individual's payment of all qualified long-term care insurance premiums. The director of the department of revenue shall place a line on all Missouri individual income tax returns for the deduction created by this section.

2. For purposes of this section, “qualified long-term care insurance” means any **insurance** policy which meets or exceeds the provisions of sections 376.1100 to 376.1118 and the rules and regulations promulgated pursuant to such sections for long-term care insurance, **or any insurance policy considered an asset or resource for purposes of eligibility for long-term care benefits under MO HealthNet.**

3. Notwithstanding any other provision of law to the contrary, two or more insurers issuing a qualified long-term care insurance policy shall not act in concert with each other and with others with respect to any matters pertaining to the making of rates or rating systems.”; and

Further amend said bill, page 39, section 375.246, line 915, by inserting after all of said line the following:

“376.1109. 1. The director may adopt regulations that include standards for full and fair disclosure setting forth the manner, content and required disclosures for the sale of long-term care insurance policies, terms of renewability, initial and subsequent conditions of eligibility, nonduplication of coverage provisions, coverage of dependents, preexisting conditions, termination of insurance, continuation or conversion, probationary periods, limitations, exceptions, reductions, elimination periods, requirements for replacement, recurrent conditions and definitions of terms. Regulations adopted pursuant to sections 376.1100 to 376.1130 shall be in accordance with the provisions of chapter 536.

2. No long-term care insurance policy may:

(1) Be cancelled, nonrenewed or otherwise terminated on the grounds of the age or the deterioration of the mental or physical health of the insured individual or certificate holder; or

(2) Contain a provision establishing a new waiting period in the event existing coverage is converted to or replaced by a new or other form within the same company, except with respect to an increase in benefits voluntarily selected by the insured individual or group policyholder; or

(3) Provide coverage for skilled nursing care only or provide significantly more coverage for skilled care in a facility than for lower levels of care.

3. No long-term care insurance policy or certificate other than a policy or certificate thereunder issued to a group as defined in paragraph (a) of subdivision (4) of subsection 2 of section 376.1100:

(1) Shall use a definition of preexisting condition which is more restrictive than the following: “Preexisting condition” means a condition for which medical advice or treatment was recommended by, or received from, a provider of health care services, within six months preceding the effective date of coverage of an insured person;

(2) May exclude coverage for a loss or confinement which is the result of a preexisting condition unless such loss or confinement begins within six months following the effective date of coverage of an insured person.

4. The director may extend the limitation periods set forth in subdivisions (1) and (2) of subsection 3 of this section as to specific age group categories in specific policy forms upon findings that the extension is in the best interest of the public.

5. The definition of preexisting condition provided in subsection 3 of this section does not prohibit an insurer from using an application form designed to elicit the complete health history of an applicant, and, on the basis of the answers on that application, from underwriting in accordance with that insurer’s established underwriting standards. Unless otherwise provided in the policy or certificate, a preexisting condition, regardless of whether it is disclosed on the application, need not be covered until the waiting period described in subdivision (2) of subsection 3 of this section expires. No long-term care insurance policy or certificate may exclude or use waivers or riders of any kind to exclude, limit or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions beyond the waiting period described in subdivision (2) of subsection 3 of this section.

6. No long-term care insurance policy may be delivered or issued for delivery in this state if such policy:

(1) Conditions eligibility for any benefits on a prior hospitalization requirement; or

(2) Conditions eligibility for benefits provided in an institutional care setting on the receipt of a higher level of institutional care; or

(3) Conditions eligibility for any benefits other than waiver of premium, post-confinement, post-acute care or recuperative benefits on a prior institutionalization requirement.

7. A long-term care insurance policy containing post-confinement, post-acute care or recuperative benefits shall clearly label in a separate paragraph of the policy or certificate entitled "Limitations or Conditions on Eligibility for Benefits" such limitations or conditions, including any required number of days of confinement.

8. A long-term care insurance policy or rider which conditions eligibility of noninstitutional benefits on the prior receipt of institutional care shall not require a prior institutional stay of more than thirty days.

9. No long-term care insurance policy or rider which provides benefits only following institutionalization shall condition such benefits upon admission to a facility for the same or related conditions within a period of less than thirty days after discharge from the institution.

10. The director may adopt regulations establishing loss ratio standards for long-term care insurance policies provided that a specific reference to long-term care insurance policies is contained in the regulation.

11. Long-term care insurance applicants shall have the right to return the policy or certificate within thirty days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the applicant is not satisfied for any reason. Long-term care insurance policies and certificates shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within thirty days of its delivery and to have the premium refunded if, after examination of the policy or certificate, other than a certificate issued pursuant to a policy issued to a group defined in paragraph (a) of subdivision (4) of subsection 2 of section 376.1100, the applicant is not satisfied for any reason. This subsection shall also apply to denials of applications and any refund must be made within thirty days of the return or denial.

12. (1) If a long-term care insurance policy issued, delivered, or renewed in this state on or after January 1, 2011, is cancelled for any reason, the insurer shall refund the unearned portion of any premium paid beyond the month in which the cancellation is effective. Any refund shall be returned to the policyholder within twenty days from the date the insurer receives notice of the cancellation. Long-term care insurance policies and certificates shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall be entitled to a refund of the unearned premium if the policy is cancelled for any reason.

(2) The policyholder may notify the insurer of cancellation of such long-term care insurance policy at any time by sending written or electronic notification.

13. 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.”; and

Further amend the title and enacting clause accordingly.

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

Senator Razer offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 604, Page 39, Section 375.246, Line 915, by

inserting after all of said line the following:

“376.1551. 1. As used in this section, the following terms mean:

- (1) “Health benefit plan”, the same meaning given to the term in section 376.1350;**
- (2) “Health carrier”, the same meaning given to the term in section 376.1350;**
- (3) “Mental health condition”, the same meaning given to the term in section 376.1550.**

2. Notwithstanding any other provision of law to the contrary, 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 provide coverage for a mental health condition shall meet the requirements of the Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C. Section 300gg-26, as amended, and the regulations promulgated thereunder. The director may enforce such requirements subject to the provisions of this section.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of twelve months’ or less duration, or any other supplemental policy as determined by the director of the department of commerce and insurance.

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

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted.

Pursuant to Senate Rule 91, Senator Luetkemeyer excused himself from voting on the 3rd reading of SCS for **HB 604**.

Senator Razer offered **SSA 1** for **SA 4**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 4**

Amend Senate Committee Substitute for House Bill No. 604, Page 39, Section 375.246, Line 915, by inserting after all of said line the following:

“376.1551. 1. As used in this section, the following terms mean:

- (1) “Health benefit plan”, the same meaning given to the term in section 376.1350;**
- (2) “Health carrier”, the same meaning given to the term in section 376.1350;**
- (3) “Mental health condition”, the same meaning given to the term in section 376.1550.**

2. Notwithstanding any other provision of law to the contrary, 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 provide coverage for a mental health condition shall meet the requirements of the Mental Health Parity and Addiction Equity Act of 2008, 42 U.S.C. Section 300gg-26, as amended, and the regulations promulgated thereunder. The director may enforce such requirements subject to the provisions of this section.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of twelve months' or less duration, a health benefit plan in the small group market that was issued before January 1, 2014, or a health benefit plan in the individual market that was purchased before January 1, 2014, or any other supplemental policy as determined by the director of the department of commerce and insurance.

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

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above substitute amendment be adopted, which motion prevailed, rendering SA 4 moot.

Senator Crawford moved that SCS for **HB 604**, as amended, be adopted, which motion prevailed.

Senator Crawford moved that SCS for **HB 604**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred SCS for **HB 604**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **HCS for SS for SCS for SBs 53 and 60**, as amended: Senators Luetkemeyer, Onder, White, Rizzo and Williams.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **HCS for SB 226**, as amended: Senators Koenig, O’Laughlin, Eigel, Arthur and Roberts.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **HCS for SS No. 2 for SB 26**, as amended: Senators Eigel, Hoskins, Brattin, Williams and Roberts.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 303**, entitled:

An Act to repeal sections 287.120, 287.170, 287.180, 287.220, 287.280, and 287.480, RSMo, and to enact in lieu thereof six new sections relating to workers' compensation.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 303, Page 14, Section 287.480, Line 30, by inserting after all of said section and line the following:

“287.715. 1. For the purpose of providing for revenue for the second injury fund, every authorized self-insurer, and every workers' compensation policyholder insured pursuant to the provisions of this chapter, shall be liable for payment of an annual surcharge in accordance with the provisions of this section. The annual surcharge imposed under this section shall apply to all workers' compensation insurance policies and self-insurance coverages which are written or renewed on or after April 26, 1988, including the state of Missouri, including any of its departments, divisions, agencies, commissions, and boards or any political subdivisions of the state who self-insure or hold themselves out to be any part self-insured. Notwithstanding any law to the contrary, the surcharge imposed pursuant to this section shall not apply to any reinsurance or retrocessional transaction.

2. Beginning October 31, 2005, and each year thereafter, the director of the division of workers' compensation shall estimate the amount of benefits payable from the second injury fund during the following calendar year and shall calculate the total amount of the annual surcharge to be imposed during the following calendar year upon all workers' compensation policyholders and authorized self-insurers. The amount of the annual surcharge percentage to be imposed upon each policyholder and self-insured for the following calendar year commencing with the calendar year beginning on January 1, 2006, shall be set at and calculated against a percentage, 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, that shall generate, as nearly as possible, one hundred ten percent of the moneys to be paid from the second injury fund in the following calendar year, less any moneys contained in the fund at the end of the previous calendar year. All policyholders and self-insurers shall be notified by the division of workers' compensation within ten calendar days of the determination of the surcharge percent to be imposed for, and paid in, the following calendar year. The net premium equivalent for individual self-insured employers shall be based on average rate classifications calculated by the department of commerce and insurance as taken from premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. For employers qualified to self-insure their liability pursuant to this chapter, the rates filed by such group of employers in accordance with subsection 4 of section 287.280 shall be the net premium equivalent. Any group of political subdivisions of this state qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 may choose either the average rate classification method or the filed rate method, provided that the method used may only be changed once without receiving the consent of the director of the division of workers' compensation. The director may advance funds from the workers' compensation fund to the second injury fund if surcharge collections prove to be insufficient. Any funds advanced from the workers' compensation fund to the second injury fund must be reimbursed by the second injury fund no later than December thirty-first of the year following the advance. The surcharge shall be collected from policyholders by each insurer at the same time and in the same manner that the premium is

collected, but no insurer or its agent shall be entitled to any portion of the surcharge as a fee or commission for its collection. The surcharge is not subject to any taxes, licenses or fees.

3. All surcharge amounts imposed by this section shall be deposited to the credit of the second injury fund.

4. Such surcharge amounts shall be paid quarterly by insurers and self-insurers, and insurers shall pay the amounts not later than the thirtieth day of the month following the end of the quarter in which the amount is received from policyholders. If the director of the division of workers' compensation fails to calculate the surcharge by the thirty-first day of October of any year for the following year, any increase in the surcharge ultimately set by the director shall not be effective for any calendar quarter beginning less than sixty days from the date the director makes such determination.

5. If a policyholder or self-insured fails to make payment of the surcharge or an insurer fails to make timely transfer to the division of surcharges actually collected from policyholders, as required by this section, a penalty of one-half of one percent of the surcharge unpaid, or untransferred, shall be assessed against the liable policyholder, self-insured or insurer. Penalties assessed under this subsection shall be collected in a civil action by a summary proceeding brought by the director of the division of workers' compensation.

6. Notwithstanding subsection 2 of this section to the contrary, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed three percent for calendar years 2014 to [2021] **2022** 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. **For calendar year 2023, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed two and one-half 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.** All policyholders and self-insurers shall be notified by the division of the supplemental surcharge percentage to be imposed for such period of time as part of the notice provided in subsection 2 of this section. The provisions of this subsection shall expire on December 31, [2021] **2023**.

7. Funds collected under the provisions of this chapter shall be the sole funding source of the second injury fund.”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 303, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“162.012. 1. For purposes of this section, the following terms mean:

(1) “School-sponsored activity”, any activity sponsored by a school including, but not limited to, participation in a work-based learning program in which training or work activities are conducted at the premises of or under the direction of an employer participating in the program;

(2) “Work-based learning program”, the same meaning given to the term in section 170.038.

2. The school board of any school district may purchase insurance contracts to insure against loss, damages, or expenses incident to a claim arising out of the sickness, bodily injury, or death by

accident of any student injured on school premises or during school-sponsored activities. For purposes of this subsection, travel to and from any work-based learning program shall constitute a school-sponsored activity.

3. The school board of any school district may purchase insurance contracts for the benefit of students to insure against loss resulting from the loss of, theft of, or damage to the personal property of students while on school premises or during school-sponsored activities.

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

(1) “Secondary education”, education of students who attend secondary schools;

(2) “Secondary school”, a public school giving instruction in a grade or grades not lower than the sixth nor higher than the twelfth grade;

(3) “Work-based learning program”, a learning program in a secondary education curriculum that:

(a) Includes, but is not limited to, work study, on-the-job training, job shadowing, internships, clinicals, practicums, cooperative projects, and industry-led service-learning projects;

(b) Is incorporated into coursework or related to a specific field of study; and

(c) Integrates knowledge and theory learned in the classroom with the practical application and development of technical skills and proficiencies in a professional work setting.

2. An employer who accepts a secondary school student in a work-based learning program shall not be subject to civil liability for any claim arising from the student’s negligent act or omission.

3. Nothing in this section shall provide immunity for gross negligence or willful misconduct.”; and

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON THIRD READING

Senator Hoskins moved that **HCS for HB 529**, with **SCS** and **SS for SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for SCS for HCS for HB 529 was again taken up.

Senator Hoskins moved that **SS for SCS for HCS for HB 529**, as amended, be adopted, which motion prevailed.

Senator Hoskins moved that **SS for SCS for HCS for HB 529**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS for SCS for HCS for HB 529**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

HCS for HB 349, entitled:

An Act to amend chapters 135 and 166, RSMo, by adding thereto ten new sections relating to educational scholarships, with penalty provisions.

Was taken up by Senator Koenig.

On motion of Senator Koenig, **HCS for HB 349** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Eigel
Hegeman	Hoskins	Koenig	Luetkemeyer	Moon	O’Laughlin	Onder
Rehder	Riddle	Rowden	Schatz	White	Wieland—20	

NAYS—Senators

Arthur	Beck	Crawford	Eslinger	Hough	May	Mosley
Razer	Rizzo	Roberts	Schupp	Washington	Williams—13	

Absent—Senators—None

Absent with leave—Senator Gannon—1

Vacancies—None

The President declared the bill passed.

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

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

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

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 371, regarding Melanie Kay Skelton, California, which was adopted.

Senator Schatz offered Senate Resolution No. 372, regarding Cameron Tedrick, which was adopted.

Senator Schatz offered Senate Resolution No. 373, regarding Kaitlynn VanDeWiele, which was adopted.

Senator Schatz offered Senate Resolution No. 374, regarding Angel Ramos, which was adopted.

Senator Schatz offered Senate Resolution No. 375, regarding J. J. Hawkins, which was adopted.

Senator Schatz offered Senate Resolution No. 376, regarding Jennifer Hawkins, which was adopted.

Senator Schatz offered Senate Resolution No. 377, regarding Joshua Hawkins, which was adopted.

Senator Riddle offered Senate Resolution No. 378, regarding Kimberly Crouch, Fulton, which was adopted.

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

SENATE CALENDAR

SIXTY-THIRD DAY—FRIDAY, MAY 7, 2021

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 263-Crawford, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HCS for HJR 20, 2, 9 & 27 (Onder) | 22. HCS for HB 228, with SCS (O'Laughlin) |
| 2. HCS for HB 384, with SCS (Wieland) | 23. HCS for HB 369 (Bernskoetter) |
| 3. HCS for HBs 85 & 310, with SCS (Burlison) | 24. HCS for HJR 23 & 38 (Eslinger) |
| 4. HB 670-Houx (Moon) | 25. HB 554-Eggleston, with SCS (Koenig)
(In Fiscal Oversight) |
| 5. HB 488-Hicks, with SCS (Burlison) | 26. HCS for HB 649, with SCS (Bernskoetter) |
| 6. HCS#2 for HB 69, with SCS (Bean) | 27. HCS for HB 350 (Rehder) |
| 7. HCS for HBs 557 & 560 (White) | 28. HCS for HB 402 (Mosley) |
| 8. HB 578-Bromley, with SCS (Brown) | 29. HB 834-Wright (O'Laughlin)
(In Fiscal Oversight) |
| 9. HB 687-Riley (Hough) | 30. HB 585-Houx, with HCS (Brown) |
| 10. HB 661-Ruth (Brown) | 31. HCS for HB 334 (Schatz) |
| 11. HB 530 & HCS for HB 292, with SCS
(Luetkemeyer) | 32. HCS for HB 242, with SCS (Burlison) |
| 12. HS for HB 297 (Rehder) | 33. HCS for HB 508, with SCS (Bernskoetter) |
| 13. HB 624-Richey (Arthur) | 34. HCS for HB 162, with SCS (Hough) |
| 14. HCS for HB 17 (Hegeman) | 35. HCS for HBs 1123 & 1221 (Koenig) |
| 15. HCS for HB 734, with SCS (Cierpiot) | 36. HB 352-Henderson, with SCS (Brown) |
| 16. HCS for HB 66 (Koenig) | 37. HB 911-Hill (Onder) |
| 17. HB 701-Black (Onder) | 38. HCS for HB 320, with SCS (Cierpiot) |
| 18. HB 139-Hudson (Burlison) | 39. HCS for HB 825, with SCS |
| 19. HB 299-Wallingford, with SCS (Eigel) | 40. HCS for HB 1242, with SCS (Luetkemeyer) |
| 20. HS for HB 432, with SCS (White) | 41. HJR 6-Schnelting, with SCS (Eigel) |
| 21. HCS for HB 137, with SCS (Luetkemeyer) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Hegeman, with SS#2 & SA 1 (pending)

SB 3-Hegeman

- SB 7-Riddle, with SS & SA 1 (pending)
 SB 10-Schatz, with SS (pending)
 SB 11-Schatz, with SS & SA 1 (pending)
 SB 24-Eigel, with SS#2 (pending)
 SB 30-Cierpiot
 SB 39-Burlison, with SS (pending)
 SB 47-Hough
 SB 54-O'Laughlin, with SCS
 SBs 55, 23 & 25-O'Laughlin, et al, with SCS & SS for SCS (pending)
 SB 62-Williams, with SCS
 SB 65-Rehder, with SCS
 SB 74-Bean, with SCS
 SB 92-Riddle, with SCS
 SB 94-Onder with SS, SA1 to SS & SA 1 to SA 1 (pending)
 SB 95-Onder, with SCS
 SB 96-Hoskins, with SCS
 SB 98-Hoskins, with SCS (pending)
 SB 100-Koenig, with SCS
 SB 105-Crawford, with SCS
 SB 114-Bernskoetter
 SB 123-Hough, with SS & SA 2 (pending)
 SB 131-Luetkemeyer
 SB 132-O'Laughlin, with SCS
 SB 134-O'Laughlin and Cierpiot
 SB 137-Brattin
 SB 138-Brattin, with SCS
 SB 139-Bean
 SB 149-Onder
 SB 163-Cierpiot
 SB 168-Burlison
 SB 169-Burlison
 SB 174-Hough, with SCS
 SB 179-Luetkemeyer
 SB 182-O'Laughlin
 SB 183-O'Laughlin
 SB 184-Bean, with SCS
 SB 195-Koenig
 SB 198-Eigel, with SCS
 SB 204-Cierpiot, with SCS
 SB 206-Arthur
 SB 218-Luetkemeyer, with SCS
 SB 227-Arthur
 SB 236-Hough, with SCS
 SB 244-Onder
 SB 253-Hegeman
 SB 254-Riddle, with SCS, SS for SCS & SA 2 (pending)
 SB 255-Riddle
 SB 265-Eslinger
 SB 282-Hegeman, with SCS
 SB 287-Crawford
 SB 291-Brown
 SB 295-Crawford, with SCS
 SB 301-Bernskoetter, with SCS & SA 1 (pending)
 SB 306-Bernskoetter, with SCS
 SB 313-Eigel
 SB 316-Hough
 SB 318-May, with SCS
 SB 334-Bernskoetter
 SB 343-Brown
 SB 354-Hoskins, with SCS, SS for SCS, SA 1 & point of order (pending)
 SB 360-Wieland, with SCS
 SB 361-Wieland
 SB 369-White
 SB 370-Brown
 SB 372-Riddle
 SB 375-Eigel
 SB 383-Moon
 SB 390-Luetkemeyer
 SB 399-Eigel
 SB 400-Onder, with SCS
 SB 404-Riddle
 SB 408-Wieland
 SB 434-Washington
 SB 437-Hoskins

SB 459-Brattin, with SCS
SB 465-Hoskins, with SCS
SB 466-Hoskins, with SCS
SB 473-Brown
SB 481-Hough, et al
SB 506-Bean
SB 529-Cierpiot
SB 547-Hoskins, with SCS
SB 561-Gannon

SB 562-Schupp
SB 577-Riddle, with SCS
SB 582-Eslinger
SB 604-Koenig, with SCS
SJR 2-Onder, with SCS
SJR 4-Koenig
SJR 7-Eigel
SJR 12-Luetkemeyer
SJR 16-Eslinger

HOUSE BILLS ON THIRD READING

HCS for HB 59, with SCS, SS for SCS, SA 1 &
SA 2 to SA 1 (pending) (Luetkemeyer)
HCS#2 for HB 75 (Onder)
HB 249-Ruth (Wieland)
HB 333-Simmons (Onder)
SS for SCS for HCS for HB 529 (Hoskins)
(In Fiscal Oversight)
SS for HB 542-Shields (Burlison)
(In Fiscal Oversight)

SCS for HB 604-Gregory (51), (Crawford)
(In Fiscal Oversight)
HB 657-Trent, with SCS (Hough)
HB 850-Wiemann (Eigel)
HB 948-Francis, with SCS (Hoskins)
HCS for HBs 1083, 1085, 1050, 1035, 1036, 873
& 1097, with SS & SA 1 (pending)
(Bernskoetter)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 100-Sharp (36) (Washington)
HB 202-McGill (Gannon)
HB 404-Aldridge (May)
HB 449-Tate (Gannon)
HB 522-Windham (Williams)

HB 640-Morse (Bean)
HB 1053-Patterson (Onder)
HB 296-Wallingford (White)
HB 298-Wallingford (White)
HB 262-Black (137) (Eslinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 303-Gannon, with HCS, as amended

SB 330-Burlison, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES
In Conference

SS#2 for SB 26-Eigel, with HCS, as amended	HCS for HB 7, with SCS (Hegeman)
SB 37-Bernskoetter, with HA 1, HA 2, HA 3, HA 4, HA 5 & HA 6	HCS for HB 8, with SCS (Hegeman)
SS for SCS for SBs 53 & 60-Luetkemeyer, with HCS, as amended	HCS for HB 9, with SCS (Hegeman)
SS for SB 141-Bean, with HCS, as amended	HCS for HB 10, with SS for SCS (Hegeman)
SB 226-Koenig, with HCS, as amended	HCS for HB 11, with SS for SCS (Hegeman)
HCS for HB 2, with SS for SCS (Hegeman)	HCS for HB 12, with SCS (Hegeman)
HCS for HB 3, with SS for SCS (Hegeman)	HCS for HB 15, with SCS (Hegeman)
HCS for HB 4, with SS for SCS (Hegeman)	HCS for HB 271, with SS#2 for SCS, as amended (Crawford)
HCS for HB 5, with SCS (Hegeman)	HB 273-Hannegan, with SS#2 for SCS, as amended (Riddle)
HCS for HB 6, with SCS (Hegeman)	

RESOLUTIONS

Reported from Committee

SCR 8-Hoskins

SCR 9-Moon, with SA 1 (pending)

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