

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SECOND DAY - TUESDAY, MARCH 28, 2023

The Senate met pursuant to adjournment.

Senator Rowden in the Chair.

Senator Brattin offered the following prayer:

“The human heart is the most deceitful of all things, and desperately wicked. Who really knows how bad it is?” (Jeremiah 17:9)

Good, Gracious Heavenly Father, we come before You today knowing that we are in desperate need of You, Your wisdom, and Your Truth. In a fallen world filled with sin, corruption, and deceit, we pray for Your guidance and Your Sovereign grace to fall upon us. We know that only by Your sheer will do we have all that we have as a people, as a nation, and as a state. And apart from You, there is nothing we can do. As a nation, may we do as You command in Your Holy word, “If my people who are called by my name will humble themselves and pray and seek my face and turn from their wicked ways, I will hear from heaven and will forgive their sins and restore their land.” (2 Chronicles 7:14). All these things we ask in Your Son, Jesus Christ’s name. 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.

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

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Cierpiot	Coleman	Crawford	Eigel	Eslinger
Fitzwater	Gannon	Hoskins	Hough	Koenig	Luetkemeyer	May
McCreery	Moon	Mosley	O'Laughlin	Razer	Rizzo	Roberts
Rowden	Schroer	Thompson Rehder	Trent	Washington	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator O'Laughlin requested unanimous consent of the Senate to allow members of the St. Louis Metropolitan Police Department to enter the Chamber with side arms, which request was granted.

RESOLUTIONS

Senator Trent offered Senate Resolution No. 299, regarding Michael A. Vinehout, Marshfield, which was adopted.

Senator Crawford offered Senate Resolution No. 300, regarding the One Hundredth Birthday of Martha Mae O'Roark Bird, Hermitage, which was adopted.

Senator Crawford offered Senate Resolution No. 301, regarding Lt. Col. Joe Johnson, Louisburg, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator O'Laughlin, Chair of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 115**, **SS** for **SB 222**, and **SS No. 3** for **SB 22**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Bean moved that **SB 56** and **SB 61**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 56** and **61**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 56 and 61

An Act to repeal section 304.820, RSMo, and to enact in lieu thereof one new section relating to the operation of motor vehicles, with penalty provisions.

Was taken up.

Senator Bean moved that **SCS** for **SBs 56** and **61** be adopted.

Senator Bean offered **SS** for **SCS** for **SBs 56** and **61**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 56 and 61

An Act to repeal section 304.820, RSMo, and to enact in lieu thereof one new section relating to prohibitions against using electronic communication devices while operating motor vehicles, with penalty provisions.

Senator Bean moved that **SS** for **SCS** for **SBs 56** and **61** be adopted.

Senator Mosley offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 56 & 61, Page 1, In the Title, Lines 3-5, by striking "prohibitions against using electronic communication devices while operating"; and

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

“144.020. 1. A tax is hereby levied and imposed for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events, except amounts paid for any instructional class;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) (a) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(b) If local and long distance telecommunications services subject to tax under this subdivision are aggregated with and not separately stated from charges for telecommunications service or other services not subject to tax under this subdivision, including, but not limited to, interstate or international telecommunications services, then the charges for nontaxable services may be subject to taxation unless the telecommunications provider can identify by reasonable and verifiable standards such portion of the charges not subject to such tax from its books and records that are kept in the regular course of business, including, but not limited to, financial statement, general ledgers, invoice and billing systems and reports, and reports for regulatory tariffs and other regulatory matters;

(c) A telecommunications provider shall notify the director of revenue of its intention to utilize the standards described in paragraph (b) of this subdivision to determine the charges that are subject to sales tax under this subdivision. Such notification shall be in writing and shall meet standardized criteria established by the department regarding the form and format of such notice;

(d) The director of revenue may promulgate and enforce reasonable rules and regulations for the administration and enforcement of the provisions of this subdivision. 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, 2019, shall be invalid and void;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public. The tax imposed under this subdivision shall not apply to any automatic mandatory gratuity for a large group imposed by a restaurant when such gratuity is reported as employee tip income and the restaurant withholds income tax under section 143.191 on such gratuity;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of sale at retail or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in **section 144.070 or** section 144.440.

2. All tickets sold which are sold under the provisions of this chapter which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. As used in subsection 1 of this section, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

4. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

5. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing or rental company and pay an annual fee of two hundred fifty dollars for such authority. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

6. Every applicant to be a registered fleet owner as described in subsections 6 to 10 of section 301.032 shall furnish with the application to operate as a registered fleet owner a corporate surety bond or irrevocable letter of credit, as defined in section 400.5-102, issued by any state or federal financial institution in the penal sum of one hundred thousand dollars, on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the registered fleet owner complying with the provisions of any statutes applicable to registered fleet owners, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the registered fleet owner license. The bond shall be executed in the name of

the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except that, the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party.

7. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

(1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;

(2) Is authorized to do business in Missouri;

(3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;

(4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and

(5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

8. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

9. Any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, and that has applied to the director of revenue for authority to operate as a leasing company may also operate as a registered fleet owner as prescribed in section 301.032.

10. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent

of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate Article IV, Section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.

11. (1) Beginning January 1, 2024, notwithstanding any provision of this section, section 144.440, or any other provision of law to the contrary, if the sales tax imposed on the purchase of a motor vehicle under section 144.020 is not collected and remitted by a motor vehicle dealer under subsection 10 of this section and the purchaser of the motor vehicle utilizes any form of financing to purchase the motor vehicle, the full amount of the sales tax due shall be explicitly included in the financing agreement between the purchaser and the financing entity and the financing entity shall transfer such amount directly to the motor vehicle dealer, who shall remit the sales tax due to the appropriate taxing authority on behalf of the purchaser. Any amounts received by the taxing authority shall be credited towards any amounts of sales tax otherwise due to the taxing authority by the purchaser. The failure of a motor vehicle dealer to properly remit moneys to an appropriate taxing authority shall not be a defense to any claim owed by the purchaser, and both the motor vehicle dealer and the purchaser shall be jointly liable to the taxing authority for any taxes owed.

(2) The director of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Mosley moved that the above amendment be adopted

Senator Bean raised the point of order that **SA 1** exceeds the scope of the underlying bill.

Senator Thompson Rehder assumed the Chair.

The point of order was referred to the President Pro Tem.

At the request of Senator Mosley, **SA 1** was withdrawn, rendering the point of order moot.

Senator Hoskins offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 56 & 61, Page 5, Section 304.822, Lines 134-135, by striking all of said lines and inserting in lieu thereof the following: “**one hundred fifty dollars.**”; and further amend lines 139-140 by striking all of said lines and inserting in lieu thereof the following: “**two hundred fifty dollars.**”; and further amend lines 144-145 by striking all of said lines and inserting in lieu thereof the following: “**of up to five hundred dollars.**”; and

Further amend said bill and section, page 6, lines 153-154 by striking all of said lines and inserting in lieu thereof the following: “**of up to five hundred dollars.**”.

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

Senator Brattin offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 56 & 61, Page 7, Section 304.822, Line 190, by inserting after all of said line the following:

“**12. No person shall be stopped, inspected, or detained solely for a violation of this section.**”.

Senator Brattin moved that the above amendment be adopted, which motion prevailed by a standing division vote.

At the request of Senator Bean, **SBs 56 and 61**, with **SCS, SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Roberts moved that **SJR 21** be taken up for perfection, which motion prevailed.

On motion of Senator Roberts, **SJR 21** was declared perfected and ordered printed.

At the request of Senator Luetkemeyer, **SB 30** was placed on the Informal Calendar.

At the request of Senator Eslinger, **SB 136** was placed on the Informal Calendar.

At the request of Senator Bean, **SB 140**, with **SCS**, was placed on the Informal Calendar.

Senator Beck moved that **SB 213** be taken up for perfection, which motion prevailed.

Senator Brattin offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 213, Page 1, In the Title, Line 3, by striking “in paternity actions”; and

Further amend said bill, page 3, section 210.841, line 64, by inserting after all of said line the following:

“452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

(1) “Custody” means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;

(2) “Joint legal custody” means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or

decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

(3) “Joint physical custody” means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;

(4) “Third-party custody” means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.

2. The court shall determine custody in accordance with the best interests of the child. **There shall be a rebuttable presumption that an award of equal or approximately equal parenting time to each parent is in the best interests of the child. Such presumption is rebuttable only by a preponderance of the evidence in accordance with all relevant factors, including, but not limited to, the factors contained in subdivisions (1) to (8) of this subsection. The presumption may be rebutted if the court finds that the parents have reached an agreement on all issues related to custody, or if the court finds that a pattern of domestic violence has occurred as set out in subdivision (6) of this subsection.** When the parties have not reached an agreement on all issues related to custody, the court shall consider all relevant factors and enter written findings of fact and conclusions of law, including, but not limited to, the following:

(1) The wishes of the child's parents as to custody and the proposed parenting plan submitted by both parties;

(2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests;

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;

(5) The child's adjustment to the child's home, school, and community. **The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children;**

(6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm;

(7) The intention of either parent to relocate the principal residence of the child; and

(8) The [wishes] **unobstructed input** of a child, **free of coercion and manipulation**, as to the child's [custodian] **custodial arrangement**. [The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.]

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(a) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.083, 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, 566.211, or 566.215;

(b) A violation of section 568.020;

(c) A violation of subdivision (2) of subsection 1 of section 568.060;

(d) A violation of section 568.065;

(e) A violation of section 573.200;

(f) A violation of section 573.205; or

(g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, **the general assembly encourages the court to enter a temporary parenting plan as early as practicable in a proceeding under this chapter, consistent with the provisions of subsection 2 of this section, and, in so doing**, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded **to** a person related by consanguinity or affinity to the child. If no person related to the child by consanguinity or affinity is willing to accept custody, then the court may award custody to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child. The court shall not presume that a parent, solely because of his or her sex, is more qualified than the other parent to act as a joint or sole legal or physical custodian for the child.

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in subsection 8 of section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. After August 28, 2016, every court order establishing or modifying custody or visitation shall include the following language: "In the event of noncompliance with this order, the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion

with the court stating the specific facts that constitute a violation of the custody provisions of the judgment of dissolution, legal separation, or judgment of paternity. The circuit clerk will provide the aggrieved party with an explanation of the procedures for filing a family access motion and a simple form for use in filing the family access motion. A family access motion does not require the assistance of legal counsel to prepare and file.”.

11. No court shall adopt any local rule, form, or practice requiring a standardized or default parenting plan for interim, temporary, or permanent orders or judgments. Notwithstanding any other provision of **law** to the contrary, a court may enter an interim order in a proceeding under this chapter, provided that the interim order shall not contain any provisions about child custody or a parenting schedule or plan without first providing the parties with notice and a hearing, unless the parties otherwise agree.

12. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. A court shall order that the reports and records made available under this subsection not include the address of the parent with custody if the parent with custody is a participant in the address confidentiality program under section 589.663. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

13. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

14. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

15. If the court finds that domestic violence or abuse as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.”; and

Further amend the title and enacting clause accordingly.

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

Senator Koenig offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 213, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “placement”; and

Further amend said bill, page 3, section 210.841, line 64, by inserting after all of said line the following:

“211.221. In placing a child in or committing a child to the custody of an individual or of a private agency or institution, the court, **children's division, or any child-placing agency contracting with the state to provide foster care services** shall, whenever practicable, select either a person, or an agency or institution governed by persons of the same religious faith as that of the parents of such child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child or if the religious faith of the child is not ascertainable, then of the faith of either of the parents.”; and

Further amend the title and enacting clause accordingly.

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

Senator May offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 213, Page 1, In the Title, Lines 2-3, by striking the words “child custody in paternity actions” and inserting in lieu thereof the following: “judicial proceedings involving the parent-child relationship”; and

Further amend said bill, page 3, section 210.841, line 64, by inserting after all of said line the following:

“454.1005. 1. To show cause why suspension of a license may not be appropriate, the obligor shall request a hearing from the court or division that issued the notice of intent to suspend the license. The request shall be made within sixty days of the date of service of notice.

2. If an obligor fails to respond, without good cause, to a notice of intent to suspend a license[,] **or to** timely request a hearing or comply with a payment plan, [the obligor's defenses and objections shall be considered to be without merit and] the court or director may enter an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity.

3. Upon timely receipt of a request for hearing from an obligor, the court or director shall schedule a hearing **that complies with due process** to determine if suspension of the obligor's license is appropriate **considering all relevant factors, including those factors listed in subsection 4 of this section**. The court or director shall stay suspension of the license pending the outcome of the hearing.

4. [If the action involves an arrearage, the only issues that may be determined in a hearing pursuant to this section are] **In determining whether the license suspension is appropriate under the**

circumstances, the court or director shall consider and issue written findings of fact and conclusions of law within thirty days following the hearing regarding the following:

- (1) The identity of the obligor;
- (2) Whether the arrearage is in an amount greater than or equal to three months of support payments or two thousand five hundred dollars, whichever is less, by the date of service of a notice of intent to suspend; [and]
- (3) Whether the obligor has entered a payment plan. If the action involves a failure to comply with a subpoena or order, the only issues that may be determined are the identity of the obligor and whether the obligor has complied with the subpoena or order;
- (4) Whether the obligor had the ability to make the payments that are in arrearage;**
- (5) Whether the obligor has the current ability to make the payments;**
- (6) The reasons the obligor needs the license, including, but not limited to:**
 - (a) Transportation of family members to and from work, school, or medical treatment;**
 - (b) Transportation of the obligor or family members to extra curricular activities; or**
 - (c) A requirement for employment;**
- (7) Whether the obligor is unemployed or underemployed;**
- (8) Whether the obligor is actively seeking employment;**
- (9) Whether the obligor has engaged in job search and job readiness assistance, including utilization of the state employment database website;**
- (10) Whether the obligor has a physical or mental impairment affecting his or her capacity to work; and**
- (11) Any other relevant factors that affect the obligor's ability to make the child support payments.**

5. If the court or director, after the hearing, determines that the obligor has failed to comply with the child support payment obligation and an arrearage exists in excess of two thousand five hundred dollars for good cause, then the court or director shall not issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity or, if an order is in place, shall stay such order. Good cause may include loss of employment, excluding voluntarily quitting or a dismissal due to poor job performance or failure to meet a condition of employment; catastrophic illness or accident of the obligor or a family member; severe inclement weather, including a natural disaster; or the obligor experiences a family emergency or other life-changing event, including divorce or domestic violence. A decision by the court or director under this section not to issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity shall not prevent a court or the director from issuing a new order suspending the license of the same obligor in the event of another arrearage if the obligor fails, without good cause, to comply with the support order or payment plan.

6. If the court or director, after hearing, determines that the obligor has failed, **without good cause**, to comply with any of the requirements in subsection 4 of this section, the court or director shall issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity.

[6.] 7. The court or division shall send a copy of the order suspending a license to the licensing authority and the obligor by certified mail.

[7.] 8. The determination of the director, after a hearing pursuant to this section, shall be a final agency decision and shall be subject to judicial review pursuant to chapter 536. Administrative hearings held pursuant to this section shall be conducted by hearing officers appointed by the director of the department pursuant to subsection 1 of section 454.475.

[8.] 9. A determination made by the court or division pursuant to this section is independent of any proceeding of the licensing authority to suspend, revoke, deny, terminate or renew a license.”; and

Further amend the title and enacting clause accordingly.

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

At the request of Senator Beck, **SB 213**, as amended, was placed on the Informal Calendar.

Senator Arthur moved that **SB 245** be taken up for perfection, which motion prevailed.

Senator Arthur offered **SS** for **SB 245**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 245

An Act to repeal sections 600.042 and 600.063, RSMo, and to enact in lieu thereof two new sections relating to the office of the public defender.

Senator Fitzwater assumed the Chair.

Senator Arthur moved that **SS** for **SB 245** be adopted, which motion prevailed.

Senator Thompson Rehder assumed the Chair.

On motion of Senator Arthur, **SS** for **SB 245** was declared perfected and ordered printed.

Senator Beck moved that **SB 214** be taken up for perfection, which motion prevailed.

Senator Beck offered **SS** for **SB 214**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 214

An Act to repeal sections 210.841 and 452.340, RSMo, and to enact in lieu thereof two new sections relating to child support for unborn children.

Senator Beck moved that **SS** for **SB 214** be adopted.

Senator May offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 214, Page 1, In the Title, Line 4, by striking “for unborn children”; and

Further amend said bill, page 13, line 452.340, line 314, by inserting after all of said line the following:

“454.1005. 1. To show cause why suspension of a license may not be appropriate, the obligor shall request a hearing from the court or division that issued the notice of intent to suspend the license. The request shall be made within sixty days of the date of service of notice.

2. If an obligor fails to respond, without good cause, to a notice of intent to suspend a license[,] **or to** timely request a hearing or comply with a payment plan, [the obligor's defenses and objections shall be considered to be without merit and] the court or director may enter an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity.

3. Upon timely receipt of a request for hearing from an obligor, the court or director shall schedule a hearing **that complies with due process** to determine if suspension of the obligor's license is appropriate **considering all relevant factors, including those factors listed in subsection 4 of this section.** The court or director shall stay suspension of the license pending the outcome of the hearing.

4. [If the action involves an arrearage, the only issues that may be determined in a hearing pursuant to this section are] **In determining whether the license suspension is appropriate under the circumstances, the court or director shall consider and issue written findings of fact and conclusions of law within thirty days following the hearing regarding the following:**

(1) The identity of the obligor;

(2) Whether the arrearage is in an amount greater than or equal to three months of support payments or two thousand five hundred dollars, whichever is less, by the date of service of a notice of intent to suspend; [and]

(3) Whether the obligor has entered a payment plan. If the action involves a failure to comply with a subpoena or order, the only issues that may be determined are the identity of the obligor and whether the obligor has complied with the subpoena or order;

(4) Whether the obligor had the ability to make the payments that are in arrearage;

(5) Whether the obligor has the current ability to make the payments;

(6) The reasons the obligor needs the license, including, but not limited to:

(a) Transportation of family members to and from work, school, or medical treatment;

(b) Transportation of the obligor or family members to extra curricular activities; or

(c) A requirement for employment;

(7) Whether the obligor is unemployed or underemployed;

(8) Whether the obligor is actively seeking employment;

(9) Whether the obligor has engaged in job search and job readiness assistance, including utilization of the state employment database website;

(10) Whether the obligor has a physical or mental impairment affecting his or her capacity to work; and

(11) Any other relevant factors that affect the obligor's ability to make the child support payments.

5. If the court or director, after the hearing, determines that the obligor has failed to comply with the child support payment obligation and an arrearage exists in excess of two thousand five hundred dollars for good cause, then the court or director shall not issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity or, if an order is in place, shall stay such order. Good cause may include loss of employment, excluding voluntarily quitting or a dismissal due to poor job performance or failure to meet a condition of employment; catastrophic illness or accident of the obligor or a family member; severe inclement weather, including a natural disaster; or the obligor experiences a family emergency or other life-changing event, including divorce or domestic violence. A decision by the court or director under this section not to issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity shall not prevent a court or the director from issuing a new order suspending the license of the same obligor in the event of another arrearage if the obligor fails, without good cause, to comply with the support order or payment plan.

6. If the court or director, after hearing, determines that the obligor has failed, **without good cause**, to comply with any of the requirements in subsection 4 of this section, the court or director shall issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity.

[6.] 7. The court or division shall send a copy of the order suspending a license to the licensing authority and the obligor by certified mail.

[7.] 8. The determination of the director, after a hearing pursuant to this section, shall be a final agency decision and shall be subject to judicial review pursuant to chapter 536. Administrative hearings held pursuant to this section shall be conducted by hearing officers appointed by the director of the department pursuant to subsection 1 of section 454.475.

[8.] 9. A determination made by the court or division pursuant to this section is independent of any proceeding of the licensing authority to suspend, revoke, deny, terminate or renew a license.”; and

Further amend the title and enacting clause accordingly.

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

Senator Eigel offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 214, Page 1, In the Title, Line 4, by striking said line and inserting in lieu thereof the following: “judicial proceedings involving the care of children.”; and

Further amend said bill, page 13, section 452.340, line 314, by inserting after all of said line the following:

“452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

(1) “Custody” means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;

(2) “Joint legal custody” means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

(3) “Joint physical custody” means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;

(4) “Third-party custody” means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.

2. The court shall determine custody in accordance with the best interests of the child. **There shall be a rebuttable presumption that an award of equal or approximately equal parenting time to each parent is in the best interests of the child. Such presumption is rebuttable only by a preponderance of the evidence in accordance with all relevant factors, including, but not limited to, the factors contained in subdivisions (1) to (8) of this subsection. The presumption may be rebutted if the court finds that the parents have reached an agreement on all issues related to custody, or if the court finds that a pattern of domestic violence has occurred as set out in subdivision (6) of this subsection.** When the parties have not reached an agreement on all issues related to custody, the court shall consider all relevant factors and enter written findings of fact and conclusions of law, including, but not limited to, the following:

(1) The wishes of the child's parents as to custody and the proposed parenting plan submitted by both parties;

(2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests;

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;

(5) The child's adjustment to the child's home, school, and community. **The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children;**

(6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm;

(7) The intention of either parent to relocate the principal residence of the child; and

(8) The [wishes] **unobstructed input** of a child, **free of coercion and manipulation**, as to the child's [custodian] **custodial arrangement**. [The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.]

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(a) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.083, 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, 566.211, or 566.215;

(b) A violation of section 568.020;

(c) A violation of subdivision (2) of subsection 1 of section 568.060;

(d) A violation of section 568.065;

(e) A violation of section 573.200;

(f) A violation of section 573.205; or

(g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, **the general assembly encourages the court to enter a temporary parenting plan as early as practicable in a proceeding under this chapter, consistent with the provisions of**

subsection 2 of this section, and, in so doing, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded **to** a person related by consanguinity or affinity to the child. If no person related to the child by consanguinity or affinity is willing to accept custody, then the court may award custody to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child. The court shall not presume that a parent, solely because of his or her sex, is more qualified than the other parent to act as a joint or sole legal or physical custodian for the child.

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in subsection 8 of section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. After August 28, 2016, every court order establishing or modifying custody or visitation shall include the following language: "In the event of noncompliance with this order, the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts that constitute a violation of the custody provisions of the judgment of dissolution, legal separation, or judgment of paternity. The circuit clerk will provide the aggrieved party with an explanation of the procedures for filing a family access motion and a simple form for use in filing the family access motion. A family access motion does not require the assistance of legal counsel to prepare and file."

11. No court shall adopt any local rule, form, or practice requiring a standardized or default parenting plan for interim, temporary, or permanent orders or judgments. Notwithstanding any other provision of **law** to the contrary, a court may enter an interim order in a proceeding under this chapter, provided that the interim order shall not contain any provisions about child custody or a parenting schedule or plan without first providing the parties with notice and a hearing, unless the parties otherwise agree.

12. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. A court shall order that the reports and records made available under this subsection not include the address of the parent with custody if the parent with custody is a participant in the address confidentiality program under section 589.663. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

13. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

14. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and

applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

15. If the court finds that domestic violence or abuse as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted.

At the request of Senator Beck, **SB 214**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

At the request of Senator Schroer, **SB 80** was placed on the Informal Calendar.

Senator Coleman moved that **SB 227** be taken up for perfection, which motion prevailed.

Senator Coleman offered **SS** for **SB 227**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 227

An Act to repeal section 565.003, RSMo, and to enact in lieu thereof one new section relating to the culpable mental state necessary for a homicide offense.

Senator Coleman moved that **SS** for **SB 227** be adopted, which motion prevailed.

On motion of Senator Coleman, **SS** for **SB 227** was declared perfected and ordered printed.

Senator Brown (26) moved that **SB 88**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 88**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 88

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to professional licensing.

Was taken up.

Senator Brown (26) moved that **SCS** for **SB 88** be adopted.

Senator Brown (26) offered **SS** for **SCS** for **SB 88**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 88

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to professional licensing.

Senator Brown (26) moved that **SS** for **SCS** for **SB 88** be adopted.

Senator Mosley offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 88, Page 4, Section 324.004, Line 87, by inserting after all of said line the following:

“334.1051. 1. As used in sections 334.1051 to 334.1071, the following terms shall mean:

(1) “Approved medical educational program”, an education program that the board has approved as meeting the requirements of section 334.1059 and that prepares naturopathic physicians for the practice of naturopathic medicine;

(2) “Board”, the state board of registration for the healing arts;

(3) “Clinical laboratory procedure”, the use of venipuncture consistent with naturopathic medical practice; commonly used diagnostic modalities consistent with naturopathic practice; the recording of a patient's health history; physical examination; and ordering and interpreting radiographic diagnostics and other standard imaging and examining body orifices, excluding endoscopy and colonoscopy;

(4) “Committee”, the naturopathic physicians advisory committee of the board established in section 334.1056;

(5) “Dangerous drugs”, narcotics or controlled substances described in chapter 195;

(6) “Homeopathic medicine”, a system of medicine based on the use of infinitesimal doses of substances capable of producing symptoms similar to those of the disease treated, as listed in the Homeopathic Pharmacopeia of the United States;

(7) “Hygiene”, the use of preventative techniques, including, but not limited to, personal hygiene, asepsis, public health, and safety;

(8) “Laboratory examination”, phlebotomy, a clinical laboratory procedure, an orifice examination, a physiological function test, or a screening or test that is consistent with naturopathic education and training;

(9) “Legend drug”, the same meaning as in section 338.330;

(10) “Minor office procedure”, minor surgical care and procedures, including, but not limited to, the following:

(a) Surgical care incidental to superficial laceration, lesion, or abrasion, excluding surgical care to treat a lesion suspected of malignancy;

(b) The removal of foreign bodies located in superficial structures, excluding the globe of the eye;

(c) Trigger point therapy;

- (d) Dermal stimulation;**
- (e) Allergy testing and treatment; and**
- (f) The use of antiseptics and topical or local anesthetics;**
- (11) “NABNE”, the North American Board of Naturopathic Examiners;**
- (12) “Naturopathic medicine”, includes the following:**
 - (a) A system of health care for the prevention, diagnosis, and treatment of human health conditions, injury, and disease;**
 - (b) The promotion or restoration of health; and**
 - (c) The support and stimulation of a patient's inherent self-healing processes through patient education and the use of naturopathic therapies and therapeutic substances;**
- (13) “Naturopathic physical medicine”, the use of one or more of the following physical agents in a manner consistent with naturopathic medical practice on a part or the whole of the body, by hand or by mechanical means, in the resolution of a human ailment or condition: air, water, heat, cold, sound, light, electromagnetism, colon hydrotherapy, soft tissue therapy, joint mobilization, therapeutic exercise, or naturopathic manipulation. The term shall not include the practice of physical therapy, acupuncture, or application of chiropractic adjustments and the principles or techniques of chiropractic science;**
- (14) “Naturopathic therapy”, the use of naturopathic physical medicine, suggestion, hygiene, a therapeutic substance, a dangerous drug, nutrition and food science, homeopathic medicine, a clinical laboratory procedure, or a minor office procedure;**
- (15) “Nutrition and food science”, the prevention and treatment of disease or other human conditions through the use of food, water, herbs, roots, bark, or natural food elements;**
- (16) “Professional examination”, a competency-based national naturopathic physician licensing examination administered by NABNE, or its successor agency, which board has been nationally recognized to administer a naturopathic examination that represents federal standards of education and training;**
- (17) “Suggestion”, a technique using biofeedback, hypnosis, health education, or health counseling;**
- (18) “Therapeutic substance”, any of the following exemplified in a standard naturopathic medical text, journal, or pharmacopeia: a vitamin, mineral, nutraceutical, botanical medicine, oxygen, homeopathic medicine, hormone, hormonal or pharmaceutical contraceptive device, or other physiological substance.**

334.1053. The board shall license an applicant who:

- (1) Is of good moral character;**
- (2) Submits the following items to the board:**

- (a) **An application for license;**
 - (b) **Evidence that the applicant has graduated from an approved naturopathic medical educational program;**
 - (c) **Evidence that the applicant successfully completed a competency-based national naturopathic medicine licensing examination;**
 - (d) **Evidence that the applicant has passed a pharmacy examination authorized by the board and administered by NABNE;**
 - (e) **Evidence that the applicant has passed a state jurisprudence examination that meets standards authorized by the board;**
 - (f) **Evidence of professional liability insurance with policy limits not less than prescribed by the board in rule;**
 - (g) **Be at least twenty-one years of age;**
 - (h) **Be a United States citizen or an alien lawfully admitted for permanent residence in the United States; and**
 - (i) **Pay all application and examination fees required by the board;**
- (3) **Is determined by the board, upon recommendation by the committee, to be physically and mentally capable of safely practicing naturopathic medicine with or without reasonable accommodation; and**
- (4) **Has not had a license to practice naturopathic medicine or other health care license, registration, or certification refused, revoked, or suspended by any other jurisdiction for reasons that related to the applicant's ability to skillfully and safely practice naturopathic medicine, unless that license, registration, or certification has been restored to good standing by the jurisdiction.**

334.1056. 1. There is hereby established a “Naturopathic Physicians Advisory Committee” for the purpose of providing advice for the board regarding licensure of naturopathic physicians and matters relating to the training of naturopathic physicians.

2. The governor shall appoint, with the advice and consent of the senate, an initial committee consisting of one member for a term of four years and two members for terms of three years each. As the terms of the initial committee members expire, the board shall appoint successors for terms of four years each. No more than two members shall be affiliated with the same political party. All members shall be citizens of the United States. The committee shall consist of three voting members as follows:

(1) Two licensed naturopathic physicians, except that the first such members shall become licensed within six months of August 28, 2023; and

(2) One member who is a resident of the state who is not, and never has been, a licensed health care practitioner and who does not have an interest in naturopathic education, naturopathic medicine, or naturopathic business or practice.

3. At the first meeting of the committee, the members shall elect a chair. The committee shall meet at least once during each calendar quarter. The committee may hold additional meetings at the call of the chair or upon the written request of any two members of the committee.

4. Each member shall receive compensation in an amount set by the commission not to exceed seventy dollars for each day devoted to the duties of the commission, and shall be entitled to reimbursement for the member's expenses necessarily incurred in the discharge of his or her official duties.

5. The committee shall develop guidelines for the board to consider for rulemaking, including, but not limited to:

(1) Regulating the licensure of naturopathic physicians and determining the hours of continuing education units required for maintaining licensure as a naturopathic physician;

(2) Prescribing the manner in which records of examinations and treatments shall be kept and maintained;

(3) Establishing standards for professional responsibility and conduct;

(4) Identifying disciplinary actions and circumstances that require disciplinary action;

(5) Developing a means to provide information to all licensees in the state;

(6) Providing for the investigation of complaints against licensees or persons holding themselves out as naturopathic physicians in the state;

(7) Providing for the publication of information for the public about licensees and the practice of naturopathic medicine in the state;

(8) Providing for an orderly process for reinstatement of a license; and

(9) Establishing criteria for advertising or promotional materials.

334.1059. 1. The board shall, in collaboration with the committee, establish guidelines for an approved naturopathic medical educational program and examination for an applicant for licensure, which shall, at a minimum, meet the following requirements:

(1) Graduation from:

(a) A naturopathic medical education program in the United States providing the degree of doctor of naturopathy or doctor of naturopathic medicine, which shall offer graduate-level, full-time didactic and supervised clinical training and shall be accredited or have achieved candidacy status for accreditation by the Council on Naturopathic Medical Education (CNME), or an equivalent federally-recognized accrediting body for naturopathic medical programs, and which shall be an institution of higher education or part of an institution of higher education that is either accredited or is a candidate for accreditation by a regional or national institutional accrediting agency recognized by the U.S. Secretary of Education;

(b) A degree-granting institution of higher education in the United States that, prior to the existence of the CNME, offered a full-time, structured curriculum in basic science and supervised

patient care comprising a doctoral naturopathic medical education requiring not less than one hundred thirty-two weeks of coursework to be completed within a period of not less than thirty-five months, which was reputable and in good standing in the judgment of the board and which, if still in existence, has current programmatic accreditation by the CNME or a federally-recognized equivalent accrediting agency;

(c) A diploma-granting, degree-equivalent institution of higher education located in Canada that, prior to the existence of the CNME, had provincial approval for participation in government-funded student aid programs, offered a full-time, structured curriculum in basic science and supervised patient care comprising a doctoral naturopathic medical education requiring not less than one hundred thirty-two weeks of coursework to be completed within a period of not less than thirty months, which was reputable and in good standing in the judgment of the board and which, if still in existence, has current programmatic accreditation by the CNME or a federally-recognized equivalent accrediting agency, and has provincial approval for participation in government-funded student aid programs; or

(d) A diploma-granting, degree-equivalent institution of higher education located in Canada that has provincial approval for participation in government-funded student aid programs, offers graduate-level, full-time didactic and supervised clinical training and is accredited or has achieved candidacy status for accreditation by the CNME, or an equivalent federally-recognized accrediting body for naturopathic medical programs; and

(2) Successful completion of a competency-based national naturopathic medicine licensing examination administered by the NABNE, or an equivalent agency recognized by the board, or, for graduates of approved naturopathic medical programs in the United States prior to the existence of the CNME, a competency-based state naturopathic medicine licensing examination for the practice of naturopathic medicine approved by the board.

334.1062. 1. A licensee may practice naturopathic medicine to provide primary care in alignment with naturopathic medical education in the following ways:

(1) To perform physical examinations;

(2) To order laboratory examinations;

(3) To order diagnostic imaging studies;

(4) To interpret the results of laboratory examinations for diagnostic purposes;

(5) To order and, based on a radiologist's report, take action on diagnostic imaging studies in a manner consistent with naturopathic training;

(6) To prescribe, administer, dispense, and order food, extracts of food, nutraceuticals, vitamins, amino acids, minerals, enzymes, botanicals and their extracts, botanical medicine, homeopathic medicines, and dietary supplements and nonprescription drugs;

(7) To prescribe, administer, dispense, and order all legend drugs and all Schedule III, IV, and V controlled substances described in section 195.017;

(8) To administer intramuscular, intravenous, subcutaneous, intra-articular, and intradermal injections of substances appropriate to naturopathic medicine;

(9) To use routes of administration that include oral, nasal, auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous, intravenous, intra-articular, and intramuscular, consistent with the education and training of a naturopathic physician;

(10) To perform naturopathic physical medicine;

(11) To employ the use of naturopathic therapy;

(12) To use therapeutic devices, barrier contraception, intrauterine devices, hormonal and pharmaceutical contraception and durable medical equipment; and

(13) To perform minor office procedures.

2. A licensee shall refer to a physician licensed under this chapter any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the licensee.

3. A licensee shall not:

(1) Perform surgery outside of the scope of minor office procedures permitted in the employment of naturopathic therapy;

(2) Use general or spinal anesthetics;

(3) Administer ionizing radioactive substances for therapeutic purposes;

(4) Perform a surgical procedure using a laser device;

(5) Perform a surgical procedure involving any of the following areas of the body that extend beyond superficial tissue: eye, ear, tendon, nerves, veins, or artery;

(6) Perform an abortion, as such term is defined in section 188.015;

(7) Treat any lesion suspected of malignancy or requiring surgical removal; or

(8) Perform acupuncture.

4. A licensee shall display the licensee's license in the licensee's place of business in a location clearly visible to the licensee's patients and shall also display evidence of the licensee having completed an approved naturopathic medical education program.

5. A licensee has the exclusive right to use the following terms in reference to the licensee's self: "naturopathic physician", "naturopathic doctor", "doctor of naturopathic medicine", "doctor of naturopathy", "N.D.", and "ND". An individual shall not represent himself or herself to the public as a naturopathic physician, naturopathic doctor, a doctor of naturopathic medicine, or a doctor of naturopathy, or as being otherwise authorized to practice naturopathic medicine in the state, unless he or she is a licensee.

334.1065. The provisions of sections 334.1051 to 334.1071 shall not apply to the following persons:

(1) A health care professional who is licensed, certified, or registered under the laws of this state and who is performing services within his or her authorized scope of practice;

(2) A student enrolled in an approved naturopathic medical educational program; provided, that the practice of naturopathic medicine by the student is performed pursuant to a course of instruction or an assignment from an instructor and under the supervision of the instructor who is a licensee or a duly-licensed professional in the instructed field;

(3) Any person selling a vitamin or herb who provides information about the vitamin or herb;

(4) A person licensed to practice naturopathic medicine in any other state or district in the United States and who entered this state to consult with a naturopathic physician of this state; provided, that the consultation is limited to examination, recommendation, or testimony in litigation; or

(5) Any person or practitioner who is not licensed as a naturopathic physician and who recommends the use of ayurvedic medicine, herbal remedies, nutritional advice, homeopathy, or other therapy that is within the scope of practice of naturopathic medicine; provided, that the person shall not recommend or provide a homeopathic medicine, a hormone, a hormonal or pharmaceutical contraceptive device, or any other physiologic substance.

334.1068. 1. A license issued or renewed under sections 334.1051 to 334.1071 shall expire two years following its issuance or renewal. The board may renew the license of any licensee who, upon the expiration of his or her license:

(1) Has submitted an application for renewal;

(2) Has paid the renewal fee established by rules of the board;

(3) Meets the qualifications for licensure set forth in the sections 334.1051 to 334.1071 and rules promulgated thereunder; and

(4) Meets the continuing education requirements established by the board.

2. The board may refuse to issue or renew a license for failure to meet the requirements of sections 334.1051 to 334.1071, or the rules promulgated thereunder. The board shall notify the applicant in writing of the reasons for 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.

334.1071. The board shall promulgate rules and regulations to implement the provisions of sections 334.1051 to 334.1071. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 334.1051 to 334.1071 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, 2023, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Mosley moved that the above amendment be adopted, which motion failed.

Senator May offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 88, Page 4, Section 324.004, Line 87, by inserting after all of said line the following:

“454.1005. 1. To show cause why suspension of a license may not be appropriate, the obligor shall request a hearing from the court or division that issued the notice of intent to suspend the license. The request shall be made within sixty days of the date of service of notice.

2. If an obligor fails to respond, without good cause, to a notice of intent to suspend a license[,] **or to** timely request a hearing or comply with a payment plan, [the obligor's defenses and objections shall be considered to be without merit and] the court or director may enter an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity.

3. Upon timely receipt of a request for hearing from an obligor, the court or director shall schedule a hearing **that complies with due process** to determine if suspension of the obligor's license is appropriate **considering all relevant factors, including those factors listed in subsection 4 of this section.** The court or director shall stay suspension of the license pending the outcome of the hearing.

4. [If the action involves an arrearage, the only issues that may be determined in a hearing pursuant to this section are] **In determining whether the license suspension is appropriate under the circumstances, the court or director shall consider and issue written findings of fact and conclusions of law within thirty days following the hearing regarding the following:**

(1) The identity of the obligor;

(2) Whether the arrearage is in an amount greater than or equal to three months of support payments or two thousand five hundred dollars, whichever is less, by the date of service of a notice of intent to suspend; [and]

(3) Whether the obligor has entered a payment plan. If the action involves a failure to comply with a subpoena or order, the only issues that may be determined are the identity of the obligor and whether the obligor has complied with the subpoena or order;

(4) Whether the obligor had the ability to make the payments that are in arrearage;

(5) Whether the obligor has the current ability to make the payments;

(6) The reasons the obligor needs the license, including, but not limited to:

(a) Transportation of family members to and from work, school, or medical treatment;

(b) Transportation of the obligor or family members to extra curricular activities; or

(c) **A requirement for employment;**

(7) **Whether the obligor is unemployed or underemployed;**

(8) **Whether the obligor is actively seeking employment;**

(9) **Whether the obligor has engaged in job search and job readiness assistance, including utilization of the state employment database website;**

(10) **Whether the obligor has a physical or mental impairment affecting his or her capacity to work; and**

(11) **Any other relevant factors that affect the obligor's ability to make the child support payments.**

5. **If the court or director, after the hearing, determines that the obligor has failed to comply with the child support payment obligation and an arrearage exists in excess of two thousand five hundred dollars for good cause, then the court or director shall not issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity or, if an order is in place, shall stay such order. Good cause may include loss of employment, excluding voluntarily quitting or a dismissal due to poor job performance or failure to meet a condition of employment; catastrophic illness or accident of the obligor or a family member; severe inclement weather, including a natural disaster; or the obligor experiences a family emergency or other life-changing event, including divorce or domestic violence. A decision by the court or director under this section not to issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity shall not prevent a court or the director from issuing a new order suspending the license of the same obligor in the event of another arrearage if the obligor fails, without good cause, to comply with the support order or payment plan.**

6. **If the court or director, after hearing, determines that the obligor has failed, without good cause, to comply with any of the requirements in subsection 4 of this section, the court or director shall issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity.**

[6.] 7. **The court or division shall send a copy of the order suspending a license to the licensing authority and the obligor by certified mail.**

[7.] 8. **The determination of the director, after a hearing pursuant to this section, shall be a final agency decision and shall be subject to judicial review pursuant to chapter 536. Administrative hearings held pursuant to this section shall be conducted by hearing officers appointed by the director of the department pursuant to subsection 1 of section 454.475.**

[8.] 9. **A determination made by the court or division pursuant to this section is independent of any proceeding of the licensing authority to suspend, revoke, deny, terminate or renew a license.”; and**

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted.

Senator Eigel raised the point of order that SA 2 goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem.

At the request of Senator May, **SA 2** was withdrawn, rendering the point of order moot.

At the request of Senator Brown (26), **SB 88**, with **SCS**, and **SS** for **SCS** (pending), was placed on the Informal Calendar.

At the request of Senator Schroer, **SB 79**, with **SCS**, was placed on the Informal Calendar.

Senator Black moved that **SB 155** be taken up for perfection, which motion prevailed.

Senator Black offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 155, Page 1, Section 262.217, Line 5, by striking “nine” and inserting in lieu thereof the following: “**twelve**”; and

Further amend said bill and section, page 2, lines 38-42, by striking said lines and inserting in lieu thereof the following: “the commissioner who was replaced. There shall be no more than [two] **three** commission members from any congressional district.”.

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

Senator Eigel offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 155, Page 1, Section A, Line 3, by inserting after all of said line the following:

“21.851. 1. There is hereby established a **permanent** joint committee of the general assembly, which shall be known as the “Joint Committee on Disaster Preparedness and Awareness” and shall be composed of the following members:

- (1) Three members of the senate to be appointed by the president pro tempore of the senate;
- (2) Two members of the senate to be appointed by the minority floor leader of the senate;
- (3) Three members of the house of representatives to be appointed by the speaker of the house of representatives; **and**
- (4) Two members of the house of representatives to be appointed by the minority floor leader of the house of representatives[;]
- [(5) The director of the department of public safety, or his or her designee;]
- [(6) The director of the department of agriculture, or his or her designee; and]
- [(7) The adjutant general of the state, or his or her designee].

2. A majority of the members of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

3. The joint committee shall make a continuous study and investigation into issues relating to disaster preparedness and awareness including, but not limited to, the following areas:

- (1) Natural and manmade disasters;
- (2) State and local preparedness for floods;
- (3) State and local preparedness for tornados, blizzards, and other severe storms;
- (4) Food and energy resiliency;
- (5) Cybersecurity;
- (6) The budget reserve fund established under Article IV, Section 27(a) of the Missouri Constitution;
- (7) The protection of vulnerable populations in intermediate care facilities and skilled nursing facilities as those terms are defined in section 198.006; and
- (8) Premises that have been previously contaminated with radioactive material.

4. **The joint committee shall collect information from the department of public safety, the department of agriculture, and the office of adjutant general.**

5. The joint committee shall compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than January first of even-numbered years and may include any recommendations which the committee may have for legislative action. The report may also include an analysis and statement of the manner in which statutory provisions relating to disaster preparedness and awareness are being executed.

[5.] 6. The joint committee may employ such personnel as it deems necessary to carry out the duties imposed by this section, within the limits of any appropriation for such purpose.

[6.] 7. The members of the committee shall serve without compensation, but any actual and necessary expenses incurred in the performance of the committee's official duties by the joint committee, its members, and any staff assigned to the committee shall be paid from the joint contingent fund.

[7. This section shall expire on December 31, 2022]

8. **The joint committee shall select a chairperson and vice-chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives, to serve for a two-year term.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Bean assumed the Chair.

Senator Hoskins offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 155, Page 1, In the Title, Lines 2-3, by striking the words “the state fair commission” and inserting in lieu thereof the following: “certain state administrative entities”; and

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

“100.265. 1. There is hereby created within the department of economic development the “Missouri Development Finance Board”, which shall constitute a body corporate and politic and shall consist of [twelve] **sixteen** members, including the lieutenant governor, the director of the department of economic development, the director of the department of natural resources, [and] the director of the department of agriculture, **two members of the senate, one of which shall be from the majority party appointed by the president pro tempore of the senate and one of which shall be from the minority party appointed by the minority leader, and two members of the house of representatives, one of which shall be from the majority party appointed by the speaker of the house of representatives and one of which shall be from the minority party appointed by the minority leader.** No more than five members appointed by the governor to the board shall be of the same political party. Except for the lieutenant governor, the director of the department of economic development, the director of the department of natural resources, [and] the director of the department of agriculture, **and members of the general assembly,** all members shall be appointed by the governor by and with the advice and consent of the senate, and shall serve for terms of four years. The persons serving as members of the Missouri economic development, export and infrastructure board on August 28, 1994, shall become members of the Missouri development finance board for terms to expire at the same time their terms would have expired if they had remained members of the Missouri economic development, export and infrastructure board. The Missouri development finance board shall replace the Missouri economic development, export and infrastructure board. All moneys, property, any other assets or liabilities of the Missouri economic development, export and infrastructure board on August 28, 1994, shall be transferred to the Missouri development finance board. All powers, duties and functions performed by the Missouri economic development, export and infrastructure board pursuant to sections 100.250 to 100.297 shall be transferred to the Missouri development finance board.

2. Each member of the board appointed by the governor shall have resided in this state for at least five years prior to appointment. Except for the lieutenant governor, director of the department of economic development, the director of the department of natural resources, [and] the director of the department of agriculture, **and members of the general assembly,** no person may be appointed to the board who is an elected officer or employee of the state, or any agency, board, commission, or authority established by the state.

3. The governor shall designate one of the members of the board to serve as chairman. The board shall meet at such times and places it shall designate. [Seven] **Nine** members shall constitute a quorum. No vacancy in the membership shall impair the right of a quorum of the members to exercise all of the rights and powers and to perform all of the duties of the board.

4. Members of the board shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses incurred in the performance of their duties.

215.020. 1. There is hereby created and established as a governmental instrumentality of the state of Missouri the “Missouri Housing Development Commission” which shall constitute a body corporate and politic.

2. The commission shall consist of the governor, lieutenant governor, the state treasurer, the state attorney general, **two members of the senate, one of which shall be from the majority party appointed**

by the president pro tempore of the senate and one of which shall be from the minority party appointed by the minority leader, and two members of the house of representatives, one of which shall be from the majority party appointed by the speaker of the house of representatives and one of which shall be from the minority party appointed by the minority leader, and six members to be selected by the governor, with the advice and consent of the senate. The persons to be selected by the governor shall be individuals knowledgeable in the areas of housing, finance or construction. Not more than four of the members appointed by the governor shall be from the same political party. The members of the commission appointed by the governor shall serve the following terms: Two shall serve two years, two shall serve three years, and two shall serve four years, respectively. Thereafter, each appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor, with the advice and consent of the senate, shall appoint a new member to fill the unexpired term. Members are eligible for reappointment.

3. [Six] **Eight** members of the commission shall constitute a quorum. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission. No action shall be taken by the commission except upon the affirmative vote of at least [six] **eight** of the members of the commission.

4. Each member of the commission appointed by the governor is entitled to compensation of fifty dollars per diem plus his reasonable and necessary expenses actually incurred in discharging his duties under sections 215.010 to 215.250.”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Black, **SB 155**, as amended, was declared perfected and ordered printed.

Senator Rowden assumed the Chair.

Senator Eslinger moved that **SB 138** be taken up for perfection, which motion prevailed.

Senator Eslinger offered **SS** for **SB 138**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 138

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to promoting Missouri hardwood.

Senator Eslinger moved that **SS** for **SB 138** be adopted, which motion prevailed.

On motion of Senator Eslinger, **SS** for **SB 138** was declared perfected and ordered printed.

Senator Williams moved that **SB 38**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 38**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 38

An Act to repeal sections 590.040 and 590.080, RSMo, and to enact in lieu thereof three new sections relating to peace officer standards.

Was taken up.

Senator Williams moved that **SCS** for **SB 38** be adopted.

Senator Williams offered **SS** for **SCS** for **SB 38**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 38

An Act to repeal sections 43.539, 43.540, 67.145, 70.631, 84.344, 84.480, 84.510, 170.310, 190.091, 287.067, 590.040, 590.080, 590.192, 650.320, 650.330, and 650.340, RSMo, and to enact in lieu thereof seventeen new sections relating to first responders, with penalty provisions.

Senator Williams moved that **SS** for **SCS** for **SB 38** be adopted.

At the request of Senator Williams, **SB 38**, with **SCS**, and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Brown (26) moved that **SB 167** and **SB 171**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 167** and **171**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 167 and 171

An Act to repeal section 302.768, RSMo, and to enact in lieu thereof one new section relating to medical requirements for commercial vehicle operators.

Was taken up.

Senator Brown (26) moved that **SCS** for **SBs 167** and **171** be adopted.

Senator Brown (26) offered **SS** for **SCS** for **SBs 167 and 171**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 167 and 171

An Act to repeal section 302.768, RSMo, and to enact in lieu thereof one new section relating to medical requirements for commercial vehicle operators.

Senator Brown (26) moved that **SS** for **SCS** for **SBs 167** and **171** be adopted, which motion prevailed.

On motion of Senator Brown (26), **SS** for **SCS** for **SBs 167** and **171** was declared perfected and ordered printed.

Senator Thompson Rehder moved that **SB 198** be taken up for perfection, which motion prevailed.

Senator Thompson Rehder offered **SS** for **SB 198**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 198

An Act to repeal section 193.265, RSMo, and to enact in lieu thereof one new section relating to the waiver of fees for birth certificates for certain victims.

Senator Thompson Rehder moved that **SS** for **SB 198** be adopted.

Senator McCreery offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 198, Page 1, In the Title, Line 4, by striking all of said line and inserting in lieu thereof the following: "certain fees for vulnerable persons"; and

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

"136.055. 1. **Except as provided in subsection 8 of this section**, 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. 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. 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.

8. The fees described in subsection 1 of this section shall not be collected from any person who qualifies as a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or as an unaccompanied youth as defined in 42 U.S.C. Section 11434a(6). Such person's status as a homeless child or youth or unaccompanied youth shall be verified by a letter signed by one of the following persons:

(1) A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless persons;

(2) A local education agency liaison for homeless children and youth designated under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or

(3) A licensed attorney representing the minor in any legal matter.”; and

Further amend said bill, page 5, section 193.265, line 128 by inserting after all of said line the following:

“302.178. 1. Any person between the ages of sixteen and eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the director shall issue, an intermediate driver's license entitling the applicant, while having such license in his or her possession, to operate a motor vehicle of the appropriate class upon the highways of this state in conjunction with the requirements of this section. An intermediate driver's license shall be readily distinguishable from a license issued to those over the age of eighteen. All applicants for an intermediate driver's license shall:

(1) Successfully complete the examination required by section 302.173;

(2) Pay the fee required by subsection 4 of this section;

(3) Have had a temporary instruction permit issued pursuant to subsection 1 of section 302.130 for at least a six-month period or a valid license from another state; and

(4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a federal residential job training program, a driving instructor employed by a federal residential job training program, sign the application stating that the applicant has completed at least forty hours of supervised driving experience under a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over twenty-one years of age who supervised such driving. For purposes of this section, the term “emancipated minor” means a person who is at least sixteen years of age, but less than eighteen years of age, who:

(a) Marries with the consent of the legal custodial parent or legal guardian pursuant to section 451.080;

(b) Has been declared emancipated by a court of competent jurisdiction;

(c) Enters active duty in the Armed Forces;

(d) Has written consent to the emancipation from the custodial parent or legal guardian; [or]

(e) Through employment or other means provides for such person's own food, shelter and other cost-of-living expenses; **or**

(f) Qualifies as a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or as an unaccompanied youth as defined in 42 U.S.C. Section 11434a(6), and whose status as such is verified as provided under subsection 10 of this section;

(5) Have had no alcohol-related enforcement contacts as defined in section 302.525 during the preceding twelve months; and

(6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to section 302.302, within the preceding six months.

2. An intermediate driver's license grants the licensee the same privileges to operate that classification of motor vehicle as a license issued pursuant to section 302.177, except that no person shall operate a motor vehicle on the highways of this state under such an intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle without being accompanied if the travel is to or from a school or educational program or activity, a regular place of employment or in emergency situations as defined by the director by regulation.

3. Each intermediate driver's license shall be restricted by requiring that the driver and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction shall not apply to a person operating a motorcycle. For the first six months after issuance of the intermediate driver's license, the holder of the license shall not operate a motor vehicle with more than one passenger who is under the age of nineteen who is not a member of the holder's immediate family. As used in this subsection, an intermediate driver's license holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household of the

intermediate driver's license holder. After the expiration of the first six months, the holder of an intermediate driver's license shall not operate a motor vehicle with more than three passengers who are under nineteen years of age and who are not members of the holder's immediate family. The passenger restrictions of this subsection shall not be applicable to any intermediate driver's license holder who is operating a motor vehicle being used in agricultural work-related activities.

4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an intermediate driver's license shall be five dollars and such license shall be valid for a period of two years. **Such fee shall be waived for any person qualifying as an emancipated minor under subdivision (4) of subsection 1 of this section.**

5. Any intermediate driver's licensee accumulating six or more points in a twelve-month period may be required to participate in and successfully complete a driver-improvement program approved by the state highways and transportation commission. The driver-improvement program ordered by the director of revenue shall not be used in lieu of point assessment.

6. (1) An intermediate driver's licensee who has, for the preceding twelve-month period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic convictions for which points are assessed, upon reaching the age of eighteen years or within the thirty days immediately preceding their eighteenth birthday may apply for and receive without further examination, other than a vision test as prescribed by section 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person shall pay the required fee for such license as prescribed in section 302.177.

(2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday, such license shall remain valid for the five business days immediately following the expiration date. In no case shall a licensee whose intermediate driver's license expires on a Saturday, Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid driver's license if such offense occurred within five business days immediately following an expiration date that occurs on a Saturday, Sunday, or legal holiday.

(3) The director of revenue shall deny an application for a full driver's license until the person has had no traffic convictions for which points are assessed for a period of twelve months prior to the date of application for license or until the person is eligible to apply for a six-year driver's license as provided for in section 302.177, provided the applicant is otherwise eligible for full driving privileges. An intermediate driver's license shall expire when the licensee is eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

7. No person upon reaching the age of eighteen years whose intermediate driver's license and driving privilege is denied, suspended, cancelled or revoked in this state or any other state for any reason may apply for a full driver's license until such license or driving privilege is fully reinstated. Any such person whose intermediate driver's license has been revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the revocation from the director, pass the complete driver examination, apply for a new license, and pay the proper fee before again operating a motor vehicle upon the highways of this state.

8. A person shall be exempt from the intermediate licensing requirements if the person has reached the age of eighteen years and meets all other licensing requirements.

9. Any person who violates any of the provisions of this section relating to intermediate drivers' licenses or the provisions of section 302.130 relating to temporary instruction permits is guilty of an infraction, and no points shall be assessed to his or her driving record for any such violation.

10. A person's status as a homeless child or youth or unaccompanied youth under paragraph (f) of subdivision (4) of subsection 1 of this section shall be verified by a letter signed by one of the following persons:

(1) A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless persons;

(2) A local education agency liaison for homeless children and youth designated under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or

(3) A licensed attorney representing the minor in any legal matter.

11. 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, 2000, shall be invalid and void.

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license without ready detection. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored digitized image of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240 the name and address of the person designated pursuant to sections 404.800 to 404.865 as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing.

2. All digital images produced for licenses shall become the property of the department of revenue.

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. The director of revenue shall not issue a license without a facial digital image of the license applicant, except as provided pursuant to subsection 7 of this section. A digital image of the applicant's full facial features shall be taken in a manner prescribed by the director. No digital image shall be taken wearing anything which cloaks the facial features of the individual.

5. The department of revenue may issue a temporary license or a full license without the photograph or with the last photograph or digital image in the department's records to members of the Armed Forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

6. The department of revenue shall issue upon request a nondriver's license card containing essentially the same information and photograph or digital image, except as provided pursuant to subsection 7 of this section, as the driver's license upon payment of six dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A person who has passed his or her seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. Notwithstanding any other provision of this chapter, a nondriver's license containing a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to section 571.101, as section 571.101 existed prior to August 28, 2013. The fee for nondriver's licenses issued for a period exceeding three years is six dollars or three dollars for nondriver's licenses issued for a period of three years or less. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license. **No fee shall be required or collected from a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for a first nondriver's license card issued under this subsection. Such person's status as a homeless child or youth or unaccompanied youth shall be verified by a letter signed by one of the following persons:**

(1) A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless persons;

(2) A local education agency liaison for homeless children and youth designated under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or

(3) A licensed attorney representing the minor in any legal matter.

7. If otherwise eligible, an applicant may receive a driver's license or nondriver's license without a photograph or digital image of the applicant's full facial features except that such applicant's photograph or digital image shall be taken and maintained by the director and not printed on such license. In order to qualify for a license without a photograph or digital image pursuant to this section the applicant must:

(1) Present a form provided by the department of revenue requesting the applicant's photograph be omitted from the license or nondriver's license due to religious affiliations. The form shall be signed by the applicant and another member of the religious tenant verifying the photograph or digital image exemption on the license or nondriver's license is required as part of their religious affiliation. The required signatures on the prescribed form shall be properly notarized;

(2) Provide satisfactory proof to the director that the applicant has been a United States citizen for at least five years and a resident of this state for at least one year, except that an applicant moving to this state possessing a valid driver's license from another state without a photograph shall be exempt from the

one-year state residency requirement. The director may establish rules necessary to determine satisfactory proof of citizenship and residency pursuant to this section;

(3) Applications for a driver's license or nondriver's license without a photograph or digital image must be made in person at a license office determined by the director. The director is authorized to limit the number of offices that may issue a driver's or nondriver's license without a photograph or digital image pursuant to this section.

8. The department of revenue shall make available, at one or more locations within the state, an opportunity for individuals to have their full facial photograph taken by an employee of the department of revenue, or their designee, who is of the same sex as the individual being photographed, in a segregated location.

9. Beginning July 1, 2005, the director shall not issue a driver's license or a nondriver's license for a period that exceeds an applicant's lawful presence in the United States. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license or nondriver's license issued under this section.

10. (1) Notwithstanding any biometric data restrictions contained in section 302.170, the department of revenue is hereby authorized to design and implement a secure digital driver's license program that allows applicants applying for a driver's license in accordance with this chapter to obtain a secure digital driver's license in addition to the physical card-based license specified in this section.

(2) A digital driver's license as described in this subsection shall be accepted for all purposes for which a license, as defined in section 302.010, is used.

(3) The department may contract with one or more entities to develop the secure digital driver's license system. The department or entity may develop a mobile software application capable of being utilized through a person's electronic device to access the person's secure digital driver's license.

(4) The department shall suspend, disable, or terminate a person's participation in the secure digital driver's license program if:

(a) The person's driving privilege is suspended, revoked, denied, withdrawn, or cancelled as provided in this chapter; or

(b) The person reports that the person's electronic device has been lost, stolen, or compromised.

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

Further amend the title and enacting clause accordingly.

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

Senator Thompson moved that **SS** for **SB 198**, as amended, be adopted, which motion prevailed.

On motion of Senator Thompson Rehder, **SS** for **SB 198**, as amended, was declared perfected and ordered printed.

Senator Arthur moved that **SB 106**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 106**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 106

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to patient examinations.

Was taken up.

Senator Arthur moved that **SCS** for **SB 106** be adopted.

Senator Arthur offered **SS** for **SCS** for **SB 106**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 106

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to patient examinations.

Senator Arthur moved that **SS** for **SCS** for **SB 106** be adopted, which motion prevailed.

On motion of Senator Arthur, **SS** for **SCS** for **SB 106** was declared perfected and ordered printed.

Senator Beck moved that **SB 213**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Beck offered **SS** for **SB 213**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 213

An Act to repeal sections 210.841 and 211.221, RSMo, and to enact in lieu thereof two new sections relating to child placement.

Senator Beck moved that **SS** for **SB 213** be adopted, which motion prevailed.

On motion of Senator Beck, **SS** for **SB 213** was declared perfected and ordered printed.

Senator Bean moved that **SB 56** and **SB 61**, with **SCS**, and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Bean moved that **SS** for **SCS** for **SBs 56** and **61**, as amended, be adopted, which motion prevailed.

On motion of Senator Bean, **SS** for **SCS** for **SBs 56** and **61**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following message was 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 **HBs 971** and **970**, entitled:

An Act to repeal section 208.146, RSMo, and to enact in lieu thereof three new sections relating to employment for people with disabilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator O'Laughlin, Chair of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 138**, **SS** for **SB 227**, **SS** for **SB 245**, and **SJR 21**, begs leave to report that it has examined the same and finds that the bills and joint resolution have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Rowden referred **SS No. 3** for **SB 22** and **SJR 21** to the Committee on Fiscal Oversight.

INTRODUCTION OF GUESTS

Senator Brattin introduced to the Senate, former Senator David Pearce; and Dr. Jerry Bax; UCM Student Government Association, Warrensburg; Anna Tallman; and 40 students and parents from Merwin community school group, Adrian.

Senator May introduced to the Senate, St. Louis Metropolitan Police Department, Chief Robert Tracy; Major Rene Kriesmann; Captain Michael J. Mueller; Sergeants, Darnell C. Dandridge; and Matthew Simpson; Detectives, Michael Matthews; and Andrei Nikolov; Police Officers, William J. Stevenson; Luke Kallal; Brain Hayes; Brian M. Foster; Trevor D. Krepps; and Samuel J. Leible.

Senator Cierpiot introduced to the Senate, Gwen Wheeler, Blue Springs.

Senator Coleman introduced to the Senate, St. John's Lutheran students, Arnold; and Breckenridge Scholars members.

Senator McCreery introduced to the Senate, Saul Mirowitz Jewish Community School 6th and 7th graders.

Senator Eigel introduced to the Senate, Lieutenant Colonels, Randy Fuller and Mike McCrady.

Senator Mosley introduced to the Senate, Jennings School Superintendent Dr. Paula Knight; and Board of Directors, Miranda Walker Jones; Tammy Dailey; Yonnie Fortsow; and Yolanda Fountain-Henderson.

Senator Hoskins introduced to the Senate, his wife, Michelle, Warrensburg.

Senator Rowden introduced to the Senate, Former Pro Tem, Ron Richard, Joplin.

On motion of Senator O'Laughlin the Senate adjourned until 1:00 p.m., Wednesday, March 29, 2023.

SENATE CALENDAR

FORTY-THIRD DAY—WEDNESDAY, MARCH 29, 2023

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 546-Bean	SB 572-Schroer
SB 547-Black	SB 573-Schroer and Luetkemeyer
SB 548-McCreery	SB 574-May
SB 549-Fitzwater	SB 575-Schroer
SB 550-Eslinger	SB 576-Schroer
SB 551-Eslinger	SB 577-O'Laughlin
SB 552-Eslinger	SB 578-Trent
SB 553-Eslinger	SB 579-Washington
SB 554-McCreery	SB 580-Washington
SB 555-Bean	SB 581-Washington
SB 556-Beck	SB 582-Washington
SB 557-Schroer	SB 583-Washington
SB 558-Schroer	SB 584-Razer and McCreery
SB 559-Schroer	SB 585-Eigel
SB 560-Schroer	SB 586-Crawford
SB 561-Washington	SB 587-Bean
SB 562-Washington	SB 588-Hoskins
SB 563-Washington	SB 589-Koenig
SB 564-Luetkemeyer	SB 590-Brattin
SB 565-Koenig	SB 591-Bernskoetter
SB 566-Coleman	SB 592-Roberts
SB 567-Cierpiot	SB 593-May
SB 568-Black and Cierpiot	SB 594-Koenig
SB 569-Trent	SB 595-Thompson Rehder
SB 570-Bernskoetter	SB 596-Fitzwater
SB 571-Rowden	SB 597-Fitzwater

SB 598-Brattin	SB 645-Fitzwater
SB 599-Bean	SB 646-Razer
SB 600-Schroer	SB 647-Bernskoetter
SB 601-Black	SB 648-Thompson Rehder
SB 602-Coleman	SB 649-Fitzwater
SB 603-Coleman	SB 650-Trent
SB 604-McCreery	SB 651-Eigel
SB 605-McCreery	SB 653-Roberts
SB 606-Trent	SB 654-Eigel
SB 607-Trent	SB 655-Moon
SB 608-Gannon	SB 656-Fitzwater
SB 609-Cierpiot	SB 657-Crawford
SB 610-Eigel	SB 658-Eigel
SB 611-Eigel	SB 659-McCreery
SB 612-Roberts	SB 660-McCreery
SB 613-Arthur	SB 661-McCreery
SB 614-Thompson Rehder	SB 662-McCreery
SB 615-Black	SB 663-Cierpiot
SB 616-Black	SB 664-Gannon
SB 617-Black	SB 665-Gannon
SB 618-Rizzo	SB 666-Black
SB 619-Mosley	SB 667-Eslinger
SB 620-Carter	SB 668-Roberts
SB 621-Koenig	SB 669-Arthur
SB 622-Roberts	SB 670-Arthur
SB 623-McCreery	SB 671-Carter
SB 624-McCreery	SB 672-Carter
SB 625-Razer	SB 673-May
SB 626-May	SB 674-May
SB 627-Trent	SB 675-Washington
SB 628-Trent	SB 676-Washington
SB 629-Black	SB 677-Trent
SB 630-Bernskoetter	SB 678-Trent
SB 631-Schroer	SB 679-Trent
SB 632-Schroer	SB 680-Brown (26)
SB 633-Brown (16)	SB 681-Eigel
SB 634-Black	SB 682-Eigel
SB 635-Beck	SB 683-Trent
SB 636-Brown (16)	SB 684-Luetkemeyer
SB 637-Schroer	SB 685-Coleman
SB 638-Fitzwater	SB 686-Coleman
SB 639-Bernskoetter	SB 687-Coleman
SB 640-Roberts	SB 688-Bernskoetter
SB 641-Washington	SB 689-McCreery
SB 642-Eslinger	SB 690-Roberts
SB 643-Washington	SB 691-Razer
SB 644-Koenig	SB 692-Eigel

SB 693-Eigel	SB 709-O'Laughlin
SB 694-Eigel	SB 710-Moon and Carter
SB 695-Bean	SB 711-Eigel
SB 696-Hoskins	SB 712-Brown (26)
SB 697-Hoskins	SB 713-Washington
SB 698-Hoskins	SB 714-Washington
SB 699-Brattin	SB 715-Washington
SB 700-Luetkemeyer	SB 716-Washington
SB 701-Schroer	SB 717-Fitzwater
SB 702-Beck	SB 718-Fitzwater
SB 703-Eslinger	SB 719-Fitzwater
SB 704-Eslinger	SB 720-Hoskins
SB 705-Rizzo	SB 721-Roberts
SB 706-Koenig	SB 722-Washington
SB 707-Trent	SB 723-Washington
SB 708-O'Laughlin, et al	

HOUSE BILLS ON SECOND READING

HCS for HB 184	HCS for HBs 47 & 638
HCS for HBs 640 & 729	HB 630-Knight
HCS for HB 417	HCS for HBs 919 & 1081
HCS for HB 268	HCS for HB 668
HB 415-O'Donnell	HCS for HBs 802, 807 & 886
HCS for HBs 994, 52 & 984	HB 131-Griffith
HB 730-C. Brown	HCS for HB 587
HS for HCS for HB 186	HCS for HB 715
HCS for HB 655	HB 81-Veit
HCS for HB 154	HCS for HB 909
HCS for HBs 575 & 910	HCS for HBs 117, 343 & 1091
HCS#2 for HB 713	HB 94-Schwadron
HCS for HBs 903, 465, 430 & 499	HCS for HB 1019
HCS for HBs 702, 53, 213, 216, 306 & 359	HB 1010-Christofanelli
HCS for HJR 37	HCS for HBs 556 & 581
HB 70-Dinkins	HCS for HB 467
HB 202-Francis	HB 132-Griffith
HCS for HBs 133 & 583	HCS for HB 475
HCS for HB 253	HB 129-Griffith
HB 402-Henderson	HCS for HB 130
HB 827-Christofanelli	HB 283-Kelly (141)
HB 677-Copeland	HB 644-Francis
HB 585-Owen	HB 923-Hovis
HCS for HB 461	HB 447-Davidson
HCS for HB 454	HCS for HB 442
HB 490-Sharpe (4)	HCS for HJRs 33 & 45

SB 21-Bernskoetter, with SCS (pending)
 SB 30-Luetkemeyer
 SB 35-May
 SB 38-Williams, with SCS & SS for
 SCS (pending)
 SB 44-Brattin
 SBs 73 & 162-Trent, with SCS, SS for SCS
 & SA 2 (pending)
 SB 79-Schroer, with SCS
 SB 80-Schroer
 SB 81-Coleman, with SCS
 SB 85-Carter, with SCS, SS for SCS &
 SA 1 (pending)
 SB 88-Brown (26), with SCS & SS for
 SCS (pending)

SB 92-Hoskins, with SCS
 SBs 93 & 135-Hoskins, with SCS & SS for
 SCS (pending)
 SB 105-Cierpiot, with SS & SA 2 (pending)
 SB 110-Bernskoetter
 SB 112-Hough
 SB 117-Luetkemeyer, with SS, SA 1 & SA 1
 to SA 1 (pending)
 SB 136-Eslinger
 SB 140-Bean, with SCS
 SB 151-Fitzwater, with SA 2 (pending)
 SB 157-Black, with SCS, SS for SCS, SA 1
 & SSA 1 for SA 1 (pending)
 SB 214-Beck, with SS & SA 2 (pending)

RESOLUTIONS

SR 22-Roberts

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