

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SEVENTH DAY—THURSDAY, MAY 13, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“It is not how much you do, but how much love you put into the doing that matters.” (Mother Teresa)

Merciful God, we pray in these closing days of this session that we may be known for who we are and not what we are against. We pray that You will guide our steps that lead us to an openness that contains our love for what we do and the people with whom we serve. And so, we ask that You would grant us patience and love that is willing to protect the reputation of others as we seek to do what we must with one another. 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.

Photographers from St. Louis Public Radio and TheCenterSquare.com 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	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Rehder	Riddle	Rizzo	Roberts	Rowden
Schatz	Schupp	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schupp offered Senate Resolution No. 394, regarding Galen Gilmore, which was adopted.

Senator Rehder offered Senate Resolution No. 395, regarding Scott A. Meyer, Cape Girardeau, which was adopted.

Senator Riddle offered Senate Resolution No. 396, regarding Gary Leifert, Troy, which was adopted.

PRIVILEGED MOTIONS

Senator Koenig moved that the conferees on **SS** for **SCS** for **SBs 153 and 97**, with **HCS**, as amended, be allowed to exceed the differences in sections 67.1461, 99.847, 137.115 and 144.080, which motion prevailed.

Senator Riddle, on behalf of the conference committee appointed to act with a like committee from the House on **SB 9**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 9

The Conference Committee appointed on Senate Bill No. 9 with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment Nos. 3 and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 9, as amended;
2. That the Senate recede from its position on Senate Bill No. 9;
3. That the attached Conference Committee Substitute for Senate Bill No. 9 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jeanie Riddle
/s/ Bill White
/s/ Bob Onder
/s/ Doug Beck
Barbara Washington

FOR THE HOUSE:

/s/ Travis Fitzwater
/s/ Kurtis Gregory
/s/ Bishop Davidson
/s/ Wes Rogers
Jo Doll

Senator Riddle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bean	Beck	Brattin	Burlison	Cierpiot	Crawford	Eigel
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Moon	Mosley	O'Laughlin	Onder	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp	White
Wieland	Williams—30					

NAYS—Senator Washington—1

Absent—Senators

Arthur Bernskoetter—2

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Riddle, **CCS** for **SB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 9

An Act to repeal sections 334.530, 334.655, and 337.068, RSMo, and to enact in lieu thereof four new sections relating to the regulation of certain professionals.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
May	Mosley	O’Laughlin	Onder	Razer	Rehder	Riddle
Rizzo	Roberts	Rowden	Schatz	Schupp	White	Wieland—28

NAYS—Senators

Moon Washington—2

Absent—Senators

Brattin Luetkemeyer Williams—3

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 320**, with **SCS**, and **HCS** for **HB 1358**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

On behalf of Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Rowden submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 676**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for HBs 85 and 310, with **SCS**, entitled:

An Act to repeal section 1.320, RSMo, and to enact in lieu thereof nine new sections relating to the sole purpose of adding additional protections to the right to bear arms.

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

SCS for HCS for HBs 85 and 310, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 85 & 310

An Act to repeal section 1.320, RSMo, and to enact in lieu thereof nine new sections relating to the sole purpose of adding additional protections to the right to bear arms, with penalty provisions.

Was taken up.

Senator Burlison moved that **SCS for HCS for HBs 85 and 310** be adopted.

Senator Bernskoetter assumed the Chair.

Senator Burlison offered **SS for SCS for HCS for HBs 85 and 310**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 85 & 310

An Act to repeal section 1.320, RSMo, and to enact in lieu thereof nine new sections relating to the sole purpose of adding additional protections to the right to bear arms, with penalty provisions and an emergency clause.

Senator Burlison moved that **SS for SCS for HCS for HBs 85 and 310** be adopted.

President Kehoe assumed the Chair.

Senator Arthur offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 85 and 310, Page 1, In the Title, Lines 3-5, by striking “the sole purpose of adding additional protections to the right to bear arms” and inserting in lieu thereof the following: “firearms”; and

Further amend said bill, page 9, Section 1.485, line 7, by inserting after all of said line the following:

“455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and may include such terms as the court reasonably deems necessary to ensure the petitioner’s safety, including but not limited to:

(1) Temporarily enjoining the respondent from committing or threatening to commit domestic violence, molesting, stalking, sexual assault, or disturbing the peace of the petitioner;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit; or

(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.

4. If the court issues, after a hearing for any full order of protection, an order of protection, the court shall also:

(1) Prohibit the respondent from knowingly possessing or purchasing any firearm while the order is in effect;

(2) Inform the respondent of such prohibition in writing and, if the respondent is present, orally; and

(3) Forward the order to the state highway patrol so that the state highway patrol can update the respondent's record in the National Instant Criminal Background Check System (NICS). Upon receiving an order under this subsection, the state highway patrol shall notify the Federal Bureau of Investigation within twenty-four hours.

5. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

[5.] 6. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

[6.] 7. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further domestic violence. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

[7.] 8. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452.

[8.] 9. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452.

[9.] 10. (1) The court may, in order to ensure that a petitioner can maintain an existing wireless telephone number or numbers, issue an order, after notice and an opportunity to be heard, directing a

wireless service provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to the petitioner, if the petitioner is not the wireless service accountholder.

(2) (a) The order transferring billing responsibility for and rights to the wireless telephone number or numbers to the petitioner shall list the name and billing telephone number of the accountholder, the name and contact information of the person to whom the telephone number or numbers will be transferred, and each telephone number to be transferred to that person. The court shall ensure that the contact information of the petitioner is not provided to the accountholder in proceedings held under this chapter.

(b) Upon issuance, a copy of the full order of protection shall be transmitted, either electronically or by certified mail, to the wireless service provider's registered agent listed with the secretary of state, or electronically to the email address provided by the wireless service provider. Such transmittal shall constitute adequate notice for the wireless service provider acting under this section and section 455.523.

(c) If the wireless service provider cannot operationally or technically effectuate the order due to certain circumstances, the wireless service provider shall notify the petitioner within three business days. Such circumstances shall include, but not be limited to, the following:

- a. The accountholder has already terminated the account;
- b. The differences in network technology prevent the functionality of a device on the network; or
- c. There are geographic or other limitations on network or service availability.

(3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone number or numbers to the petitioner under this subsection by a wireless service provider, the petitioner shall assume all financial responsibility for the transferred wireless telephone number or numbers, monthly service costs, and costs for any mobile device associated with the wireless telephone number or numbers.

(b) This section shall not preclude a wireless service provider from applying any routine and customary requirements for account establishment to the petitioner as part of this transfer of billing responsibility for a wireless telephone number or numbers and any devices attached to that number or numbers including, but not limited to, identification, financial information, and customer preferences.

(4) This section shall not affect the ability of the court to apportion the assets and debts of the parties as provided for in law, or the ability to determine the temporary use, possession, and control of personal property.

(5) No cause of action shall lie against any wireless service provider, its officers, employees, or agents, for actions taken in accordance with the terms of a court order issued under this section.

(6) As used in this section and section 455.523, a "wireless service provider" means a provider of commercial mobile service under Section 332(d) of the Federal [Telecommunications] **Communications Act of [1996] 1934** (47 U.S.C. Section [151, et seq.] **332**).

455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence, stalking, and sexual assault may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from committing domestic violence or sexual assault, threatening to commit domestic violence or sexual assault, stalking, molesting, or disturbing the peace of

the victim;

(2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;

(3) Temporarily enjoining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court.

2. If the court issues, after a hearing for any full order of protection, an order of protection, the court shall also:

(1) Prohibit the respondent from knowingly possessing or purchasing any firearm while the order is in effect;

(2) Inform the respondent of such prohibition in writing and, if the respondent is present, orally; and

(3) Forward the order to the state highway patrol so that the state highway patrol can update the respondent's record in the National Instant Criminal Background Check System (NICS). Upon receiving an order under this subsection, the state highway patrol shall notify the Federal Bureau of Investigation within twenty-four hours.

3. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Award visitation;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;

(6) Order the respondent to participate in a court-approved counseling program designed to help stop violent behavior or to treat substance abuse;

(7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;

(8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence;

(9) Order a wireless service provider, in accordance with the process, provisions, and requirements set out in subdivisions (1) to (6) of subsection [9] **10** of section 455.050, to transfer the billing responsibility for and rights to the wireless telephone number or numbers of any minor children in the petitioner's care

to the petitioner, if the petitioner is not the wireless service accountholder.

565.076. 1. A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term “domestic victim” is defined under section 565.002, and:

(1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;

(2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;

(3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means;

(4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;

(5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person has previously been found guilty of the offense of domestic assault, of any assault offense under this chapter, or of any offense against a domestic victim committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which if committed in this state two or more times would be a violation of this section, in which case it is a class E felony. The offenses described in this subsection may be against the same domestic victim or against different domestic victims.

3. Upon a conviction for the offense of domestic assault in the fourth degree, the court shall forward the record of conviction to the Missouri state highway patrol so that the Missouri state highway patrol can update the offender’s record in the National Instant Criminal Background Check System (NICS). Upon receiving a record under this subsection, the Missouri state highway patrol shall notify the Federal Bureau of Investigation within twenty-four hours.

571.070. 1. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

(1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; [or]

(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent; or

(3) Such person has been convicted of a misdemeanor offense of domestic violence under the laws of this state, or of a crime under the laws of any state or of the United States that if committed in this state would be a misdemeanor offense of domestic violence.

2. Unlawful possession of a firearm is a class D felony, unless a person has been convicted of a

dangerous felony as defined in section 556.061, in which case it is a class C felony.

3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm.

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

(1) “Family or household member”, the same meaning as such term is defined under section 455.010;

(2) “Misdemeanor offense of domestic violence”:

(a) Domestic assault in the fourth degree under section 565.076; or

(b) Any misdemeanor offense committed by a family or household member of the victim that involves the use or attempted use of a physical force or the threatened use of a deadly weapon.”; and

Further amend the title and enacting clause accordingly.

Senator Arthur moved that the above amendment be adopted.

Senator Arthur offered **SA 1 to SA 1:**

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 85 and 310, Pages 1-7, Section 455.050, by striking all of said section from the amendment; and

Further amend said amendment, pages 7-9, section 455.523, by striking all of said section from the amendment.

Senator Arthur moved that the above amendment be adopted.

Senator Schatz assumed the Chair.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Burlison, **HCS for HBs 85 and 310**, with **SCS, SS for SCS, SA 1 and SA 1 to SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 7**, begs leave to report that it has examined the same and finds that the concurrent resolution has been duly enrolled and that the printed copies furnished the Senators are correct.

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

Conferees are allowed to exceed the differences in sections 135.775, 135.755, 135.305, 135.686, 135.750, 348.436 and 620.3515 on **SB 37**, with **HA 1, HA 2, HA 3, HA 4, HA 5** and **HA 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House Conferees are allowed to exceed the differences in sections 67.1461, 99.847 and 135.1610 on **SS** for **SB 22**, with **HA 1, HA 2, HA 3, HA 5** and **HA 6**.

Also,

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

Emergency Clause Adopted.

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 153** and **97**, 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 Conferees are allowed to exceed the differences in sections 67.1461, 99.847 and 144.080 on **HCS** for **SS** for **SCS** for **SBs 153** and **97**, as amended.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SBs 153** and **97**. Representatives: Eggleston, Taylor (139), Falkner, Butz, Bland Manlove.

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 **SB 64**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SB 64**, as amended. Representatives: Christofanelli, Smith (163), Stephens (128), Appelbaum, Lewis (25).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 734**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 734**.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee

from the House on **SS** for **SCS** for **SBs 153** and **97**, with **HCS**, as amended: Senators Koenig, Eigel, Crawford, Rizzo and Arthur.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SB 64**, with **HCS**, as amended: Senators Rehder, Wieland, Rowden, Rizzo and Arthur.

On motion of Senator Rowden, the Senate recessed until 3:00 p.m.

RECESS

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

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 **SS** for **SCS** for **SB 43**.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 43, Page 1, In the Title, Lines 2 and 3, by deleting the words, "hearing aids covered by health benefit plans" and inserting in lieu thereof the words, "health care"; and

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

HOUSE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 43, Page 1, Section A, Line 3, by inserting after all of said line the following:

"190.839. Sections 190.800 to 190.839 shall expire on September 30, [2021] **2022**.

198.439. Sections 198.401 to 198.436 shall expire on September 30, [2021] **2022**.

208.437. 1. A Medicaid managed care organization reimbursement allowance period as provided in sections 208.431 to 208.437 shall be from the first day of July to the thirtieth day of June. The department shall notify each Medicaid managed care organization with a balance due on the thirtieth day of June of each year the amount of such balance due. If any managed care organization fails to pay its managed care organization reimbursement allowance within thirty days of such notice, the reimbursement allowance shall be delinquent. The reimbursement allowance may remain unpaid during an appeal.

2. Except as otherwise provided in this section, if any reimbursement allowance imposed under the provisions of sections 208.431 to 208.437 is unpaid and delinquent, the department of social services may compel the payment of such reimbursement allowance in the circuit court having jurisdiction in the county where the main offices of the Medicaid managed care organization are located. In addition, the director of the department of social services or the director's designee may cancel or refuse to issue, extend or reinstate a Medicaid contract agreement to any Medicaid managed care organization which fails to pay such delinquent reimbursement allowance required by sections 208.431 to 208.437 unless under appeal.

3. Except as otherwise provided in this section, failure to pay a delinquent reimbursement allowance

imposed under sections 208.431 to 208.437 shall be grounds for denial, suspension or revocation of a license granted by the department of commerce and insurance. The director of the department of commerce and insurance may deny, suspend or revoke the license of a Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) which fails to pay a managed care organization's delinquent reimbursement allowance unless under appeal.

4. Nothing in sections 208.431 to 208.437 shall be deemed to effect or in any way limit the tax-exempt or nonprofit status of any Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) granted by state law.

5. Sections 208.431 to 208.437 shall expire on September 30, [2021] **2022**.

208.480. Notwithstanding the provisions of section 208.471 to the contrary, sections 208.453 to 208.480 shall expire on September 30, [2021] **2022**.

338.550. 1. The pharmacy tax required by sections 338.500 to 338.550 shall expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee as appropriated by the general assembly paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement as appropriated by the general assembly for products dispensed by pharmacies is changed resulting in lower reimbursement to the pharmacist in the aggregate than provided in fiscal year 2003; or

(3) September 30, [2021] **2022**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection. The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

2. Sections 338.500 to 338.550 shall expire on September 30, [2021] **2022**.”; and

Further amend said bill, Page 2, Section 376.1228, Line 20, by inserting after all of said line the following:

“633.401. 1. For purposes of this section, the following terms mean:

(1) “Engaging in the business of providing health benefit services”, accepting payment for health benefit services;

(2) “Intermediate care facility for the intellectually disabled”, a private or department of mental health facility which admits persons who are intellectually disabled or developmentally disabled for residential habilitation and other services pursuant to chapter 630. Such term shall include habilitation centers and private or public intermediate care facilities for the intellectually disabled that have been certified to meet the conditions of participation under 42 CFR, Section 483, Subpart I;

(3) “Net operating revenues from providing services of intermediate care facilities for the intellectually disabled” shall include, without limitation, all moneys received on account of such services pursuant to rates of reimbursement established and paid by the department of social services, but shall not include charitable

contributions, grants, donations, bequests and income from nonservice related fund-raising activities and government deficit financing, contractual allowance, discounts or bad debt;

(4) "Services of intermediate care facilities for the intellectually disabled" has the same meaning as the term services of intermediate care facilities for the mentally retarded, as used in Title 42 United States Code, Section 1396b(w)(7)(A)(iv), as amended, and as such qualifies as a class of health care services recognized in federal Public Law 102-234, the Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991.

2. Beginning July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall, in addition to all other fees and taxes now required or paid, pay assessments on their net operating revenues for the privilege of engaging in the business of providing services of the intermediate care facilities for the intellectually disabled or developmentally disabled in this state.

3. Each facility's assessment shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. For purposes of determining rates of payment under the medical assistance program for providers of services of intermediate care facilities for the intellectually disabled, the assessment imposed pursuant to this section on net operating revenues shall be a reimbursable cost to be reflected as timely as practicable in rates of payment applicable within the assessment period, contingent, for payments by governmental agencies, on all federal approvals necessary by federal law and regulation for federal financial participation in payments made for beneficiaries eligible for medical assistance under Title XIX of the federal Social Security Act, 42 U.S.C. Section 1396, et seq., as amended.

5. Assessments shall be submitted by or on behalf of each provider of services of intermediate care facilities for the intellectually disabled on a monthly basis to the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the assessment payment owed for any month.

7. Assessment payments shall be deposited in the state treasury to the credit of the "Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund", which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the intermediate care facility intellectually disabled reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Each provider of services of intermediate care facilities for the intellectually disabled shall keep such records as may be necessary to determine the amount of the assessment for which it is liable under this section. On or before the forty-fifth day after the end of each month commencing July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall submit to the department of social services a report on a cash basis that reflects such information as is necessary to determine the amount of the assessment payable for that month.

9. Every provider of services of intermediate care facilities for the intellectually disabled shall submit a certified annual report of net operating revenues from the furnishing of services of intermediate care

facilities for the intellectually disabled. The reports shall be in such form as may be prescribed by rule by the director of the department of mental health. Final payments of the assessment for each year shall be due for all providers of services of intermediate care facilities for the intellectually disabled upon the due date for submission of the certified annual report.

10. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed pursuant to the provisions of this section.

11. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying assessments required under this section, the director of the department of social services shall withhold, and shall remit to the director of the department of revenue, an assessment amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

12. In the event a provider objects to the estimate described in subsection 11 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the assessment determination and a final decision by the director of the department of mental health, an intermediate care facility for the intellectually disabled provider's appeal of the director's final decision shall be to the administrative hearing commission in accordance with sections 208.156 and 621.055.

13. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the facility is located. The circuit court shall hear the matter as the court of original jurisdiction.

14. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any intermediate care facility for the intellectually disabled granted by state law.

15. The director of the department of mental health shall promulgate rules and regulations to implement 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, 2008, shall be invalid and void.

16. The provisions of this section shall expire on September 30, [2021] **2022.**"; and

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

HOUSE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 43, Page 2, Section 376.1228, Line 18, by deleting the word "**six**" and inserting in lieu thereof the word "**twelve**"; and

Further amend said bill, page, and section, Line 20, by inserting after all of said line the following:

“4. Any additional costs to the state created under the provisions of this section shall be subject to appropriation. If any agency of the federal government determines that this section violates 42 U.S.C. Section 18116 relating to nondiscrimination, the provisions of this section shall be null and void.

579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter. **Any entity registered with the department of health and senior services that possesses, distributes, or delivers hypodermic needles or syringes for the purpose of operating a syringe access program or otherwise mitigating health risks associated with unsterile injection drug use shall be exempt from the provisions of this section.**

2. **No entity shall be present within five hundred feet of any school building, unless such entity is in operation prior to the school building commencing operations.**

3. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony.

579.076. 1. A person commits the offense of unlawful manufacture of drug paraphernalia if he or she unlawfully manufactures with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter or chapter 195. **Any entity registered with the department of health and senior services that delivers or manufactures hypodermic needles or syringes for the purpose of operating a syringe access program or otherwise mitigating health risks associated with unsterile injection drug use shall be exempt from the provisions of this section.**

2. The offense of unlawful manufacture of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted SS for HCS for HBs 557 and 560 and has taken up and passed SS for HCS for HBs 557 and 560.

Emergency Clause Adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted SS, as amended, for SCS for HS for HB 432 and has taken up and passed SS for SCS

for **HS** for **HB 432**, as amended.

Emergency Clause Adopted.

President Kehoe assumed the Chair.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SB 262**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

PRIVILEGED MOTIONS

Senator Cierpiot, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 734**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 734

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 734, with Senate Amendment No. 1, Senate Amendment No. 2, and Senate Amendment No. 3 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 734, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 734;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 734, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Michael O'Donnell
/s/ J. Eggleston
/s/ Rick Francis
/s/ Doug Clemens
/s/ Tracy McCreery

FOR THE SENATE:

/s/ Senator Mike Cierpiot
/s/ Jason Bean
/s/ Eric Burlison
/s/ Doug Beck
/s/ Jill Schupp

Pursuant to Senate Rule 91, Senator Hegeman excused himself from voting on the adoption of the conference committee report on **SS** for **SCS** for **HCS** for **HB 734**.

Senator Cierpiot moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur

Bean

Beck

Bernskoetter

Brattin

Brown

Burlison

Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O'Laughlin	Onder	Razer
Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz	Schupp
White	Wieland	Williams—31				

NAYS—Senator Moon—1

Absent—Senator Washington—1

Absent with leave—Senators—None

Excused from voting—Senator Hegeman—1

Vacancies—None

Pursuant to Senate Rule 91, Senator Hegeman excused himself from voting on the 3rd reading of **CCS** for **SS** for **SCS** for **HCS** for **HB 734**.

On motion of Senator Cierpiot, **CCS** for **SS** for **SCS** for **HCS** for **HB 734**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 734

An Act to repeal sections 91.025, 153.030, 153.034, 204.569, 386.370, 386.800, 393.106, 393.355, 393.1073, 394.020, 394.120, 394.315, and 400.9-109, RSMo, and to enact in lieu thereof nineteen new sections relating to utilities.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Hegeman—1

Vacancies—None

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

Senator Burlison moved that **HCS for HBs 85 and 310, with SCS, SS for SCS, SA 1 and SA 1 to SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 to SA 1 was again taken up.

Senator Eslinger assumed the Chair.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

Senator Arthur moved that **SA 1 to SA 1** be adopted, which motion failed.

Senator Arthur moved that **SA 1** be adopted, which motion failed.

Senator Burlison moved that **SS for SCS for HCS for HBs 85 and 310** be adopted, which motion prevailed.

On motion of Senator Burlison, **SS for SCS for HCS for HBs 85 and 310** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Wieland—22

NAYS—Senators

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

Absent—Senators

Koenig Riddle—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Brown	Burlison	Cierpiot	Crawford
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Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	Moon	O’Laughlin	Onder	Rehder	Riddle	Rowden
Schatz	White	Wieland—24				

NAYS—Senators

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

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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

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

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

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 **SS** for **SCS** for **SB 4**, entitled:

An Act to repeal sections 115.151, 115.160, 115.960, 227.299, 227.450, 227.803, 301.010, 301.020, 301.192, 301.280, 301.558, 302.171, 302.755, 303.025, 303.041, 304.022, 304.153, 306.030, 307.128, 307.175, 307.380, 407.300, 407.526, 407.536, 407.556, and 570.030, RSMo, and to enact in lieu thereof seventy-five new sections relating to transportation, with penalty provisions, an effective date for a certain section, and an emergency clause for certain sections.

With House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment Nos. 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 4, Page 1, Section A, Line 12, by inserting after said section and line the following:

“21.795. 1. There is established a permanent joint committee of the general assembly to be known as the “Joint Committee on Transportation Oversight” to be composed of seven members of the standing transportation committees of both the senate and the house of representatives and three nonvoting ex officio members. Of the fourteen members to be appointed to the joint committee, the seven senate members of the joint committee shall be appointed by the president pro tem of the senate and minority leader of the senate and the seven house members shall be appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives. The seven senate members shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the senate bears to the total membership of the senate. No major party shall be represented by more than four members from the house of representatives. The ex officio members shall

be the state auditor, the director of the oversight division of the committee on legislative research, and the commissioner of the office of administration or the designee of such auditor, director or commissioner. The joint committee shall be chaired jointly by both chairs of the senate and house transportation committees. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members, other than the ex officio members, shall be required for the determination of any matter within the committee's duties.

2. The department of transportation shall submit a written report prior to December thirty-first of each year to the governor and the lieutenant governor. The report shall be posted to the department's internet website so that general assembly members may elect to access a copy of the report electronically. The written report shall contain the following:

(1) A comprehensive financial report of all funds for the preceding state fiscal year which shall include a report by independent certified public accountants, selected by the commissioner of the office of administration, attesting that the financial statements present fairly the financial position of the department in conformity with generally accepted government accounting principles;

(2) A copy of the department's most current and annual publication titled "Citizen's Guide to Transportation Funding in Missouri";

(3) A copy of the department's most current and annual publication titled "Financial Snapshot - An appendix to the Citizen's Guide to Transportation Funding in Missouri";

(4) A copy of the department's most current and annual publication titled "MoDOT Results: Accountability. Innovation. Efficiency.".

3. Prior to February fifteenth of each year, the committee shall hold an annual meeting and call before its members, officials or employees of the state highways and transportation commission or department of transportation, as determined by the committee, for the [sole] purpose of receiving and examining the report required pursuant to subsection 2 of this section. The committee shall not have the power to modify projects or priorities of the state highways and transportation commission or department of transportation. The committee may make recommendations to the state highways and transportation commission or the department of transportation. Disposition of those recommendations shall be reported by the commission or the department to the joint committee on transportation oversight.

4. In addition to the annual meeting required by subsection 3 of this section, the committee shall meet two times each year. The co-chairs of the committee shall establish an agenda for each meeting that may include, but not be limited to, the following items to be discussed with the committee members throughout the year during the scheduled meeting:

(1) Presentation of a prioritized plan for all modes of transportation;

(2) Discussion of department efficiencies and expenditure of cost-savings within the department;

(3) Presentation of a status report on department of transportation revenues and expenditures, including a detailed summary of projects funded by new state revenue as provided in paragraph (a) of subdivision (1) of subsection 2 of this section; and

(4) Implementation of any actions as may be deemed necessary by the committee as authorized by law. The co-chairs of the committee may call special meetings of the committee with ten days' notice to the members of the committee, the director of the department of transportation, and the department of

transportation.

5. (1) The committee shall ensure towing companies charge fair, equitable, and reasonable rates for services rendered in connection with the towing of commercial motor vehicles, and shall:

(a) Establish a process the committee shall use to receive, investigate, and adjudicate complaints against a towing company regarding the towing of a commercial motor vehicle, and a process the commercial motor vehicle towing adjudicative board established in subdivision (4) of this subsection shall use to investigate and adjudicate any complaints referred to it by the committee;

(b) Establish factors the committee and the commercial motor vehicle towing adjudication board shall consider in determining whether a charge levied by a towing company in connection with the towing of a commercial motor vehicle is fair, equitable, and reasonable;

(c) Establish a process law enforcement agencies in the state may use to suspend or remove a towing company from their towing rotation with regard to the towing of commercial motor vehicles; and

(d) Establish information required to be included on any invoice associated with the towing of a commercial motor vehicle.

(2) The committee shall, in consultation with the department of transportation and the department of public safety, promulgate rules as necessary for the implementation of this subsection. 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.

(3) The committee shall meet as necessary to carry out the requirements of this subsection and the requirements of any rules promulgated in accordance with this subsection. The meetings required under this subsection may be held concurrently with the meetings held in accordance with subsections 3 or 4 of this section.

(4) If the committee determines a violation of the rules promulgated in accordance with this subsection may have occurred, the complaint shall be referred to the “Commercial Motor Vehicle Towing Adjudicative Board” for adjudication. The commercial motor vehicle towing adjudicative board shall consist of the chair and vice chair of the committee, the two ranking minority members of the committee, the director of the department of transportation or his or her designee, the director of the department of public safety or his or her designee, and the director of the department of revenue or his or her designee, provided that the committee shall specify by rule a recusal process through which members of the adjudicative board who may have a conflict of interest may be temporarily removed or replaced by another member of the committee. No fewer than five members of the commercial motor vehicle towing adjudicative board shall be present when the board makes a determination in accordance with this subdivision, and determinations shall be made by majority vote of the members present. If the commercial motor vehicle towing adjudicative board determines that a violation of the rules promulgated in accordance with this subsection has occurred, the towing

company that committed the violation shall not be contacted by any law enforcement agency for a nonconsensual tow for a period of six months for a first violation, a period of twelve months for a second violation, and permanently for a third violation.

(5) The committee shall keep and maintain a record of any proceedings that occur as a result of this subsection.

(6) The committee may, at the discretion of the committee, make recommendations to the governor or the general assembly regarding statutes governing the nonconsensual towing of commercial motor vehicles.

(7) As used in this subsection, the following terms shall mean:

(a) “Commercial motor vehicle”, the same meaning as defined in section 301.010;

(b) “Nonconsensual tow”, the towing or recovery of a commercial motor vehicle which was authorized, requested, or dispatched by any law enforcement agency in the state. When an owner or operator of a commercial motor vehicle requests a law enforcement officer or other public agency to initiate a tow, the tow shall be considered a nonconsensual tow;

(c) “Towing company”, the same meaning as defined in section 304.153.

6. The committee shall also review all applications for the development of specialty plates submitted to it by the department of revenue. The committee shall approve such application by a majority vote. The committee shall approve any application unless the committee receives:

(1) A signed petition from five house members or two senators that they are opposed to the approval of the proposed license plate and the reason for such opposition;

(2) Notification that the organization seeking authorization to establish a new specialty license plate has not met all the requirements of section 301.3150;

(3) A proposed new specialty license plate containing objectionable language or design;

(4) A proposed license plate not meeting the requirements of any reason promulgated by rule.

The committee shall notify the director of the department of revenue upon approval or denial of an application for the development of a specialty plate.

[6.] 7. The committee shall submit records of its meetings to the secretary of the senate and the chief clerk of the house of representatives in accordance with sections 610.020 and 610.023.”; and

Further amend said bill, Pages 51-54, Section 304.153, Lines 1-112, by deleting said section and lines from the bill; and

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

**HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR
HOUSE AMENDMENT NO. 2**

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 4, Pages 6-7, Section 135.755, Lines 1-38, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 8, Section 143.1032, Line 32, by inserting after all of said section and line the following:

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

(1) “Consent”, a mutual acknowledgment by both a restaurant and a food delivery platform, which may be obtained electronically;

(2) “Food delivery platform”, a business that acts as a third-party intermediary by taking and arranging for the delivery or pickup of orders from multiple restaurants for ultimate consumers. The term does not include delivery or pickup orders placed directly with, and fulfilled by, a restaurant. The term does not include websites, mobile applications, or other electronic services that do not post restaurant menus, logos, or pricing information on their platforms;

(3) “Likeness”, a mark or trade name;

(4) “Mark”, a trademark or service mark, regardless of whether the trademark or service mark is actually registered;

(5) “Restaurant”, a business in this state that:

(a) Operates its own permanent food service facilities with commercial cooking equipment on its premises; and

(b) Prepares and offers to sell multiple entrees for consumption on or off the premises;

(6) “Trade name”, a name used by a person or entity to identify the person’s or entity’s business or vocation.

2. (1) A food delivery platform shall not take and arrange for the delivery or pickup of an order from a restaurant in this state unless such food delivery platform has filed a certificate of formation or registration with the secretary of state.

(2) A food delivery platform shall:

(a) Not use a restaurant’s likeness in a manner that could reasonably be interpreted to falsely suggest sponsorship or endorsement by the restaurant;

(b) Not, without the restaurant’s consent, take and arrange for the delivery or pickup of an order from a restaurant;

(c) Not, without an agreement with the restaurant, intentionally inflate or alter a restaurant’s pricing, although other charges may be assessed to the ultimate consumer if they are noted separately to the consumer;

(d) Not, without an agreement with the restaurant, attempt to charge a restaurant, or expect the restaurant to pay or absorb any fee, commission, or charge;

(e) Remove a restaurant from the food delivery platform’s services within ten days of receiving the restaurant’s request for removal unless an agreement between the food delivery platform and the restaurant states otherwise; and

(f) Clearly provide to the ultimate consumer a mechanism to express order concerns directly to the food delivery platform.

(3) Any agreement between a food delivery platform and a restaurant to take and arrange for the delivery or pickup of orders shall:

(a) Be in writing and expressly authorize the food delivery platform to take and arrange for the delivery or pickup of orders from the restaurant;

(b) Clearly identify any fee, commission, or charge that the restaurant will be required to pay or absorb; and

(c) Not include a provision, clause, or covenant that requires a restaurant to indemnify a food delivery platform, or any employee, independent contractor, or agent of the food delivery platform, for any damages or harm caused by the actions or omissions of the food delivery platform or any employee, independent contractor, or agent of the food delivery platform.

(4) Any provision in an agreement between a food delivery platform and a restaurant, or in a written consent, that is contrary to subdivision (3) of this subsection is void and unenforceable.

3. (1) A restaurant may bring an action to enjoin a violation of this section. If the court finds a violation, the court shall issue an injunction and may:

(a) Subject to subdivision (2) of this subsection, require the violator to pay to the injured party all profits derived from or damages resulting from the wrongful acts; and

(b) Order that the wrongful act be terminated.

(2) If the court finds that the food delivery platform committed a wrongful act in bad faith, in violation of this section by not having an agreement or written consent, or otherwise, as according to the circumstances of the case, the court, in the court's discretion, may:

(a) Enter judgment in an amount not to exceed three times the amount of profits and damages; and

(b) Award reasonable attorney's fees to the restaurant."; and

Further amend said bill, Page 13, Section 227.776, Lines 1-5, by deleting all of said section and lines from the bill; and

Further amend said bill, Pages 14-15, Section 227.793, Lines 1-5, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 39, Section 303.025, Line 12, by inserting after the word "operation." the following:

"The director of the department of revenue shall establish by rule a process for voluntary suspension of motor vehicle registration for vehicles that are inoperable or being stored and not in operation. The owner or nonresident shall not further operate the vehicle until the owner or nonresident notifies the department of revenue that the vehicle will be in operation and the department shall reinstate the motor vehicle registration upon receipt of proof of financial responsibility. Owners or nonresidents who operate a motor vehicle during a period of inoperability or storage claimed under this subsection shall be guilty of a class B misdemeanor."; and

Further amend said bill, Page 66, Section D, Line 4, by inserting after all of said section and line the following:

“Section E. The enactment of section 196.276 of section A of this act shall become effective on January 1, 2022.”; 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 No. 4, Page 18, Section 301.010, Lines 101-112, by deleting all of said lines and inserting in lieu thereof the following:

“extending not more than a [one hundred] **one hundred fifty** mile radius from such site[, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels,] ; **operated with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, except the front steering axle shall not exceed fifteen thousand pounds or the gross vehicle rating set by the manufacturer, with a total weight not to exceed one hundred five thousand pounds;** and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the [one hundred] **one hundred fifty** mile radius from such site with an extended distance local log truck permit, such vehicle [shall] **does** not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than three axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck [may] **shall** not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, [such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds] **violations of axle weight limitations shall be subject to the load limit penalty as described in sections 304.180 to 304.220;**”; and

Further amend said bill, page, and section, Lines 115-120, by deleting all of said lines and inserting in lieu thereof the following:

“state[,] ; used exclusively in this state[,] ; used to transport harvested forest products[,] ; operated at a forested site and in an area extending not more than a [one hundred] **one hundred fifty** mile radius from such site[, operates] ; **operated** with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, **except the front steering axle shall not exceed fifteen thousand pounds or the gross vehicle weight rating set by the manufacturer with a total weight not to exceed one hundred five thousand pounds;** and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the [one hundred] **one hundred fifty** mile radius from such site with an extended distance local log truck”; and

Further amend said bill, Page 54, Section 304.153, Line 112, by inserting after all of said section and line the following:

“304.240. 1. Any person, firm, corporation, partnership or association violating any of the provisions of sections 304.170 to 304.230 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars or by confinement in a county jail for not more than twelve months, or by both the fine and confinement; provided, however, that where load limits as defined in sections 304.180 to 304.220 have been violated, the fine shall be two cents for each pound of excess

weight up to and including five hundred, and five cents for each pound of excess weight above five hundred and not exceeding one thousand, and ten cents for each pound in excess weight above one thousand; provided that, when any vehicle is being operated under a special permit as provided in section 304.200, the term “excess weight” means only weight in excess of the amount permitted in the permit as issued. The court may, in its discretion, cause to be impounded the motor vehicle operated by any person violating the provisions of this section until such time as the fine and cost assessed by the court under this section is paid.

2. Notwithstanding subsection 1 of this section, the fine for a load-limit violation under sections 304.180 to 304.220 involving a local log truck or a local log truck tractor, as such terms are defined in section 301.010, shall be as follows:

(1) If the weight exceeds the limit by one pound to four thousand nine hundred ninety-nine pounds, the fine shall be ten cents for each pound of excess weight;

(2) If the weight exceeds the limit by five thousand pounds to nine thousand nine hundred ninety-nine pounds, the fine shall be twenty cents for each pound of excess weight; and

(3) If the weight exceeds the limit by ten thousand pounds or more, the fine shall be fifty cents for each pound of excess weight.”; 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 No. 4, Page 54, Section 304.153, Line 112, by inserting after said section and line the following:

“304.820. 1. Except as otherwise provided in this section, no person twenty-one years of age or younger operating a moving motor vehicle upon the highways of this state shall, by means of a hand-held electronic wireless [communications] **communication** device, send, read, or write a text message or electronic message.

2. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a hand-held mobile telephone.

3. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a wireless [communications] **communication** device to send, read, or write a text message or electronic message.

4. Except as otherwise provided in this section, no person shall operate a motor vehicle within a school zone or within a construction zone or work zone while using a hand-held wireless communication device in any manner while operating such vehicle. Prohibited uses shall include, but not be limited to reading, composing, viewing, or posting any electronic message; initiating, receiving, or conducting a conversation; or manually typing data into any electronic wireless communication device. For purposes of this subsection, “school zone” means any area upon or around any street or highway as defined in section 302.010 that is visibly marked by a sign erected by a county or municipality as an area in which a school building is located and the sections of street or highway on or adjacent to the school property that are designated by signs indicating that it is a school zone and showing the posted speed limit. “Construction zone” or “work zone” means any area upon or around any highway as defined in section 302.010 which is visibly marked by the department of transportation or a contractor or subcontractor performing work for the department of

transportation as an area where construction, maintenance, incident removal, or other work is temporarily occurring. The term “work zone” or “construction zone” also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs or traffic control devices are posted or placed.

5. The provisions of subsection 1 through subsection [3] 4 of this section shall not apply to a person operating:

(1) An authorized emergency vehicle; or

(2) A moving motor vehicle while using a hand-held electronic wireless [communications] **communication** device to:

(a) Report illegal activity;

(b) Summon medical or other emergency help;

(c) Prevent injury to a person or property; or

(d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

[5.] 6. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless [communications] **communication** device, while operating a noncommercial motor vehicle upon the highways of this state.

[6.] 7. As used in this section, “electronic message” means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. “Electronic message” includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.

[7.] 8. As used in this section, “hand-held electronic wireless [communications] **communication** device” includes any hand-held cellular phone[, palm pilot, blackberry,] or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.

[8.] 9. As used in this section, “making or taking part in a telephone call” means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.

[9.] 10. As used in this section, “send, read, or write a text message or electronic message” means using a hand-held electronic wireless [telecommunications] **telecommunication** device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into a hand-held electronic wireless [communications] **communication** device for the purpose of making a telephone call.

[10.] 11. A violation of this section shall be deemed an infraction and shall be deemed a moving violation for purposes of point assessment under section 302.302.

[11.] 12. The state preempts the field of regulating the use of hand-held electronic wireless [communications] **communication** devices in motor vehicles, and the provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of hand-held electronic wireless communication devices by

the operator of a motor vehicle.

[12.] **13.** The provisions of this section shall not apply to:

(1) The operator of a vehicle that is lawfully parked or stopped;

(2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance;

(3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless [communications] **communication** devices used to transmit or receive data as part of a digital dispatch system;

(4) The use of voice-operated technology;

(5) The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service.”; and

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

Emergency Clause Defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 44**, entitled:

An Act to repeal sections 91.025, 153.030, 153.034, 204.569, 386.370, 386.800, 393.106, 393.358, 394.020, 394.120, and 394.315, RSMo, and to enact in lieu thereof sixteen new sections relating to utilities.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 44, Page 9, Section 386.370, Line 20, by deleting the phrase “**thirty-eight hundredths**” on said line and inserting in lieu thereof the phrase “**three hundred fifteen thousandths**”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HCS** for **HB 66**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 4**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 46**, entitled:

An Act to repeal sections 21.795, 68.075, 115.151, 115.160, 115.960, 300.010, 300.155, 300.347, 301.010, 301.144, 301.147, 301.192, 301.280, 301.558, 301.3139, 302.010, 302.174, 302.341, 302.755, 304.001, 304.022, 304.050, 304.240, 304.281, 306.030, 307.025, 307.128, 307.175, 307.180, 307.188, 307.193, 307.350, 307.380, 365.020, 407.300, 407.526, 407.536, 407.556, 407.560, 407.815, 407.1025, 570.030, 578.120, and 643.315, RSMo, and to enact in lieu thereof fifty-three new sections relating to transportation, with penalty provisions.

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

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 46, Pages 34 to 36, Section 301.558, Lines 1 to 70, by deleting all of said lines and section; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 46, Page 82, Section 1, Lines 1 and 2, by deleting the words, “**any motor vehicle, including any historic motor vehicle,**” and inserting in lieu thereof the words, “**any historic motor vehicle**”; 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 Bill No. 46, Page 11, Section 115.960, Line 86, by inserting after all of said section and line the following:

“173.260. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) “Air ambulance pilot”, a person certified as an air ambulance pilot in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to air ambulances adopted by the department of health and senior services;

(2) “Air ambulance registered professional nurse”, a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to [190.245] **190.243** and the corresponding regulations applicable to such programs;

(3) “Air ambulance registered respiratory therapist”, a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to such programs;

(4) “Board”, the coordinating board for higher education;

(5) “Eligible child”, the natural, adopted or stepchild of a public safety officer or employee, as defined in this section, who is less than twenty-four years of age and who is a dependent of a public safety officer or employee or was a dependent at the time of death or permanent and total disability of a public safety officer or employee;

(6) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to [190.245] **190.243** and by rules adopted by the department of health and senior services under sections 190.001 to [190.245] **190.243**;

(7) “Employee”, any full-time employee of the department of transportation engaged in the construction or maintenance of the state’s highways, roads and bridges;

(8) “Flight crew member”, an individual engaged in flight responsibilities with an air ambulance licensed in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to such programs;

(9) “Grant”, the public safety officer or employee survivor grant as established by this section;

(10) “Institution of postsecondary education”, any approved public or private institution as defined in section 173.205;

(11) “Line of duty”, any action of a public safety officer, whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or obligated by law, rule, regulation or condition of employment or service to perform;

(12) “Public safety officer”, any firefighter, uniformed employee of the office of the state fire marshal, emergency medical technician, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed or permanently and totally disabled in the line of duty or any emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, air ambulance registered respiratory therapist, or flight crew member who is killed or permanently and totally disabled in the line of duty;

(13) “Permanent and total disability”, a disability which renders a person unable to engage in any gainful work;

(14) “Spouse”, the husband, wife, widow or widower of a public safety officer or employee at the time of death or permanent and total disability of such public safety officer;

(15) “Tuition”, any tuition or incidental fee or both charged by an institution of postsecondary education, as defined in this section, for attendance at that institution by a student as a resident of this state.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall provide, as defined in this section, a grant for either of the following to attend an institution of postsecondary education:

(1) An eligible child of a public safety officer or employee killed or permanently and totally disabled in the line of duty; or

(2) A spouse of a public safety officer killed or permanently and totally disabled in the line of duty.

3. An eligible child or spouse may receive a grant under this section only so long as the child or spouse is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a child or spouse receive a grant beyond the completion of the first baccalaureate degree or, in the case of a child, age twenty-four years, except that the child may receive a grant through the completion of the semester or similar grading period in which the child reaches his twenty-fourth year. No child or spouse shall receive more than one hundred percent of tuition when combined with similar funds made available to such child or spouse.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section;

(2) Determine minimum standards of performance in order for a child or spouse to remain eligible to receive a grant under this program;

(3) Make available on behalf of an eligible child or spouse an amount toward the child's or spouse's tuition which is equal to the grant to which the child or spouse is entitled under the provisions of this section;

(4) Provide the forms and determine the procedures necessary for an eligible child or spouse to apply for and receive a grant under this program.

5. An eligible child or spouse who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education shall receive a grant in an amount not to exceed the least of the following:

(1) The actual tuition, as defined in this section, charged at an approved institution where the child or spouse is enrolled or accepted for enrollment; or

(2) The amount of tuition charged a Missouri resident at the University of Missouri for attendance as a full-time student, as defined in section 173.205.

6. An eligible child or spouse who is a recipient of a grant may transfer from one approved public or private institution of postsecondary education to another without losing his entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at anytime withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the portion of the refund to which he is entitled attributable to the grant for that semester or similar grading period to the board.

7. If an eligible child or spouse is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible child or spouse.

8. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

9. A public safety officer who is permanently and totally disabled shall be eligible for a grant pursuant to the provisions of this section.

10. An eligible child of a public safety officer or employee, spouse of a public safety officer or public safety officer shall cease to be eligible for a grant pursuant to this section when such public safety officer or employee is no longer permanently and totally disabled.

190.001. Sections 190.001 to [190.245] **190.243** shall be known and may be cited as the “Comprehensive Emergency Medical Services Systems Act”.

190.060. 1. An ambulance district shall have the following governmental powers, and all other powers incidental, necessary, convenient or desirable to carry out and effectuate the express powers:

(1) To establish and maintain an ambulance service within its corporate limits, and to acquire for, develop, expand, extend and improve such service;

(2) To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interests in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of an ambulance service. The acquisition may be by dedication, purchase, gift, agreement, lease, use or adverse possession;

(3) To operate, maintain and manage the ambulance service, and to make and enter into contracts for the use, operation or management of and to provide rules and regulations for the operation, management or use of the ambulance service;

(4) To fix, charge and collect reasonable fees and compensation for the use of the ambulance service according to the rules and regulations prescribed by the board from time to time;

(5) To borrow money and to issue bonds, notes, certificates, or other evidences of indebtedness for the purpose of accomplishing any of its corporate purposes, subject to compliance with any condition or limitation set forth in sections 190.001 to 190.090 or otherwise provided by the Constitution of the state of Missouri;

(6) To employ or enter into contracts for the employment of any person, firm, or corporation, and for professional services, necessary or desirable for the accomplishment of the objects of the district or the proper administration, management, protection or control of its property;

(7) To maintain the ambulance service for the benefit of the inhabitants of the area comprising the district regardless of race, creed or color, and to adopt such reasonable rules and regulations as may be necessary to render the highest quality of emergency medical care; to exclude from the use of the ambulance service all persons who willfully disregard any of the rules and regulations so established; to extend the privileges and use of the ambulance service to persons residing outside the area of the district upon such terms and conditions as the board of directors prescribes by its rules and regulations;

(8) To provide for health, accident, disability and pension benefits for the salaried members of its organized ambulance district and such other benefits for the members’ spouses and minor children, through either, or both, a contributory or noncontributory plan. The type and amount of such benefits shall be determined by the board of directors of the ambulance district within the level of available revenue of the pension program and other available revenue of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the ambulance district elected by the contributing members. The board of trustees shall not be the same as the board of directors;

(9) To purchase insurance indemnifying the district and its employees, officers, volunteers and directors against liability in rendering services incidental to the furnishing of ambulance services. Purchase of

insurance pursuant to this section is not intended to waive sovereign immunity, official immunity or the Missouri public duty doctrine defenses; and

(10) To provide for life insurance, accident, sickness, health, disability, annuity, length of service, pension, retirement and other employee-type fringe benefits, subject to the provisions of section 70.615, for the volunteer members of any organized ambulance district and such other benefits for their spouses and eligible unemancipated children, either through a contributory or noncontributory plan, or both. For purposes of this section, "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and amount of such benefits shall be determined by the board of directors of the ambulance district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district.

2. The use of any ambulance service of a district shall be subject to the reasonable regulation and control of the district and upon such reasonable terms and conditions as shall be established by its board of directors.

3. A regulatory ordinance of a district adopted pursuant to any provision of this section may provide for a suspension or revocation of any rights or privileges within the control of the district for a violation of any regulatory ordinance.

4. Nothing in this section or in other provisions of sections 190.001 to [190.245] **190.243** shall be construed to authorize the district or board to establish or enforce any regulation or rule in respect to the operation or maintenance of the ambulance service within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter.

5. After August 28, 1998, the board of directors of an ambulance district that proposes to contract for the total management and operation of the ambulance service, when that ambulance district has not previously contracted out for said service, shall hold a public hearing within a thirty-day period and shall make a finding that the proposed contract to manage and operate the ambulance service will:

(1) Provide benefits to the public health that outweigh the associated costs;

(2) Maintain or enhance public access to ambulance service;

(3) Maintain or improve the public health and promote the continued development of the regional emergency medical services system.

6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this section and after a sixty-day period, the ambulance district may enter into the proposed contract, however said contract shall not be implemented for at least thirty days.

(2) The provisions of subsection 5 of this section shall not apply to contracts which were executed prior to August 28, 1998, or to the renewal or modification of such contracts or to the signing of a new contract with an ambulance service provider for services that were previously contracted out.

7. All ambulance districts authorized to adopt laws, ordinances, or regulations regarding basic life

support ambulances shall require such ambulances to be equipped with an automated external defibrillator and be staffed by at least one individual trained in the use of an automated external defibrillator.

8. The ambulance district may adopt procedures for conducting fingerprint background checks on current and prospective employees, contractors, and volunteers. The ambulance district may submit applicant fingerprints to the Missouri state highway patrol, Missouri criminal records repository, for the purpose of checking the person's criminal history. The fingerprints shall be used to search the Missouri criminal records repository and shall be submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files. The fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state highway patrol. Fees shall be as set forth in section 43.530.

190.098. 1. In order for a person to be eligible for certification by the department as a community paramedic, an individual shall:

(1) Be currently certified as a paramedic;

(2) Successfully complete or have successfully completed a community paramedic certification program from a college, university, or educational institution that has been approved by the department or accredited by a national accreditation organization approved by the department; and

(3) Complete an application form approved by the department.

2. A community paramedic shall practice in accordance with protocols and supervisory standards established by the medical director. A community paramedic shall provide services of a health care plan if the plan has been developed by the patient's physician or by an advanced practice registered nurse through a collaborative practice arrangement with a physician or a physician assistant through a collaborative practice arrangement with a physician and there is no duplication of services to the patient from another provider.

3. Any ambulance service shall enter into a written contract to provide community paramedic services in another ambulance service area, as that term is defined in section 190.100. The contract that is agreed upon may be for an indefinite period of time, as long as it includes at least a sixty-day cancellation notice by either ambulance service.

4. A community paramedic is subject to the provisions of sections 190.001 to [190.245] **190.243** and rules promulgated under sections 190.001 to [190.245] **190.243**.

5. No person shall hold himself or herself out as a community paramedic or provide the services of a community paramedic unless such person is certified by the department.

6. The medical director shall approve the implementation of the community paramedic program.

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

190.100. As used in sections 190.001 to [190.245] **190.257**, the following words and terms mean:

(1) "Advanced emergency medical technician" or "AEMT", a person who has successfully completed

a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to [190.245] **190.243** and rules and regulations adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(2) “Advanced life support (ALS)”, an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(3) “Ambulance”, any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(4) “Ambulance service”, a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to [190.245] **190.243**, and the rules promulgated by the department pursuant to sections 190.001 to [190.245] **190.243**;

(5) “Ambulance service area”, a specific geographic area in which an ambulance service has been authorized to operate;

(6) “Basic life support (BLS)”, a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(7) “Council”, the state advisory council on emergency medical services;

(8) “Department”, the department of health and senior services, state of Missouri;

(9) “Director”, the director of the department of health and senior services or the director’s duly authorized representative;

(10) “Dispatch agency”, any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(11) “Emergency”, the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person’s health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(12) “Emergency medical dispatcher”, a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national

curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to [190.245] **190.243**;

(13) “Emergency medical responder”, a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the U.S. Department of Transportation and any modifications to such curricula specified by the department through rules adopted under sections 190.001 to [190.245] **190.243** and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(14) “Emergency medical response agency”, any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(15) “Emergency medical services for children (EMS-C) system”, the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(16) “Emergency medical services (EMS) system”, the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(17) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to [190.245] **190.243**, and by rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(18) “Emergency medical technician-basic” or “EMT-B”, a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(19) “Emergency medical technician-community paramedic”, “community paramedic”, or “EMT-CP”, a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;

(20) “Emergency medical technician-paramedic” or “EMT-P”, a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**;

(21) “Emergency services”, health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital’s emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

(22) “Health care facility”, a hospital, nursing home, physician’s office or other fixed location at which medical and health care services are performed;

(23) “Hospital”, an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

(24) “Medical control”, supervision provided by or under the direction of physicians, or their designated

registered nurse, including both online medical control, instructions by radio, telephone, or other means of direct communications, and offline medical control through supervision by treatment protocols, case review, training, and standing orders for treatment;

(25) “Medical direction”, medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

(26) “Medical director”, a physician licensed pursuant to chapter 334 designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to [190.245] **190.243**;

(27) “Memorandum of understanding”, an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(28) “Patient”, an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

(29) “Person”, as used in these definitions and elsewhere in sections 190.001 to [190.245] **190.243**, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

(30) “Physician”, a person licensed as a physician pursuant to chapter 334;

(31) “Political subdivision”, any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

(32) “Professional organization”, any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B’s, nurses, EMT-P’s, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

(33) “Proof of financial responsibility”, proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

(34) “Protocol”, a predetermined, written medical care guideline, which may include standing orders;

(35) “Regional EMS advisory committee”, a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

(36) “Specialty care transportation”, the transportation of a patient requiring the services of an

emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

(37) “Stabilize”, with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual’s medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

(38) “State advisory council on emergency medical services”, a committee formed to advise the department on policy affecting emergency medical service throughout the state;

(39) “State EMS medical directors advisory committee”, a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

(40) “STEMI” or “ST-elevation myocardial infarction”, a type of heart attack in which impaired blood flow to the patient’s heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

(41) “STEMI care”, includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

(42) “STEMI center”, a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

(43) “Stroke”, a condition of impaired blood flow to a patient’s brain as defined by the department;

(44) “Stroke care”, includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

(45) “Stroke center”, a hospital that is currently designated as such by the department;

(46) “Time-critical diagnosis”, trauma care, stroke care, and STEMI care occurring either outside of a hospital or in a center designated under section 190.241;

(47) “Time-critical diagnosis advisory committee”, a committee formed under section 190.257 to advise the department on policies impacting trauma, stroke, and STEMI center designations; regulations on trauma care, stroke care, and STEMI care; and the transport of trauma, stroke, and STEMI patients;

(48) “Trauma”, an injury to human tissues and organs resulting from the transfer of energy from the environment;

[(47)] (49) “Trauma care” includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem **trauma** injuries that potentially require immediate medical or surgical intervention or treatment;

[(48)] **(50)** “Trauma center”, a hospital that is currently designated as such by the department.

190.101. 1. There is hereby established a “State Advisory Council on Emergency Medical Services” which shall consist of sixteen members, one of which shall be a resident of a city not within a county. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.

2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT’s, paramedics, nurses, firefighters, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. The state EMS medical director, as described under section 190.103, shall serve as an ex officio member of the council.

5. The members of the council and subcommittees shall serve without compensation except that members of the council shall, subject to appropriations, be reimbursed for reasonable travel expenses and meeting expenses related to the functions of the council.

[5.] **6.** The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.

[6.] **7.** (1) There is hereby established a standing subcommittee of the council to monitor the implementation of the recognition of the EMS personnel licensure interstate compact under sections 190.900 to 190.939, the interstate commission for EMS personnel practice, and the involvement of the state of Missouri. The subcommittee shall meet at least biannually and receive reports from the Missouri delegate to the interstate commission for EMS personnel practice. The subcommittee shall consist of at least seven members appointed by the chair of the council, to include at least two members as recommended by the Missouri state council of firefighters and one member as recommended by the Missouri Association of Fire Chiefs. The subcommittee may submit reports and recommendations to the council, the department of health and senior services, the general assembly, and the governor regarding the participation of Missouri with the recognition of the EMS personnel licensure interstate compact.

(2) The subcommittee shall formally request a public hearing for any rule proposed by the interstate commission for EMS personnel practice in accordance with subsection 7 of section 190.930. The hearing request shall include the request that the hearing be presented live through the internet. The Missouri delegate to the interstate commission for EMS personnel practice shall be responsible for ensuring that all hearings, notices of, and related rulemaking communications as required by the compact be communicated to the council and emergency medical services personnel under the provisions of subsections 4, 5, 6, and 8 of section 190.930.

(3) The department of health and senior services shall not establish or increase fees for Missouri

emergency medical services personnel licensure in accordance with this chapter for the purpose of creating the funds necessary for payment of an annual assessment under subdivision (3) of subsection 5 of section 190.924.

8. The council shall consult with the time-critical diagnosis advisory committee, as described under section 190.257, regarding time-critical diagnosis.

190.103. 1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years. The state EMS medical director shall be the chair of the state EMS medical director's advisory committee, and shall be elected by the members of the regional EMS medical director's advisory committee, shall serve a term of four years, and shall seek to coordinate EMS services between the EMS regions, promote educational efforts for agency medical directors, represent Missouri EMS nationally in the role of the state EMS medical director, and seek to incorporate the EMS system into the health care system serving Missouri.

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders. Emergency medical technicians shall only perform those medical procedures as directed by treatment protocols approved by the local medical director or when authorized through direct communication with online medical control.

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

5. Regional EMS medical directors and the state EMS medical director elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official

immunity, and the Missouri public duty doctrine defenses.

6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035.

7. Regional EMS medical directors may act to provide online telecommunication medical direction to AEMTs, EMT-Bs, EMT-Ps, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including AEMTs, EMT-Bs, EMT-Ps, and community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.

8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments. Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending arrival of the special needs patient, the condition of the patient, and the treatment instituted.

9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.

10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for patients, such activity shall not be construed as having usurped local medical direction authority in any manner.

11. The state EMS medical directors advisory committee shall review and make recommendations regarding all proposed community and regional time-critical diagnosis plans.

12. Notwithstanding any other provision of law to the contrary, when regional EMS medical directors are providing either online telecommunication medical direction to AEMTs, EMT-Bs, EMT-Ps, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications.

190.104. 1. The department is authorized to establish a program to improve the quality of emergency care for pediatric patients throughout the state and to implement a comprehensive pediatric emergency medical services system in accordance with standards prescribed by sections 190.001 to [190.245] **190.243** and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**.

2. The department is authorized to receive contributions, grants, donations or funds from any private entity to be expended for the program authorized pursuant to this section.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections 190.001 to [190.245] **190.243**.

2. No ground ambulance shall be operated for ambulance purposes, and no individual shall drive, attend

or permit it to be operated for such purposes in the state of Missouri unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid Missouri license as an emergency medical technician. Nothing in this section shall be construed to mean that a duly registered nurse, a duly licensed physician, or a duly licensed physician assistant be required to hold an emergency medical technician's license. When a physician assistant is in attendance with a patient on an ambulance, the physician assistant shall be exempt from any mileage limitations in any collaborative practice arrangement prescribed under law. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record. Each ground ambulance shall be staffed with at least two licensed individuals when transporting a patient, except as provided in section 190.094. In emergency situations which require additional medical personnel to assist the patient during transportation, an emergency medical responder, firefighter, or law enforcement personnel with a valid driver's license and prior experience with driving emergency vehicles may drive the ground ambulance provided the ground ambulance service stipulates to this practice in operational policies.

3. No license shall be required for an ambulance service, or for the attendant of an ambulance, which:

(1) Is rendering assistance in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies; or

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for transportation to locations within Missouri, except as provided in subdivision (1) of this subsection.

4. The issuance of a license pursuant to the provisions of sections 190.001 to [190.245] **190.243** shall not be construed so as to authorize any person to provide ambulance services or to operate any ambulances without a franchise in any city not within a county or in a political subdivision in any county with a population of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid agreement in any other political subdivision which has enacted an ordinance making it unlawful to do so.

5. Sections 190.001 to [190.245] **190.243** shall not preclude the adoption of any law, ordinance or regulation not in conflict with such sections by any city not within a county, or at least as strict as such sections by any county, municipality or political subdivision except that no such regulations or ordinances shall be adopted by a political subdivision in a county with a population of over nine hundred thousand inhabitants except by the county's governing body.

6. In a county with a population of over nine hundred thousand inhabitants, the governing body of the county shall set the standards for all ambulance services which shall comply with subsection 5 of this section. All such ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.

7. An ambulance service or vehicle when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad safety.

8. Sections 190.001 to [190.245] **190.243** shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of such employer's employees whose illness or injury

occurs on private property, and not on a public highway or property, nor to any person operating such a motor vehicle.

9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.

10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection 2 of section 190.109, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages pursuant to chapter 67.

14. Upon the sale or transfer of any ground ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to [190.245] **190.243**.

190.108. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an air ambulance license.

2. The department shall have the authority and responsibility to license an air ambulance service in accordance with sections 190.001 to [190.245] **190.243**, and in accordance with rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The department may promulgate rules relating to the requirements for an air ambulance license including, but not limited to:

- (1) Medical control plans;
- (2) Medical director qualifications;
- (3) Air medical staff qualifications;
- (4) Response and operations standards to assure that the health and safety needs of the public are met;
- (5) Standards for air medical communications;

- (6) Criteria for compliance with licensure requirements;
- (7) Records and forms;
- (8) Equipment requirements;
- (9) Five-year license renewal;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

3. Application for an air ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The application form shall contain such information as the department deems necessary to make a determination as to whether the air ambulance service meets all the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

4. Upon the sale or transfer of any air ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to [190.245] **190.243**.

190.109. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for a ground ambulance license.

2. Any person that owned and operated a licensed ambulance on December 31, 1997, shall receive an ambulance service license from the department, unless suspended, revoked or terminated, for that ambulance service area which was, on December 31, 1997, described and filed with the department as the primary service area for its licensed ambulances on August 28, 1998, provided that the person makes application and adheres to the rules and regulations promulgated by the department pursuant to sections 190.001 to [190.245] **190.243**.

3. The department shall issue a new ground ambulance service license to an ambulance service that is not currently licensed by the department, or is currently licensed by the department and is seeking to expand its ambulance service area, except as provided in subsection 4 of this section, to be valid for a period of five years, unless suspended, revoked or terminated, when the director finds that the applicant meets the requirements of ambulance service licensure established pursuant to sections 190.100 to [190.245] **190.243** and the rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. In order to be considered for a new ambulance service license, an ambulance service shall submit to the department a letter of endorsement from each ambulance district or fire protection district that is authorized to provide ambulance service, or from each municipality not within an ambulance district or fire protection district that is authorized to provide ambulance service, in which the ambulance service proposes to operate. If an ambulance service proposes to operate in unincorporated portions of a county not within an ambulance district or fire protection district that is authorized to provide ambulance service, in order to be considered for a new ambulance service license, the ambulance service shall submit to the department a letter of endorsement from the county. Any letter of endorsement required pursuant to this section shall verify that the political subdivision has conducted a public hearing regarding the endorsement and that the governing body of the political subdivision has adopted a resolution approving the endorsement. The letter of

endorsement shall affirmatively state that the proposed ambulance service:

- (1) Will provide a benefit to public health that outweighs the associated costs;
- (2) Will maintain or enhance the public's access to ambulance services;
- (3) Will maintain or improve the public health and promote the continued development of the regional emergency medical service system;
- (4) Has demonstrated the appropriate expertise in the operation of ambulance services; and
- (5) Has demonstrated the financial resources necessary for the operation of the proposed ambulance service.

4. A contract between a political subdivision and a licensed ambulance service for the provision of ambulance services for that political subdivision shall expand, without further action by the department, the ambulance service area of the licensed ambulance service to include the jurisdictional boundaries of the political subdivision. The termination of the aforementioned contract shall result in a reduction of the licensed ambulance service's ambulance service area by removing the geographic area of the political subdivision from its ambulance service area, except that licensed ambulance service providers may provide ambulance services as are needed at and around the state fair grounds for protection of attendees at the state fair.

5. The department shall renew a ground ambulance service license if the applicant meets the requirements established pursuant to sections 190.001 to [190.245] **190.243**, and the rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**.

6. The department shall promulgate rules relating to the requirements for a ground ambulance service license including, but not limited to:

- (1) Vehicle design, specification, operation and maintenance standards;
- (2) Equipment requirements;
- (3) Staffing requirements;
- (4) Five-year license renewal;
- (5) Records and forms;
- (6) Medical control plans;
- (7) Medical director qualifications;
- (8) Standards for medical communications;
- (9) Memorandums of understanding with emergency medical response agencies that provide advanced life support;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

7. Application for a ground ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The application form

shall contain such information as the department deems necessary to make a determination as to whether the ground ambulance service meets all the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

190.120. 1. No ambulance service license shall be issued pursuant to sections 190.001 to [190.245] **190.243**, nor shall such license be valid after issuance, nor shall any ambulance be operated in Missouri unless there is at all times in force and effect insurance coverage or proof of financial responsibility with adequate reserves maintained for each and every ambulance owned or operated by or for the applicant or licensee to provide for the payment of damages in an amount as prescribed in regulation:

(1) For injury to or death of individuals in accidents resulting from any cause for which the owner of such vehicle would be liable on account of liability imposed on him or her by law, regardless of whether the ambulance was being driven by the owner or the owner's agent; and

(2) For the loss of or damage to the property of another, including personal property, under like circumstances.

2. The insurance policy or proof of financial responsibility shall be submitted by all licensees required to provide such insurance pursuant to sections 190.001 to [190.245] **190.243**. The insurance policy, or proof of the existence of financial responsibility, shall be submitted to the director, in such form as the director may specify, for the director's approval prior to the issuance of each ambulance service license.

3. Every insurance policy or proof of financial responsibility document required by the provisions of this section shall contain proof of a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon; that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured; and that until the policy is revoked the insurance company or self-insured licensee or entity will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured. Such policy of insurance or self-insurance shall be further conditioned for the payment of any judgments up to the limits of such policy, recovered against any person other than the owner, the owner's agent or employee, who may operate the same with the consent of the owner.

4. Every insurance policy or self-insured licensee or entity as required by the provisions of this section shall extend for the period to be covered by the license applied for and the insurer shall be obligated to give not less than thirty days' written notice to the director and to the insured before any cancellation or termination thereof earlier than its expiration date, and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the ambulance service covered by such policy unless covered by another insurance policy in compliance with sections 190.001 to [190.245] **190.243**.

190.131. 1. The department shall accredit or certify training entities for emergency medical responders, emergency medical dispatchers, and emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to [190.245] **190.243**.

2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, record keeping, and reporting.

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The

application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.001 to [190.245] **190.243**.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.001 to [190.245] **190.243** and all rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

7. No person or entity shall hold itself out or provide training required by this section without accreditation or certification by the department.

190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.

2. The department shall issue a license to any emergency medical response agency which provides advanced life support if the applicant meets the requirements established pursuant to sections 190.001 to [190.245] **190.243**, and the rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The department may promulgate rules relating to the requirements for an emergency medical response agency including, but not limited to:

- (1) A licensure period of five years;
- (2) Medical direction;
- (3) Records and forms; and
- (4) Memorandum of understanding with local ambulance services.

3. Application for an emergency medical response agency license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical response agency meets all the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

4. No person or entity shall hold itself out as an emergency medical response agency that provides advanced life support or provide the services of an emergency medical response agency that provides advanced life support unless such person or entity is licensed by the department.

190.142. 1. (1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, the department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an

emergency medical technician's license.

(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may include the use of vendors or systems administered by the Missouri state highway patrol. The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 190.900, in recognition of the EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.

(3) The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to [190.245] **190.243** and the rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Emergency medical technician and paramedic education and training requirements based on respective National Emergency Medical Services Education Standards and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to [190.245] **190.243**;

(3) Paramedic accreditation requirements. Paramedic training programs shall be accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or hold a CAAHEP letter of review;

(4) Initial licensure testing requirements. Initial EMT-P licensure testing shall be through the national registry of EMTs;

(5) Continuing education and relicensure requirements; and

(6) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. 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, 2002, shall be invalid and void.

190.143. 1. Notwithstanding any other provisions of law, the department may grant a ninety-day temporary emergency medical technician license to all levels of emergency medical technicians who meet the following:

(1) Can demonstrate that they have, or will have, employment requiring an emergency medical technician license;

(2) Are not currently licensed as an emergency medical technician in Missouri or have been licensed as an emergency medical technician in Missouri and fingerprints need to be submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal history, or they are currently licensed and the license will expire before a verification can be completed of the existence or absence of a criminal history;

(3) Have submitted a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**;

(4) Have not been disciplined pursuant to sections 190.001 to [190.245] **190.243** and rules promulgated pursuant to sections 190.001 to [190.245] **190.243**;

(5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to [190.245] **190.243**.

2. A temporary emergency medical technician license shall only authorize the [license] licensee to practice while under the immediate supervision of a licensed emergency medical technician, registered nurse, physician assistant, or physician who is currently licensed, without restrictions, to practice in Missouri.

3. A temporary emergency medical technician license shall automatically expire either ninety days from the date of issuance or upon the issuance of a five-year emergency medical technician license.

190.146. Any licensee allowing a license to lapse may within two years of the lapse request that their license be returned to active status by notifying the department in advance of such intention, and submit a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to [190.245] **190.243**. If the licensee meets all the requirements for relicensure, the department shall issue a new emergency medical technician license to the licensee.

190.160. The renewal of any license shall require conformance with sections 190.001 to [190.245] **190.243** and sections 190.525 to 190.537, and rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243** and sections 190.525 to 190.537.

190.165. 1. The department may refuse to issue or deny renewal of any certificate, permit or license

required pursuant to sections 190.100 to [190.245] **190.243** for failure to comply with the provisions of sections 190.100 to [190.245] **190.243** or any lawful regulations promulgated by the department to implement its provisions as described in subsection 2 of this section. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate, permit or license required by sections 190.100 to [190.245] **190.243** or any person who has failed to renew or has surrendered his or her certificate, permit or license for failure to comply with the provisions of sections 190.100 to [190.245] **190.243** or any lawful regulations promulgated by the department to implement such sections. Those regulations shall be limited to the following:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any activity licensed or regulated by sections 190.100 to [190.245] **190.243**;

(2) Being finally adjudicated and found guilty, or having 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 activity licensed or regulated pursuant to sections 190.100 to [190.245] **190.243**, 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;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate, permit or license issued pursuant to sections 190.100 to [190.245] **190.243** or in obtaining permission to take any examination given or required pursuant to sections 190.100 to [190.245] **190.243**;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to [190.245] **190.243**;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 190.100 to [190.245] **190.243**, or of any lawful rule or regulation adopted by the department pursuant to sections 190.100 to [190.245] **190.243**;

(7) Impersonation of any person holding a certificate, permit or license or allowing any person to use his or her certificate, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any activity regulated by sections 190.100 to [190.245] **190.243** granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) For an individual being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any activity licensed or regulated by sections 190.100 to [190.245] **190.243** who is not licensed and currently eligible to practice pursuant to sections 190.100 to [190.245] **190.243**;

(11) Issuance of a certificate, permit or license based upon a material mistake of fact;

(12) Violation of any professional trust, confidence, or legally protected privacy rights of a patient by means of an unauthorized or unlawful disclosure;

(13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(14) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(15) Refusal of any applicant or licensee to respond to reasonable department of health and senior services' requests for necessary information to process an application or to determine license status or license eligibility;

(16) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health or safety of a patient or the public;

(17) Repeated acts of negligence or recklessness in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to [190.245] **190.243**.

3. If the department conducts investigations, the department, prior to interviewing a licensee who is the subject of the investigation, shall explain to the licensee that he or she has the right to:

(1) Consult legal counsel or have legal counsel present;

(2) Have anyone present whom he or she deems to be necessary or desirable; and

(3) Refuse to answer any question or refuse to provide or sign any written statement.

The assertion of any right listed in this subsection shall not be deemed by the department to be a failure to cooperate with any department investigation.

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit. Notwithstanding any provision of law to the contrary, the department shall be authorized to impose a suspension or revocation as a disciplinary action only if it first files the requisite complaint with the administrative hearing commission. The administrative hearing commission shall hear all relevant evidence on remediation activities of the licensee and shall make a recommendation to the department of health and senior services as to licensure disposition based on such evidence.

5. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the department after compliance with all the requirements of sections 190.100 to [190.245] **190.243** relative to the licensing of an applicant for the first time. Any individual whose license has been revoked twice within a ten-year period shall not be eligible for relicensure.

6. The department may notify the proper licensing authority of any other state in which the person whose

license was suspended or revoked was also licensed of the suspension or revocation.

7. Any person, organization, association or corporation who reports or provides information to the department pursuant to the provisions of sections 190.100 to [190.245] **190.243** and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

8. The department of health and senior services may suspend any certificate, permit or license required pursuant to sections 190.100 to [190.245] **190.243** simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the department finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license, certificate or permit to the department. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the department within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

190.171. Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person pursuant to the provisions of sections 190.001 to [190.245] **190.243** and sections 190.525 to 190.537, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department of health and senior services or the department of social services.

190.173. 1. All complaints, investigatory reports, and information pertaining to any applicant, holder of any certificate, permit, or license, or other individual are confidential and shall only be disclosed upon written consent of the person whose records are involved or to other administrative or law enforcement agencies acting within the scope of their statutory authority. However, no applicant, holder of any certificate, permit, or license, or other individual shall have access to any complaints, investigatory reports, or information concerning an investigation in progress until such time as the investigation has been completed as required by subsection 1 of section 190.248.

2. Any information regarding the identity, name, address, license, final disciplinary action taken, currency of the license, permit, or certificate of an applicant for or a person possessing a license, permit, or certificate in accordance with sections 190.100 to [190.245] **190.243** shall not be confidential.

3. Any information regarding the physical address, mailing address, phone number, fax number, or email address of a licensed ambulance service or a certified training entity, including the name of the medical director and organizational contact information, shall not be confidential.

4. This section shall not be construed to authorize the release of records, reports, or other information which may be held in department files for any holder of or applicant for any certificate, permit, or license that is subject to other specific state or federal laws concerning their disclosure.

5. Nothing in this section shall prohibit the department from releasing aggregate information in accordance with section 192.067.

190.176. 1. The department shall develop and administer a uniform data collection system on all ambulance runs and injured patients, pursuant to rules promulgated by the department for the purpose of

injury etiology, patient care outcome, injury and disease prevention and research purposes. The department shall not require disclosure by hospitals of data elements pursuant to this section unless those data elements are required by a federal agency or were submitted to the department as of January 1, 1998, pursuant to:

- (1) Departmental regulation of trauma centers; or
- (2) [The Missouri brain and spinal cord injury registry established by sections 192.735 to 192.745; or
- (3)] Abstracts of inpatient hospital data; or
- [4)] (3) If such data elements are requested by a lawful subpoena or subpoena duces tecum.

2. All information and documents in any civil action, otherwise discoverable, may be obtained from any person or entity providing information pursuant to the provisions of sections 190.001 to [190.245] **190.243**.

190.180. 1. Any person violating, or failing to comply with, the provisions of sections 190.001 to [190.245] **190.243** is guilty of a class B misdemeanor.

2. Each day that any violation of, or failure to comply with, sections 190.001 to [190.245] **190.243** is committed or permitted to continue shall constitute a separate and distinct offense and shall be punishable as such hereunder; but the court may, in appropriate cases, stay the cumulation of penalties.

3. The attorney general of Missouri shall have concurrent jurisdiction with any and all prosecuting attorneys to prosecute persons in violation of sections 190.001 to [190.245] **190.243**, and the attorney general or prosecuting attorney may institute injunctive proceedings against any person operating in violation of sections 190.001 to [190.245] **190.243**.

4. The prosecuting attorney for the county in which the violation of a political subdivision's law, ordinance or regulation relating to the provision of ambulance services occurs may prosecute such violations in the circuit court of that county. The legal officer or attorney for the political subdivision may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation.

5. A person, acting as owner, agent or otherwise, who holds a valid license for an ambulance service, shall not, incident to such person's business or service of transporting patients, violate any applicable law, ordinance or regulation of any political subdivision by providing ambulance services or operating any ambulances without a franchise, contract or mutual-aid agreement in such political subdivision, or by violating any such franchise, contract or mutual-aid agreement by any political subdivision which has enacted ordinances making it unlawful to do so. If the department receives official written notification by a political subdivision that an ambulance service has been adjudicated and found to be in violation of any applicable law or ordinance, such ambulance service shall be subject to licensure action by the department.

6. No provision of this section is intended to limit or supersede a political subdivision's right to enforce any law, ordinance, regulation, franchise, contract or mutual-aid agreement.

7. The provisions of subsections 4, 5 and 6 of this section shall not apply to a city not within a county and any county with a population of over nine hundred thousand inhabitants and any licensed ambulance service when operating in a city not within a county.

190.185. The department shall adopt, amend, promulgate, and enforce such rules, regulations and standards with respect to the provisions of this chapter as may be designed to further the accomplishment of the purpose of this law in promoting state-of-the-art emergency medical services in the interest of public

health, safety and welfare. When promulgating such rules and regulations, the department shall consider the recommendations of the state advisory council on emergency medical services. Any rule or portion of a rule promulgated pursuant to the authority of sections 190.001 to [190.245] **190.243** or sections 190.525 to 190.537 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, 2002, shall be invalid and void.

190.190. 1. All ambulance vehicles or aircraft that have or are qualified to have a valid license issued by the department on the day that sections 190.001 to [190.245] **190.243** take effect will have their ambulance vehicle or aircraft license expiration date extended to a date that is one year after the effective date of sections 190.001 to [190.245] **190.243**.

2. All ambulance services shall have until August 28, 1999, to comply with the provisions of sections 190.001 to [190.245] **190.243** and rules developed pursuant to sections 190.001 to [190.245] **190.243**. Pursuant to sections 190.001 to [190.245] **190.243** the department may adjust the initial period of licensure, from one year to five years, of any ambulance service licensed pursuant to sections 190.001 to [190.245] **190.243**, to equalize the number of licenses that may be renewed during each year of any five-year licensure period.

190.196. 1. No employer shall knowingly employ or permit any employee to perform any services for which a license, certificate or other authorization is required by sections 190.001 to [190.245] **190.243**, or by rules adopted pursuant to sections 190.001 to [190.245] **190.243**, unless and until the person so employed possesses all licenses, certificates or authorizations that are required.

2. Any person or entity that employs or supervises a person's activities as an emergency medical responder, emergency medical dispatcher, emergency medical technician, registered nurse, physician assistant, or physician shall cooperate with the department's efforts to monitor and enforce compliance by those individuals subject to the requirements of sections 190.001 to [190.245] **190.243**.

3. Any person or entity who employs individuals licensed by the department pursuant to sections 190.001 to [190.245] **190.243** shall report to the department within seventy-two hours of their having knowledge of any charges filed against a licensee in their employ for possible criminal action involving the following felony offenses:

- (1) Child abuse or sexual abuse of a child;
- (2) Crimes of violence; or
- (3) Rape or sexual abuse.

4. Any licensee who has charges filed against him or her for the felony offenses in subsection 3 of this section shall report such an occurrence to the department within seventy-two hours of the charges being filed.

5. The department will monitor these reports for possible licensure action authorized pursuant to section 190.165.

190.200. 1. The department of health and senior services in cooperation with **hospitals and** local and regional EMS systems and agencies may provide public and professional information and education

programs related to emergency medical services systems including trauma, STEMI, and stroke systems and emergency medical care and treatment. The department of health and senior services may also provide public information and education programs for informing residents of and visitors to the state of the availability and proper use of emergency medical services, **of the designation a hospital may receive as a trauma center, STEMI center, or stroke center**, of the value and nature of programs to involve citizens in the administering of prehospital emergency care, including cardiopulmonary resuscitation, and of the availability of training programs in emergency care for members of the general public.

2. The department shall, for **trauma care**, STEMI care, and stroke care, respectively:

(1) Compile [and] , assess, **and make publicly available** peer-reviewed and evidence-based clinical research and guidelines that provide or support recommended treatment standards **and that have been recommended by the time-critical diagnosis advisory committee**;

(2) Assess the capacity of the emergency medical services system and hospitals to deliver recommended treatments in a timely fashion;

(3) Use the research, guidelines, and assessment to promulgate rules establishing protocols for transporting **trauma patients to a trauma center**, STEMI patients to a STEMI center, or stroke patients to a stroke center. Such transport protocols shall direct patients to **trauma centers**, STEMI centers, and stroke centers under section 190.243 based on the centers' capacities to deliver recommended acute care treatments within time limits suggested by clinical research;

(4) Define regions within the state for purposes of coordinating the delivery of **trauma care**, STEMI care, and stroke care, respectively;

(5) Promote the development of regional or community-based plans for transporting **trauma**, STEMI, or stroke patients via ground or air ambulance to **trauma centers**, STEMI centers, or stroke centers, respectively, in accordance with section 190.243; and

(6) Establish procedures for the submission of community-based or regional plans for department approval.

3. A community-based or regional plan **for the transport of trauma, STEMI, and stroke patients** shall be submitted to the department for approval. Such plan shall be based on the clinical research and guidelines and assessment of capacity described in subsection [1] **2** of this section and shall include a mechanism for evaluating its effect on medical outcomes. Upon approval of a plan, the department shall waive the requirements of rules promulgated under sections 190.100 to [190.245] **190.243** that are inconsistent with the community-based or regional plan. A community-based or regional plan shall be developed by [or in consultation with] the representatives of hospitals, physicians, and emergency medical services providers in the community or region.

190.241. 1. **Except as provided for in subsection 4 of this section**, the department shall designate a hospital as an adult, pediatric or adult and pediatric trauma center when a hospital, upon proper application submitted by the hospital and site review, has been found by the department to meet the applicable level of trauma center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185. **Site review may occur on-site or by any reasonable means of communication, or by any combination thereof.** Such rules shall include designation as a trauma center without site review if such hospital is verified by a national verifying or designating body at the level which corresponds to a level approved in rule. **In developing trauma center designation criteria, the department shall use, as it**

deems practicable, peer-reviewed and evidence-based clinical research and guidelines including, but not limited to, the most recent guidelines of the American College of Surgeons.

2. Except as provided for in subsection [5] 4 of this section, the department shall designate a hospital as a STEMI or stroke center when such hospital, upon proper application and site review, has been found by the department to meet the applicable level of STEMI or stroke center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185. **Site review may occur on-site or by any reasonable means of communication, or by any combination thereof.** In developing STEMI center and stroke center designation criteria, the department shall use, as it deems practicable, [appropriate] peer-reviewed [or] **and** evidence-based **clinical** research [on such topics] **and guidelines** including, but not limited to, the most recent guidelines of the American College of Cardiology [and] , **the** American Heart Association [for STEMI centers, or the Joint Commission’s Primary Stroke Center Certification program criteria for stroke centers, or Primary and Comprehensive Stroke Center Recommendations as published by] , **or** the American Stroke Association. Such rules shall include designation as a STEMI center **or stroke center** without site review if such hospital is certified by a national body.

3. The department of health and senior services shall, not less than once every [five] **three** years, conduct [an on-site] **a site** review of every trauma, STEMI, and stroke center through appropriate department personnel or a qualified contractor, with the exception of **trauma centers, STEMI centers, and** stroke centers designated pursuant to subsection [5] 4 of this section; however, this provision is not intended to limit the department’s ability to conduct a complaint investigation pursuant to subdivision (3) of subsection 2 of section 197.080 of any trauma, STEMI, or stroke center. [On-site] **Site** reviews shall be coordinated for the different types of centers to the extent practicable with hospital licensure inspections conducted under chapter 197. No person shall be a qualified contractor for purposes of this subsection who has a substantial conflict of interest in the operation of any trauma, STEMI, or stroke center under review. The department may deny, place on probation, suspend or revoke such designation in any case in which it has [reasonable cause to believe that] **determined** there has been a substantial failure to comply with the provisions of this chapter or any rules or regulations promulgated pursuant to this chapter. **Centers that are placed on probationary status shall be required to demonstrate compliance with the provisions of this chapter and any rules or regulations promulgated under this chapter within twelve months of the date of the receipt of the notice of probationary status, unless otherwise provided by a settlement agreement with a duration of a maximum of eighteen months between the department and the designated center.** If the department of health and senior services has [reasonable cause to believe] **determined** that a hospital is not in compliance with such provisions or regulations, it may conduct additional announced or unannounced site reviews of the hospital to verify compliance. If a trauma, STEMI, or stroke center fails two consecutive [on-site] **site** reviews because of substantial noncompliance with standards prescribed by sections 190.001 to [190.245] **190.243** or rules adopted by the department pursuant to sections 190.001 to [190.245] **190.243**, its center designation shall be revoked.

4. **(1)** Instead of applying for **trauma, STEMI, or stroke** center designation under subsection **1 or 2** of this section, a hospital may apply for **trauma, STEMI, or stroke** center designation under this subsection. Upon receipt of an application [from a hospital] on a form prescribed by the department, the department shall designate such hospital[:

(1) A level I STEMI center if such hospital has been certified as a Joint Commission comprehensive cardiac center or another department-approved nationally recognized organization that provides comparable

STEMI center accreditation; or

(2) A level II STEMI center if such hospital has been accredited as a Mission: Lifeline STEMI receiving center by the American Heart Association accreditation process or another department-approved nationally recognized organization that provides STEMI receiving center accreditation.

5. Instead of applying for stroke center designation pursuant to the provisions of subsection 2 of this section, a hospital may apply for stroke center designation pursuant to this subsection. Upon receipt of an application from a hospital on a form prescribed by the department, the department shall designate such hospital:

(1) A level I stroke center if such hospital has been certified as a comprehensive stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines;

(2) A level II stroke center if such hospital has been certified as a primary stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines; or

(3) A level III stroke center if such hospital has been certified as an acute stroke-ready hospital by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines] **at a state level that corresponds to a similar national designation as set forth in rules promulgated by the department. The rules shall be based on standards of nationally recognized organizations and the recommendations of the time-critical diagnosis advisory committee.**

(2) Except as provided by subsection [6] 5 of this section, the department shall not require compliance with any additional standards for establishing or renewing **trauma, STEMI, or** stroke designations. The designation shall continue if such hospital remains certified **or verified**. The department may remove a hospital's designation as a **trauma center, STEMI center, or** stroke center if the hospital requests removal of the designation or the department determines that the certificate [recognizing] **or verification that qualified** the hospital [as a stroke center] **for the designation under this subsection** has been suspended or revoked. Any decision made by the department to withdraw its designation of a [stroke] center pursuant to this subsection that is based on the revocation or suspension of a certification **or verification** by a certifying **or verifying** organization shall not be subject to judicial review. The department shall report to the certifying **or verifying** organization any complaint it receives related to the [stroke] center [certification of a stroke center] designated pursuant to this subsection. The department shall also advise the complainant which organization certified **or verified** the [stroke] center and provide the necessary contact information should the complainant wish to pursue a complaint with the certifying **or verifying** organization.

[6.] 5. Any hospital receiving designation as a **trauma center, STEMI center, or** stroke center pursuant to subsection [5] 4 of this section shall:

(1) [Annually and] Within thirty days of any changes **or receipt of a certificate or verification**, submit to the department proof of [stroke] certification **or verification** and the names and contact information of the **center's** medical director and the program manager [of the stroke center]; **and**

(2) [Submit to the department a copy of the certifying organization's final stroke certification survey results within thirty days of receiving such results;

(3) Submit every four years an application on a form prescribed by the department for stroke center review and designation;

(4) Participate in the emergency medical services regional system of stroke care in its respective emergency medical services region as defined in rules promulgated by the department;

(5) Participate in local and regional emergency medical services systems [by reviewing and sharing outcome data and] **for purposes of providing training [and] , sharing clinical educational resources, and collaborating on improving patient outcomes.**

Any hospital receiving designation as a level III stroke center pursuant to subsection [5] 4 of this section shall have a formal agreement with a level I or level II stroke center for physician consultative services for evaluation of stroke patients for thrombolytic therapy and the care of the patient post-thrombolytic therapy.

[7.] **6.** Hospitals designated as a **trauma center, STEMI center,** or stroke center by the department[, including those designated pursuant to subsection 5 of this section,] shall submit data [to meet the data submission requirements specified by rules promulgated by the department. Such submission of data may be done] by **one of** the following methods:

(1) Entering hospital data [directly] into a state registry [by direct data entry]; **or**

(2) [Downloading hospital data from a nationally recognized registry or data bank and importing the data files into a state registry; or

(3) Authorizing a nationally recognized registry or data bank to disclose or grant access to the department facility-specific data held by the] **Entering hospital data into a national** registry or data bank. A hospital submitting data pursuant to **this** subdivision [(2) or (3) of this subsection] shall not be required to collect and submit any additional **trauma, STEMI, or stroke center data elements. No hospital submitting data to a national data registry or data bank under this subdivision shall withhold authorization for the department to access such data through such national data registry or data bank. Nothing in this subdivision shall be construed as requiring duplicative data entry by a hospital that is otherwise complying with the provisions of this subsection. Failure of the department to obtain access to data submitted to a national data registry or data bank shall not be construed as hospital noncompliance under this subsection.**

[8.] **7.** When collecting and analyzing data pursuant to the provisions of this section, the department shall comply with the following requirements:

(1) Names of any health care professionals, as defined in section 376.1350, shall not be subject to disclosure;

(2) The data shall not be disclosed in a manner that permits the identification of an individual patient or encounter;

(3) The data shall be used for the evaluation and improvement of hospital and emergency medical services' trauma, stroke, and STEMI care; **and**

(4) [The data collection system shall be capable of accepting file transfers of data entered into any national recognized trauma, stroke, or STEMI registry or data bank to fulfill trauma, stroke, or STEMI certification reporting requirements; and

(5)] **Trauma**, STEMI, and stroke center data elements shall conform to [nationally recognized performance measures, such as the American Heart Association's Get With the Guidelines] **national registry or data bank data elements**, and include published detailed measure specifications, data coding instructions, and patient population inclusion and exclusion criteria to ensure data reliability and validity.

[9. The board of registration for the healing arts shall have sole authority to establish education requirements for physicians who practice in an emergency department of a facility designated as a trauma, STEMI, or stroke center by the department under this section. The department shall deem such education requirements promulgated by the board of registration for the healing arts sufficient to meet the standards for designations under this section.

10.] 8. The department shall not have authority to establish additional education requirements for emergency medicine board-certified or board-eligible physicians who are participating in the American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM) maintenance of certification process and are practicing in the emergency department of a facility designated as a trauma center, STEMI center, or stroke center by the department under this section. The department shall deem the education requirements promulgated by ABEM or AOBEM to meet the standards for designations under this section. Education requirements for non-ABEM or non-AOBEM certified physicians, nurses, and other providers who provide care at a facility designated as a trauma center, STEMI center, or stroke center by the department under this section shall mirror but not exceed those established by national designating or verifying bodies of trauma centers, STEMI centers, or stroke centers.

9. The department of health and senior services may establish appropriate fees to offset **only** the costs of trauma, STEMI, and stroke center [reviews] **surveys**.

[11.] **10.** No hospital shall hold itself out to the public as a STEMI center, stroke center, adult trauma center, pediatric trauma center, or an adult and pediatric trauma center unless it is designated as such by the department of health and senior services.

[12.] **11.** Any person aggrieved by an action of the department of health and senior services affecting the trauma, STEMI, or stroke center designation pursuant to this chapter, including the revocation, the suspension, or the granting of, refusal to grant, or failure to renew a designation, may seek a determination thereon by the administrative hearing commission under chapter 621. It shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department.

12. Failure of a hospital to provide all medical records and quality improvement documentation necessary for the department to implement the provisions of sections 190.241 to 190.243 shall result in the revocation of the hospital's designation as a trauma center, STEMI center, or stroke center. Any medical records obtained by the department shall be used only for purposes of implementing the provisions of sections 190.241 to 190.243, and the names of hospitals, physicians, and patients shall not be released by the department or members of review teams.

190.243. 1. Severely injured patients shall be transported to a trauma center. Patients who suffer a STEMI, as defined in section 190.100, shall be transported to a STEMI center. Patients who suffer a stroke, as defined in section 190.100, shall be transported to a stroke center.

2. A physician, **physician assistant**, or registered nurse authorized by a physician who has established

verbal communication with ambulance personnel shall instruct the ambulance personnel to transport a severely ill or injured patient to the closest hospital or designated trauma, STEMI, or stroke center, as determined according to estimated transport time whether by ground ambulance or air ambulance, in accordance with transport protocol approved by the medical director and the department of health and senior services, even when the hospital is located outside of the ambulance service's primary service area. When initial transport from the scene of illness or injury to a trauma, STEMI, or stroke center would be prolonged, the STEMI, stroke, or severely injured patient may be transported to the nearest appropriate facility for stabilization prior to transport to a trauma, STEMI, or stroke center.

3. Transport of the STEMI, stroke, or severely injured patient shall be governed by principles of timely and medically appropriate care; consideration of reimbursement mechanisms shall not supersede those principles.

4. Patients who do not meet the criteria for direct transport to a trauma, STEMI, or stroke center shall be transported to and cared for at the hospital of their choice so long as such ambulance service is not in violation of local protocols.

190.248. 1. All investigations conducted in response to allegations of violations of sections 190.001 to [190.245] **190.243** shall be completed within six months of receipt of the allegation.

2. In the course of an investigation the department shall have access to all records directly related to the alleged violations from persons or entities licensed pursuant to this chapter or chapter 197 or 198.

3. Any department investigations that involve other administrative or law enforcement agencies shall be completed within six months of notification and final determination by such administrative or law enforcement agencies.

190.257. 1. There is hereby established the "Time-Critical Diagnosis Advisory Committee", to be designated by the director for the purpose of advising and making recommendations to the department on:

(1) Improvement of public and professional education related to time-critical diagnosis;

(2) Engagement in cooperative research endeavors;

(3) Development of standards, protocols, and policies related to time-critical diagnosis, including recommendations for state regulations; and

(4) Evaluation of community and regional time-critical diagnosis plans, including recommendations for changes.

2. The members of the committee shall serve without compensation, except that the department shall budget for reasonable travel expenses and meeting expenses related to the functions of the committee.

3. The director shall appoint sixteen members to the committee from applications submitted for appointment, with the membership to be composed of the following:

(1) Six members, one from each EMS region, who are active participants providing emergency medical services, with at least:

(a) One member who is a physician serving as a regional EMS medical director;

- (b) One member who serves on an air ambulance service;**
- (c) One member who resides in an urban area; and**
- (d) One member who resides in a rural area; and**
- (2) Ten members who represent hospitals, with at least:**
 - (a) One member who is employed by a level I or level II trauma center;**
 - (b) One member who is employed by a level I or level II STEMI center;**
 - (c) One member who is employed by a level I or level II stroke center;**
 - (d) One member who is employed by a rural or critical access hospital; and**

(e) Three physicians, with one physician certified by the American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM) and two physicians employed in time-critical diagnosis specialties at a level I or level II trauma center, STEMI center, or stroke center.

4. In addition to the sixteen appointees, the state EMS medical director shall serve as an ex officio member of the committee.

5. The director shall make a reasonable effort to ensure that the members representing hospitals have geographical representation from each district of the state designated by a statewide nonprofit membership association of hospitals.

6. Members appointed by the director shall be appointed for three-year terms. Initial appointments shall include extended terms in order to establish a rotation to ensure that only approximately one-third of the appointees will have their term expire in any given year. An appointee wishing to continue in his or her role on the committee shall resubmit an application as required by this section.

7. The committee shall consult with the state advisory council on emergency medical services, as described in section 190.101, regarding issues involving emergency medical services.

287.243. 1. This section shall be known and may be cited as the “Line of Duty Compensation Act”.

2. As used in this section, unless otherwise provided, the following words shall mean:

(1) “Air ambulance pilot”, a person certified as an air ambulance pilot in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to air ambulances adopted by the department of health and senior services;

(2) “Air ambulance registered professional nurse”, a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to [190.245] **190.243** and the corresponding regulations applicable to such programs;

(3) “Air ambulance registered respiratory therapist”, a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in conjunction with an air ambulance

program that is certified in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to such programs;

(4) “Child”, any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer’s fatality is:

(a) Eighteen years of age or under;

(b) Over eighteen years of age and a student, as defined in 5 U.S.C. Section 8101; or

(c) Over eighteen years of age and incapable of self-support because of physical or mental disability;

(5) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to [190.245] **190.243** and by rules adopted by the department of health and senior services under sections 190.001 to [190.245] **190.243**;

(6) “Firefighter”, any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;

(7) “Flight crew member”, an individual engaged in flight responsibilities with an air ambulance licensed in accordance with sections 190.001 to [190.245] **190.243** and corresponding regulations applicable to such programs;

(8) “Killed in the line of duty”, when any person defined in this section loses his or her life when:

(a) Death is caused by an accident or the willful act of violence of another;

(b) The public safety officer is in the active performance of his or her duties in his or her respective profession and there is a relationship between the accident or commission of the act of violence and the performance of the duty, even if the individual is off duty; the public safety officer is traveling to or from employment; or the public safety officer is taking any meal break or other break which takes place while that individual is on duty;

(c) Death is the natural and probable consequence of the injury; and

(d) Death occurs within three hundred weeks from the date the injury was received.

The term excludes death resulting from the willful misconduct or intoxication of the public safety officer. The division of workers’ compensation shall have the burden of proving such willful misconduct or intoxication;

(9) “Law enforcement officer”, any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person’s life;

(10) “Local governmental entity”, includes “counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(11) “Public safety officer”, any law enforcement officer, firefighter, uniformed employee of the office

of the state fire marshal, emergency medical technician, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer, or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty or any emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, air ambulance registered respiratory therapist, or flight crew member who is killed in the line of duty;

(12) “State”, the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(13) “Volunteer firefighter”, a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by survivors of the deceased with the division of workers’ compensation not later than one year from the date of death of a public safety officer. If a claim is made within one year of the date of death of a public safety officer killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009.

4. Any compensation awarded under the provisions of this section shall be distributed as follows:

(1) To the surviving spouse of the public safety officer if there is no child who survived the public safety officer;

(2) Fifty percent to the surviving child, or children, in equal shares, and fifty percent to the surviving spouse if there is at least one child who survived the public safety officer, and a surviving spouse of the public safety officer;

(3) To the surviving child, or children, in equal shares, if there is no surviving spouse of the public safety officer;

(4) If there is no surviving spouse of the public safety officer and no surviving child:

(a) To the surviving individual, or individuals, in shares per the designation or, otherwise, in equal shares, designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

(b) To the surviving individual, or individuals, in equal shares, designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit if there is no individual qualifying under paragraph (a) **of this subdivision**;

(5) To the surviving parent, or parents, in equal shares, of the public safety officer if there is no individual qualifying under subdivision (1), (2), (3), or (4) of this subsection; or

(6) To the surviving individual, or individuals, in equal shares, who would qualify under the definition of the term “child” but for age if there is no individual qualifying under subdivision (1), (2), (3), (4), or (5) of this subsection.

5. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the public safety officer was serving at the time of his or her death;

(2) The name and address of the claimant;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.

When a claim is filed, the division of workers’ compensation shall make an investigation for substantiation of matters set forth in the application.

6. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

7. Neither employers nor workers’ compensation insurers shall have subrogation rights against any compensation awarded for claims under this section. Such compensation shall not be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to setoff or counterclaim, or be in any way liable for any debt, except that the division or commission may allow as lien on the compensation, reasonable attorney’s fees for services in connection with the proceedings for compensation if the services are found to be necessary. Such fees are subject to regulation as set forth in section 287.260.

8. Any person seeking compensation under this section who is aggrieved by the decision of the division of workers’ compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

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

(1) The provisions of the new program authorized under this section shall automatically sunset six years after June 19, 2019, unless reauthorized by an act of the general assembly; and

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

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

10. The provisions of this section, unless specified, shall not be subject to other provisions of this chapter.

11. There is hereby created in the state treasury the “Line of Duty Compensation Fund”, which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or bequests to the fund.

The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for paying claims 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 fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

12. The division shall promulgate rules to administer this section, including but not limited to the appointment of claims to multiple claimants, record retention, and procedures for information requests. 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 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 June 19, 2009, shall be invalid and void.”; and

Further amend said bill, Page 82, Section 2, Line 6, by inserting after all of said section and line the following:

“[190.245. The department shall require hospitals, as defined by chapter 197, designated as trauma, STEMI, or stroke centers to provide for a peer review system, approved by the department, for trauma, STEMI, and stroke cases, respective to their designations, under section 537.035. For purposes of sections 190.241 to 190.245, the department of health and senior services shall have the same powers and authority of a health care licensing board pursuant to subsection 6 of section 537.035. Failure of a hospital to provide all medical records necessary for the department to implement provisions of sections 190.241 to 190.245 shall result in the revocation of the hospital’s designation as a trauma, STEMI, or stroke center. Any medical records obtained by the department or peer review committees shall be used only for purposes of implementing the provisions of sections 190.241 to 190.245 and the names of hospitals, physicians and patients shall not be released by the department or members of review committees.]”; 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 Bill No. 46, Pages 43-44, Section 302.341, Lines 1-51, by deleting all of said section; 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 Bill No. 46, Page 2, Line 20, by inserting after all of said section and line the following:

“Further amend said bill, Page 82, Section 2, Lines 1-6, by deleting all of said lines and inserting in lieu thereof the following:

“Section 2. No county, city, town or village in this state receiving public funds shall require documentation of an individual having received a vaccination against COVID-19 in order for the individual to access transportation systems or services or any other public accommodations.”; and”;

and

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

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 46, Page 2, Line 20, by inserting after the word “information.” the following:

“142.869. 1. **(1)** The tax imposed by this chapter shall not apply to passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by alternative fuel, and for which a valid decal has been acquired as provided in this section, provided that sales made to alternative fueled vehicles powered by propane, compressed natural gas, or liquefied natural gas that do not meet the requirements of subsection 3 of this section shall be taxed exclusively pursuant to subdivisions (4) to (7) of subsection 1 of section 142.803, respectively. The owners or operators of such motor vehicles, except plug-in electric hybrids, shall, in lieu of the tax imposed by section 142.803, pay an annual alternative fuel decal fee as follows: seventy-five dollars on each passenger motor vehicle, school bus as defined in section 301.010, and commercial motor vehicle with a licensed gross vehicle weight of eighteen thousand pounds or less; one hundred dollars on each motor vehicle with a licensed gross weight in excess of eighteen thousand pounds but not more than thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter “F”; one hundred fifty dollars on each motor vehicle with a licensed gross vehicle weight in excess of eighteen thousand pounds but less than or equal to thirty-six thousand pounds, and each passenger-carrying motor vehicle subject to the registration fee provided in sections 301.059, 301.061 and 301.063; two hundred fifty dollars on each motor vehicle with a licensed gross weight in excess of thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter “F”; and one thousand dollars on each motor vehicle with a licensed gross vehicle weight in excess of thirty-six thousand pounds. Owners or operators of plug-in electric hybrids shall pay one-half of the stated annual alternative fuel decal fee. Notwithstanding provisions of this section to the contrary, motor vehicles licensed as historic under section 301.131 which are powered by alternative fuel shall be exempt from both the tax imposed by this chapter and the alternative fuel decal requirements of this section. For the purposes of this section, a plug-in electric hybrid shall be any hybrid vehicle made by a manufacturer with a model year of 2018 or newer, that has not been modified from the original manufacturer specifications, with an internal combustion engine and batteries that can be recharged by connecting a plug to an electric power source.

(2) Notwithstanding the provisions of subdivision (1) of this subsection to the contrary, the director shall provide owners of vehicles required to purchase an alternative fuel decal under subdivision (1) of this subsection, the option of purchasing a biennial alternative fuel decal for a fee of twice the annual alternative fuel decal fee stated in subdivision (1) of this subsection.

2. Except interstate fuel users and vehicles licensed under a reciprocity agreement as defined in section 142.617, the tax imposed by section 142.803 shall not apply to motor vehicles registered outside this state which are powered by alternative fuel other than propane, compressed natural gas, and liquefied natural gas, and for which a valid temporary alternative fuel decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal fee of eight dollars on each such vehicle. Such decals shall be valid for a period of fifteen days from the date of issuance and shall be attached to the lower right-hand corner of the

front windshield on the motor vehicle for which it was issued. Such decal and fee shall not be transferable. All proceeds from such decal fees shall be deposited as specified in section 142.345. Alternative fuel dealers selling such decals in accordance with rules and regulations prescribed by the director shall be allowed to retain fifty cents for each decal fee timely remitted to the director.

3. Owners or operators of passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by compressed natural gas or liquefied natural gas who have installed a compressed natural gas fueling station or liquefied natural gas fueling station used solely to fuel the motor vehicles they own or operate as of December 31, 2015, may continue to apply for and use the alternative fuel decal in lieu of paying the tax imposed under subdivisions (4) and (5) of subsection 1 of section 142.803. Owners or operators of compressed natural gas fueling stations or liquefied natural gas fueling stations whose vehicles bear an alternative fuel decal shall be prohibited from selling or providing compressed natural gas or liquefied natural gas to any motor vehicle they do not own or operate. Owners or operators of motor vehicles powered by compressed natural gas or liquefied natural gas bearing an alternative fuel decal after January 1, 2016, that decline to renew the alternative fuel decals for such motor vehicles shall no longer be eligible to apply for and use alternative fuel decals under this subsection. Any compressed natural gas or liquefied natural gas obtained at any fueling station not owned by the owner or operator of the motor vehicle bearing an alternative fuel decal shall be subject to the tax under subdivisions (4) and (5) of subsection 1 of section 142.803.

4. An owner or operator of a motor vehicle powered by propane may continue to apply for and use the alternative fuel decal in lieu of paying the tax imposed under subdivision (6) of subsection 1 of section 142.803. If the appropriate motor fuel tax under subdivision (6) of subsection 1 of section 142.803 is collected at the time of fueling, an operator of a propane fueling station that uses quick-connect fueling nozzles may sell propane as a motor fuel without verifying the application of a valid Missouri alternative fuel decal. If an owner or operator of a motor vehicle powered by propane that bears an alternative fuel decal refuels at an unattended propane refueling station, such owner or operator shall not be eligible for a refund of the motor fuel tax paid at such refueling.

5. The director shall annually **or biennially**, on or before January thirty-first of each year, collect or cause to be collected from owners or operators of the motor vehicles specified in subsection 1 of this section the annual **or biennial** decal fee. Applications for such decals shall be supplied by the department of revenue. In the case of a motor vehicle which is not in operation by January thirty-first of any year, a decal may be purchased for a fractional period of such year, **or a fractional period of such year and a whole year**, and the amount of the decal fee shall be reduced by one-twelfth for each complete month which shall have elapsed since the beginning of such year. This subsection shall not apply to an owner or operator of a motor vehicle powered by propane who fuels such vehicle exclusively at unattended fueling stations that collect the motor fuel tax.

6. Upon the payment of the fee required by subsection 1 of this section, the director shall issue a decal, which shall be valid for the current calendar year **or the current calendar year and the subsequent calendar year in the case of a biennial alternative fuel decal**, and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued.

7. The decal fee paid pursuant to subsection 1 of this section for each motor vehicle shall be transferable upon a change of ownership of the motor vehicle and, if the LP gas or natural gas equipment is removed from a motor vehicle upon a change of ownership and is reinstalled in another motor vehicle, upon such reinstallation. Such transfers shall be accomplished in accordance with rules and regulations promulgated

by the director.

8. It shall be unlawful for any person to operate a motor vehicle required to have an alternative fuel decal upon the highways of this state without a valid decal unless the motor vehicle is exclusively fueled at propane, compressed natural gas, or liquefied natural gas fueling stations that collect the motor fuel tax.

9. No person shall cause to be put, or put, any alternative fuel into the fuel supply receptacle or battery of a motor vehicle required to have an alternative fuel decal unless the motor vehicle either has a valid decal attached to it or the appropriate motor fuel tax is collected at the time of such fueling.

10. Any person violating any provision of this section is guilty of an infraction and shall, upon conviction thereof, be fined five hundred dollars.

11. Motor vehicles displaying a valid alternative fuel decal are exempt from the licensing and reporting requirements of this chapter.”; an

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

HOUSE AMENDMENT NO. 3 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 46, Page 1, Line 1, by inserting after the number 46 the following: “, Page 7, Section 68.075, Line 57, by inserting after all of said section and line the following:

“105.1550. 1. For purposes of this section, the following terms mean:

(1) “Department”, the department of labor and industrial relations;

(2) “Director”, the director of the department of labor and industrial relations or the director’s designee;

(3) “Nonresident bidder”, a person or entity who is not a resident bidder;

(4) “Public body”, the state and any of its political subdivisions including, but not limited to, a school district or public utility;

(5) “Public improvement”, a building or other construction work to be paid for in whole or in part by the use of funds of the state, its agencies, or any of its political subdivisions, including road construction, reconstruction, and maintenance projects;

(6) “Public utility”, includes municipally owned utilities and municipally owned waterworks;

(7) “Resident bidder”, a person or entity authorized to transact business in this state and having a place of business for transacting business within the state at which it is conducting and has conducted business for at least three years prior to the date of the first advertisement for the public improvement. If another state or foreign country has a more stringent definition of a resident bidder, the more stringent definition is applicable as to bidders from that state or foreign country;

(8) “Resident labor force preference”, a requirement in which all or a portion of a labor force working on a public improvement is a resident of a particular state or country.

2. Notwithstanding any provision of this chapter to the contrary, when a contract for a public improvement is to be awarded to the lowest and best bidder, a resident bidder shall be allowed a

preference as against a nonresident bidder from a state or foreign country if that state or foreign country gives or requires any preference to bidders from that state or foreign country including, but not limited to, any preference to bidders, the imposition of any type of labor force preference, or any other form of preferential treatment to bidders or laborers from that state or foreign country. The preference allowed a resident bidder shall be equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident. In the instance of a resident labor force preference, a nonresident bidder shall apply the same resident labor force preference to a public improvement in this state as would be required in the construction of a public improvement by the state or foreign country in which the nonresident bidder is a resident.

3. If it is determined by the director that this section shall cause denial of federal funds which would otherwise be available, or would otherwise be inconsistent with requirements of any federal law or regulation, this section may be waived to the extent necessary to prevent denial of the funds or to eliminate the inconsistency with federal requirements.

4. A public body awarding a contract for public improvement shall require a nonresident bidder to specify on all project bid specifications and contract documents whether any preference as described in subsection 2 of this section is in effect in the nonresident bidder's state or country of domicile at the time of a bid submittal.

5. The director and the department shall administer and enforce this section, and the director shall adopt rules for the administration and enforcement of this section.

6. The director shall have the following powers and duties for the purposes of this section:

(1) The director shall hold hearings and investigate complaints of violations of this section;

(2) The director shall, consistent with due process of law, enter any place of employment to inspect records concerning labor force residency and to question an employer or employee and to investigate such facts, conditions, or matters as are deemed appropriate in determining whether any person has violated the provisions of this section. The director shall only make such an entry in response to a written complaint;

(3) The director shall develop a written complaint form applicable to this section and make it available in department offices and on the department's internet website;

(4) The director shall sue for injunctive relief against the awarding of a contract, the undertaking of a public improvement, or the continuation of a public improvement in response to a violation of this section;

(5) The director shall investigate and ascertain the residency of a worker engaged in any public improvement in this state;

(6) The director shall administer oaths, take or cause to be taken deposition of witnesses, and require by subpoena the attendance and testimony of witnesses and the production of all books, registers, payrolls, and other evidence relevant to a matter under investigation or hearing;

(7) The director shall employ qualified personnel as are necessary for the enforcement of this section; and

(8) The director shall require a contractor or subcontractor to file, within ten days of receipt of

a request, any records enumerated in subsection 7 of this section. If the contractor or subcontractor fails to provide the requested records within ten days, the director shall direct, within fifteen days after the end of the ten-day period, the fiscal or financial office charged with the custody and disbursement of funds of the public body that contracted for construction of the public improvement or undertook the public improvement, to immediately withhold from payment to the contractor or subcontractor up to twenty-five percent of the amount to be paid to the contractor or subcontractor under the terms of the contract or written instrument under which the public improvement is being performed. The amount withheld shall be immediately released upon receipt by the public body of a notice from the director indicating that the request for records as required by this section has been satisfied.

7. While participating in a public improvement, a nonresident bidder domiciled in a state or country that has established a resident labor force preference shall make and keep, for a period of no less than three years, accurate records of all workers employed by the contractor or subcontractor on the public improvement. The records shall include each worker's name, address, telephone number if available, Social Security number, trade classification, and the starting and ending time of employment.

8. Any person or entity that violates the provisions of this section shall be subject to a civil penalty in an amount not to exceed one thousand dollars for each violation found in a first investigation by the director, not to exceed five thousand dollars for each violation found in a second investigation by the director, and not to exceed fifteen thousand dollars for a third or subsequent violation found in any subsequent investigation by the director. Each violation of this section for each worker and for each day the violation continues constitutes a separate and distinct violation. In determining the amount of the penalty, the director shall consider the appropriateness of the penalty to the person or entity charged, upon determination of the gravity of the violations. The collection of these penalties shall be enforced in a civil action brought by the attorney general on behalf of the department.

9. A party seeking review of the director's determination pursuant to this section shall file a written request for an informal conference with the department. The request shall be received by the department within fifteen days after the date of issuance of the director's determination that a violation has occurred. During the conference, the party seeking review shall present written or oral information and arguments as to why the director's determination should be amended or vacated. The department shall consider the information and arguments presented and issue a written decision advising all parties of the outcome of the conference.

10. 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”; and

Further amend said amendment, Page 2, Line 20, by inserting after all of said line the following:

“Further amend said bill, Page 28, Section 301.033, Line 50, by inserting after all of said section and

line the following:

“301.131. 1. Any motor vehicle over twenty-five years old which is owned solely as a collector’s item and which is used and intended to be used for exhibition and educational purposes shall be permanently registered upon payment of a registration fee of twenty-five dollars. Upon the transfer of the title to any such vehicle the registration shall be cancelled and the license plates issued therefor shall be returned to the director of revenue.

2. The owner of any such vehicle shall file an application in a form prescribed by the director, if such vehicle meets the requirements of this section, and a certificate of registration shall be issued therefor. Such certificate need not specify the horsepower of the motor vehicle.

3. The director shall issue to the owner of any motor vehicle registered pursuant to this section the same number of license plates which would be issued with a regular annual registration, containing the number assigned to the registration certificate issued by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. [Historic vehicles may be driven to and from repair facilities one hundred miles from the vehicle’s location, and in addition may be driven up to one thousand miles per year for personal use. The owner of the historic vehicle shall be responsible for keeping a log of the miles driven for personal use each calendar year. Such log must be kept in the historic vehicle when the vehicle is driven on any state road. The historic vehicle’s mileage driven in an antique auto tour or event and mileage driven to and from such a tour or event shall not be considered mileage driven for the purpose of the mileage limitations in this section. Violation of this section shall be punishable under section 301.440 and in addition to any other penalties prescribed by law, upon plea or finding of guilt thereof, the director of revenue shall revoke the historic motor vehicle license plates of such violator which were issued pursuant to this section.

5.] Notwithstanding any provisions of this section to the contrary, any person possessing a license plate issued by the state of Missouri that is over twenty-five years old, in which the year of the issuance of such plate is consistent with the year of the manufacture of the vehicle, the owner of the vehicle may register such plate as an historic vehicle plate as set forth in subsections 1 and 2 of this section, provided that the configuration of letters, numbers or combination of letters and numbers of such plate are not identical to the configuration of letters, numbers or combination of letters and numbers of any plates already issued to an owner by the director. Such license plate shall not be required to possess the characteristic features of reflective material and common color scheme and design as prescribed in section 301.130. The owner of the historic vehicle registered pursuant to this subsection shall keep the certificate of registration in the vehicle at all times. The certificate of registration shall be prima facie evidence that the vehicle has been properly registered with the director and that all fees have been paid.”; and

Further amend said bill, Page 52, Section 304.050, Line 76, by inserting after all of said section and line the following:

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

(1) “Law enforcement officer”, any public servant, other than a patrol officer, who is defined as a law enforcement officer under section 556.061;

(2) “Motor club”, [an organization which motor vehicle drivers and owners may join that provide certain benefits relating to driving a motor vehicle] **a legal entity that, in consideration of dues, assessments, or**

periodic payments of money, promises to provide motor club services to its members or subscribers in accordance with section 385.450;

(3) “Patrol officer”, a Missouri state highway patrol officer;

(4) “Tow list”, a list of approved towing companies compiled, maintained, and utilized by the Missouri state highway patrol or its designee;

(5) “Tow management company”, any sole proprietorship, partnership, corporation, fiduciary, association, or other business entity that manages towing logistics for government agencies or motor clubs;

(6) “Tow truck”, a rollback or car carrier, wrecker, or tow truck as defined under section 301.010;

(7) “Towing”, moving or removing, or the preparation therefor, of a vehicle by another vehicle for which a service charge is made, either directly or indirectly, including any dues or other charges of clubs or associations which provide towing services;

(8) “Towing company”, any person, partnership, corporation, fiduciary, association, or other entity that operates a wrecker or towing service as defined under section 301.010.

2. In authorizing a towing company to perform services, any patrol officer or law enforcement officer within the officer’s jurisdiction, or Missouri department of transportation employee, may utilize the services of a tow management company or tow list, provided:

(1) The Missouri state highway patrol is under no obligation to include or retain the services of any towing company in any contract or agreement with a tow management company or any tow list established pursuant to this section. A towing company is subject to removal from a tow list at any time;

(2) Notwithstanding any other provision of law or any regulation established pursuant to this section, an owner or operator’s request for a specific towing company shall be honored by the Missouri state highway patrol unless:

(a) The requested towing company cannot or does not respond in a reasonable time, as determined by a law enforcement officer; or

(b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law enforcement officer.

3. A patrol officer shall not use a towing company located outside of Missouri under this section except under the following circumstances:

(1) A state or federal emergency has been declared; or

(2) The driver or owner of the vehicle, or a motor club of which the driver or owner is a member, requests a specific out-of-state towing company.

4. A towing company shall not tow a vehicle to a location outside of Missouri without the consent of the driver or owner of the motor vehicle, or without the consent of a motor club of which the driver or owner of the motor vehicle is a member.

5. Any towing company or tow truck arriving at the scene of an accident that has not been called by a patrol officer, a law enforcement officer, a Missouri department of transportation employee, the driver or owner of the motor vehicle or his or her authorized agent, including a motor club of which the driver or

owner is a member, shall be prohibited from towing the vehicle from the scene of the accident, unless the towing company or tow truck operator is rendering emergency aid in the interest of public safety, or is operating during a declared state of emergency under section 44.100.

6. A tow truck operator that stops and tows a vehicle from the scene of an accident in violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon conviction or pleading guilty for the first violation, and such tow truck shall be subject to impounding. The penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or subsequent violation shall be a class D felony. A violation of this section shall not preclude the tow truck operator from being charged with tampering under chapter 569.

7. The provisions of this section shall also apply to motor vehicles towed under section 304.155 or 304.157.

8. The provisions of this section shall not apply to counties of the third or fourth classification.”; and

Further amend said bill, Page 67, Section 365.020, Line 60, by inserting after all of said section and line the following:

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

(1) “Motor club”, a legal entity that, in consideration of dues, assessments, or periodic payments of money, promises to provide motor club services to its members or subscribers;

(2) “Motor club contract”, an agreement whereby a motor club promises to render, furnish, or procure motor club services to or for its members or subscribers;

(3) “Motor club services”, services that assist a member or subscriber of a motor club in matters relating to motor travel or the operation, use, or maintenance of a motor vehicle by supplying services that may include, but are not limited to, towing service, emergency road service, bail and guaranteed arrest bond certificate service, discount service, theft service, map service, touring service, legal fee reimbursement service in the defense of traffic offenses, and the participation in an accident and sickness or accidental death insurance benefit program.

2. Fees collected from the sale of motor club contracts shall not be subject to taxation of premiums under chapter 148.

3. Motor clubs complying with the provisions of this section shall not be required to comply with the provisions of chapter 374 or 375, or any other provisions governing insurance companies, except as specifically provided.”; and

Further amend said bill, Page 79, Section 578.120, Line 20, by inserting after all of said section and line the following:

“643.310. 1. The commission may, by rule, establish a decentralized motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, except that no decentralized motor vehicle emissions inspection program shall be established in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants or any county with a charter form of government and with

more than two hundred thousand but fewer than three hundred fifty thousand inhabitants. The decentralized motor vehicle emissions inspection program shall be implemented and applied in the same manner throughout every portion of a nonattainment area located within the area described in subsection 1 of section 643.305 **except any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants or any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants.** The commission shall ensure that, for each nonattainment area, the state implementation plan established pursuant to subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established pursuant to subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. Section 7401, et seq., and the regulations promulgated thereunder. **If the exception of certain counties from provisions of this subsection has the effect of placing the state of Missouri in noncompliance with any federal constitutional, statutory, or regulatory provision that would result in the loss of any federal funds to the state, the exception of certain counties shall expire three years from the date the state is deemed to be in noncompliance.**

2. (1) The department, with the cooperation and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate and cost-effective service to customers.

(2) Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.

(3) A license or contract shall be for a period of up to seven years, consistent with the provisions of Article IV, Section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.

3. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide

an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 37.014 and chapter 34. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission, shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program pursuant to this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program pursuant to this section.

4. With approval of the commission and pursuant to rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and pursuant to rules adopted by the commission, any person operating a fleet of motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established pursuant to this subsection shall be performed by a contractor selected by the commission pursuant to this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

5. If the governor applies to the administrator of the Environmental Protection Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale to agricultural, commercial or retail customers outside said nonattainment areas subject to reformulated gasoline.”; 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 Bill No. 46, Page 11, Section 115.960, Line 86, by inserting after all of said section and line the following:

“136.055. 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer registration issued, renewed or transferred, six dollars and twelve dollars for those licenses sold or biennially renewed pursuant to section 301.147;

(2) For each application or transfer of title, six dollars;

(3) For each instruction permit, nondriver license, chauffeur’s, operator’s or driver’s license issued for a period of three years or less, six dollars and twelve dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed, six dollars;

(5) Notary fee or electronic transmission per processing, two dollars.

2. (1) The director of revenue shall award fee office contracts under this section through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3), 501(c)(6), or 501(c)(4), except those civic organizations that would be considered action organizations under 26 C.F.R. Section 1.501 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as amended, with special consideration given to those organizations and entities that reinvest a minimum of seventy-five percent of the net proceeds to charitable organizations in Missouri, and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts. The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection.

(2) In the event the department of revenue fails to execute a subsequent fee office contract due to the impact of COVID-19 on the operations of fee offices, at the option of the organization or entity awarded a fee office contract in effect on August 28, 2021, the fee office contract shall be extended by a period of two years from its date of execution, provided that no fee office contract shall be extended under this section when a subsequent fee office contract has already been awarded prior to August 28, 2021.

(3) 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 subsection 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, 2009, shall be invalid and void.

3. All fees collected by a tax-exempt organization may be retained and used by the organization.

4. All fees charged shall not exceed those in this section. The fees imposed by this section shall be collected by all permanent offices and all full-time or temporary offices maintained by the department of revenue.

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

6. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers authorized to collect and remit sales tax under subsection 10 of section 144.070.

7. Notwithstanding any other provision of law to the contrary, the state auditor may audit all records maintained and established by the fee office in the same manner as the auditor may audit any agency of the state, and the department shall ensure that this audit requirement is a necessary condition for the award of all fee office contracts. No confidential records shall be divulged in such a way to reveal personally identifiable information.”; 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 Bill No. 46, Page 82, Section 2,

Line 6, by inserting after all of said section and line the following:

“Section 3. Notwithstanding any other provision of law to the contrary, no business shall offer overnight parking for commercial vehicles, as such vehicles are defined under section 301.010, if such business is located within five hundred feet of any hospital property located within a city, town, or village; except that, a waiver to this requirement may be granted by order or ordinance of a city council or other governing body of a city, town, or village. Such waiver may be granted only after a public hearing held in accordance with chapter 610 open record requirements and after written notice of such hearing is provided to property owners who are within five hundred feet of the business seeking such waiver under this section. Notice shall be provided by a business seeking waiver under this section.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 45**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Eigel moved that the Senate request the House grant further conference on **SS No. 2** for **SB 26**, with **HCS**, as amended, and that the conferees be allowed to exceed the differences in section 574.045, which motion prevailed.

Senator Rehder moved that the Senate request the House grant further conference on **SS** for **SB 64**, with **HCS**, as amended, which motion prevailed.

Senator Koenig moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HB 66**, as amended, and grant the House a conference thereon and that the conferees be allowed to exceed the differences in section 135.115, which motion prevailed.

Senator White moved that **SS** for **SB 44**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 44**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 44

An Act to repeal sections 91.025, 153.030, 153.034, 204.569, 386.370, 386.800, 393.106, 393.358, 394.020, 394.120, and 394.315, RSMo, and to enact in lieu thereof sixteen new sections relating to utilities.

Was taken up.

Senator White moved that **HCS** for **SS** for **SB 44**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	O’Laughlin

Razer	Riddle	Rizzo	Roberts	Rowden	Schatz	Washington
White	Wieland—23					

NAYS—Senators

Arthur	Burlison	Eigel	Luetkemeyer	Moon	Mosley	Onder
Rehder	Schupp	Williams—10				

Absent—Senator May—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator White, **HCS for SS for SB 44**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Brown	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	O’Laughlin
Razer	Riddle	Rizzo	Roberts	Rowden	Schatz	Washington
White	Wieland—23					

NAYS—Senators

Arthur	Burlison	Eigel	Luetkemeyer	Moon	Mosley	Onder
Rehder	Schupp	Williams—10				

Absent—Senator May—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS for HCS for HB 66**, as amended: Senators Koenig, Eigel, Brattin, Beck and Roberts.

PRIVILEGED MOTIONS

Senator Wieland moved that the conferees on **SB 365**, with **HCS**, as amended, be allowed to exceed the differences in section 208.152, which motion prevailed.

Senator Wieland moved that the Senate refuse to concur in **SS for SCS for SB 4**, 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

Senator Brown moved that **HB 661**, with **SS**, **SA 8** and **SA 2** to **SA 8** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Hough, **SS** for **HB 661** was withdrawn, rendering **SA 8** and **SA 2** to **SA 8** moot.

Senator Brown offered **SS No. 2** for **HB 661**, entitled:

SENATE SUBSTITUTE NO. 2 FOR HOUSE BILL NO. 661

An Act to repeal sections 21.795, 142.869, 300.010, 301.010, 301.062, 301.131, 301.147, 301.192, 301.280, 301.558, 302.010, 302.755, 303.020, 303.025, 303.041, 304.001, 304.050, 304.153, 304.180, 304.240, 307.025, 307.128, 307.180, 307.188, 307.193, 307.350, 307.380, 365.020, 385.220, 385.320, 407.300, 407.526, 407.536, 407.556, 407.560, 407.815, 407.1025, 570.030, 578.120, 643.310, and 643.315, RSMo, and to enact in lieu thereof fifty-six new sections relating to transportation, with penalty provisions, an emergency clause for certain sections, and a delayed effective date for a certain section.

Senator Brown moved that **SS No. 2** for **HB 661** be adopted, which motion prevailed.

Senator Brown moved that **SS No. 2** for **HB 661** be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Schatz referred **SS No. 2** for **HB 661** 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 **SS No. 2** for **SCS** for **SB 202**.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 202, Page 45, Section 393.1705, Line 62, by deleting the words “**renewable energy**” and inserting in lieu there of the word “**replacement**”; and

Further amend said bill and section, Page 50, Line 216, by deleting the first instance of the word “**the**” and inserting in lieu there of the word “**to**”; and

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

HOUSE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 202, Page 6, Section 393.106, Line 86, by inserting after all of said section and line the following:

“393.170. 1. No gas corporation, electrical corporation, water corporation or sewer corporation shall begin construction of a gas plant, electric plant, water system or sewer system, other than an energy generation unit that has a capacity of one megawatt or less, without first having obtained the permission and approval of the commission.

2. No such corporation shall exercise any right or privilege under any franchise hereafter granted, or under any franchise heretofore granted but not heretofore actually exercised, or the exercise of which shall have been suspended for more than one year, without first having obtained the permission and approval of the commission. Before such certificate shall be issued a certified copy of the charter of such corporation shall be filed in the office of the commission, together with a verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities.

3. (1) Before the commission shall issue an approval under subsection 1 of this section for a merchant line, an entity shall provide the commission a resolution of support passed by the county commission of each county through which the merchant line will be built. Any entity that begins construction on a merchant line after August 28, 2021, shall provide the required resolutions to the commission prior to construction, regardless of whether the commission has previously issued its approval.

(2) For the purposes of this subsection, the following terms mean:

(a) “Entity”, an electrical corporation that does not provide service to end-use customers or provide retail service in Missouri or does not collect its costs to provide service under a regional transmission organization tariff;

(b) “Merchant line”, a high-voltage direct current electric transmission line that does not provide for the erection of electric substations at intervals of less than fifty miles, which substations are necessary to accommodate both the purchase and sale to persons located in this state of electricity generated or transmitted by such entity.

4. The commission shall have the power to grant the permission and approval herein specified whenever it shall after due hearing determine that such construction or such exercise of the right, privilege or franchise is necessary or convenient for the public service. The commission may by its order impose such condition or conditions as it may deem reasonable and necessary. Unless exercised within a period of two years from the grant thereof, authority conferred by such certificate of convenience and necessity issued by the commission shall be null and void.”; and

Further amend said bill, Page 62, Section 409.9-109, Line 102, by inserting after all of said section and line the following:

“523.262. 1. Except as set forth in subsection 2 of this section, the power of eminent domain shall only be vested in governmental bodies or agencies whose governing body is elected or whose governing body is appointed by elected officials or in an urban redevelopment corporation operating pursuant to a redevelopment agreement with the municipality for a particular redevelopment area, which agreement was executed prior to or on December 31, 2006.

2. A private utility company, public utility, rural electric cooperative, municipally owned utility, pipeline, railroad or common carrier shall have the power of eminent domain as may be granted pursuant to the provisions of other sections of the revised statutes of Missouri. For the purposes of this section, the

term “common carrier” shall not include motor carriers, contract carriers, or express companies. Where a condemnation by such an entity results in a displaced person, as defined in section 523.200, the provisions of subsections 3 and 6 to 10 of section 523.205 shall apply unless the condemning entity is subject to the relocation assistance provisions of the federal Uniform Relocation Assistance Act.

3. Any entity with the power of eminent domain and pursuing the acquisition of property for the purpose of constructing a power generation facility after December 31, 2006, after providing notice in a newspaper of general circulation in the county where the facility is to be constructed, shall conduct a public meeting disclosing the purpose of the proposed facility prior to making any offer to purchase property in pursuit thereof or, alternatively, shall provide the property owner with notification of the identity of the condemning authority and the proposed purpose for which the condemned property shall be used at the time of making the initial offer.

4. (1) Notwithstanding the provisions of subsection 2 of this section, no entity shall have the power of eminent domain under the provisions of this section for the purpose of constructing above-ground merchant lines.

(2) For the purpose of this subsection, the following terms mean:

(a) “Entity”, a utility company that does not provide service to end-use customers or provide retail service in Missouri, or does not collect its costs to provide service under a regional transmission organization tariff, regardless of whether it has received a certificate of convenience and necessity from the public service commission under section 393.170;

(b) “Merchant line”, a high-voltage direct current electric transmission line that does not provide for the erection of electric substations at intervals of less than fifty miles, which substations are necessary to accommodate both the purchase and sale to persons located in this state of electricity generated or transmitted by such entity.

(3) This subsection shall apply to any property or easement acquisition started on or after August 28, 2021.

(4) This subsection shall not apply to any rural electric cooperative organized or operating under the provisions of chapter 394, or to any corporation organized on a nonprofit or a cooperative basis as described in subsection 1 of section 394.200, or to any electrical corporation operating under a cooperative business plan as described in subsection 2 of section 393.110.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **SS** for **SB 327**, entitled:

An Act to repeal sections 37.710, 135.325, 135.326, 135.327, 135.335, 135.800, 160.263, 191.975, 193.075, 210.115, 210.150, 210.152, 211.261, 211.447, 452.375, 452.410, 453.014, 453.030, 453.040, 453.070, 568.045, and 589.042, RSMo, and to enact in lieu thereof forty-seven new sections relating to the protection of children, with penalty provisions and an emergency clause for certain sections.

With House Amendment Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Bill No. 327, Page 3, Section 37.717, Line 14, by deleting the word “**city**” on said line and inserting in lieu thereof the word “**circuit**”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Bill No. 327, Page 19, Section 210.143, Line 8, by deleting the words, “**suspicion to suspect**” and inserting in lieu thereof the words, “**cause to believe**”; and

Further amend said page and section, Lines 14 to 22, by deleting all of said lines and inserting in lieu thereof the following:

“3. The assessment shall be completed and the child shall be returned to the residential care facility or to the child’s parents or guardian within seventy-two hours, unless the court, after a hearing with attempted notice to the facility and to the parents or guardian and with due process for all parties, enters further orders to the contrary.

4. If the court enters an order to produce the child under this section, the court may expand the order to produce other children in the care of the residential care facility if the court finds there is reasonable cause to believe that such children may have been abused or neglected.”; and

Further amend said bill, Page 32, Section 210.1256, Lines 9 and 10, by deleting all of said lines and inserting in lieu thereof the following:

“medical care, and other care necessary to provide for the physical and mental health of the child”;
and

Further amend said bill, Page 34, Section 210.1271, Line 7, by inserting after, “**chapter 211**” the words, “**, or other orders as the court determines appropriate to ensure the health and safety of the children**”; and

Further amend said page and section, Line 16, by deleting the words, “**health, safety, or welfare**” and inserting in lieu thereof the words, “**health or safety**”; and

Further amend said page and section, Line 17, by inserting after all of said section and line the following:

“2. In cases of an order granted ex parte under subsection 1 of this section requiring a residential care facility to cease operations, a hearing shall be held within three business days to determine whether the order shall remain in effect, with attempted notice to the facility and the parents or guardians and due process for all parties. In determining whether the order shall remain in effect, the court shall consider whether there exists reasonable cause to believe that the grounds for the original ex parte order continue to persist or if additional grounds exist to support the ex parte order as necessary to protect the health and safety of the children at the facility.”; and

Further amend said section by renumbering accordingly; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Bill No. 327, Page 32, Section 210.493, Line 102, by inserting after all of said section and line the following:

“210.542. 1. The children’s division shall provide certain standards and training that prospective foster care parents shall meet before becoming licensed.

2. The children’s division shall provide performance-based criteria for the evaluation of licensed foster parents and may establish by rule the frequency of such evaluation.

3. Any person who has a current certification in the administration of cardiopulmonary resuscitation as part of his or her professional or occupational training may substitute such certification for any cardiopulmonary resuscitation training required of him or her to obtain a license to become a foster parent.”; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute No. 2 for Senate Substitute for Senate Bill No. 327, Page 54, Section 589.042, Line 8, by inserting after all of said line and section the following:

“589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within three business days, appear in person to the chief law enforcement officer of the county or city not within a county if there is a change to any of the following information:

- (1) Name;
- (2) Residence;
- (3) Employment, including status as a volunteer or intern;
- (4) Student status; or
- (5) A termination to any of the items listed in this subsection.

2. Any person required to register under sections 589.400 to 589.425 shall, within three business days, notify the chief law enforcement official of the county or city not within a county of any changes to the following information:

- (1) Vehicle information;
- (2) Temporary lodging information;
- (3) Temporary residence information;
- (4) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or
- (5) Telephone or other cellular number, including any new forms of electronic communication.

3. The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described under subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.

4. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the responsible official in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three business days.

5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official annually in the month of their birth to verify the information contained in their statement made pursuant to section 589.407. Tier I sexual offenders include:

- (1) Any offender who has been adjudicated for the offense of:
 - (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older;
 - (b) Sexual misconduct involving a child under section 566.083 if it is a first offense and the punishment is less than one year;
 - (c) Sexual abuse in the second degree under section 566.101 if the punishment is less than a year;
 - (d) Kidnapping in the second degree under section 565.120 with sexual motivation;
 - (e) Kidnapping in the third degree under section 565.130;
 - (f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is less than one year;
 - (g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;
 - (h) Sexual contact with a prisoner or offender under section 566.145 if the victim is eighteen years of age or older;
 - (i) Sex with an animal under section 566.111;
 - (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older;
 - (k) Possession of child pornography under section 573.037;
 - (l) Sexual misconduct in the first degree under section 566.093;
 - (m) Sexual misconduct in the second degree under section 566.095;

(n) Child molestation in the second degree under section 566.068 as it existed prior to January 1, 2017, if the [punishment is less than one year] **offense is a misdemeanor**; or

(o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age;

(2) Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement official to verify the information contained in their statement made pursuant to section 589.407. Tier II sexual offenders include:

(1) Any offender who has been adjudicated for the offense of:

(a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to seventeen years of age;

(b) Child molestation in the third degree under section 566.069 if the victim is between thirteen and fourteen years of age;

(c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen years of age;

(d) Enticement of a child under section 566.151;

(e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is thirteen to seventeen years of age;

(f) Sexual exploitation of a minor under section 573.023;

(g) Promoting child pornography in the first degree under section 573.025;

(h) Promoting child pornography in the second degree under section 573.035;

(i) Patronizing prostitution under section 567.030;

(j) Sexual contact with a prisoner or offender under section 566.145 if the victim is thirteen to seventeen years of age;

(k) Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age;

(l) Sexual misconduct involving a child under section 566.083 if it is a first offense and the penalty is a term of imprisonment of more than a year; or

(m) Age misrepresentation with intent to solicit a minor under section 566.153;

(2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense and

who is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a previous occasion; or

(3) Any person who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official every ninety days to verify the information contained in their statement made under section 589.407. Tier III sexual offenders include:

(1) Any offender registered as a predatory sexual offender [as defined in section 566.123] or a persistent sexual offender as defined in section [566.124] **566.125**;

(2) Any offender who has been adjudicated for the crime of:

(a) Rape in the first degree under section 566.030;

(b) Statutory rape in the first degree under section 566.032;

(c) Rape in the second degree under section 566.031;

(d) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature;

(e) Sodomy in the first degree under section 566.060;

(f) Statutory sodomy under section 566.062;

(g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;

(h) Sodomy in the second degree under section 566.061;

(i) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense;

(j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age;

(k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian;

(l) Child kidnapping under section 565.115;

(m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is greater than a year;

(n) Incest under section 568.020;

(o) Endangering the welfare of a child in the first degree under section 568.045 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;

(p) Child molestation in the first degree under section 566.067;

- (q) Child molestation in the second degree under section 566.068;
 - (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age;
 - (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;
 - (t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;
 - (u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;
 - (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;
 - (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;
 - (x) Sexual trafficking of a child in the first degree under section 566.210;
 - (y) Sexual trafficking of a child in the second degree under section 566.211;
 - (z) Genital mutilation of a female child under section 568.065;
 - (aa) Statutory rape in the second degree under section 566.034;
 - (bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;
 - (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of imprisonment of more than a year;
 - (dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;
 - (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under thirteen years of age;
 - (ff) Sexual contact with a prisoner or offender under section 566.145 if the victim is under thirteen years of age;
 - (gg) Sexual intercourse with a prisoner or offender under section 566.145;
 - (hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age;
 - (ii) Use of a child in a sexual performance under section 573.200; or
 - (jj) Promoting a sexual performance by a child under section 573.205;
- (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425, or other comparable out-of-state failure to register offense, who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion;
- (4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign

country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

(5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this section.

8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri registrants who work, including as a volunteer or unpaid intern, or attend any school whether public or private, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis or have a temporary residence in this state shall be required to report in person to the chief law enforcement officer in the area of the state where they work, including as a volunteer or unpaid intern, or attend any school or training and register in that state. “Part-time” in this subsection means for more than seven days in any twelve-month period.

9. If a person who is required to register as a sexual offender under sections 589.400 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier.”; 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.

On motion of Senator Rowden, the Senate recessed until 10:30 p.m.

RECESS

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

PRIVILEGED MOTIONS

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SB 86**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 86

The Conference Committee appointed on Senate Bill No. 86, with House Amendment Nos. 1, 2, and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 86, as amended;
2. That the Senate recede from its position on Senate Bill No. 86;
3. That the attached Conference Committee Substitute for Senate Bill No. 86 be Third Read and Finally Passed.

FOR THE SENATE:
/s/ Daniel J. Hegeman

FOR THE HOUSE:
/s/ Ben Baker

/s/ Andrew Koenig
 /s/ Caleb Rowden
 Lauren Arthur
 John Rizzo

/s/ Philip Christofanelli
 /s/ Ed Lewis
 /s/ Raychel Proudie
 /s/ Paula Brown

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	Mosley	O’Laughlin	Razer	Rehder	Rizzo
Roberts	Rowden	Schatz	Washington	White	Williams—27	

NAYS—Senators

May	Moon	Onder	Schupp	Wieland—5
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Absent—Senators

Brattin	Riddle—2
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Hegeman, **CCS** for **SB 86**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 86

An Act to repeal section 115.646, RSMo, and to enact in lieu thereof two new sections relating to school districts, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	Mosley	O’Laughlin	Razer	Rehder	Rizzo
Roberts	Rowden	Schatz	Washington	White	Williams—27	

NAYS—Senators

May	Moon	Onder	Schupp	Wieland—5
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Absent—Senators

Brattin	Riddle—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

Senator Hegeman moved that the title to the bill be agreed to, which motion prevailed.

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

Senator Rowden moved that motion lay on the table, which motion prevailed on a standing division vote.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **HB 850** and **SS No. 2** for **HB 661**, begs leave to report that it has considered the same and recommends that the bills do pass.

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 **SCS** for **SB 4**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 4**, as amended. Representatives: Francis, Henderson, Knight, Rogers, Butz.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **CCR** for **HCS** for **SS** for **SB 64**, as amended.

Also,

Mr. President: The Speaker of the House of Representatives has re-appointed the following committee to act with a like committee from the Senate on **CCR** for **HCS** for **SS** for **SB 64**, as amended. Representatives: Christofanelli, Smith (163), Stephens (128), Appelbaum, Lewis (25).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **CCR** for **HCS** for **SS No. 2** for **SB 26**, as amended.

Also,

Mr. President: The Speaker of the House of Representatives has re-appointed the following committee to act with a like committee from the Senate on **CCR** for **HCS** for **SS No. 2** for **SB 26**, as amended. Representatives: Schroer, Hill, Taylor (139), Aldridge, Windham.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House Conferees are allowed to exceed the differences in sections 137.115 and 94.842 in **SS** for **HCS** for **HB 66**, as amended.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **HCS** for **HB 66**, as amended. Representatives: Pike, Eggleston, Christofanelli, Butz, Bland Manlove.

Also,

Mr President: I am instructed by the House of Representatives to inform the Senate that the Speaker hereby removes the following member from the Conference Committee for **HCS** for **SS** for **SB 333**: Representative Jered Taylor, District 139. The Speaker hereby appoints the following member to the Conference Committee for **HCS** for **SS** for **SB 333**: Representative Dan Shaul.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SB 26**, with **HCS**, as amended: Senators Eigel, Brattin, Hoskins, Washington and Roberts.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SB 64**, with **HCS**, as amended: Senators Rehder, Wieland, Rowden, Rizzo and Arthur.

Pursuant to Senate Rule 86, Senator Wieland requested the order of business motion be reduced to writing and distributed, which request was granted.

Senator Rowden submitted the following: Mr. President, I move that the Senate go to the order of business of House Bills for 3rd read, Informal Calendar.

HOUSE BILLS ON THIRD READING

Senator Brown moved that **SS No. 2** for **HB 661** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **HB 661** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Wieland—29

NAYS—Senators

Moon	Schupp	Williams—3
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Absent—Senators

Brattin Riddle—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Mosley	O’Laughlin	Razer	Rehder
Rizzo	Roberts	Rowden	Schatz	Washington	White	Wieland—28

NAYS—Senators

Moon Onder Schupp Williams—4

Absent—Senators

Brattin Riddle—2

Absent with leave—Senators—None

Vacancies—None

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

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

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

PRIVILEGED MOTIONS

Senator Eigel, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS No. 2** for **SB 26**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 26

The Conference Committee appointed on House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, with House Amendment Nos. 1, 2, and 3 to House Amendment No. 1, House Amendment No. 1 as amended, House Amendment No. 2, House Amendment Nos. 1 and 2 to House Amendment No. 3, House Amendment No. 3 as amended, House Amendment Nos. 4 and 5, House Amendment Nos. 1 and 2 to House Amendment No. 6, House Amendment No. 6 as amended, House Amendment Nos. 1 and 2 to House Amendment No. 7, House Amendment No. 7 as amended, House Amendment Nos. 1 and 2 to House Amendment No. 8, House Amendment No. 8 as amended, House

Amendment No. 10, House Amendment Nos. 1 and 3 to House Amendment No. 11, House Amendment No. 11 as amended, House Amendment Nos. 12 and 13, House Amendment Nos. 2, 3, 4 and 5 to House Amendment No. 14, House Amendment No. 14 as amended, House Amendment No. 15, House Amendment No. 1 to House Amendment No. 16, House Amendment No. 16 as amended, House Amendment No. 17, House Amendment No. 1 to House Amendment No. 18, House Amendment No. 18 as amended, House Amendment No. 1 to House Amendment No. 19, House Amendment No. 19 as amended, and House Amendment Nos. 20 and 21, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, as amended;
2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Bill No. 26;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bill Eigel
 /s/ Rick Brattin
 /s/ Denny Hoskins
 Barbara Washington
 Steve Roberts

FOR THE HOUSE:

/s/ Nick Schroer
 /s/ Justin Hill
 /s/ Jered Taylor
 Rasheen Aldridge
 Kevin Windham Jr.

Senator Eigel moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	Moon	O’Laughlin	Onder	Rehder	Rowden	Schatz
White	Wieland—23					

NAYS—Senators

Arthur	May	Mosley	Razer	Rizzo	Roberts	Schupp
Washington	Williams—9					

Absent—Senator Riddle—1

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Eigel, **CCS No. 2** for **HCS** for **SS No. 2** for **SB 26**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE NO. 2 FOR
 SENATE BILL NO. 26

An Act to repeal sections 56.380, 56.455, 67.030, 84.400, 105.950, 149.071, 149.076, 190.307, 214.392,

217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.665, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 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, 281.101, 304.022, 307.175, 311.060, 311.660, 313.220, 313.800, 313.805, 313.812, 549.500, 557.045, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 574.085, 575.205, 575.206, 589.042, 590.030, 610.140, 650.055, 650.058, and 650.335, RSMo, and to enact in lieu thereof eighty-eight new sections relating to public safety, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	Moon	O’Laughlin	Onder	Rehder	Rowden	Schatz
White	Wieland—23					

NAYS—Senators

Arthur	May	Mosley	Razer	Rizzo	Roberts	Schupp
Washington	Williams—9					

Absent—Senator Riddle—1

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Koenig, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SBs 153** and **97**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 153 and 97

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills No. 153 and 97, with House Amendment No. 1 to House Amendment No. 1, and House Amendment No. 1 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for

Senate Committee Substitute for Senate Bills No. 153 and 97, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills No. 153 and 97;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills No. 153 and 97 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Andrew Koenig

/s/ Bill Eigel

/s/ Sandy Crawford

/s/ John Rizzo

/s/ Lauren Arthur

FOR THE HOUSE:

/s/ J. Eggleston

/s/ Jered Taylor

/s/ Bill Falkner

/s/ Steve Butz

/s/ Ashley Bland Manlove

Senator Koenig moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
May	Moon	Mosley	O’Laughlin	Rizzo	Roberts	Rowden
Schatz	Schupp	White	Williams—25			

NAYS—Senators

Razer	Washington	Wieland—3
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Absent—Senators

Burlison	Luetkemeyer	Onder	Rehder	Riddle—5
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Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Koenig, **CCS** for **HCS** for **SS** for **SCS** for **SBs 153** and **97**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 153 and 97

An Act to repeal sections 32.310, 67.1401, 67.1421, 67.1451, 67.1461, 67.1471, 67.1481, 67.1545, 67.2677, 67.2689, 99.020, 99.320, 99.805, 99.810, 99.820, 99.843, 99.847, 99.848, 99.918, 99.1082, 100.310, 135.950, 137.115, 143.011, 143.121, 143.171, 144.011, 144.014, 144.020, 144.049, 144.054, 144.080, 144.140, 144.526, 144.605, 144.710, 144.757, 144.759, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 262.900, 353.020, and 620.2005, RSMo, and to enact in lieu thereof forty-nine new sections relating to taxation, with penalty provisions, a delayed effective date for certain sections, and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Burlison	Cierpiot
Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	May	Mosley	O’Laughlin	Rizzo	Roberts	Rowden
Schatz	Schupp	White	Williams—25			

NAYS—Senators

Moon	Razer	Washington	Wieland—4
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Absent—Senators

Luetkemeyer	Onder	Rehder	Riddle—4
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Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
May	Mosley	O’Laughlin	Onder	Rizzo	Roberts	Rowden
Schatz	Schupp	White	Williams—25			

NAYS—Senators

Burlison	Moon	Razer	Washington	Wieland—5
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Absent—Senators

Luetkemeyer	Rehder	Riddle—3
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Absent with leave—Senator Brown—1

Vacancies—None

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.

Senator Roberts, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 520**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 520

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate

Committee Substitute for Senate Bill No. 520, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment No. 2 to House Amendment No. 3, House Amendment No. 3 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 520;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Steve Roberts
 /s/ Jason Bean
 /s/ Elaine Gannon
 /s/ Holly Rehder
 /s/ Greg Razer

FOR THE HOUSE:

/s/ Becky Ruth
 /s/ William Hardwick
 /s/ Josh Hurlbert
 /s/ Kimberly-Ann Collins
 /s/ LaKeySha Bosley

Senator Eslinger assumed the Chair.

Senator Roberts moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Riddle—1

Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Roberts, **CCS** for **HS** for **HCS** for **SCS** for **SB 520**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 HOUSE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 520

An Act to repeal section 227.803, RSMo, and to enact in lieu thereof thirteen new sections relating to the designation of memorial infrastructure.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Riddle—1

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

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

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

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

President Kehoe assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Eigel moved that **SS** for **HB 850** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HB 850** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

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

Absent—Senator Riddle—1

Absent with leave—Senator Brown—1

Vacancies—None

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Koenig moved that the conferees on **SS** for **HCS** for **HB 66**, as amended, be allowed to exceed the differences in sections 137.115 and 94.842, which motion prevailed.

Senator White moved that **SS** for **SCS** for **SB 43**, with **HA 1**, **HA 2** and **HA 3**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator White moved that the above amendment be adopted.

Senator Onder offered a substitute motion that the Senate refuse to concur with the House position on **SB 43** and request the House recede from its position, or failing to do so, grant the Senate a conference thereon; and, further to exceed the differences to add the following language to section 208.152.1(12)(b): “Any drug approved by the federal Food and Drug Administration that may cause the destruction of, or prevent the implantation of, an unborn child, as defined in section 188.015”.

Senator Onder moved that the above substitute motion be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Burlison, Moon and Wieland.

The above substitute motion was adopted by the following vote:

YEAS—Senators

Bean	Bernskoetter	Brattin	Burlison	Cierpiot	Crawford	Eigel
Eslinger	Gannon	Hoskins	Koenig	Moon	Onder	Rehder
Schatz	Wieland—16					

NAYS—Senators

Arthur	Beck	Hegeman	Hough	May	Mosley	Razer
Rizzo	Roberts	Rowden	Schupp	Washington	White	Williams—14

Absent—Senators

Luetkemeyer	O’Laughlin	Riddle—3
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Absent with leave—Senator Brown—1

Vacancies—None

On motion of Senator Rowden, the Senate recessed until 10:00 a.m.

RECESS

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

Senator Luetkemeyer assumed the Chair.

President Kehoe assumed the Chair.

Senator Riddle assumed the Chair.

President Kehoe assumed the Chair.

RESOLUTIONS

Senator Hoskins offered Senate Resolution No. 397, regarding Randall “Randy” Lee Hamilton, Chula, which was adopted.

Senator Hegeman offered Senate Resolution No. 398, regarding Madelyn Derks, King City, which was adopted.

Senator Wieland offered Senate Resolution No. 399, regarding Hanna Mary Lenz, Imperial, which was adopted.

Senator Gannon offered Senate Resolution No. 400, regarding Correctional Captain Timothy L. Brown, Farmington, which was adopted.

Senator Gannon offered Senate Resolution No. 401, regarding Correctional Officer II David Montgomery, Irondale, which was adopted.

Senator Schupp offered Senate Resolution No. 402, regarding Jaxon Luraschi, which was adopted.

Senator Schupp offered Senate Resolution No. 403, regarding Alexa Anderson, which was adopted.

On motion of Senator Rizzo, the Senate adjourned until 10:00 a.m., Wednesday, May 19, 2021.

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