Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SEVENTH DAY - WEDNESDAY, MAY 10, 2023

The Senate met pursuant to adjournment.

Senator Rowden in the Chair.

Senator Thompson Rehder offered the following prayer:

Mark 12:41-44: Then He sat down opposite the offering box, and watched the crowd putting coins into it. Many rich people were throwing in large amounts. And a poor widow came and put in two small copper coins, worth less than a penny. He called His disciples and said to them, "I tell you the truth, this poor widow has put more into the offering box than all the others. For they all gave out of their wealth. But she, out of her poverty, put in what she had to live on, everything she had."

I've often wondered why Jesus had to explain this to His disciples. He so often spoke in parables – but to the widows mite, he spoke very plain. Notice her. Honor her, do not condemn her, because she actually gave more than everyone else.

We pray, God I pray that we see today through Your eyes, Lord, and not our own. That we not only notice the immense responsibility to Your people, Lord, that you have entrusted us with today, but that we feel it deep, deep in our souls. I pray that You search our hearts, Lord, show us any wicked ways I us and help us acknowledge them, and ask you to help us change them. Lead us in the way, today, that you want us to go. Finally, Lord, I pray that You also help us to know that the widow's intention that day wasn't to be seen and have her actions praised: she was there giving all that she had to You. Let that be our heart today. In Jesus name we pray, Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from KOMU 8, Nexstar Media, KMOV 4, St. Louis Public Radio, Spectrum News St. Louis, KRCG-TV, Columbia Missourian, KMIZ, The Kansas City Star were given permission to take pictures in the Senate Chamber.

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

Present—Senators

Arthur	Bean	Beck	Bernskoetter	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

The Lieutenant Governor was present.

PETITIONS

Senator Schroer offered the following petition:

Petition to the Honorable Members of the Missouri Senate

We, the undersigned 8,000 members of the Missouri Fraternal Order of Police which includes the

Members of the St. Louis Police Officers Association, St. Louis County Police Officers Association and F.O.P Lodge 15 hereby petition this honorable Senate to restore citizen board control of the St. Louis Metropolitan Police Department ("SLMPD").

There are no Missouri Constitutional provisions governing SLMPD. SLMPD is solely a creature of state statute (See, Sections 84.015-84.347). Prior to 2013, the SLMPD was administered by a citizen board through state statutes Mo. Rev. Stat. Sections 84.015-84.340. On November 6, 2012 the voters of the State of Missouri passed a statutory ballot initiative, Proposition A, which provided that the City of St.

Louis could take control of SLMPD under certain conditions (Mo. Rev. Stat. Sections 84.341-84.347). Interestingly, local control of SLMPD passed statewide by 67% but it only passed in the City of St. Louis by 56%. Then Police Chief Dan Isom opposed local control expressing concern that politics would infect the Department.

The devolution of control of the SLMPD to the City of St. Louis was conditional. It was anticipated within the local control provisions that if conditions therein were not met, control would revert back to citizen board control. Proposition A specifically did not repeal the citizen board control statutory scheme and those provisions remain on the books should reversion to citizen board control be necessary. The decimation of the SLMPD attributable to the local control experiment puts citizens, visitors and officers themselves in danger. The City of St. Louis is not safe, that simple. City Officials and SLMPD not only refuse to address the crime crisis, their dangerous policies and administration are actually contributing to it. It is way past time to restore citizen board control.

The Mayor was elected by defund police groups. The new President of the Board of Aldermen is an avowed defund police proponent. The defund policies began right after the Mayor's 2021 election. Although Missouri local control law requires "the city shall provide the necessary funds for the main of the municipal police force," (MO.Rev.Stat. Section 84.344.3), the current administration has carried out a campaign of defunding SLMPD. One of the first acts of Mayor Jones was to cut $4 million dollars from the police budget representing overtime pay for police officers. Disagreeing with the new Mayor, the Board of Aldermen replaced the cut with $5 million. This administration refused to spend the appropriation letting it lapse. SLMPD is unable to fill cars without the use of overtime.

In November 2021, then Attorney General Eric Schmitt, offered to forgive almost $6 million dollars in debt the City owed the State of Missouri for legal services related to a case that pre-dated the effective date of local control. The Attorney General offered to forgive the debt if the money was dedicated to hiring more police officers. The Mayor refused and countered wanting to spend the money on progressive policies that fall more in line with her campaign promises. The Attorney General's Office stated that it was "sad that ....hiring more police officers doesn't fit the agenda of the mayor of the murder capital of the United States."

Most devastating, the current administration has diverted an additional $40 million dollars previously dedicated to patrol officers to social programs included within the police budget confirming this administration's policy is to reduce policing in favor of social programs.

An additional progressive campaign promise implemented by the Mayor was to close the Medium Security Institution to arbitrarily limit the number of criminal detainees. In order to effectuate this policy, the Mayor had to jettison a contract with the Federal Court to house St. Louis City detainees being prosecuted by the United States Attorneys Office. The number of City detainees being prosecuted by the federal government is at an all time high because of the failures of Circuit Attorney Kim Gardner. Given that the federal government pays a much better rate than the State of Missouri and pays quickly, the City of St. Louis made roughly $10 million a year in revenue from the federal contract. In the 2022-23 budget, the Mayor cut $10 million dollars out of police patrol to cover the lost revenue from the termination of the federal contract.

On October 4, 2021, the Mayor's new jail director issued a policy that ANY person arrested who tested positive for COVID would not be permitted to be held in the downtown jail — no exception for violent arrestees. SLMPD was not consulted about the policy and did not receive the policy until after it was implemented. SLMPD promptly drafted a memo outlining the numerous serious concerns with a policy aimed that was aimed at controlling jail population rather than keeping citizens safe. The memo was sent to the highest levels of the Police Department with zero response. Officers were arresting the same criminals over and over again each time resulting in a release of a COVID positive criminal onto the unsuspecting public.

This horrible policy came to the light of the public when a domestic abuser was released from the City jail because he tested positive for COVID in January 2022. An abuser had poured boiling soup on the mother of his children, scalding her face, neck, and chest. This was done in the presence of one of their children. The woman finally had the courage to call the police. The abuser was released within hours and showed at home to taunt his abused partner. After the abused woman told her story to the press, the Administration tried to deny and alter the policy. When the abused woman took to Facebook to complain to Mayor Jones about the COVID release policy, the Mayor attempted to deflect responsibility and trolled the domestic abuse victim. The Mayor told the victim she didn't know what she was talking about and wrote #ByeGurl.

The number one promise made to Missouri voters in support of local control in 2012 was that consolidation of the police department under local control would save money. Proponents claimed local control would save $4.4 million a year. In 2013 the total potice department budget was approximately $148 million with $46 million dedicated to patrol (31%). By the 2023 budget, the overall police budget has risen to $181 million with only $29 million dedicated to police officers on the street (16%). The overall police budget has ballooned since local control was implemented while street policing has plummeted.

The average number of calls for police service in each of the last 5 years is 416,000. That is approximately 1.5 calls for police service by every single man, woman and child in the City of St. Louis each year. Officers are forced to bounce from call to call, calls get backed up and often have to be ignored. This leaves officers overwhelmed and over worked especially since many officers covering calls are working overtime. Instituting community policing is impossible. By way of comparison, St. Louis County Police respond to an average of 205,000 calls per year for the last 4 years — less than half of the number of calls as SLMPD.

Just two weeks before Janae Edmundson lost her legs to a criminal out on bond who violated his GPS bracelet over 50 times, Mayor Jones secured legislation from the Board of Aldermen that gave Kim Gardner another budget raise and removed use of force investigations from the Police Department and gave them to Kim Gardner's office. Make no mistake if Janae Edmundson's story had not been brought to light by investigative reporting, Mayor Jones and Board President Megan Green would still be supporting Kim Gardner's reign as Circuit Attorney as they had for the last 7 years.

The morale of SLMPD officers is at an all time low. Since just 2017 over 1050 officers have left the SLMPD. Currently, there are at least 300 officers eligible to retire. At least 40 officers have resignation letters ready to turn in if citizen board control does not pass this Missouri General Assembly. The pile of uniforms from officers that have resigned from SLMPD stands 5 feet tall and 10 feet wide is called Mount Exodus. A second pile of uniforms has started.

One of Mayor Jones' first acts as Mayor in April 2021 was to cut 125 officer positions from the City budget. Since January 2021, there are 185 less police officers patrolling City streets. The vacancy rate (authorized vs. actual) in February 2015 was 5.5%. In January 2021 the vacancy rate was 11%. By April of this year, under the current Administration, the vacancy rate has skyrocketed to 29%. Since the effective date of local control, the vast majority of officer vacancies are carried in patrol.

Recruiting efforts have dwindled since the Mayor ripped recruiting and hiring from the SLMPD and placed it in the Civil Service Commission. Officers are often required to pay for their own advantaged training.

It is demoralizing to work when there is no discernible Crime Plan. Jumping from crisis to crisis, from policy band aid to policy band aid is incredibly unsettling and dangerous. It is incredibly demoralizing to work for political officials who do not appreciate your dangerous work and seem to be waiting for the next gotcha opportunity to dehumanize you and your colleagues to secure political points rather than to keep citizens or officers safe.

It is SLMPD's position that neither the Missouri General Assembly, the Board of Aldermen nor the public are entitled to know how many officers have been deployed on the streets of St. Louis City during any given shift in order to evaluate the effectiveness of policing with actual data. Chief John Hayden testified 2 years ago that at most, there are 54 officers on the street in the entire City on an eight hour shift. There have been shifts where there is one officer by themselves in 1 of 6 police districts for an entire 8 hour shift.

Officers drive vehicles with holes in the bottom, without a working computer installed, and doors held together with crime tape. There are parts of the City where police radios do not work and officers are stranded without communication or with only their personal cell phones.

Progressive attempts to reduce the number of calls actually increases the use of police resources rather than decreasing the burden on police officers. For example, the social worker program requires that officers still stabilize a scene before social workers can be deployed. An additional officer must accompany each social worker at all times. So 3 officers are used for these calls instead of 1 or 2. That is further diversion of police officers from patrol.

Another alarming trend is that crime statistics are now being manipulated by the City of St. Louis for political purposes. As reported by Pro Publica on March 31, 2022, the City manipulated the murder count by "re-classifying" some homicides as "justified" which lowered the overall homicide number. This was in preparation of the Mayor's national press tour claiming she had cracked the code on urban crime. On November 8, 2022, the St. Louis Post Dispatch reported that after spending $1.2 million switching to a new crime reporting system, the City stopped sending crime data to the State of Missouri for 8 months.

The City's failure to report violates state law. The pause in reporting led the FBI to publish incorrect crime numbers for the City of St. Louis in its 2021 national publications. "The bureau acknowledged the errors recently after Post-Dispatch review of state and FBI data found the totals appeared to be up to 15% too low." Neither the City, the State or the FBI caught the egregious error. To our knowledge there has been no consequences imposed by the State of Missouri for the City's illegal crime reporting. Finally, a member of the Board of Aldermen reported a disturbing story about City crime stats. A constituent of hers interrupted an attempted car theft on the street in front of their home. The perpetrator shot at the car owner while fleeing. The homeowner called SLMPD. The constituent was told by 911 dispatch that because the car was not actually stolen and because no one was injured by the gun fire, SLMPD would not be able to send anyone to the scene. The homeowner was free to file a police report at a later time if they so chose. The Alderwoman reported that unless the homeowner filed a report

the attempted theft and shooting incident would not be included in the Citvs yearly crime statistics. The failure of crime statistics to reflect actual crime deceives the public for political gain. This type of statistical manipulation never occurred under citizen board control.

Crime is not getting better as the political leadership would like the public to believe. Just last weekend there were 20 people shot with 5 of them being murdered. There was a double murder at a Cinco de Mayo festival in broad daylight on Saturday. Another murder Saturday night in the Hyde Park area.

Another double murder of 2 teens on Sunday in the Hyde Park neighborhood. In a 12 hour period Saturday night into Sunday the downtown police district received 173 calls for service. At one point during that shift, the downtown district was holding 55 calls which were pending at the same time. There were only 5 patrol officers assigned to the downtown police district. Large groups of pedestrians and vehicles completely blocked Market between 7th and 9th streets.

Numerous stolen vehicles (as confirmed by the Real Time Crime Center) were doing dangerous donuts in the middle of downtown streets. Multiple shots were fired by the members of the crowd. Officers from districts all over the City had to assist clearing cars and pedestrians. Over 100 cars converged on Lenore K. Sullivan Drive RiverWalk near the Arch (part of the $380 mil CityArchRiverProject). Multiple subjects fired guns. A group of subjects blocked the exit of patrons attempting to disembark from a river cruise. During the incident subjects in the crowd attempted to drown a homeless person after beating him. Due to this understaffing, officers from all over the City were diverted to cover the downtown area. A nearby district had to handle a shooting in the downtown area. The victim had to be taken to the hospital by private conveyance as that was quicker than attempting to secure ambulance transport. Saturday night, Sunday morning, downtown officers also had to respond to a rape at Children's Hospital.

After this bloody weekend, SLMPD had a press conference. The Mayor and the Police Chief did not attend. At the presser, SLMPD admitted that to attempt to prevent downtown crime and lawlessness experienced last weekend, officers from other districts will be brought in to cover downtown. This diverts resources from all other parts of the City as there are not enough officers to fill enough cars to properly patrol the entire City. Make no mistake filling cars on patrol always requires overtime due to the frightening understaffing of SLMPD. Right after the presser there was another murder in South City.

St. Louis is an economic engine of the State of Missouri generating 45% of the revenue for the State of Missouri. The entire state has a vested interest in keeping St. Louis safe and ensuring the Department is properly managed. Businesses are fleeing downtown...Brown and Croupen, Polsinelli, Elasticity, Knowlnk, Simon Lawfirm, KMOV, Missouri Lawyers Weekly, WeWork.

Every surrounding jurisdiction has to over police to due to refusal of the City to police and prosecute crime. For example, as has been reported, most of the detainees in the St. Charles County jail are city residents. St. Louis County political leadership is enabling the City crime failures taxing the resources of the County police. Crime is permeating the entire eastern part of the State.

Citizen Board Control would prevent implementation of the dangerous policies enumerated herein, would reign in out of control spending, restore funding to actual policing, prevent the mass exodus of more police officers and restore safety to the state's most important region.

The Missouri Fraternal Order of Police, St. Louis Police Officers Association, Ethical Society of Police, St. Louis County Police Officers Association, Civilian Personnel Organization and the Police Veterans Association stand united and implore this body to return SLMPD to citizen board control.

Sincerely,
Jay Schroeder, President
Missouri Fraternal Order of Police
St. Louis Police Officers Association
Representing 8000 officers in the State of Missouri

President Kehoe assumed the Chair.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2** for **SCS** for **SBs 49**, **236**, and **164**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2** for **SB 39**.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Thompson Rehder, Chair of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **HCS** for **HB 475**, with **SCS**, **HB 94**, **HCS** for **HB 130**, and **HCS** for **HBs 882** and **518**, with **SCS**, **HB 136**, **HCS** for **HB 424**, **HCS** for **HB 1109**, and **HCS** for **HB 155**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

HB 827, introduced by Representative Christofanelli, entitled:

An Act to repeal section 161.670, RSMo, and to enact in lieu thereof one new section relating to the virtual school program.

Was taken up by Senator Koenig.

Senator Koenig offered **SS** for **HB 827**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 827

An Act to repeal section 161.670, RSMo, and to enact in lieu thereof one new section relating to the virtual school program.

Senator Koenig moved that **SS** for **HB 827** be adopted.

Senator Carter offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 827, Page 1, In the Title, Lines 3-4, by striking "the virtual school program" and inserting in lieu thereof the following: "elementary and secondary education"; and

Further amend said bill, page 17, Section 161.670, line 518, by inserting after all of said line the following:

"167.181. 1. **(1)** The department of health and senior services, after consultation with the department of elementary and secondary education, shall promulgate rules and regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B, to be required of children attending public, private, parochial or parish schools. Such rules and regulations may modify the immunizations that are required of children in this subsection. The immunizations required and the manner and frequency of their administration shall conform to recognized standards of medical practice. The department of health and senior services shall supervise and secure the enforcement of the required immunization program.

(2) Neither the department of health and senior services nor any public school districts shall require any student to receive a COVID-19 vaccination or receive a dose of messenger ribonucleic acid.

2. It is unlawful for any student to attend school unless he has been immunized as required under the rules and regulations of the department of health and senior services, and can provide satisfactory evidence of such immunization; except that if he produces satisfactory evidence of having begun the process of immunization, he may continue to attend school as long as the immunization process is being accomplished in the prescribed manner. It is unlawful for any parent or guardian to refuse or neglect to have his child immunized as required by this section, unless the child is properly exempted.

3. This section shall not apply to any child if one parent or guardian objects in writing to his school administrator against the immunization of the child, because of religious beliefs or medical contraindications. In cases where any such objection is for reasons of medical contraindications, a statement from a duly licensed physician must also be provided to the school administrator.

4. Each school superintendent, whether of a public, private, parochial or parish school, shall cause to be prepared a record showing the immunization status of every child enrolled in or attending a school under his jurisdiction. The name of any parent or guardian who neglects or refuses to permit a nonexempted child to be immunized against diseases as required by the rules and regulations promulgated pursuant to the provisions of this section shall be reported by the school superintendent to the department of health and senior services.

5. The immunization required may be done by any duly licensed physician or by someone under his direction. If the parent or guardian is unable to pay, the child shall be immunized at public expense by a physician or nurse at or from the county, district, city public health center or a school nurse or by a nurse or physician in the private office or clinic of the child's personal physician with the costs of immunization paid through the state Medicaid program, private insurance or in a manner to be determined by the department of health and senior services subject to state and federal appropriations, and after consultation with the school superintendent and the advisory committee established in section 192.630. When a child receives his or her immunization, the treating physician may also administer the appropriate fluoride treatment to the child's teeth.

6. Funds for the administration of this section and for the purchase of vaccines for children of families unable to afford them shall be appropriated to the department of health and senior services from general revenue or from federal funds if available.

7. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. 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, 2001, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Carter moved that the above amendment be adopted.

Senator Beck offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for House Bill No. 827, Page 1, Lines 23-24, by striking the words "or receive a dose of messenger ribonucleic acid".

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

Senator Carter moved that **SA 1**, as amended, be adopted and requested a roll call vote be taken. She was joined in her request by Senators Brattin, Brown (26), Eigel, and Moon.

SA 1, as amended, was adopted by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)	Brown (26th Dist.)
Carter	Cierpiot	Coleman	Crawford	Eigel	Fitzwater	Gannon
Hoskins	Hough	Koenig	Luetkemeyer	Moon	O'Laughlin	Rizzo
Rowden	Schroer	Thompson Rehder	Trent—25			

NAYS—Senators

McCreery	Mosley	Razer	Roberts	Washington	Williams—6

Absent—Senator May—1

Absent with leave—Senators

Arthur	Eslinger—2

Vacancies—None

Senator Hough offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 827, Page 13, Section 161.670, Line 410, by inserting immediately after "7." the following: "**(1)**"; and further amend line 414, by inserting after all of said line the following:

"**(2) Notwithstanding any provision of this section to the contrary, all providers offering virtual courses pursuant to this section shall be headquartered in the United States.**".

Senator Hough moved that the above amendment be adopted.

Senator Hough offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for House Bill No. 827, Page 1, Line 6, by inserting after "contrary," the following: "**beginning January 1, 2024,**".

Senator Hough moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators McCreery, Razer, Rizzo, and Roberts.

Senator Bernskoetter assumed the Chair.

At the request of Senator Koenig, **HB 827**, with **SS**, **SA 2**, and **SA 1** to **SA 2** (pending), was placed on the Informal Calendar.

HB 202, introduced by Representative Francis, entitled:

An Act to repeal sections195.203, 195.207, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767, 195.773, and 261.265, RSMo, and to enact in lieu thereof one new section relating to industrial hemp.

Was taken up by Senator Bean.

Senator Bean offered **SS** for **HB 202**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 202

An Act to repeal sections 60.401, 60.410, 60.421, 60.431, 60.441, 60.451, 60.471, 60.480, 60.491, 60.510, 135.775, 135.778, 143.022, 143.121, 192.945, 192.947, 195.203, 195.207, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767, 195.773, 196.311, 196.316, 261.265, 304.180, 323.100, 340.341, 340.345, 340.381, 340.384, 340.387, and 413.225, RSMo, and to enact in lieu thereof twenty-five new sections relating to environmental regulation.

Senator Bean moved that **SS** for **HB 202** be adopted.

Senator Rowden assumed the Chair.

Senator Fitzwater assumed the Chair.

Senator Black assumed the Chair.

Senator Rowden assumed the Chair.

Senator Moon moved that the Senate stand adjourned under the rules, which motion failed on a standing division vote.

Senator Bean moved that **SS** for **HB 202** be adopted, which motion prevailed.

Senator Thompson Rehder assumed the Chair.

President Pro Tem Rowden assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 15**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Fitzwater assumed the Chair.

Senator Bean moved that **SS** for **HB 202** be read a 3rd time and passed and was recognized to close.

President Pro Tem Rowden referred **SS** for **HB 202** to the Committee on Fiscal Oversight.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SB 138**, entitled:

An Act to repeal sections 60.401, 60.410, 60.421, 60.431, 60.441, 60.451, 60.471, 60.480, 60.491, 60.510, 135.772, 135.775, 135.778, 143.022, 143.121, 195.203, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767, 195.773, 196.311, 196.316, 261.265, 281.102, 304.180, 323.100, 340.341, 340.345, 340.381, 340.384, 340.387, and 413.225, RSMo, and to enact in lieu thereof twenty-eight new sections relating to agriculture, with penalty provisions.

With HA 10 and HA 11.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 138, Pages 33-34, Section 578.156, Lines 1-28, by deleting all of said section and lines from the bill; and

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

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 138, Page 17, Section 143.121, Line 191, by deleting the phrase "**blood or marriage**" and inserting in lieu thereof the phrase "**blood, marriage, or adoption**"; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 275**, entitled:

An Act to repeal sections 137.122, 204.300, 204.610, 393.320, 393.1030, 393.1506, and 640.144, RSMo, and section 67.2677 as enacted by senate bills nos. 153 & 97, one hundred first general assembly, first regular session, and to enact in lieu thereof thirteen new sections relating to utilities.

With HA 1 to HA 1 and HA 1, as amended.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No.1 to House Committee Substitute for Senate Bill No. 275, Page 2, Lines 12-14, by deleting all of said lines; and

Further amend said amendment and page, Lines 27-36, by deleting all of said lines and inserting in lieu thereof the following:

"Further amend said bill, Page 19, Section 393.1506, Line 2, by deleting all of said line and inserting in lieu thereof the following:

"contrary, a water or sewer corporation that provides water or sewer service"; and"; and

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

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 275, Pages 1-2, Section 67.288, Lines 1-25, by deleting all of said lines from the bill; and

Further amend said bill, Pages 2-4, Section 67.2677, Lines 1-84, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 4, Section 137.077, Lines 1-6, by deleting all of said lines and inserting in lieu thereof the following:

"**137.077. 1. (1) Beginning January 1, 2024, for purposes of assessing all real property, excluding land, or tangible personal property associated with a project that uses solar energy directly to generate electricity, the assessor shall determine the true value in money of such property, provided that all solar energy property built prior to December 31, 2023 or with a placard output value of one megawatt or less shall be considered to be de minimis in value. The assessor shall request any documentation necessary to determine the true value in money of such property.**"; and

Further amend said bill, page, and section, Lines 8-9, by deleting the phrase "**, or was contracted to sell power,**"; and

Further amend said bill, page and section, Line 10, by inserting after the first occurence of the word "**for**" the word "**such**"; and

Further amend said bill, page, section and line, by deleting the word "**such**" and inserting in lieu thereof the word "**the**"; and

Further amend said bill, Page 7, Section 137.122, Line 84, by deleting the word "**transportation**" and insert in lieu thereof the word "**distribution**"; and

Further amend said bill, page, and section, Lines 94-95, by deleting the phrase "**upon written request from tax assessor received no later than January thirty-first of the applicable tax year**" and inserting in lieu thereof the phrase "**no later than May first of the applicable tax year**"; and

Further amend said bill, page, and section, Line 98, by inserting after the number "**2016**" the phrase "**, or any revision adopted by the state tax commission thereafter**"; and

Further amend said bill and section, Pages 7-8, Lines 99-102, by deleting the phrase "**if the assessor's written request includes a description of each taxing district that is sufficient to enable the taxpayer**

to provide such information and such information is available to the taxpayer" and inserting in lieu thereof the following:

"**. If requested by the taxpayer, the assessor shall provide to the taxpayer geographic information system maps in readable layers on which a taxpayer may provide the information in this subsection**"; and

Further amend said bill and section, Page 8, Lines 102, by inserting after the word "**certify**" the phrase "**under penalty of perjury**"; and

Further amend said bill, Page 13, Section 393.320, Line 26, by deleting the phrase "two appraisers so appointed" and inserting in lieu thereof the phrase "[two appraisers so appointed] **public service commission staff**"; and

Further amend said bill and section, Page 14, Lines 62-67, by deleting all of said lines and inserting in lieu thereof the following:

"rate base of the small water utility in its order approving the acquisition. **For any acquisition with an appraised value of five million dollars or less, such decision shall be issued within six months from the submission of the application by the large public water utility to acquire the small water utility.**

(3) Prior to the expiration of the six-month period, the public service commission staff or the office of public counsel may request, upon a showing of good cause, from the public service commission an extension for approval of the application for an additional thirty days."; and

Further amend said bill, Page 19, Section 393.1506, Line 2, by deleting the phrase "**public utility**" and inserting in lieu thereof the phrase "**utility company, as defined in section 393.550,**"; and

Further amend said bill, page and section, Lines 10 and 11, by deleting both occurrences of the phrase "water or sewer corporation's" and inserting in lieu thereof the phrase "[water or sewer corporation's] **utility company's**"; and

Further amend said bill, page and section, Lines 19, 21-22, 23, 24, 29-30, and 33-34, by deleting all occurrences of the phrase "water or sewer corporation" and inserting in lieu thereof the phrase "[water or sewer corporation] **utility company**"; and

Further amend said bill, Page 20, Section 393.1645, Line 7, by deleting the number "**270,000**" and inserting in lieu thereof the words "**two hundred seventy thousand**"; and

Further amend said bill, page and section, Line 11, by deleting the number "**135,000**" and inserting in lieu thereof the words "**one hundred thirty-five thousand**"; and

Further amend said bill and section, Page 21, Line 46, by deleting the words "**costs**" and inserting in lieu thereof the word "**costs,**"; and

Further amend said bill, page and section, Lines 68-69, by deleting all of said lines and inserting in lieu thereof the word "**section.**"; and

Further amend said bill, page and section, Line 71, by inserting after all of said section and line the following:

"393.1700. 1. For purposes of sections 393.1700 to 393.1715, the following terms shall mean:

(1) "Ancillary agreement", a bond, insurance policy, letter of credit, reserve account, surety bond, interest rate lock or swap arrangement, hedging arrangement, liquidity or credit support arrangement, or other financial arrangement entered into in connection with securitized utility tariff bonds;

(2) "Assignee", a legally recognized entity to which an electrical corporation assigns, sells, or transfers, other than as security, all or a portion of its interest in or right to securitized utility tariff property. The term includes a corporation, limited liability company, general partnership or limited partnership, public authority, trust, financing entity, or any entity to which an assignee assigns, sells, or transfers, other than as security, its interest in or right to securitized utility tariff property;

(3) "Bondholder", a person who holds a securitized utility tariff bond;

(4) "Code", the uniform commercial code, chapter 400;

(5) "Commission", the Missouri public service commission;

(6) "Electrical corporation", the same as defined in section 386.020, but shall not include an electrical corporation as described in subsection 2 of section 393.110;

(7) "Energy transition costs" include all of the following:

(a) Pretax costs with respect to a retired or abandoned or to be retired or abandoned electric generating facility that is the subject of a petition for a financing order filed under this section where such early retirement or abandonment is deemed reasonable and prudent by the commission through a final order issued by the commission, include, but are not limited to, the undepreciated investment in the retired or abandoned or to be retired or abandoned electric generating facility and any facilities ancillary thereto or used in conjunction therewith, costs of decommissioning and restoring the site of the electric generating facility, other applicable capital and operating costs, accrued carrying charges, and deferred expenses, with the foregoing to be reduced by applicable tax benefits of accumulated and excess deferred income taxes, insurance, scrap and salvage proceeds, and may include the cost of retiring any existing indebtedness, fees, costs, and expenses to modify existing debt agreements or for waivers or consents related to existing debt agreements;

(b) Pretax costs that an electrical corporation has previously incurred related to the retirement or abandonment of such an electric generating facility occurring before August 28, 2021;

(8) "Financing costs" includes all of the following:

(a) Interest and acquisition, defeasance, or redemption premiums payable on securitized utility tariff bonds;

(b) Any payment required under an ancillary agreement and any amount required to fund or replenish a reserve account or other accounts established under the terms of any indenture, ancillary agreement, or other financing documents pertaining to securitized utility tariff bonds;

(c) Any other cost related to issuing, supporting, repaying, refunding, and servicing securitized utility tariff bonds, including servicing fees, accounting and auditing fees, trustee fees, legal fees, consulting fees, structuring adviser fees, administrative fees, placement and underwriting fees, independent director and manager fees, capitalized interest, rating agency fees, stock exchange listing and compliance fees, security registration fees, filing fees, information technology programming costs, and any other costs necessary to otherwise ensure the timely payment of securitized utility tariff bonds or other amounts or charges payable in connection with the bonds, including costs related to obtaining the financing order;

(d) Any taxes and license fees or other fees imposed on the revenues generated from the collection of the securitized utility tariff charge or otherwise resulting from the collection of securitized utility tariff charges, in any such case whether paid, payable, or accrued;

(e) Any state and local taxes, franchise, gross receipts, and other taxes or similar charges, including commission assessment fees, whether paid, payable, or accrued;

(f) Any costs associated with performance of the commission's responsibilities under this section in connection with approving, approving subject to conditions, or rejecting a petition for a financing order, and in performing its duties in connection with the issuance advice letter process, including costs to retain counsel, one or more financial advisors, or other consultants as deemed appropriate by the commission and paid pursuant to this section;

(9) "Financing order", an order from the commission that authorizes the issuance of securitized utility tariff bonds; the imposition, collection, and periodic adjustments of a securitized utility tariff charge; the creation of securitized utility tariff property; and the sale, assignment, or transfer of securitized utility tariff property to an assignee;

(10) "Financing party", bondholders and trustees, collateral agents, any party under an ancillary agreement, or any other person acting for the benefit of bondholders;

(11) "Financing statement", the same as defined in article 9 of the code;

(12) "Pledgee", a financing party to which an electrical corporation or its successors or assignees mortgages, negotiates, pledges, or creates a security interest or lien on all or any portion of its interest in or right to securitized utility tariff property;

(13) "Qualified extraordinary costs", costs incurred prudently before, on, or after August 28, 2021, of an extraordinary nature which would cause extreme customer rate impacts if reflected in retail customer rates recovered through customary ratemaking, such as but not limited to those related to purchases of fuel or power, inclusive of carrying charges, during anomalous weather events;

(14) "Rate base cutoff date", the same as defined in subdivision (4) of subsection 1 of section 393.1400 as such term existed on August 28, 2021;

(15) "Securitized utility tariff bonds", bonds, debentures, notes, certificates of participation, certificates of beneficial interest, certificates of ownership, or other evidences of indebtedness or ownership that are issued by an electrical corporation or an assignee pursuant to a financing order, the proceeds of which are used directly or indirectly to recover, finance, or refinance commission-approved securitized utility tariff costs and financing costs, and that are secured by or payable from securitized

utility tariff property. If certificates of participation or ownership are issued, references in this section to principal, interest, or premium shall be construed to refer to comparable amounts under those certificates;

(16) "Securitized utility tariff charge", the amounts authorized by the commission to repay, finance, or refinance securitized utility tariff costs and financing costs and that are, except as otherwise provided for in this section, nonbypassable charges imposed on and part of all retail customer bills, collected by an electrical corporation or its successors or assignees, or a collection agent, in full, separate and apart from the electrical corporation's base rates, and paid by all existing or future retail customers receiving electrical service from the electrical corporation or its successors or assignees under commission-approved rate schedules, except for customers receiving electrical service under special contracts as of August 28, 2021, even if a retail customer elects to purchase electricity from an alternative electricity supplier following a fundamental change in regulation of public utilities in this state;

(17) "Securitized utility tariff costs", either energy transition costs or qualified extraordinary costs as the case may be;

(18) "Securitized utility tariff property", all of the following:

(a) All rights and interests of an electrical corporation or successor or assignee of the electrical corporation under a financing order, including the right to impose, bill, charge, collect, and receive securitized utility tariff charges authorized under the financing order and to obtain periodic adjustments to such charges as provided in the financing order;

(b) All revenues, collections, claims, rights to payments, payments, money, or proceeds arising from the rights and interests specified in the financing order, regardless of whether such revenues, collections, claims, rights to payment, payments, money, or proceeds are imposed, billed, received, collected, or maintained together with or commingled with other revenues, collections, rights to payment, payments, money, or proceeds;

(19) "Special contract", electrical service provided under the terms of a special incremental load rate schedule at a fixed price rate approved by the commission.

2. (1) An electrical corporation may petition the commission for a financing order to finance energy transition costs through an issuance of securitized utility tariff bonds. The petition shall include all of the following:

(a) A description of the electric generating facility or facilities that the electrical corporation has retired or abandoned, or proposes to retire or abandon, prior to the date that all undepreciated investment relating thereto has been recovered through rates and the reasons for undertaking such early retirement or abandonment, or if the electrical corporation is subject to a separate commission order or proceeding relating to such retirement or abandonment as contemplated by subdivision (2) of this subsection, and a description of the order or other proceeding;

(b) The energy transition costs;

(c) An indicator of whether the electrical corporation proposes to finance all or a portion of the energy transition costs using securitized utility tariff bonds. If the electrical corporation proposes to finance a portion of the costs, the electrical corporation shall identify the specific portion in the petition. By electing not to finance all or any portion of such energy transition costs using securitized utility tariff bonds, an

electrical corporation shall not be deemed to waive its right to recover such costs pursuant to a separate proceeding with the commission;

(d) An estimate of the financing costs related to the securitized utility tariff bonds;

(e) An estimate of the securitized utility tariff charges necessary to recover the securitized utility tariff costs and financing costs and the period for recovery of such costs;

(f) A comparison between the net present value of the costs to customers that are estimated to result from the issuance of securitized utility tariff bonds and the costs that would result from the application of the traditional method of financing and recovering the undepreciated investment of facilities that may become securitized utility tariff costs from customers. The comparison should demonstrate that the issuance of securitized utility tariff bonds and the imposition of securitized utility tariff charges are expected to provide quantifiable net present value benefits to customers;

(g) A proposed future ratemaking process to reconcile any differences between securitized utility tariff costs financed by securitized utility tariff bonds and the final securitized costs incurred by the electrical corporation or assignee provided that any such reconciliation shall not affect the amount of securitized utility tariff bonds or the associated securitized utility tariff charges paid by customers; and

(h) Direct testimony supporting the petition.

(2) An electrical corporation may petition the commission for a financing order to finance qualified extraordinary costs. The petition shall include all of the following:

(a) A description of the qualified extraordinary costs, including their magnitude, the reasons those costs were incurred by the electrical corporation and the retail customer rate impact that would result from customary ratemaking treatment of such costs;

(b) An indicator of whether the electrical corporation proposes to finance all or a portion of the qualified extraordinary costs using securitized utility tariff bonds. If the electrical corporation proposes to finance a portion of the costs, the electrical corporation shall identify the specific portion in the petition. By electing not to finance all or any portion of such qualified extraordinary costs using securitized utility tariff bonds, an electrical corporation shall not be deemed to waive its right to reflect such costs in its retail rates pursuant to a separate proceeding with the commission;

(c) An estimate of the financing costs related to the securitized utility tariff bonds;

(d) An estimate of the securitized utility tariff charges necessary to recover the qualified extraordinary costs and financing costs and the period for recovery of such costs;

(e) A comparison between the net present value of the costs to customers that are estimated to result from the issuance of securitized utility tariff bonds and the costs that would result from the application of the customary method of financing and reflecting the qualified extraordinary costs in retail customer rates. The comparison should demonstrate that the issuance of securitized utility tariff bonds and the imposition of securitized utility tariff charges are expected to provide quantifiable net present value benefits to retail customers;

(f) A proposed future ratemaking process to reconcile any differences between securitized utility tariff costs financed by securitized utility tariff bonds and the final securitized costs incurred by the electrical corporation or assignee provided that any such reconciliation shall not affect the amount of securitized utility tariff bonds or the associated securitized utility tariff charges paid by customers; and

(g) Direct testimony supporting the petition.

(3) (a) Proceedings on a petition submitted pursuant to this subsection begin with the petition by an electrical corporation and shall be disposed of in accordance with the requirements of this section and the rules of the commission, except as follows:

a. The commission shall establish a procedural schedule that permits a commission decision no later than two hundred fifteen days after the date the petition is filed;

b. No later than two hundred fifteen days after the date the petition is filed, the commission shall issue a financing order approving the petition, an order approving the petition subject to conditions, or an order rejecting the petition; provided, however, that the electrical corporation shall provide notice of intent to file a petition for a financing order to the commission no less than sixty days in advance of such filing;

c. Judicial review of a financing order may be had only in accordance with sections 386.500 and 386.510.

(b) In performing its responsibilities under this section in approving, approving subject to conditions, or rejecting a petition for a financing order, the commission may retain counsel, one or more financial advisors, or other consultants as it deems appropriate. Such outside counsel, advisor or advisors, or consultants shall owe a duty of loyalty solely to the commission and shall have no interest in the proposed securitized utility tariff bonds. The costs associated with any such engagements shall be paid by the petitioning corporation and shall be included as financed costs in the securitized utility tariff charge and shall not be an obligation of the state and shall be assigned solely to the subject transaction. **The commission may directly contract counsel, financial advisors, or other consultants as necessary for effectuating the purposes of this section. Such contracting procedures shall not be subject to the provisions of chapter 34, however the commission shall establish a policy for the bid process. Such policy shall be publicly available and any information related to contracts under the established policy shall be included in publicly available rate case documentation.**

(c) A financing order issued by the commission, after a hearing, to an electrical corporation shall include all of the following elements:

a. The amount of securitized utility tariff costs to be financed using securitized utility tariff bonds and a finding that recovery of such costs is just and reasonable and in the public interest. The commission shall describe and estimate the amount of financing costs that may be recovered through securitized utility tariff charges and specify the period over which securitized utility tariff costs and financing costs may be recovered;

b. A finding that the proposed issuance of securitized utility tariff bonds and the imposition and collection of a securitized utility tariff charge are just and reasonable and in the public interest and are expected to provide quantifiable net present value benefits to customers as compared to recovery of the components of securitized utility tariff costs that would have been incurred absent the issuance of

securitized utility tariff bonds. Notwithstanding any provisions of this section to the contrary, in considering whether to find the proposed issuance of securitized utility tariff bonds and the imposition and collection of a securitized utility tariff charge are just and reasonable and in the public interest, the commission may consider previous instances where it has issued financing orders to the petitioning electrical corporation and such electrical corporation has previously issued securitized utility tariff bonds;

c. A finding that the proposed structuring and pricing of the securitized utility tariff bonds are reasonably expected to result in the lowest securitized utility tariff charges consistent with market conditions at the time the securitized utility tariff bonds are priced and the terms of the financing order;

d. A requirement that, for so long as the securitized utility tariff bonds are outstanding and until all financing costs have been paid in full, the imposition and collection of securitized utility tariff charges authorized under a financing order shall be nonbypassable and paid by all existing and future retail customers receiving electrical service from the electrical corporation or its successors or assignees under commission-approved rate schedules except for customers receiving electrical service under special contracts on August 28, 2021, even if a retail customer elects to purchase electricity from an alternative electric supplier following a fundamental change in regulation of public utilities in this state;

e. A formula-based true-up mechanism for making, at least annually, expeditious periodic adjustments in the securitized utility tariff charges that customers are required to pay pursuant to the financing order and for making any adjustments that are necessary to correct for any overcollection or undercollection of the charges or to otherwise ensure the timely payment of securitized utility tariff bonds and financing costs and other required amounts and charges payable under the securitized utility tariff bonds;

f. The securitized utility tariff property that is, or shall be, created in favor of an electrical corporation or its successors or assignees and that shall be used to pay or secure securitized utility tariff bonds and approved financing costs;

g. The degree of flexibility to be afforded to the electrical corporation in establishing the terms and conditions of the securitized utility tariff bonds, including, but not limited to, repayment schedules, expected interest rates, and other financing costs;

h. How securitized utility tariff charges will be allocated among retail customer classes. The initial allocation shall remain in effect until the electrical corporation completes a general rate proceeding, and once the commission's order from that general rate proceeding becomes final, all subsequent applications of an adjustment mechanism regarding securitized utility tariff charges shall incorporate changes in the allocation of costs to customers as detailed in the commission's order from the electrical corporation's most recent general rate proceeding;

i. A requirement that, after the final terms of an issuance of securitized utility tariff bonds have been established and before the issuance of securitized utility tariff bonds, the electrical corporation determines the resulting initial securitized utility tariff charge in accordance with the financing order, and that such initial securitized utility tariff charge be final and effective upon the issuance of such securitized utility tariff bonds with such charge to be reflected on a compliance tariff sheet bearing such charge;

j. A method of tracing funds collected as securitized utility tariff charges, or other proceeds of securitized utility tariff property, determining that such method shall be deemed the method of tracing

such funds and determining the identifiable cash proceeds of any securitized utility tariff property subject to a financing order under applicable law;

k. A statement specifying a future ratemaking process to reconcile any differences between the actual securitized utility tariff costs financed by securitized utility tariff bonds and the final securitized utility tariff costs incurred by the electrical corporation or assignee provided that any such reconciliation shall not affect the amount of securitized utility tariff bonds or the associated securitized utility tariff charges paid by customers;

l. A procedure that shall allow the electrical corporation to earn a return, at the cost of capital authorized from time to time by the commission in the electrical corporation's rate proceedings, on any moneys advanced by the electrical corporation to fund reserves, if any, or capital accounts established under the terms of any indenture, ancillary agreement, or other financing documents pertaining to the securitized utility tariff bonds;

m. In a financing order granting authorization to securitize energy transition costs or in a financing order granting authorization to securitize qualified extraordinary costs that include retired or abandoned facility costs, a procedure for the treatment of accumulated deferred income taxes and excess deferred income taxes in connection with the retired or abandoned or to be retired or abandoned electric generating facility, or in connection with retired or abandoned facilities included in qualified extraordinary costs. The accumulated deferred income taxes, including excess deferred income taxes, shall be excluded from rate base in future general rate cases and the net tax benefits relating to amounts that will be recovered through the issuance of securitized utility tariff bonds shall be credited to retail customers by reducing the amount of such securitized utility tariff bonds that would otherwise be issued. The customer credit shall include the net present value of the tax benefits, calculated using a discount rate equal to the expected interest rate of the securitized utility tariff bonds, for the estimated accumulated and excess deferred income taxes at the time of securitization including timing differences created by the issuance of securitized utility tariff bonds amortized over the period of the bonds multiplied by the expected interest rate on such securitized utility tariff bonds;

n. An outside date, which shall not be earlier than one year after the date the financing order is no longer subject to appeal, when the authority to issue securitized utility tariff bonds granted in such financing order shall expire; and

o. Include any other conditions that the commission considers appropriate and that are not inconsistent with this section.

(d) A financing order issued to an electrical corporation may provide that creation of the electrical corporation's securitized utility tariff property is conditioned upon, and simultaneous with, the sale or other transfer of the securitized utility tariff property to an assignee and the pledge of the securitized utility tariff property to secure securitized utility tariff bonds.

(e) If the commission issues a financing order, the electrical corporation shall file with the commission at least annually a petition or a letter applying the formula-based true-up mechanism and, based on estimates of consumption for each rate class and other mathematical factors, requesting administrative approval to make the applicable adjustments. The review of the filing shall be limited to determining whether there are any mathematical or clerical errors in the application of the formula-based true-up

mechanism relating to the appropriate amount of any overcollection or undercollection of securitized utility tariff charges and the amount of an adjustment. The adjustments shall ensure the recovery of revenues sufficient to provide for the payment of principal, interest, acquisition, defeasance, financing costs, or redemption premium and other fees, costs, and charges in respect of securitized utility tariff bonds approved under the financing order. Within thirty days after receiving an electrical corporation's request pursuant to this paragraph, the commission shall either approve the request or inform the electrical corporation of any mathematical or clerical errors in its calculation. If the commission informs the electrical corporation of mathematical or clerical errors in its calculation, the electrical corporation shall correct its error and refile its request. The time frames previously described in this paragraph shall apply to a refiled request.

(f) At the time of any transfer of securitized utility tariff property to an assignee or the issuance of securitized utility tariff bonds authorized thereby, whichever is earlier, a financing order is irrevocable and, except for changes made pursuant to the formula-based true-up mechanism authorized in this section, the commission may not amend, modify, or terminate the financing order by any subsequent action or reduce, impair, postpone, terminate, or otherwise adjust securitized utility tariff charges approved in the financing order. After the issuance of a financing order, the electrical corporation retains sole discretion regarding whether to assign, sell, or otherwise transfer securitized utility tariff property or to cause securitized utility tariff bonds to be issued, including the right to defer or postpone such assignment, sale, transfer, or issuance.

(g) The commission, in a financing order and subject to the issuance advice letter process under paragraph (h) of this subdivision, shall specify the degree of flexibility to be afforded the electrical corporation in establishing the terms and conditions for the securitized utility tariff bonds to accommodate changes in market conditions, including repayment schedules, interest rates, financing costs, collateral requirements, required debt service and other reserves and the ability of the electrical corporation, at its option, to effect a series of issuances of securitized utility tariff bonds and correlated assignments, sales, pledges, or other transfers of securitized utility tariff property. Any changes made under this paragraph to terms and conditions for the securitized utility tariff bonds shall be in conformance with the financing order.

(h) As the actual structure and pricing of the securitized utility tariff bonds will be unknown at the time the financing order is issued, prior to the issuance of each series of bonds, an issuance advice letter shall be provided to the commission by the electrical corporation following the determination of the final terms of such series of bonds no later than one day after the pricing of the securitized utility tariff bonds. The commission shall have the authority to designate a representative or representatives from commission staff, who may be advised by a financial advisor or advisors contracted with the commission, to provide input to the electrical corporation and collaborate with the electrical corporation in all facets of the process undertaken by the electrical corporation to place the securitized utility tariff bonds to market so the commission's representative or representatives can provide the commission with an opinion on the reasonableness of the pricing, terms, and conditions of the securitized utility tariff bonds on an expedited basis. Neither the designated representative or representatives from the commission staff nor one or more financial advisors advising commission staff shall have authority to direct how the electrical corporation places the bonds to market although they shall be permitted to attend all meetings convened by the electrical corporation to address placement of the bonds to market. The form of such issuance advice letter

shall be included in the financing order and shall indicate the final structure of the securitized utility tariff bonds and provide the best available estimate of total ongoing financing costs. The issuance advice letter shall report the initial securitized utility tariff charges and other information specific to the securitized utility tariff bonds to be issued, as the commission may require. Unless an earlier date is specified in the financing order, the electrical corporation may proceed with the issuance of the securitized utility tariff bonds unless, prior to noon on the fourth business day after the commission receives the issuance advice letter, the commission issues a disapproval letter directing that the bonds as proposed shall not be issued and the basis for that disapproval. The financing order may provide such additional provisions relating to the issuance advice letter process as the commission considers appropriate and as are not inconsistent with this section.

(4) (a) In performing the responsibilities of this section in connection with the issuance of a financing order, approving the petition, an order approving the petition subject to conditions, or an order rejecting the petition, the commission shall undertake due diligence as it deems appropriate prior to the issuance of the order regarding the petition pursuant to which the commission may request additional information from the electrical corporation and may engage one or more financial advisors, one or more consultants, and counsel as the commission deems necessary. Any financial advisor or advisors, counsel, and consultants engaged by the commission shall have a fiduciary duty with respect to the proposed issuance of securitized utility bonds solely to the commission. All expenses associated with such services shall be included as part of the financing costs of the securitized utility tariff bonds and shall be included in the securitized utility tariff charge.

(b) If an electrical corporation's petition for a financing order is denied or withdrawn, or for any reason securitized utility tariff bonds are not issued, any costs of retaining one or more financial advisors, one or more consultants, and counsel on behalf of the commission shall be paid by the petitioning electrical corporation and shall be eligible for full recovery, including carrying costs, if approved by the commission in the electrical corporation's future rates.

(5) At the request of an electrical corporation, the commission may commence a proceeding and issue a subsequent financing order that provides for refinancing, retiring, or refunding securitized utility tariff bonds issued pursuant to the original financing order if the commission finds that the subsequent financing order satisfies all of the criteria specified in this section for a financing order. Effective upon retirement of the refunded securitized utility tariff bonds and the issuance of new securitized utility tariff bonds, the commission shall adjust the related securitized utility tariff charges accordingly.

(6) (a) A financing order remains in effect and securitized utility tariff property under the financing order continues to exist until securitized utility tariff bonds issued pursuant to the financing order have been paid in full or defeased and, in each case, all commission-approved financing costs of such securitized utility tariff bonds have been recovered in full.

(b) A financing order issued to an electrical corporation remains in effect and unabated notwithstanding the reorganization, bankruptcy, or other insolvency proceedings, merger, or sale of the electrical corporation or its successors or assignees.

3. (1) The commission may not, in exercising its powers and carrying out its duties regarding any matter within its authority, consider the securitized utility tariff bonds issued pursuant to a financing order to be the debt of the electrical corporation other than for federal and state income tax purposes, consider

the securitized utility tariff charges paid under the financing order to be the revenue of the electrical corporation for any purpose, consider the securitized utility tariff costs or financing costs specified in the financing order to be the costs of the electrical corporation, nor may the commission determine any action taken by an electrical corporation which is consistent with the financing order to be unjust or unreasonable, and section 386.300 shall not apply to the issuance of securitized utility tariff bonds.

(2) Securitized utility tariff charges shall not be utilized or accounted for in determining the electrical corporation's average overall rate, as defined in section 393.1655 and as used to determine the maximum retail rate impact limitations provided for by subsections 3 and 4 of section 393.1655.

(3) No electrical corporation is required to file a petition for a financing order under this section or otherwise utilize this section. An electrical corporation's decision not to file a petition for a financing order under this section shall not be admissible in any commission proceeding nor shall it be otherwise utilized or relied on by the commission in any proceeding respecting the electrical corporation's rates or its accounting, including, without limitation, any general rate proceeding, fuel adjustment clause docket, or proceedings relating to accounting authority, whether initiated by the electrical corporation or otherwise. The commission may not order or otherwise directly or indirectly require an electrical corporation to use securitized utility tariff bonds to recover securitized utility tariff costs or to finance any project, addition, plant, facility, extension, capital improvement, equipment, or any other expenditure.

(4) The commission may not refuse to allow an electrical corporation to recover securitized utility tariff costs in an otherwise permissible fashion, or refuse or condition authorization or approval of the issuance and sale by an electrical corporation of securities or the assumption by the electrical corporation of liabilities or obligations, because of the potential availability of securitized utility tariff bond financing.

(5) After the issuance of a financing order with or without conditions, the electrical corporation retains sole discretion regarding whether to cause the securitized utility tariff bonds to be issued, including the right to defer or postpone such sale, assignment, transfer, or issuance. Nothing shall prevent the electrical corporation from abandoning the issuance of securitized utility tariff bonds under the financing order by filing with the commission a statement of abandonment and the reasons therefor; provided, that the electrical corporation's abandonment decision shall not be deemed imprudent because of the potential availability of securitized utility tariff bond financing; and provided further, that an electrical corporation's decision to abandon issuance of such bonds may be raised by any party, including the commission, as a reason the commission should not authorize, or should modify, the rate-making treatment proposed by the electrical corporation of the costs associated with the electric generating facility that was the subject of a petition under this section that would have been securitized as energy transition costs had such abandonment decision not been made, but only if the electrical corporation requests nonstandard plant retirement treatment of such costs for rate-making purposes.

(6) The commission may not, directly or indirectly, utilize or consider the debt reflected by the securitized utility tariff bonds in establishing the electrical corporation's capital structure used to determine any regulatory matter, including but not limited to the electrical corporation's revenue requirement used to set its rates.

(7) The commission may not, directly or indirectly, consider the existence of securitized utility tariff bonds or the potential use of securitized utility tariff bond financing proceeds in determining the electrical

corporation's authorized rate of return used to determine the electrical corporation's revenue requirement used to set its rates.

4. The electric bills of an electrical corporation that has obtained a financing order and caused securitized utility tariff bonds to be issued shall comply with the provisions of this subsection; however, the failure of an electrical corporation to comply with this subsection does not invalidate, impair, or affect any financing order, securitized utility tariff property, securitized utility tariff charge, or securitized utility tariff bonds. The electrical corporation shall do the following:

(1) Explicitly reflect that a portion of the charges on such bill represents securitized utility tariff charges approved in a financing order issued to the electrical corporation and, if the securitized utility tariff property has been transferred to an assignee, shall include a statement to the effect that the assignee is the owner of the rights to securitized utility tariff charges and that the electrical corporation or other entity, if applicable, is acting as a collection agent or servicer for the assignee. The tariff applicable to customers shall indicate the securitized utility tariff charge and the ownership of the charge;

(2) Include the securitized utility tariff charge on each customer's bill as a separate line item and include both the rate and the amount of the charge on each bill.

5. (1) (a) All securitized utility tariff property that is specified in a financing order constitutes an existing, present intangible property right or interest therein, notwithstanding that the imposition and collection of securitized utility tariff charges depends on the electrical corporation, to which the financing order is issued, performing its servicing functions relating to the collection of securitized utility tariff charges and on future electricity consumption. The property exists:

a. Regardless of whether or not the revenues or proceeds arising from the property have been billed, have accrued, or have been collected; and

b. Notwithstanding the fact that the value or amount of the property is dependent on the future provision of service to customers by the electrical corporation or its successors or assignees and the future consumption of electricity by customers.

(b) Securitized utility tariff property specified in a financing order exists until securitized utility tariff bonds issued pursuant to the financing order are paid in full and all financing costs and other costs of such securitized utility tariff bonds have been recovered in full.

(c) All or any portion of securitized utility tariff property specified in a financing order issued to an electrical corporation may be transferred, sold, conveyed, or assigned to a successor or assignee that is wholly owned, directly or indirectly, by the electrical corporation and created for the limited purpose of acquiring, owning, or administering securitized utility tariff property or issuing securitized utility tariff bonds under the financing order. All or any portion of securitized utility tariff property may be pledged to secure securitized utility tariff bonds issued pursuant to the financing order, amounts payable to financing parties and to counterparties under any ancillary agreements, and other financing costs. Any transfer, sale, conveyance, assignment, grant of a security interest in or pledge of securitized utility tariff property by an electrical corporation, or an affiliate of the electrical corporation, to an assignee, to the extent previously authorized in a financing order, does not require the prior consent and approval of the commission.

(d) If an electrical corporation defaults on any required remittance of securitized utility tariff charges arising from securitized utility tariff property specified in a financing order, a court, upon application by an interested party, and without limiting any other remedies available to the applying party, shall order the sequestration and payment of the revenues arising from the securitized utility tariff property to the financing parties or their assignees. Any such financing order remains in full force and effect notwithstanding any reorganization, bankruptcy, or other insolvency proceedings with respect to the electrical corporation or its successors or assignees.

(e) The interest of a transferee, purchaser, acquirer, assignee, or pledgee in securitized utility tariff property specified in a financing order issued to an electrical corporation, and in the revenue and collections arising from that property, is not subject to setoff, counterclaim, surcharge, or defense by the electrical corporation or any other person or in connection with the reorganization, bankruptcy, or other insolvency of the electrical corporation or any other entity.

(f) Any successor to an electrical corporation, whether pursuant to any reorganization, bankruptcy, or other insolvency proceeding or whether pursuant to any merger or acquisition, sale, or other business combination, or transfer by operation of law, as a result of electrical corporation restructuring or otherwise, shall perform and satisfy all obligations of, and have the same rights under a financing order as, the electrical corporation under the financing order in the same manner and to the same extent as the electrical corporation, including collecting and paying to the person entitled to receive the revenues, collections, payments, or proceeds of the securitized utility tariff property. Nothing in this section is intended to limit or impair any authority of the commission concerning the transfer or succession of interests of public utilities.

(g) Securitized utility tariff bonds shall be nonrecourse to the credit or any assets of the electrical corporation other than the securitized utility tariff property as specified in the financing order and any rights under any ancillary agreement.

(2) (a) The creation, perfection, priority, and enforcement of any security interest in securitized utility tariff property to secure the repayment of the principal and interest and other amounts payable in respect of securitized utility tariff bonds, amounts payable under any ancillary agreement and other financing costs are governed by this section and not by the provisions of the code, except as otherwise provided in this section.

(b) A security interest in securitized utility tariff property is created, valid, and binding at the later of the time:

a. The financing order is issued;

b. A security agreement is executed and delivered by the debtor granting such security interest;

c. The debtor has rights in such securitized utility tariff property or the power to transfer rights in such securitized utility tariff property; or

d. Value is received for the securitized utility tariff property.

The description of securitized utility tariff property in a security agreement is sufficient if the description refers to this section and the financing order creating the securitized utility tariff property. A security interest shall attach as provided in this paragraph without any physical delivery of collateral or other act.

(c) Upon the filing of a financing statement with the office of the secretary of state as provided in this section, a security interest in securitized utility tariff property shall be perfected against all parties having claims of any kind in tort, contract, or otherwise against the person granting the security interest, and regardless of whether the parties have notice of the security interest. Without limiting the foregoing, upon such filing a security interest in securitized utility tariff property shall be perfected against all claims of lien creditors, and shall have priority over all competing security interests and other claims other than any security interest previously perfected in accordance with this section.

(d) The priority of a security interest in securitized utility tariff property is not affected by the commingling of securitized utility tariff charges with other amounts. Any pledgee or secured party shall have a perfected security interest in the amount of all securitized utility tariff charges that are deposited in any cash or deposit account of the qualifying electrical corporation in which securitized utility tariff charges have been commingled with other funds and any other security interest that may apply to those funds shall be terminated when they are transferred to a segregated account for the assignee or a financing party.

(e) No application of the formula-based true-up mechanism as provided in this section will affect the validity, perfection, or priority of a security interest in or transfer of securitized utility tariff property.

(f) If a default occurs under the securitized utility tariff bonds that are secured by a security interest in securitized utility tariff property, the financing parties or their representatives may exercise the rights and remedies available to a secured party under the code, including the rights and remedies available under part 6 of article 9 of the code. The commission may also order amounts arising from securitized utility tariff charges be transferred to a separate account for the financing parties' benefit, to which their lien and security interest shall apply. On application by or on behalf of the financing parties, the circuit court for the county or city in which the electrical corporation's headquarters is located shall order the sequestration and payment to them of revenues arising from the securitized utility tariff charges.

(3) (a) Any sale, assignment, or other transfer of securitized utility tariff property shall be an absolute transfer and true sale of, and not a pledge of or secured transaction relating to, the seller's right, title, and interest in, to, and under the securitized utility tariff property if the documents governing the transaction expressly state that the transaction is a sale or other absolute transfer other than for federal and state income tax purposes. For all purposes other than federal and state income tax purposes, the parties' characterization of a transaction as a sale of an interest in securitized utility tariff property shall be conclusive that the transaction is a true sale and that ownership has passed to the party characterized as the purchaser, regardless of whether the purchaser has possession of any documents evidencing or pertaining to the interest. A sale or similar outright transfer of an interest in securitized utility tariff property may occur only when all of the following have occurred:

a. The financing order creating the securitized utility tariff property has become effective;

b. The documents evidencing the transfer of securitized utility tariff property have been executed by the assignor and delivered to the assignee; and

c. Value is received for the securitized utility tariff property.

After such a transaction, the securitized utility tariff property is not subject to any claims of the transferor or the transferor's creditors, other than creditors holding a prior security interest in the securitized utility tariff property perfected in accordance with this section.

(b) The characterization of the sale, assignment, or other transfer as an absolute transfer and true sale and the corresponding characterization of the property interest of the purchaser shall not be affected or impaired by the occurrence of any of the following factors:

a. Commingling of securitized utility tariff charges with other amounts;

b. The retention by the seller of (i) a partial or residual interest, including an equity interest, in the securitized utility tariff property, whether direct or indirect, or whether subordinate or otherwise, or (ii) the right to recover costs associated with taxes, franchise fees, or license fees imposed on the collection of securitized utility tariff charges;

c. Any recourse that the purchaser may have against the seller;

d. Any indemnification rights, obligations, or repurchase rights made or provided by the seller;

e. The obligation of the seller to collect securitized utility tariff charges on behalf of an assignee;

f. The transferor acting as the servicer of the securitized utility tariff charges or the existence of any contract that authorizes or requires the electrical corporation, to the extent that any interest in securitized utility tariff property is sold or assigned, to contract with the assignee or any financing party that it will continue to operate its system to provide service to its customers, will collect amounts in respect of the securitized utility tariff charges for the benefit and account of such assignee or financing party, and will account for and remit such amounts to or for the account of such assignee or financing party;

g. The treatment of the sale, conveyance, assignment, or other transfer for tax, financial reporting, or other purposes;

h. The granting or providing to bondholders a preferred right to the securitized utility tariff property or credit enhancement by the electrical corporation or its affiliates with respect to such securitized utility tariff bonds;

i. Any application of the formula-based true-up mechanism as provided in this section.

(c) Any right that an electrical corporation has in the securitized utility tariff property before its pledge, sale, or transfer or any other right created under this section or created in the financing order and assignable under this section or assignable pursuant to a financing order is property in the form of a contract right or a chose in action. Transfer of an interest in securitized utility tariff property to an assignee is enforceable only upon the later of:

a. The issuance of a financing order;

b. The assignor having rights in such securitized utility tariff property or the power to transfer rights in such securitized utility tariff property to an assignee;

c. The execution and delivery by the assignor of transfer documents in connection with the issuance of securitized utility tariff bonds; and

d. The receipt of value for the securitized utility tariff property.

An enforceable transfer of an interest in securitized utility tariff property to an assignee is perfected against all third parties, including subsequent judicial or other lien creditors, when a notice of that transfer has been given by the filing of a financing statement in accordance with subsection 7 of this section. The transfer is perfected against third parties as of the date of filing.

(d) The priority of a transfer perfected under this section is not impaired by any later modification of the financing order or securitized utility tariff property or by the commingling of funds arising from securitized utility tariff property with other funds. Any other security interest that may apply to those funds, other than a security interest perfected under this section, is terminated when they are transferred to a segregated account for the assignee or a financing party. If securitized utility tariff property has been transferred to an assignee or financing party, any proceeds of that property shall be held in trust for the assignee or financing party.

(e) The priority of the conflicting interests of assignees in the same interest or rights in any securitized utility tariff property is determined as follows:

a. Conflicting perfected interests or rights of assignees rank according to priority in time of perfection. Priority dates from the time a filing covering the transfer is made in accordance with subsection 7 of this section;

b. A perfected interest or right of an assignee has priority over a conflicting unperfected interest or right of an assignee;

c. A perfected interest or right of an assignee has priority over a person who becomes a lien creditor after the perfection of such assignee's interest or right.

6. The description of securitized utility tariff property being transferred to an assignee in any sale agreement, purchase agreement, or other transfer agreement, granted or pledged to a pledgee in any security agreement, pledge agreement, or other security document, or indicated in any financing statement is only sufficient if such description or indication refers to the financing order that created the securitized utility tariff property and states that the agreement or financing statement covers all or part of the property described in the financing order. This section applies to all purported transfers of, and all purported grants or liens or security interests in, securitized utility tariff property, regardless of whether the related sale agreement, purchase agreement, other transfer agreement, security agreement, pledge agreement, or other security document was entered into, or any financing statement was filed.

7. The secretary of state shall maintain any financing statement filed to perfect a sale or other transfer of securitized utility tariff property and any security interest in securitized utility tariff property under this section in the same manner that the secretary of state maintains financing statements filed under the code to perfect a security interest in collateral owned by a transmitting utility. Except as otherwise provided in this section, all financing statements filed pursuant to this section shall be governed by the provisions regarding financing statements and the filing thereof under the code, including part 5 of article 9 of the code. A security interest in securitized utility tariff property may be perfected only by the filing of a financing statement in accordance with this section, and no other method of perfection shall be effective. Notwithstanding any provision of the code to the contrary, a financing statement filed pursuant to this section is effective until a termination statement is filed under the code, and no continuation statement

need be filed to maintain its effectiveness. A financing statement filed pursuant to this section may indicate that the debtor is a transmitting utility, and without regard to whether the debtor is an electrical corporation, an assignee or otherwise qualifies as a transmitting utility under the code, but the failure to make such indication shall not impair the duration and effectiveness of the financing statement.

8. The law governing the validity, enforceability, attachment, perfection, priority, and exercise of remedies with respect to the transfer of an interest or right or the pledge or creation of a security interest in any securitized utility tariff property shall be the laws of this state.

9. Neither the state nor its political subdivisions are liable on any securitized utility tariff bonds, and the bonds are not a debt or a general obligation of the state or any of its political subdivisions, agencies, or instrumentalities, nor are they special obligations or indebtedness of the state or any agency or political subdivision. An issue of securitized utility tariff bonds does not, directly, indirectly, or contingently, obligate the state or any agency, political subdivision, or instrumentality of the state to levy any tax or make any appropriation for payment of the securitized utility tariff bonds, other than in their capacity as consumers of electricity. All securitized utility tariff bonds shall contain on the face thereof a statement to the following effect: "Neither the full faith and credit nor the taxing power of the state of Missouri is pledged to the payment of the principal of, or interest on, this bond.".

10. All of the following entities may legally invest any sinking funds, moneys, or other funds in securitized utility tariff bonds:

(1) Subject to applicable statutory restrictions on state or local investment authority, the state, units of local government, political subdivisions, public bodies, and public officers, except for members of the commission, the commission's technical advisory and other staff, or employees of the office of the public counsel;

(2) Banks and bankers, savings and loan associations, credit unions, trust companies, savings banks and institutions, investment companies, insurance companies, insurance associations, and other persons carrying on a banking or insurance business;

(3) Personal representatives, guardians, trustees, and other fiduciaries;

(4) All other persons authorized to invest in bonds or other obligations of a similar nature.

11. (1) The state and its agencies, including the commission, pledge and agree with bondholders, the owners of the securitized utility tariff property, and other financing parties that the state and its agencies will not take any action listed in this subdivision. This subdivision does not preclude limitation or alteration if full compensation is made by law for the full protection of the securitized utility tariff charges collected pursuant to a financing order and of the bondholders and any assignee or financing party entering into a contract with the electrical corporation. The prohibited actions are as follows:

(a) Alter the provisions of this section, which authorize the commission to create an irrevocable contract right or chose in action by the issuance of a financing order, to create securitized utility tariff property, and make the securitized utility tariff charges imposed by a financing order irrevocable, binding, or nonbypassable charges for all existing and future retail customers of the electrical corporation except its existing special contract customers;

(b) Take or permit any action that impairs or would impair the value of securitized utility tariff property or the security for the securitized utility tariff bonds or revises the securitized utility tariff costs for which recovery is authorized;

(c) In any way impair the rights and remedies of the bondholders, assignees, and other financing parties;

(d) Except for changes made pursuant to the formula-based true-up mechanism authorized under this section, reduce, alter, or impair securitized utility tariff charges that are to be imposed, billed, charged, collected, and remitted for the benefit of the bondholders, any assignee, and any other financing parties until any and all principal, interest, premium, financing costs and other fees, expenses, or charges incurred, and any contracts to be performed, in connection with the related securitized utility tariff bonds have been paid and performed in full.

(2) Any person or entity that issues securitized utility tariff bonds may include the language specified in this subsection in the securitized utility tariff bonds and related documentation.

12. An assignee or financing party is not an electrical corporation or person providing electric service by virtue of engaging in the transactions described in this section.

13. If there is a conflict between this section and any other law regarding the attachment, assignment, or perfection, or the effect of perfection, or priority of, assignment or transfer of, or security interest in securitized utility tariff property, this section shall govern.

14. If any provision of this section is held invalid or is invalidated, superseded, replaced, repealed, or expires for any reason, that occurrence does not affect the validity of any action allowed under this section which is taken by an electrical corporation, an assignee, a financing party, a collection agent, or a party to an ancillary agreement; and any such action remains in full force and effect with respect to all securitized utility tariff bonds issued or authorized in a financing order issued under this section before the date that such provision is held invalid or is invalidated, superseded, replaced, or repealed, or expires for any reason."; and

Further amend said bill, Page 22, Section 1, Lines 1-7, by deleting all of said section and lines from the bill; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report for **SB 28**, with HA 2, HA 3, HA 4, HA 5, HA 6, HA 7, HA 8, HA 1 to HSA 1 for HA 9, HSA 1 for HA 9, as amended, HA 1 to HA 10, HA 10, as amended, HA 1 to HA 11, HA 2 to HA 11, HA 3 to HA 11, and HA 11, as amended. And has taken up and passed **CCS** for **SB 28**, with HA 2, HA 3, HA 4, HA 5, HA 6, HA 7, HA 8, HA 1 to HSA 1 for HA 9, HSA 1 for HA 9, as amended, HA 1 to HA 10, HA 10, as amended, HA 1 to HA 11, HA 2 to HA 11, HA 3 to HA 11, and HA 11, as amended.

Emergency Clause Adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 398**, entitled:

An Act to repeal sections 144.020, 144.070, 304.820, 407.812, and 407.828, RSMo, and to enact in lieu thereof five new sections relating to motor vehicles, with penalty provisions.

With HA 1, HA 2 and HA 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 398, Page 10, Section 304.822, Lines 126-128, by deleting said lines and inserting in lieu thereof the following:

"**search of their electronic communication device. No warrant shall be issued to confiscate or access an electronic communication device based on a violation of this section unless the violation results in serious bodily injury or death.**"; and

Further amend said bill, Page 12, Section 407.812, Lines 31-36, by deleting all of said lines and inserting in lieu thereof the following:

"**6. Notwithstanding any provision of sections 301.550 to 301.575 to the contrary, a manufacturer, importer, or distributor may engage in the business of selling motor vehicles to retail consumers in this state from a dealership if the manufacturer, importer, or distributor owned the dealership and initially submitted a dealer license application to the Missouri department of revenue on or before August 28, 2023, provided that the license is subsequently granted, and the ownership or controlling interest of such dealership is not transferred, sold, or conveyed to another person or entity required to be licensed under this chapter.**"; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 398, Page 15, Section 407.828, Line 121, by inserting after all of said section and line the following:

"**407.2020. For purposes of sections 407.2020 to 407.2090, the following terms mean:**

(1) "Commercial transaction", a transaction involving a motor vehicle in which the motor vehicle will primarily be used for business purposes rather than personal purposes;

(2) "Consumer", an individual purchaser of a motor vehicle or a borrower under a finance agreement. The term "consumer" includes any borrower, as defined in section 407.2030, or contract holder, as defined in section 407.2060, as applicable;

(3) "Finance agreement", a loan, retail installment sales contract, or lease for the purchase, refinancing, or lease of a motor vehicle;

(4) "Free-look period", a period of time from the effective date of the motor vehicle financial protection product until the date the motor vehicle financial protection product may be cancelled without penalty, fees, or costs. This period of time shall not be shorter than thirty days;

(5) "Insurer", an insurance company licensed, registered, or otherwise authorized to issue contractual liability insurance under the insurance laws of this state;

(6) "Motor vehicle", any self-propelled or towed vehicle designed for personal or commercial use including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, all-terrain vehicles, snowmobiles, campers, boats, personal watercraft, and related trailers;

(7) "Motor vehicle financial protection product", an agreement that protects a consumer's financial interest in his or her current or future motor vehicle. The term "motor vehicle financial protection product" includes any debt waiver, as defined in section 407.2030, and any vehicle value protection agreement, as defined in section 407.2060;

(8) "Person", an individual, company, association, organization, partnership, business trust, or corporation, and every form of legal entity.

407.2025. 1. Motor vehicle financial protection products may be offered, sold, or given to consumers in this state in compliance with sections 407.2020 to 407.2090.

2. Any amount charged or financed for a motor vehicle financial protection product shall be separately stated and shall not be considered a finance charge or interest.

3. Any extension of credit, terms of credit, or terms of the related motor vehicle sale or lease shall not be conditioned upon the consumer's payment for or financing of any charge for a motor vehicle financial protection product, except that motor vehicle financial protection products may be discounted or given at no charge in connection with the purchase of other non-credit-related goods or services.

407.2030. For purposes of sections 407.2030 to 407.2055, the following terms mean:

(1) "Administrator", any person, other than an insurer or creditor, who performs administrative or operational functions for debt waiver programs;

(2) "Borrower", a debtor or retail buyer or lessee under a finance agreement;

(3) "Creditor":

(a) The lender in a loan or credit transaction;

(b) The lessor in a lease transaction;

(c) Any retail seller of motor vehicles;

(d) The seller in commercial retail installment transactions; or

(e) The assignee of any person described in paragraphs (a) to (d) of this subdivision to whom the credit obligation is payable;

(4) "Debt waiver", any guaranteed asset protection waiver or excess wear and use waiver;

(5) "Excess wear and use waiver", a contractual agreement in which a creditor agrees, with or without a separate charge, to cancel or waive all or part of amounts that may become due under a borrower's lease agreement as a result of excessive wear and use of a motor vehicle, which agreement shall be part of, or a separate addendum to, the lease agreement. Excess wear and use waivers may also cancel or waive amounts due for excess mileage;

(6) "Guaranteed asset protection waiver", a contractual agreement in which a creditor agrees, with or without a separate charge, to cancel or waive all or part of amounts due on a borrower's finance agreement in the event of a total physical damage loss or unrecovered theft of the motor vehicle, which agreement shall be part of, or a separate addendum to, the finance agreement. A guaranteed asset protection waiver may also provide, with or without a separate charge, a benefit that waives an amount, or provides a borrower with a credit, toward the purchase of a replacement motor vehicle.

407.2035. 1. (1) A retail seller shall insure its debt waiver obligations under a contractual liability or other insurance policy issued by an insurer. A creditor, other than a retail seller, may insure its debt waiver obligations under a contractual liability policy or other such policy issued by an insurer. Any such insurance policy may be directly obtained by a creditor or retail seller or may be procured by an administrator to cover a creditor's or retail seller's obligations.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, retail sellers who are lessors on motor vehicles shall not be required to insure obligations related to debt waivers on such leased motor vehicles.

2. The debt waiver remains a part of the finance agreement upon the assignment, sale, or transfer of such finance agreement by the creditor.

3. Any creditor who offers a debt waiver shall report the sale of, and forward funds due to, the designated party or parties.

4. Funds received or held by a creditor or administrator and belonging to an insurer, creditor, or administrator shall be held by such creditor or administrator in a fiduciary capacity.

407.2040. 1. Contractual liability or other insurance policies insuring debt waivers shall state the obligation of the insurer to reimburse or pay to the creditor any sums the creditor is legally obligated to waive under a debt waiver.

2. Coverage under a contractual liability or other insurance policy insuring a debt waiver shall also cover any subsequent assignee upon the assignment, sale, or transfer of the finance agreement.

3. Coverage under a contractual liability or other insurance policy insuring a debt waiver shall remain in effect unless cancelled or terminated in compliance with applicable insurance laws of this state.

4. The cancellation or termination of a contractual liability or other insurance policy shall not reduce the insurer's responsibility for debt waivers issued by the creditor before the date of cancellation or termination and for which premium has been received by the insurer.

407.2045. Debt waivers shall disclose in writing and in clear, understandable language that is easy to read the following:

(1) The name and address of the initial creditor and the borrower at the time of sale, and the identity of any administrator if different from the creditor;

(2) The purchase price, if any, and the terms of the debt waiver including, but not limited to, the requirements for protection, conditions, or exclusions associated with the debt waiver;

(3) A statement that the borrower may cancel the debt waiver within a free-look period as specified in the debt waiver and, if so cancelled, shall be entitled to a full refund of the purchase price paid by the borrower, if any, so long as no benefits have been provided;

(4) The procedure the borrower is required to follow, if any, to obtain debt waiver benefits under the terms and conditions of the debt waiver, including, if applicable, a telephone number or website and address where the borrower may apply for debt waiver benefits;

(5) The terms and conditions governing cancellation consistent with all applicable Missouri laws; and

(6) A statement that any extension of credit, terms of the credit, or terms of the related motor vehicle sale or lease shall not be conditioned upon the borrower's purchase of a debt waiver.

407.2050. 1. Debt waivers shall provide that if a borrower cancels a debt waiver within the free-look period, the borrower shall be entitled to a full refund of the amount the borrower paid, if any, so long as no benefits have been provided.

2. If, after the debt waiver has been in effect beyond the free-look period, the borrower cancels the debt waiver or there is an early termination of the finance agreement, the borrower may be entitled to a refund of the amount the borrower paid of the unearned portion of the purchase price, if any, less a cancellation fee up to seventy-five dollars, if no benefit has been or will be provided.

3. If the cancellation of a debt waiver occurs as a result of a default under the finance agreement, the repossession of the motor vehicle associated with the finance agreement, or any other termination of the finance agreement, any refund due may be paid directly to the creditor or administrator and applied as a reduction of the amount owed under the finance agreement unless the borrower can show that the finance agreement has been paid in full.

407.2055. 1. Debt waivers offered by state or federal banks or credit unions in compliance with applicable state or federal law shall be exempt from the provisions of sections 407.2020 to 407.2090.

2. The provisions of sections 407.2045 and 407.2080 shall not apply to debt waivers offered in connection with commercial transactions.

407.2060. For purposes of sections 407.2060 to 407.2075, the following terms mean:

(1) "Administrator", any person who is responsible for the administrative or operational functions of vehicle value protection agreements including, but not limited to, the adjudication of claims or benefit requests by contract holders;

(2) "Contract holder", a person who is the purchaser or holder of a vehicle value protection agreement;

(3) "Provider", a person who is obligated to provide a benefit under a vehicle value protection agreement. A provider may perform as an administrator or retain the services of a third-party administrator;

(4) "Vehicle value protection agreement", a contractual agreement that:

(a) Provides a benefit toward the reduction of some or all of the contract holder's current finance agreement deficiency balance or toward the purchase or lease of a replacement motor vehicle or motor vehicle services upon the occurrence of an adverse event to the motor vehicle including, but not limited to, loss, theft, damage, obsolescence, diminished value, or depreciation;

(b) Does not include debt waivers; and

(c) May include agreements such as, but not limited to, trade-in-credit agreements, diminished value agreements, depreciation benefit agreements, or other similarly named agreements.

407.2065. 1. A provider may, but is not required to, use an administrator or other designee to be responsible for any and all of the administration of vehicle value protection agreements in compliance with the provisions of sections 407.2020 to 407.2090.

2. Vehicle value protection agreements shall not be sold unless the contract holder has been or will be provided access to a copy of the vehicle value protection agreement within a reasonable time.

3. In order to assure the faithful performance of the provider's obligations to its contract holders, each provider shall comply with subdivision (1) or (2) of this subsection, as follows:

(1) In order to satisfy the requirements of this subsection under this subdivision, the provider shall insure all its vehicle value protection agreements under an insurance policy that pays or reimburses in the event the provider fails to perform its obligations under the vehicle value protection agreement and that is issued by an insurer who is licensed, registered, or otherwise authorized to do business in this state and who:

(a) Maintains surplus as to policyholders and paid-in capital of at least fifteen million dollars; or

(b) Maintains:

a. Surplus as to policyholders and paid-in capital of less than fifteen million dollars but at least equal to ten million dollars; and

b. A ratio of net written premiums, wherever written, to surplus as to policyholders and paid-in capital of not greater than three to one; or

(2) In order to satisfy the requirements of this subsection under this subdivision, the provider shall:

(a) Maintain, or together with its parent company maintain, a net worth or stockholders' equity of one hundred million dollars; and

(b) Upon request, provide the attorney general with a copy of the provider's or the provider's parent company's most recent Form 10-K or Form 20-F filed with the Securities and Exchange Commission (SEC) within the last calendar year or, if the company does not file with the SEC, a copy of the company's audited financial statements, which show a net worth of the provider or its parent company of at least one hundred million dollars. If the provider's parent company's Form 10-K, Form 20-F, or financial statements are filed to meet the provider's financial security requirement, the parent company shall agree to guarantee the obligations of the provider relating to vehicle value protection agreements sold by the provider in this state.

4. Except for the requirements specified in subsection 3 of this section, no other financial security requirements shall be required for vehicle value protection agreement providers.

407.2070. Vehicle value protection agreements shall disclose in writing and in clear, understandable language that is easy to read the following:

(1) The name and address of the provider, contract holder, and administrator, if any;

(2) The terms of the vehicle value protection agreement including, but not limited to, the purchase price to be paid by the contract holder, if any, the requirements for eligibility, the conditions of coverage, and any exclusions;

(3) A statement that the vehicle value protection agreement may be cancelled by the contract holder within a free-look period as specified in the vehicle value protection agreement and that in such event the contract holder shall be entitled to a full refund of the purchase price paid by the contract holder, if any, so long as no benefits have been provided;

(4) The procedure the contract holder shall follow, if any, to obtain a benefit under the terms and conditions of the vehicle value protection agreement, including, if applicable, a telephone number or website and address where the contract holder may apply for a benefit;

(5) A statement that indicates whether the vehicle value protection agreement may be cancelled after the free-look period and the conditions under which it may be cancelled, including the procedures for requesting any refund of the unearned purchase price paid by the contract holder;

(6) If the vehicle value protection agreement is cancellable after the free-look period, a statement that any refund of the unearned purchase price of the vehicle value protection agreement shall be calculated on a pro rata basis;

(7) A statement that any extension of credit, terms of the credit, or terms of the related motor vehicle sale or lease shall not be conditioned upon the purchase of the vehicle value protection agreement;

(8) The terms, restrictions, or conditions governing cancellation of the vehicle value protection agreement before the termination or expiration date of the vehicle value protection agreement by either the provider or the contract holder. The provider of the vehicle value protection agreement shall mail a written notice to the contract holder at the last known address of the contract holder contained in the records of the provider at least five days before cancellation by the provider. Prior notice shall not be required if the reason for cancellation is nonpayment of the provider fee, a material misrepresentation by the contract holder to the provider or administrator, or a substantial breach of duties by the contract holder relating to the covered product or its use. The notice shall state the effective date of the cancellation and the reason for the cancellation. If a vehicle value protection agreement is cancelled by the provider for a reason other than nonpayment of the provider fee, the provider shall refund to the contract holder one hundred percent of the unearned pro rata provider fee paid by the contract holder, if any. If coverage under the vehicle value protection agreement continues after a claim, any refund may deduct claims paid. A reasonable administrative fee may be charged by the provider up to seventy-five dollars; and

(9) A statement that the agreement is not an insurance contract.

407.2075. The provisions of sections 407.2070 and 407.2080 shall not apply to vehicle value protection agreements offered in connection with a commercial transaction.

407.2080. The attorney general may take action that is necessary or appropriate to enforce the provisions of sections 407.2020 to 407.2090 and to protect motor vehicle financial protection product consumers in this state. After proper notice and opportunity for hearing, the attorney general may:

(1) Order the creditor, provider, administrator, or any other person not in compliance with the provisions of sections 407.2020 to 407.2090 to cease and desist from product-related operations that are in violation of the provisions of sections 407.2020 to 407.2090; and

(2) Impose a penalty of not more than five hundred dollars for each violation of the provisions of sections 407.2020 to 407.2090 and not more than ten thousand dollars in the aggregate for all violations of a similar nature. A violation shall be considered of a similar nature to another violation if the violation consists of the same or similar course of conduct, action, or practice, irrespective of the number of times the action, conduct, or practice that is determined to be a violation of the provisions of sections 407.2020 to 407.2090 occurred.

407.2085. Notwithstanding the provisions of section 407.2090, all motor vehicle financial protection products issued before and on and after August 28, 2023, shall not be considered insurance.

407.2090. The provisions of sections 407.2020 to 407.2090 shall apply to all motor vehicle financial protection products that become effective after February 23, 2024."; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 398, Page 7, Section 144.070, Line 121, by inserting after all of said section and line the following:

"**303.420. As used in sections 303.420 to 303.440, unless the context requires otherwise, the following terms shall mean:**

(1) "Program", the motor vehicle financial responsibility enforcement and compliance incentive program established under section 303.425;

(2) "Qualified agency", the department of revenue, the Missouri state highway patrol, the prosecuting attorney or sheriff's office of any county or city not within a county, the chiefs of police of any city or municipality, or any other authorized law enforcement agency recognized by the state;

(3) "System" or "verification system", the web-based resource established under section 303.430 for online verification of motor vehicle financial responsibility.

303.422. 1. There is hereby created in the state treasury the "Motor Vehicle Financial Responsibility Verification and Enforcement Fund", which shall consist of money received by the department of revenue under sections 303.420 to 303.440. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of revenue for the administration of sections 303.420 to 303.440.

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

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

303.425. 1. (1) There is hereby created within the department of revenue the motor vehicle financial responsibility enforcement and compliance incentive program. The department of revenue may enter into contractual agreements with third-party vendors to facilitate the necessary technology and equipment, maintenance thereof, and associated program management services.

(2) The department of revenue or a third-party vendor shall utilize technology to compare vehicle registration information with the financial responsibility information accessible through the system. The department of revenue shall utilize this information to identify motorists who are in violation of the motor vehicle financial responsibility law. The department of revenue may offer offenders under this program the option of pretrial diversion as an alternative to statutory fines or reinstatement fees prescribed under the motor vehicle financial responsibility law as a method of encouraging compliance and discouraging recidivism.

(3) The department of revenue or third-party vendors shall not use any data collected from or technology associated with any automated motor vehicle financial responsibility enforcement system. For purposes of this subdivision, "motor vehicle financial responsibility enforcement system" means a device consisting of a camera or cameras and vehicle sensor or sensors installed to record motor vehicle financial responsibility violations.

(4) All fees paid to or collected by third-party vendors under sections 303.420 to 303.440 may come from violator diversion fees generated by the pretrial diversion option established under this section.

2. The department of revenue may authorize law enforcement agencies or third-party vendors to use technology to collect data for the investigation, detection, analysis, and enforcement of the motor vehicle financial responsibility law.

3. The department of revenue may authorize traffic enforcement officers, or third-party vendors to administer the processing and issuance of notices of violation, the collection of fees for a violation of the motor vehicle financial responsibility law, or the referral of cases for prosecution, under the program.

4. Access to the system shall be restricted to qualified agencies and the third-party vendors with which the department of revenue contracts for purposes of the program, provided that any third-party vendor with which a contract is executed to provide necessary technology, equipment, or maintenance for the program shall be authorized as necessary to collaborate for required updates and maintenance of system software.

5. For purposes of the program, any data collected and matched to a corresponding vehicle insurance record as verified through the system, and any Missouri vehicle registration database, may be used to identify violations of the motor vehicle financial responsibility law. Such corresponding data shall constitute evidence of the violations.

6. Except as otherwise provided in this section, the department of revenue shall suspend, in accordance with section 303.041, the registration of any motor vehicle that is determined under the program to be in violation of the motor vehicle financial responsibility law.

7. The department of revenue shall send to an owner whose vehicle is identified under the program as being in violation of the motor vehicle financial responsibility law a notice that the vehicle's registration may be suspended unless the owner, within thirty days, provides proof of financial responsibility for the vehicle or proof, in a form specified by the department of revenue, that the owner has a pending criminal charge for a violation of the motor vehicle financial responsibility law. The notice shall include information on steps an individual may take to obtain proof of financial responsibility and a web address to a page on the department of revenue's website where information on obtaining proof of financial responsibility shall be provided. If proof of financial responsibility or a pending criminal charge is not provided within the time allotted, the department of revenue shall provide a notice of suspension and suspend the vehicle's registration in accordance with section 303.041, or shall send a notice of vehicle registration suspension, clearly specifying the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the vehicle owner to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made, as well as informing the owner that the matter will be referred for prosecution if a satisfactory response is not received in the time allotted, informing the owner that the minimum penalty for the violation is three hundred dollars and four license points, and offering the owner participation in a pretrial diversion option to preclude referral for prosecution and registration suspension under sections 303.420 to 303.440. The notice of vehicle registration suspension shall give a period of thirty-three days from mailing for the vehicle owner to respond, and shall be deemed received three days after mailing. If no request for a hearing or agreement to participate in the diversion option is received by the department of revenue prior to the date provided on the notice of vehicle registration suspension,

the director shall suspend the vehicle's registration, effective immediately, and refer the case to the appropriate prosecuting attorney. If an agreement by the vehicle owner to participate in the diversion option is received by the department of revenue prior to the effective date provided on the notice of vehicle registration suspension, then upon payment of a diversion participation fee not to exceed two hundred dollars, agreement to secure proof of financial responsibility within the time provided on the notice of suspension, and agreement that such financial responsibility shall be maintained for a minimum of two years, no points shall be assessed to the vehicle owner's driver's license under section 302.302 and the department of revenue shall not take further action against the vehicle owner under sections 303.420 to 303.440, subject to compliance with the terms of the pretrial diversion option. The department of revenue shall suspend the vehicle registration of, and shall refer the case to the appropriate prosecuting attorney for prosecution of, participating vehicle owners who violate the terms of the pretrial diversion option. If a request for hearing is received by the department of revenue prior to the effective date provided on the notice of vehicle registration suspension, then for all purposes other than eligibility for participation in the diversion option, the effective date of the suspension shall be stayed until a final order is issued following the hearing. The department of revenue shall suspend the registration of vehicles determined under the final order to have violated the motor vehicle financial responsibility law, and shall refer the case to the appropriate prosecuting attorney for prosecution. Notices under this subsection shall be mailed to the vehicle owner at the last known address shown on the department of revenue's records. The department of revenue or its third-party vendor shall issue receipts for the collection of diversion participation fees. Except as otherwise provided in subsection 1 of this section, all such fees shall be deposited into the motor vehicle financial responsibility verification and enforcement fund established in section 303.422. A vehicle owner whose registration has been suspended under sections 303.420 to 303.440 may obtain reinstatement of the registration upon providing proof of financial responsibility and payment to the department of revenue of a nonrefundable reinstatement fee equal to the fee that would be applicable under subsection 2 of section 303.042 if the registration had been suspended under section 303.041.

8. Data collected or retained under the program shall not be used by any entity for purposes other than enforcement of the motor vehicle financial responsibility law. Data collected and stored by law enforcement under the program shall be considered evidence if noncompliance with the motor vehicle financial responsibility law is confirmed. The evidence, and an affidavit stating that the evidence and system have identified a particular vehicle as being in violation of the motor vehicle financial responsibility law, shall constitute probable cause for prosecution and shall be forwarded in accordance with subsection 7 of this section to the appropriate prosecuting attorney.

9. Owners of vehicles identified under the program as being in violation of the motor vehicle financial responsibility law shall be provided with options for disputing such claims which do not require appearance at any state or local court of law, or administrative facility. Any person who presents timely proof that he or she was in compliance with the motor vehicle financial responsibility law at the time of the alleged violation shall be entitled to dismissal of the charge with no assessment of fees or fines. Proof provided by a vehicle owner to the department of revenue that the vehicle was in compliance at the time of the suspected violation of the motor vehicle financial responsibility law shall be recorded in the system established by the department of revenue under section 303.430.

10. The collection of data pursuant to this section shall be done in a manner that prohibits any bias towards a specific community, race, gender, or socioeconomic status of vehicle owner.

11. Law enforcement agencies, third-party vendors, or other entities authorized to operate under the program shall not sell data collected or retained under the program for any purpose or share it for any purpose not expressly authorized in this section. All data shall be secured and any third-party vendor or other entity authorized to operate under the program may be liable for any data security breach.

12. The department of revenue shall not take action under sections 303.420 to 303.440 against vehicles registered as fleet vehicles under section 301.032, or against vehicles known to the department of revenue to be insured under a policy of commercial auto coverage, as such term is defined in subdivision (10) of subsection 2 of section 303.430.

13. Following one year after the implementation of the program, and every year thereafter, the department of revenue shall provide a report to the president pro tempore of the senate, the speaker of the house of representatives, the chairs of the house and senate committees with jurisdictions over insurance or transportation matters, and the chairs of the house budget and senate appropriations committees. The report shall include an evaluation of program operations, information as to the costs of the program incurred by the department of revenue, insurers, and the public, information as to the effectiveness of the program in reducing the number of uninsured motor vehicles, and anonymized demographic information including the race and zip code of vehicle owners identified under the program as being in violation of the motor vehicle financial responsibility law, and may include any additional information and recommendations for improvement of the program deemed appropriate by the department of revenue. The department of revenue may, by rule, require the state, counties, and municipalities to provide information in order to complete the report.

14. 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, 2023, shall be invalid and void.

303.430. 1. The department of revenue shall establish and maintain a web-based system for the verification of motor vehicle financial responsibility, shall provide access to insurance reporting data and vehicle registration and financial responsibility data, and shall require motor vehicle insurers to establish functionality for the verification system, as provided in sections 303.420 to 303.440. The verification system, including any exceptions as provided for in sections 303.420 to 303.440 or in the implementation guide developed to support the program, shall supersede any existing verification system, and shall be the sole system used for the purpose of verifying financial responsibility required under this chapter.

2. The system established pursuant to subsection 1 of this section shall be subject to the following:

(1) The verification system shall transmit requests to insurers for verification of motor vehicle insurance coverage via web services established by the insurers through the internet in compliance with the specifications and standards of the Insurance Industry Committee on Motor Vehicle Administration, or "IICMVA". Insurance company systems shall respond to each request with a prescribed response upon evaluation of the data provided in the request. The system shall include appropriate protections to secure its data against unauthorized access, and the department of revenue shall maintain a historical record of the system data for a period of no more than twelve months from the date of all requests and responses. The system shall be used for verification of the financial responsibility required under this chapter. The system shall be accessible to authorized personnel of the department of revenue, the courts, law enforcement personnel, and other entities authorized by the state as permitted by state or federal privacy laws, and it shall be interfaced, wherever appropriate, with existing state systems. The system shall include information enabling the department of revenue to submit inquiries to insurers regarding motor vehicle insurance which are consistent with insurance industry and IICMVA recommendations, specifications, and standards by using the following data elements for greater matching accuracy: insurer National Association of Insurance Commissioners, or "NAIC", company code; vehicle identification number; policy number; verification date; or as otherwise described in the specifications and standards of the IICMVA. The department of revenue shall promulgate rules to offer insurers who insure one thousand or fewer vehicles within this state an alternative method for verifying motor vehicle insurance coverage in lieu of web services, and to provide for the verification of financial responsibility when financial responsibility is proven to the department to be maintained by means other than a policy of motor vehicle insurance. Insurers shall not be required to verify insurance coverage for vehicles registered in other jurisdictions;

(2) The verification system shall respond to each request within a time period established by the department of revenue. An insurer's system shall respond within the time period prescribed by the IICMVA's specifications and standards. Insurer systems shall be permitted reasonable system downtime for maintenance and other work with advance notice to the department of revenue. Insurers shall not be subject to enforcement fees or other sanctions under such circumstances, or when systems are not available because of emergency, outside attack, or other unexpected outages not planned by the insurer and reasonably outside its control;

(3) The system shall assist in identifying violations of the motor vehicle financial responsibility law in the most effective way possible. Responses to individual insurance verification requests shall have no bearing on whether insurance coverage is determined to be in force at the time of a claim. Claims shall be individually investigated to determine the existence of coverage. Nothing in sections 303.420 to 303.440 shall prohibit the department of revenue from contracting with a third-party vendor or vendors who have successfully implemented similar systems in other states to assist in establishing and maintaining this verification system;

(4) The department of revenue shall consult with representatives of the insurance industry and may consult with third-party vendors to determine the objectives, details, and deadlines related to the system by establishment of an advisory council. The advisory council shall consist of voting members comprised of:

(a) The director of the department of commerce and insurance, or his or her designee, who shall serve as chair;

(b) Two representatives of the department of revenue, to be appointed by the director of the department of revenue;

(c) One representative of the department of commerce and insurance, to be appointed by the director of the department of commerce and insurance;

(d) Three representatives of insurance companies, to be appointed by the director of the department of commerce and insurance;

(e) One representative from the Missouri Insurance Coalition;

(f) One representative chosen by the National Association of Mutual Insurance Companies;

(g) One representative chosen by the American Property and Casualty Insurance Association;

(h) One representative chosen by the Missouri Independent Agents Association; and

(i) Such other representatives as may be appointed by the director of the department of commerce and insurance;

(5) The department of revenue shall publish for comment, and then issue, a detailed implementation guide for its online verification system;

(6) The department of revenue and its third-party vendors, if any, shall each maintain a contact person for insurers during the establishment, implementation, and operation of the system;

(7) If the department of revenue has reason to believe a vehicle owner does not maintain financial responsibility as required under this chapter, it may also request an insurer to verify the existence of such financial responsibility in a form approved by the department of revenue. In addition, insurers shall cooperate with the department of revenue in establishing and maintaining the verification system established under this section, and shall provide motor vehicle insurance policy status information as provided in the rules promulgated by the department of revenue;

(8) Every property and casualty insurance company licensed to issue motor vehicle insurance or authorized to do business in this state shall comply with sections 303.420 to 303.440, and corresponding rules promulgated by the department of revenue, for the verification of such insurance for every vehicle insured by that company in this state;

(9) Insurers shall maintain a historical record of insurance data for a minimum period of six months from the date of policy inception or policy change for the purpose of historical verification inquiries;

(10) For the purposes of this section, "commercial auto coverage" shall mean any coverage provided to an insured, regardless of number of vehicles or entities covered, under a commercial coverage form and rated from a commercial manual approved by the department of commerce and insurance. Sections 303.420 to 303.440 shall not apply to vehicles insured under commercial auto coverage; however, insurers of such vehicles may participate on a voluntary basis, and vehicle

owners may provide proof at or subsequent to the time of vehicle registration that a vehicle is insured under commercial auto coverage, which the department of revenue shall record in the system;

(11) Insurers shall provide commercial or fleet automobile customers with evidence reflecting that the vehicle is insured under a commercial or fleet automobile liability policy. Sufficient evidence shall include an insurance identification card clearly marked with a suitable identifier such as "commercial auto insurance identification card", "fleet auto insurance identification card", or other clear identification that the vehicle is insured under a fleet or commercial policy;

(12) Notwithstanding any provision of sections 303.420 to 303.440, insurers shall be immune from civil and administrative liability for good faith efforts to comply with the terms of sections 303.420 to 303.440;

(13) Nothing in this section shall prohibit an insurer from using the services of a third-party vendor for facilitating the verification system required under sections 303.420 to 303.440.

3. The department of revenue shall promulgate rules as necessary for the implementation of sections 303.420 to 303.440. 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.

303.440. The verification system established under section 303.430 shall be installed and fully operational on January 1, 2025, following an appropriate testing or pilot period of not less than nine months. Until the successful completion of the testing or pilot period in the judgment of the director of the department of revenue, no enforcement action shall be taken based on the system, including but not limited to action taken under the program established under section 303.425."; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House Conferees are allowed to exceed the differences on **HCS** for **SS** for **SB 222**, as amended, in Sections 29.005, 29.225, 29.235 and 610.021.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SB 139**, with HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7, HA 1 to HA 8, HA 8, as amended, HA 9, HA 1 to HA 11, HA 2 to HA 11, HA 11, as amended, HA 1 to HA 12, HA 12, as amended, HA 1 to HA 13, HA 2 to HA 13, HA 13, as amended,

HA 14, HA 15, and HA 16 and taken up and passed **CCS** for **SS** for **SB 139** with HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7, HA 1 to HA 8, HA 8, as amended, HA 9, HA 1 to HA 11, HA 2 to HA 11, HA 11, as amended, HA 1 to HA 12, HA 12, as amended, HA 1 to HA 13, HA 2 to HA 13, HA 13, as amended, HA 14, HA 15, and HA 16.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 187**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 47**, as amended, and grants the Senate a conference thereon.

Also,

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

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 187**, as amended. Representatives: Owen, O'Donnell, Thompson, Clemens, Butz.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 47**, as amended. Representatives: Riley, Perkins, Hicks, Lavender, Bland Manlove.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SBs 189**, **36**, and **37** with HA 1 to HA 1, HA 1, as amended, and HSA 1 for HA 2.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 189, 36 & 37, Page 6, Lines 14-30, by deleting said lines from the amendment; and

Further amend said amendment, Page 13, Lines 31-42, and Page 14, Line 1, by deleting said lines and inserting in lieu thereof the following:

"**307.018. 1. Notwithstanding any other provision of law, no court shall issue a warrant of arrest for a person's failure to respond, pay the fine assessed, or appear in court with respect to a traffic citation issued for an infraction under the provisions of this chapter. In lieu of such warrant of arrest, the court shall issue a notice of failure to respond, pay the fine assessed, or appear, and the court shall schedule a second court date for the person to respond, pay the fine assessed, or appear. A copy of the court's notice with the new court date shall be sent to the driver of the vehicle. If the driver fails to respond, pay the fine assessed, or appear on the second court date, the court shall issue a second notice of failure to respond, pay the fine assessed, or appear. If the driver fails to respond, pay the fine assessed, or appear after the second notice, the court may issue a default judgment under section 556.021 for the infraction.**

2. At any point after the default judgment has been entered, the driver may appear in court to state that he or she is unable to pay and to request the court to modify the judgment. The court shall hold a hearing to determine whether the driver has the ability to pay. If the court finds the driver lacks the present ability to pay, the court shall modify the judgment in any way authorized by statute or court rule, including:

(1) Allowing for payment of the fine on an installment basis;

(2) Waiving or reducing the amount owed; or

(3) Requiring the driver to perform community service or attend a court-ordered program in lieu of payment.

3. At any point after the default judgment has been entered, the driver may appear in court and show proof that he or she corrected the equipment violation for which the fine and costs were assessed. If the driver shows such proof, the court may waive the fines and costs that are due."; and

Further amend said amendment, Page 31, Line 30, by inserting after said line the following:

"Further amend said bill, Page 53, Section 578.022, Line 6, by inserting after said section and line the following:

"**579.021. 1. A person commits the offense of delivery of a controlled substance causing serious physical injury, as defined in section 556.061, if a person delivers or distributes a controlled substance under section 579.020 knowing such substance is mixed with another controlled substance and serious physical injury results from the use of such controlled substance.**

2. It shall not be a defense that the user contributed to the user's own serious physical injury by using the controlled substance or consenting to the administration of the controlled substance by another.

3. The offense of delivery of a controlled substance causing serious physical injury is a class C felony.

4. For purposes of this section, "controlled substance" means a Schedule I or Schedule II controlled substance, as defined in section 195.017.

579.022. 1. A person commits the offense of delivery of a controlled substance causing death if a person delivers or distributes a controlled substance under section 579.020 knowing such substance is mixed with another controlled substance and a death results from the use of such controlled substance.

2. It shall not be a defense that the user contributed to the user's own death by using the controlled substance or consenting to the administration of the controlled substance by another.

3. The offense of delivery of a controlled substance causing death is a class A felony.

4. For purposes of this section, "controlled substance" means a Schedule I or Schedule II controlled substance, as defined in section 195.017."; and"; and

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

HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 189, 36 & 37, Pages 1-2, Section 43.504, Lines 1-25, by deleting said section and lines from the bill; and

Further amend said bill, Pages 2-3, Section 43.507, Lines 1-31, by deleting said lines and inserting in lieu thereof the following:

"67.145. 1. No political subdivision of this state shall prohibit any first responder from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

2. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, **telecommunicator first responders,** police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, mobile emergency medical technicians, emergency medical technician-paramedics, registered nurses, or physicians.

70.631. 1. Each political subdivision may, by majority vote of its governing body, elect to cover **[**emergency telecommunicators**]** **telecommunicator first responders**, jailors, and emergency medical service personnel as public safety personnel members of the system. The clerk or secretary of the political subdivision shall certify an election concerning the coverage of **[**emergency telecommunicators**]** **telecommunicator first responders**, jailors, and emergency medical service personnel as public safety personnel members of the system to the board within ten days after such vote. The date in which the political subdivision's election becomes effective shall be the first day of the calendar month specified by such governing body, the first day of the calendar month next following receipt by the board of the certification of the election, or the effective date of the political subdivision's becoming an employer, whichever is the latest date. Such election shall not be changed after the effective date. If the election is made, the coverage provisions shall be applicable to all past and future employment with the employer by present and future employees. If a political subdivision makes no election under this section, no **[**emergency**]** telecommunicator **first responder**, jailor, or emergency medical service personnel of the

political subdivision shall be considered public safety personnel for purposes determining a minimum service retirement age as defined in section 70.600.

2. If an employer elects to cover **[**emergency telecommunicators**]** **telecommunicator first responders**, jailors, and emergency medical service personnel as public safety personnel members of the system, the employer's contributions shall be correspondingly changed effective the same date as the effective date of the political subdivision's election.

3. The limitation on increases in an employer's contributions provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer making an election under the provisions of this section.

84.344. 1. Notwithstanding any provisions of this chapter to the contrary, any city not within a county may establish a municipal police force on or after July 1, 2013, according to the procedures and requirements of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance of the police force and provide for an equitable employment transition for commissioned and civilian personnel.

2. Upon the establishment of a municipal police force by a city under sections 84.343 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to the city title and ownership of all indebtedness and assets, including, but not limited to, all funds and real and personal property held in the name of or controlled by the board of police commissioners created under sections 84.010 to 84.340. The board of police commissioners shall execute all documents reasonably required to accomplish such transfer of ownership and obligations.

3. If the city establishes a municipal police force and completes the transfer described in subsection 2 of this section, the city shall provide the necessary funds for the maintenance of the municipal police force.

4. Before a city not within a county may establish a municipal police force under this section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners subject to the provisions of subsection 2 of section 84.345.

5. A city not within a county that establishes a municipal police force shall initially employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the board of police commissioners created under sections 84.010 to 84.340 that were employed by the board immediately prior to the date the municipal police force was established. Such commissioned personnel who previously were employed by the board may only be involuntarily terminated by the city not within a county for cause. The city shall also recognize all accrued years of service that such commissioned and civilian personnel had with the board of police commissioners. Such personnel shall be entitled to the same holidays, vacation, and sick leave they were entitled to as employees of the board of police commissioners.

6. **[**(1)**]** Commissioned and civilian personnel of a municipal police force established under this section **[**who are hired prior to September 1, 2023,**]** shall not be subject to a residency requirement of retaining a primary residence in a city not within a county but may be required to maintain a primary residence located within a one-hour response time.

[(2)Commissioned and civilian personnel of a municipal police force established under this section who are hired after August 31, 2023, may be subject to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing the personnel to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time. **]**

7. The commissioned and civilian personnel who retire from service with the board of police commissioners before the establishment of a municipal police force under subsection 1 of this section shall continue to be entitled to the same pension benefits provided under chapter 86 and the same benefits set forth in subsection 5 of this section.

8. If the city not within a county elects to establish a municipal police force under this section, the city shall establish a separate division for the operation of its municipal police force. The civil service commission of the city may adopt rules and regulations appropriate for the unique operation of a police department. Such rules and regulations shall reserve exclusive authority over the disciplinary process and procedures affecting commissioned officers to the civil service commission; however, until such time as the city adopts such rules and regulations, the commissioned personnel shall continue to be governed by the board of police commissioner's rules and regulations in effect immediately prior to the establishment of the municipal police force, with the police chief acting in place of the board of police commissioners for purposes of applying the rules and regulations. Unless otherwise provided for, existing civil service commission rules and regulations governing the appeal of disciplinary decisions to the civil service commission shall apply to all commissioned and civilian personnel. The civil service commission's rules and regulations shall provide that records prepared for disciplinary purposes shall be confidential, closed records available solely to the civil service commission and those who possess authority to conduct investigations regarding disciplinary matters pursuant to the civil service commission's rules and regulations. A hearing officer shall be appointed by the civil service commission to hear any such appeals that involve discipline resulting in a suspension of greater than fifteen days, demotion, or termination, but the civil service commission shall make the final findings of fact, conclusions of law, and decision which shall be subject to any right of appeal under chapter 536.

9. A city not within a county that establishes and maintains a municipal police force under this section:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical, and disability coverage for commissioned and civilian personnel of the municipal police force to the same extent as was provided by the board of police commissioners under section 84.160;

(2) Shall provide or contract for medical and life insurance coverage for any commissioned or civilian personnel who retired from service with the board of police commissioners or who were employed by the board of police commissioners and retire from the municipal police force of a city not within a county to the same extent such medical and life insurance coverage was provided by the board of police commissioners under section 84.160;

(3) Shall make available medical and life insurance coverage for purchase to the spouses or dependents of commissioned and civilian personnel who retire from service with the board of police commissioners or the municipal police force and deceased commissioned and civilian personnel who receive pension benefits under sections 86.200 to 86.366 at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living; and

(4) May pay an additional shift differential compensation to commissioned and civilian personnel for evening and night tours of duty in an amount not to exceed ten percent of the officer's base hourly rate.

10. A city not within a county that establishes a municipal police force under sections 84.343 to 84.346 shall establish a transition committee of five members for the purpose of: coordinating and implementing the transition of authority, operations, assets, and obligations from the board of police commissioners to the city; winding down the affairs of the board; making nonbinding recommendations for the transition of the police force from the board to the city; and other related duties, if any, established by executive order of the city's mayor. Once the ordinance referenced in this section is enacted, the city shall provide written notice to the board of police commissioners and the governor of the state of Missouri. Within thirty days of such notice, the mayor shall appoint three members to the committee, two of whom shall be members of a statewide law enforcement association that represents at least five thousand law enforcement officers. The remaining members of the committee shall include the police chief of the municipal police force and a person who currently or previously served as a commissioner on the board of police commissioners, who shall be appointed to the committee by the mayor of such city.

84.480. The board of police commissioners shall appoint a chief of police who shall be the chief police administrative and law enforcement officer of such cities. The chief of police shall be chosen by the board solely on the basis of his or her executive and administrative qualifications and his or her demonstrated knowledge of police science and administration with special reference to his or her actual experience in law enforcement leadership and the provisions of section 84.420. At the time of the appointment, the chief shall **[**not be more than sixty years of age, shall**]** have had at least five years' executive experience in a governmental police agency and shall be certified by a surgeon or physician to be in a good physical condition, and shall be a citizen of the United States and shall either be or become a citizen of the state of Missouri and resident of the city in which he or she is appointed as chief of police. In order to secure and retain the highest type of police leadership within the departments of such cities, the chief shall receive a salary of not less than eighty thousand two hundred eleven dollars, nor more than **[**one hundred eighty-nine thousand seven hundred twenty-six dollars per annum**] a maximum salary amount established by the board by resolution**.

84.510. 1. For the purpose of operation of the police department herein created, the chief of police, with the approval of the board, shall appoint such number of police department employees, including police officers and civilian employees as the chief of police from time to time deems necessary.

2. The base annual compensation of police officers shall be as follows for the several ranks:

(1) Lieutenant colonels, not to exceed five in number, at not less than seventy-one thousand nine hundred sixty-nine dollars**[**, nor more than one hundred forty-six thousand one hundred twenty-four dollars per annum each**]**;

(2) Majors at not less than sixty-four thousand six hundred seventy-one dollars**[**, nor more than one hundred thirty-three thousand three hundred twenty dollars per annum each**]**;

(3) Captains at not less than fifty-nine thousand five hundred thirty-nine dollars**[**, nor more than one hundred twenty-one thousand six hundred eight dollars per annum each**]**;

(4) Sergeants at not less than forty-eight thousand six hundred fifty-nine dollars**[**, nor more than one hundred six thousand five hundred sixty dollars per annum each**]**;

(5) Master patrol officers at not less than fifty-six thousand three hundred four dollars**[**, nor more than ninety-four thousand three hundred thirty-two dollars per annum each**]**;

(6) Master detectives at not less than fifty-six thousand three hundred four dollars**[**, nor more than ninety-four thousand three hundred thirty-two dollars per annum each**]**;

(7) Detectives, investigators, and police officers at not less than twenty-six thousand six hundred forty-three dollars**[**, nor more than eighty-seven thousand six hundred thirty-six dollars per annum each**]**.

3. The board of police commissioners has the authority by resolution to effect a comprehensive pay schedule program to provide for step increases with separate pay rates within each rank, **[**in**]** **using** the above-specified salary **minimums as a base for such** ranges from police officers through chief of police.

4. Officers assigned to wear civilian clothes in the performance of their regular duties may receive an additional one hundred fifty dollars per month clothing allowance. Uniformed officers may receive seventy-five dollars per month uniform maintenance allowance.

5. The chief of police, subject to the approval of the board, shall establish the total regular working hours for all police department employees, and the board has the power, upon recommendation of the chief, to pay additional compensation for all hours of service rendered in excess of the established regular working period, but the rate of overtime compensation shall not exceed one and one-half times the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given nor deductions made from payments for overtime for the purpose of retirement benefits.

6. The board of police commissioners, by majority affirmative vote, including the mayor, has the authority by resolution to authorize incentive pay in addition to the base compensation as provided for in subsection 2 of this section, to be paid police officers of any rank who they determine are assigned duties which require an extraordinary degree of skill, technical knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

7. The board of police commissioners may effect programs to provide additional compensation for successful completion of academic work at an accredited college or university. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

8. The additional pay increments provided in subsections 6 and 7 of this section shall not be considered a part of the base compensation of police officers of any rank and shall not exceed ten percent of what the officer would otherwise be entitled to pursuant to subsections 2 and 3 of this section.

[9.Not more than twenty-five percent of the officers in any rank who are receiving the maximum rate of pay authorized by subsections 2 and 3 of this section may receive the additional pay increments authorized by subsections 6 and 7 of this section at any given time. However, any officer receiving a pay increment provided pursuant to the provisions of subsections 6 and 7 of this section shall not be deprived of such pay increment as a result of the limitations of this subsection. **]**

106.270. 1. If any official against whom a proceeding has been filed, as provided for in sections 106.220 to 106.290, shall be found guilty of failing personally to devote his **or her** time to the performance of the duties of such office, or of any willful, corrupt or fraudulent violation or neglect of official duty, or of knowingly or willfully failing or refusing to do or perform any official act or duty which by law it is

made his **or her** duty to do or perform with respect to the execution or enforcement of the criminal laws of the state, the court shall render judgment removing him **or her** from such office, and he **or she** shall not be **[**elected or**]** appointed to fill the vacancy thereby created, but the **[**same**] vacancy** shall be filled as provided by law for filling vacancies **[**in other cases**] in any state or county office**. All actions and proceedings under sections 106.220 to 106.290 shall be in the nature of civil actions, and tried as such.

2. Nothing in this section shall be construed to authorize the removal or discharge of any chief, as that term is defined in section 106.273.

3. Any official removed from his or her office as provided for in sections 106.220 to 106.290 shall not be elected or appointed to the office from which he or she was removed. Any official against whom a proceeding has been filed, as provided for in sections 106.220 to 106.290, and who resigns before the final disposition of the proceeding shall not be elected or appointed to the office from which he or she resigned.

170.310. 1. For school year 2017-18 and each school year thereafter, upon graduation from high school, pupils in public schools and charter schools shall have received thirty minutes of cardiopulmonary resuscitation instruction and training in the proper performance of the Heimlich maneuver or other first aid for choking given any time during a pupil's four years of high school.

2. Beginning in school year 2017-18, any public school or charter school serving grades nine through twelve shall provide enrolled students instruction in cardiopulmonary resuscitation. Students with disabilities may participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. Instruction shall be included in the district's existing health or physical education curriculum. Instruction shall be based on a program established by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines, and psychomotor skills development shall be incorporated into the instruction. For purposes of this section, "psychomotor skills" means the use of hands-on practicing and skills testing to support cognitive learning.

3. The teacher of the cardiopulmonary resuscitation course or unit shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in certification of students. Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing. **For purposes of this subsection, "first responders" shall include telecommunicator first responders as defined in section 650.320.**

4. The department of elementary and secondary education may promulgate rules to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

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

(1) "Bioterrorism", the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance, or biological product to cause death, disease, or other biological malfunction in a human, an animal, a plant, or any other living organism to influence the conduct of government or to intimidate or coerce a civilian population;

(2) "Department", the Missouri department of health and senior services;

(3) "Director", the director of the department of health and senior services;

(4) "Disaster locations", any geographical location where a bioterrorism attack, terrorist attack, catastrophic or natural disaster, or emergency occurs;

(5) "First responders", state and local law enforcement personnel, **telecommunicator first responders,** fire department personnel, and emergency medical personnel who will be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and emergencies**;**

(6) "Missouri state highway patrol telecommunicator", any authorized Missouri state highway patrol communications division personnel whose primary responsibility includes directly responding to emergency communications and who meet the training requirements pursuant to section 650.340.

2. The department shall offer a vaccination program for first responders **and Missouri state highway patrol telecommunicators** who may be exposed to infectious diseases when deployed to disaster locations as a result of a bioterrorism event or a suspected bioterrorism event. The vaccinations shall include, but are not limited to, smallpox, anthrax, and other vaccinations when recommended by the federal Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices.

3. Participation in the vaccination program shall be voluntary by the first responders **and Missouri state highway patrol telecommunicators**, except for first responders **or Missouri state highway patrol telecommunicators** who, as determined by their employer, cannot safely perform emergency responsibilities when responding to a bioterrorism event or suspected bioterrorism event without being vaccinated. The recommendations of the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices shall be followed when providing appropriate screening for contraindications to vaccination for first responders **and Missouri state highway patrol telecommunicators**. A first responder **and Missouri state highway patrol telecommunicator** shall be exempt from vaccinations when a written statement from a licensed physician is presented to their employer indicating that a vaccine is medically contraindicated for such person.

4. If a shortage of the vaccines referred to in subsection 2 of this section exists following a bioterrorism event or suspected bioterrorism event, the director, in consultation with the governor and the federal Centers for Disease Control and Prevention, shall give priority for such vaccinations to persons exposed to the disease and to first responders **or Missouri state highway patrol telecommunicators** who are deployed to the disaster location.

5. The department shall notify first responders **and Missouri state highway patrol telecommunicators** concerning the availability of the vaccination program described in subsection 2 of

this section and shall provide education to such first responders**, [**and**]** their employers**, and Missouri state highway patrol telecommunicators** concerning the vaccinations offered and the associated diseases.

6. The department may contract for the administration of the vaccination program described in subsection 2 of this section with health care providers, including but not limited to local public health agencies, hospitals, federally qualified health centers, and physicians.

7. The provisions of this section shall become effective upon receipt of federal funding or federal grants which designate that the funding is required to implement vaccinations for first responders **and Missouri state highway patrol telecommunicators** in accordance with the recommendations of the federal Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices. Upon receipt of such funding, the department shall make available the vaccines to first responders **and Missouri state highway patrol telecommunicators** as provided in this section.

190.1010. 1. As used in this section, the following terms shall mean:

(1) "Employee", a first responder employed by an employer;

(2) "Employer", the state, a unit of local government, or a public hospital or ambulance service that employs first responders;

(3) "First responder", a 911 dispatcher, paramedic, emergency medical technician, or a volunteer or full-time paid firefighter;

(4) "Peer support advisor", a person approved by the employer who voluntarily provides confidential support and assistance to employees experiencing personal or professional problems. An employer shall provide peer support advisors with an appropriate level of training in counseling to provide emotional and moral support;

(5) "Peer support counseling program", a program established by an employer to train employees to serve as peer support advisors in order to conduct peer support counseling sessions;

(6) "Peer support counseling session", communication with a peer support advisor designated by an employer. A peer support counseling session is accomplished primarily through listening, assessing, assisting with problem solving, making referrals to a professional when necessary, and conducting follow-up as needed;

(7) "Record", any record kept by a therapist or by an agency in the course of providing behavioral health care to a first responder concerning the first responder and the services provided. "Record" includes the personal notes of the therapist or agency, as well as all records maintained by a court that have been created in connection with, in preparation for, or as a result of the filing of any petition. "Record" does not include information that has been de-identified in accordance with the federal Health Insurance Portability and Accountability Act (HIPAA) and does not include a reference to the receipt of behavioral health care noted during a patient history and physical or other summary of care.

2. (1) Any communication made by an employee or peer support advisor in a peer support counseling session, as well as any oral or written information conveyed in the peer support

counseling session, shall be confidential and shall not be disclosed by any person participating in the peer support counseling session or released to any person or entity. Any communication relating to a peer support counseling session made confidential under this section that is made between peer support advisors and the supervisors or staff of a peer support counseling program, or between the supervisor and staff of a peer support counseling program, shall be confidential and shall not be disclosed. The provisions of this section shall not be construed to prohibit any communications between counselors who conduct peer support counseling sessions or any communications between counselors and the supervisors or staff of a peer support counseling program.

(2) Any communication described in subdivision (1) of this subsection may be subject to a subpoena for good cause shown.

(3) The provisions of this subsection shall not apply to the following:

(a) Any threat of suicide or homicide made by a participant in a peer support counseling session or any information conveyed in a peer support counseling session related to a threat of suicide or homicide;

(b) Any information mandated by law or agency policy to be reported, including, but not limited to, domestic violence, child abuse or neglect, or elder abuse or neglect;

(c) Any admission of criminal conduct; or

(d) Any admission or act of refusal to perform duties to protect others or the employee.

(4) All communications, notes, records, and reports arising out of a peer support counseling session shall not be considered public records subject to disclosure under chapter 610.

(5) A department or organization that establishes a peer support counseling program shall develop a policy or rule that imposes disciplinary measures against a peer support advisor who violates the confidentiality of the peer support counseling program by sharing information learned in a peer support counseling session with personnel who are not supervisors or staff of the peer support counseling program unless otherwise exempted under the provisions of this subsection.

3. Any employer that creates a peer support counseling program shall be subject to the provisions of this section. An employer shall ensure that peer support advisors receive appropriate training in counseling to conduct peer support counseling sessions. An employer may refer any person to a peer support advisor within the employer's organization or, if those services are not available with the employer, to another peer support counseling program that is available and approved by the employer. Notwithstanding any other provision of law to the contrary, an employer shall not mandate that any employee participate in a peer support counseling program."; and

Further amend said bill, Page 18, Section 217.690, Line 161, by inserting after said section and line the following:

"285.040. 1. As used in this section, "public safety employee" shall mean a person trained or authorized by law or rule to render emergency medical assistance or treatment, including, but not limited to, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, emergency medical technician paramedics, dispatchers, registered nurses, physicians, and sheriffs and deputy sheriffs.

2. No public safety employee **or any other employee** of a city not within a county **[**who is hired prior to September 1, 2023,**]** shall be subject to a residency requirement of retaining a primary residence in a city not within a county but may be required to maintain a primary residence located within a one-hour response time.

[3.Public safety employees of a city not within a county who are hired after August 31, 2023, may be subject to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing the public safety employee to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time. **]**

287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury or death by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of producing occupational deafness.

5. "Radiation disability" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590 if a direct causal relationship is established, or psychological stress of

firefighters of a paid fire department or paid peace officers of a police department who are certified under chapter 590 if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease.

9. (1) (a) Posttraumatic stress disorder (PTSD), as described in the Diagnostic and Statistical Manual of Mental Health Disorders, Fifth Edition, published by the American Psychiatric Association, (DSM-5) is recognized as a compensable occupational disease for purposes of this chapter when diagnosed in a first responder, as that term is defined under section 67.145.

(b) Benefits payable to a first responder under this section shall not require a physical injury to the first responder, and are not subject to any preexisting PTSD.

(c) Benefits payable to a first responder under this section are compensable only if demonstrated by clear and convincing evidence that PTSD has resulted from the course and scope of employment, and the first responder is examined and diagnosed with PTSD by an authorized treating physician, due to the first responder experiencing one of the following qualifying events:

a. Seeing for oneself a deceased minor;

b. Witnessing directly the death of a minor;

c. Witnessing directly the injury to a minor who subsequently died prior to or upon arrival at a hospital emergency department, participating in the physical treatment of, or manually transporting, an injured minor who subsequently died prior to or upon arrival at a hospital emergency department;

d. Seeing for oneself a person who has suffered serious physical injury of a nature that shocks the conscience;

e. Witnessing directly a death, including suicide, due to serious physical injury; or homicide, including murder, mass killings, manslaughter, self-defense, misadventure, and negligence;

f. Witnessing directly an injury that results in death, if the person suffered serious physical injury that shocks the conscience;

g. Participating in the physical treatment of an injury, including attempted suicide, or manually transporting an injured person who suffered serious physical injury, if the injured person subsequently died prior to or upon arrival at a hospital emergency department; or

h. Involvement in an event that caused or may have caused serious injury or harm to the first responder or had the potential to cause the death of the first responder, whether accidental or by an intentional act of another individual.

(2) The time for notice of injury or death in cases of compensable PTSD under this section is measured from exposure to one of the qualifying stressors listed in the DSM-5 criteria, or the diagnosis of the disorder, whichever is later. Any claim for compensation for such injury shall be properly noticed within fifty-two weeks after the qualifying exposure, or the diagnosis of the disorder, whichever is later.

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

(1) "Association", volunteer fire protection associations as defined in section 320.300;

(2) "State fire marshal", the state fire marshal selected under the provisions of sections 320.200 to 320.270;

(3) "Volunteer firefighter", the same meaning as in section 287.243;

(4) "Voluntary **[**firefighter cancer**] critical illness** benefits pool" or "pool", the same meaning as in section 320.400.

2. (1) Any association may apply to the state fire marshal for a grant for the purpose of funding such association's costs related to workers' compensation insurance premiums for volunteer firefighters.

(2) Any voluntary **[**firefighter cancer**] critical illness** benefits pool may apply to the state fire marshal for a grant for the **[**purpose of establishing a**]** voluntary **[**firefighter cancer**] critical illness** benefits pool. **[**This subdivision shall expire June 30, 2023.**]**

3. Subject to appropriations, the state fire marshal may disburse grants to any applying volunteer fire protection association subject to the following schedule:

(1) Associations which had zero to five volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for two thousand dollars in grant money;

(2) Associations which had six to ten volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand five hundred dollars in grant money;

(3) Associations which had eleven to fifteen volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand dollars in grant money;

(4) Associations which had sixteen to twenty volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for five hundred dollars in grant money.

4. Grant money disbursed under this section shall only be used for the purpose of paying for the workers' compensation insurance premiums of volunteer firefighters or **[**establishing**]** **for the benefit of** a voluntary **[**firefighter cancer**]** **critical illness** benefits pool.

307.018. Notwithstanding any other provision of law, no court shall issue a warrant of arrest for a person's failure to respond, pay the fine assessed, or appear in court with respect to a traffic citation issued for an infraction under the provisions of this chapter. In lieu of such warrant of arrest, the court shall issue a notice of failure to respond, pay the fine assessed, or appear, and the court shall schedule a second court date for the person to respond, pay the fine assessed, or appear. A copy of the court's notice with the new court date shall be sent to the driver of the vehicle. If the driver fails to respond, pay the fine assessed, or appear on the second court date, the court shall issue a second notice of failure to respond, pay the fine assessed, or appear. A copy of the court's second notice shall be sent to the driver of the vehicle and to the director of the department of revenue. Upon application by the driver for a driver's license or driver's license renewal, the department shall deny the application until all delinquent fines and fees in connection with the traffic offense have been satisfied. Upon satisfaction of the delinquent fines and fees, the department shall issue a driver's license to the driver provided such person is otherwise eligible for such license or renewal.

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

(1) "Covered individual", a **[**firefighter**]** **first responder** who:

(a) Is a paid employee or is a volunteer **[**firefighter as defined in section 320.333**]**;

(b) Has been assigned to at least five years of hazardous duty as a **[**firefighter**]** **paid employee or volunteer**;

(c) Was exposed to **[**an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer-causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Health Care Policy and Research, the American Society for Clinical Oncology, the National Institute for Occupational Safety and Health, or the United States National Cancer Institute**]** **or diagnosed with a critical illness type**;

(d) Was last assigned to hazardous duty **[**as a firefighter**]** within the previous fifteen years; and

(e) **In the case of a diagnosis of cancer,** is not seventy years of age or older at the time of the diagnosis of cancer;

(2) **"Critical illness", one of the following:**

(a) In the case of a cancer claim, exposure to an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer-causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Healthcare Research and Quality, the American Society of Clinical Oncology, the National Institute for Occupational Safety and Health, or the United States National Cancer Institute;

(b) In the case of a posttraumatic stress injury claim, such an injury that is diagnosed by a psychiatrist licensed pursuant to chapter 334 or a psychologist licensed pursuant to chapter 337 and established by a preponderance of the evidence to have been caused by the employment conditions of the first responder;

(3) "Dependent", the same meaning as in section 287.240;

[(3)**] (4) "Emergency medical technician-basic", the same meaning as in section 190.100;**

(5) "Emergency medical technician-paramedic", the same meaning as in section 190.100;

(6) "Employer", any political subdivision of the state;

[(4)**] (7) "First responder", a firefighter, emergency medical technician-basic or emergency medical technician-paramedic, or telecommunicator;**

(8) "Posttraumatic stress injury", any psychological or behavioral health injury suffered by and through the employment of an individual due to exposure to stressful and life-threatening situations and rigors of the employment, excluding any posttraumatic stress injuries that may arise solely as a result of a legitimate personnel action by an employer such as a transfer, promotion, demotion, or termination;

(9) "Telecommunicator", the same meaning as in section 650.320;

(10) "Voluntary **[**firefighter cancer**] critical illness** benefits pool" or "pool", an entity described in section 537.620 that is established for the purposes of this section**;**

(11) "Volunteer", a volunteer firefighter, as defined in section 320.333; volunteer emergency medical technician-basic; volunteer emergency medical technician-paramedic; or volunteer telecommunicator.

2. (1) Three or more employers may create a **[**voluntary firefighter cancer benefits**]** pool for the purpose of this section. **Notwithstanding the provisions of sections 537.620 to 537.650 to the contrary, a pool created pursuant to this section may allow covered individuals to join the pool.** An employer **or covered individual** may make contributions into the **[**voluntary firefighter cancer benefits**]** pool established for the purpose of this section. **Any professional organization formed for the purpose, in whole or in part, of representing or providing resources for any covered individual may make contributions to the pool on behalf of any covered individual without the professional organization itself joining the pool.** The contribution levels and award levels shall be set by the board of trustees of the pool.

(2) For **a covered individual or** an employer that chooses to make contributions into the **[**voluntary firefighter cancer benefits**]** pool, the pool shall provide the minimum benefits specified by the board of trustees of the pool to covered individuals, based on the award level of the **[**cancer**] critical illness** at the time of diagnosis, after the employer **or covered individual** becomes a participant.

(3) Benefit levels **for cancer** shall be established by the board of trustees of the pool based on the category and stage of the cancer. **Benefit levels for a posttraumatic stress injury shall be established**

by the board of trustees of the pool. Awards of benefits may be made to the same individual for both cancer and posttraumatic stress injury provided the qualifications for both awards are met.

(4) In addition to **[**an**] a cancer** award pursuant to subdivision (3) of this subsection:

(a) A payment may be made from the pool to a covered individual for the actual award, up to twenty-five thousand dollars, for rehabilitative or vocational training employment services and educational training relating to the cancer diagnosis;

(b) A payment may be made to covered individual of up to ten thousand dollars if the covered individual incurs cosmetic disfigurement costs resulting from cancer.

(5) If the cancer is diagnosed as terminal cancer, the covered individual may receive a lump-sum payment of twenty-five thousand dollars as an accelerated payment toward the benefits due based on the benefit levels established pursuant to subdivision (3) of this subsection.

(6) The covered individual may receive additional awards if the cancer increases in award level, but the amount of any benefit paid earlier for the same cancer may be subtracted from the new award.

(7) If a covered individual dies while owed benefits pursuant to this section, the benefits shall be paid to the dependent or domestic partner, if any, at the time of death. If there is no dependent or domestic partner, the obligation of the pool to pay benefits shall cease.

(8) If a covered individual returns to the same position of employment after a cancer diagnosis, the covered individual may receive benefits in this section for any subsequent new type of covered cancer diagnosis.

(9) The **cancer** benefits payable pursuant to this section shall be reduced by twenty-five percent if a covered individual used a tobacco product within the five years immediately preceding the cancer diagnosis.

(10) A **cancer** claim for benefits from the pool shall be filed no later than two years after the diagnosis of the cancer. The claim for each type of cancer needs to be filed only once to allow the pool to increase the award level pursuant to subdivision (3) of this subsection.

(11) **A payment may be made from the pool to a covered individual for the actual award, up to ten thousand dollars, for seeking treatment with a psychiatrist licensed pursuant to chapter 334 or a psychologist licensed pursuant to chapter 337 and any subsequent courses of treatment recommended by such licensed individuals. If a covered individual returns to the same position of employment after a posttraumatic stress injury diagnosis, the covered individual may receive benefits in this section for the continued treatment of such injury or any subsequently covered posttraumatic stress injury diagnosis.**

(12) For purposes of all other employment policies and benefits that are not workers' compensation benefits payable under chapter 287, health insurance, and any benefits paid pursuant to chapter 208, a covered individual's **[**cancer**] critical illness** diagnosis shall be treated as an on-the-job injury or illness.

3. The board of trustees of **[**the pool**] a pool created pursuant to this section** may:

(1) Create a program description to further define or modify the benefits of this section;

(2) Modify the contribution rates, benefit levels, including the maximum amount, consistent with subdivision (1) of this subsection, and structure of the benefits based on actuarial recommendations and with input from a committee of the pool; and

(3) Set a maximum amount of benefits that may be paid to a covered individual for each **[**cancer**]** **critical illness** diagnosis.

4. The board of trustees of the pool shall be considered a public governmental body and shall be subject to all of the provisions of chapter 610.

5. A pool may accept or apply for any grants or donations from any private or public source.

6. (1) Any pool may apply to the state fire marshal for a grant for the **[**purpose of establishing a voluntary firefighter cancer benefits**]** pool. The state fire marshal shall disburse grants to the pool upon receipt of the application.

(2) The state fire marshal may grant money disbursed under section 287.245 to be used for the purpose of setting up a pool.

[(3)This subsection shall expire on June 30, 2023. **]**

7. (1) This **[**subsection**]** **section** shall not affect any determination as to whether a covered individual's **[**cancer**]** **critical illness** arose out of and in the course of employment and is a compensable injury pursuant to chapter 287. Receipt of benefits from **[**the**]** **a** pool under this section shall not be considered competent evidence or proof by itself of a compensable injury under chapter 287.

(2) Should it be determined that a covered individual's **[**cancer**]** **critical illness** arose out of and in the course of employment and is a compensable injury under chapter 287, the compensation and death benefit provided under chapter 287 shall be reduced one hundred percent by any benefits received from the pool under this section.

(3) The employer in any claim made pursuant to chapter 287 shall be subrogated to the right of the employee or to the dependent or domestic partner to receive benefits from **[**the**]** **a** pool and such employer may recover any amounts which such employee or the dependent or domestic partner would have been entitled to recover from **[**the**]** **a** pool under this section. Any receipt of benefits from the pool under this section shall be treated as an advance payment by the employer, on account of any future installments of benefits payable pursuant to chapter 287.

476.1300. 1. Sections 476.1300 to 476.1310 shall be known and may be cited as the "Judicial Privacy Act".

2. As used in sections 476.1300 to 476.1310, the following terms mean:

(1) "Government agency", all agencies, authorities, boards, commissions, departments, institutions, offices, and any other bodies politic and corporate of the state created by the constitution or statute, whether in the executive, judicial, or legislative branch; all units and corporate outgrowths created by executive order of the governor or any constitutional officer, by the supreme court, or by resolution of the general assembly; agencies, authorities, boards, commissions, departments, institutions, offices, and any other bodies politic and corporate of a

political subdivision, including school districts; and any public governmental body as that term is defined in section 610.010;

(2) "Home address", a judicial officer's permanent residence and any secondary residences affirmatively identified by the judicial officer, but does not include a judicial officer's work address;

(3) "Immediate family", a judicial officer's spouse, child, adoptive child, foster child, parent, or any unmarried companion of the judicial officer or other familial relative of the judicial officer or the judicial officer's spouse who lives in the same residence;

(4) "Judicial officer", actively employed, formerly employed, or retired:

(a) Justices of the Supreme Court of the United States;

(b) Judges of the United States Court of Appeals;

(c) Judges and magistrate judges of the United States District Courts;

(d) Judges of the United States Bankruptcy Court;

(e) Judges of the Missouri supreme court;

(f) Judges of the Missouri court of appeals;

(g) Judges and commissioners of the Missouri circuit courts, including of the divisions of a circuit court; and

(h) Prosecuting or circuit attorney, or assistant prosecuting or circuit attorney;

(5) "Personal information", a home address, home telephone number, mobile telephone number, pager number, personal email address, Social Security number, federal tax identification number, checking and savings account numbers, credit card numbers, marital status, and identity of children under eighteen years of age;

(6) "Publicly available content", any written, printed, or electronic document or record that provides information or that serves as a document or record maintained, controlled, or in the possession of a government agency that may be obtained by any person or entity, from the internet, from the government agency upon request either free of charge or for a fee, or in response to a request pursuant to chapter 610 or the federal Freedom of Information Act, 5 U.S.C. Section 552, as amended;

(7) "Publicly post or display", to communicate to another or to otherwise make available to the general public;

(8) "Written request", written or electronic notice signed by:

(a) A state judicial officer and submitted to the clerk of the Missouri supreme court or the clerk's designee; or

(b) A federal judicial officer and submitted to that judicial officer's clerk of the court or the clerk's designee;

that is transmitted by the applicable clerk to a government agency, person, business, or association to request such government agency, person, business, or association refrain from posting or displaying publicly available content that includes the judicial officer's personal information.

476.1302. 1. A government agency shall not publicly post or display publicly available content that includes a judicial officer's personal information, provided that the government agency has received a written request that the agency refrain from disclosing the judicial officer's personal information. After a government agency has received a written request, the government agency shall remove the judicial officer's personal information from publicly available content within five business days. After the government agency has removed the judicial officer's personal information from publicly available content, the government agency shall not publicly post or display the judicial officer's personal information and the judicial officer's personal information shall be exempted from the provisions of chapter 610, unless the government agency has received written consent from the judicial officer to make the personal information available to the public.

2. If a government agency fails to comply with a written request to refrain from disclosing personal information, the judicial officer may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction. If the court grants injunctive or declaratory relief, the court may award costs and reasonable attorney's fees to the judicial officer.

3. The provisions of subsection 1 of this section shall not apply to any government agency created under section 43.020.

476.1304. 1. No person, business, or association shall publicly post or display on the internet publicly available content that includes a judicial officer's personal information, provided that the judicial officer has made a written request to the person, business, or association that it refrain from disclosing the personal information.

2. No person, business, or association shall solicit, sell, or trade on the internet a judicial officer's personal information for purposes of tampering with a judicial officer in violation of section 575.095 or with the intent to pose an imminent and serious threat to the health and safety of the judicial officer or the judicial officer's immediate family.

3. As prohibited in this section, persons, businesses, or associations posting, displaying, soliciting, selling, or trading a judicial officer's personal information on the internet includes, but is not limited to, internet phone directories, internet search engines, internet data aggregators, and internet service providers.

476.1306. 1. After a person, business, or association has received a written request from a judicial officer to protect the privacy of the officer's personal information, that person, business, or association shall have five business days to remove the personal information from the internet.

2. After a person, business, or association has received a written request from a judicial officer, that person, business, or association shall ensure that the judicial officer's personal information is not made available on any website or subsidiary website controlled by that person, business, or association.

3. After receiving a judicial officer's written request, no person, business, or association shall make public the judicial officer's personal information to any other person, business, or association through any medium.

476.1308. A judicial officer whose personal information is made public as a result of a violation of sections 476.1304 to 476.1306 may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction. If the court grants injunctive or declaratory relief, the person, business, or association responsible for the violation shall be required to pay the judicial officer's costs and reasonable attorney's fees.

476.1310. 1. No government agency, person, business, or association shall be found to have violated any provision of sections 476.1300 to 476.1310 if the judicial officer fails to submit a written request calling for the protection of the judicial officer's personal information.

2. A written request shall be valid if:

(1) The judicial officer sends a written request directly to a government agency, person, business, or association; or

(2) The judicial officer complies with a Missouri supreme court rule for a state judicial officer to file the written request with the clerk of the Missouri supreme court or the clerk's designee to notify government agencies and such notice is properly delivered by mail or electronic format.

3. In each quarter of a calendar year, the clerk of the Missouri supreme court or the clerk's designee shall provide a list of all state judicial officers who have submitted a written request under this section to the appropriate officer with ultimate supervisory authority for a government agency. The officer shall promptly provide a copy of the list to all government agencies under his or her supervision. Receipt of the written request list compiled by the clerk of the Missouri supreme court or the clerk's designee by a government agency shall constitute a written request to that government agency for the purposes of sections 476.1300 to 476.1310.

4. The chief clerk or circuit clerk of the court where the judicial officer serves may submit a written request on the judicial officer's behalf, provided that the judicial officer gives written consent to the clerk and provided that the clerk agrees to furnish a copy of that consent when a written request is made. The chief clerk or circuit clerk shall submit the written request as provided by subsection 2 of this section.

5. A judicial officer's written request shall specify what personal information shall be maintained as private. If a judicial officer wishes to identify a secondary residence as a home address, the designation shall be made in the written request. A judicial officer shall disclose the identity of his or her immediate family and indicate that the personal information of those members of the immediate family shall also be excluded to the extent that it could reasonably be expected to reveal the personal information of the judicial officer. A judicial officer shall make reasonable efforts to identify specific publicly available content in the possession of a government agency.

6. A judicial officer's written request is valid until the judicial officer provides the government agency, person, business, or association with written consent to release the personal information. A judicial officer's written request expires on such judicial officer's death.

7. The provisions of sections 476.1300 to 476.1310 shall not apply to any disclosure of personal information of a judicial officer or a member of a judicial officer's immediate family as required by Article VIII, Section 23 of the Missouri Constitution, sections 105.470 to 105.482, section 105.498, and chapter 130.

476.1313. 1. Notwithstanding any other provision of law to the contrary, a recorder of deeds shall meet the requirements of the provisions of sections 476.1300 to 476.1310 by complying with this section. As used in this section, the following terms mean:

(1) "Eligible documents", documents or instruments that are maintained by and located in the office of the recorder of deeds that are accessed electronically;

(2) "Immediate family", shall have the same meaning as in section 476.1300;

(3) "Indexes", indexes maintained by and located in the office of the recorder of deeds that are accessed electronically;

(4) "Judicial officer", shall have the same meaning as in section 476.1300;

(5) "Recorder of deeds", shall have the same meaning as in section 59.005;

(6) "Shield", "shielded", or "shielding", a prohibition against the general public's electronic access to eligible documents and the unique identifier and recording date contained in indexes for eligible documents;

(7) "Written request", written or electronic notice signed by:

(a) A state judicial officer and submitted to the clerk of the Missouri supreme court or the clerk's designee; or

(b) A federal judicial officer and submitted to that judicial officer's clerk of the court or the clerk's designee;

that is transmitted electronically by the applicable clerk to a recorder of deeds to request that eligible documents be shielded.

2. Written requests transmitted to a recorder of deeds shall only include information specific to eligible documents maintained by that county. Any written request transmitted to a recorder of deeds shall include the requesting judicial officer's full legal name or legal alias and a document locator number for each eligible document for which the judicial officer is requesting shielding. If the judicial officer is not a party to the instrument but is requesting shielding for an eligible document in which an immediate family member is a party to the instrument, the full legal name or legal alias of the immediate family member shall also be provided.

3. Not more than five business days after the date on which the recorder of deeds receives the written request, the recorder of deeds shall shield the eligible documents listed in the written request. Within five business days of receipt, the recorder of deeds shall electronically reply to the written request with a list of any document locator numbers submitted under subsection 2 of this section not found in the records maintained by that recorder of deeds.

4. If the full legal name or legal alias of the judicial officer or immediate family member provided does not appear on an eligible document listed in the written request, the recorder of deeds may electronically reply to the written request with this information. The recorder of deeds may delay shielding such eligible document until electronic confirmation is received from the applicable court clerk or judicial officer.

5. In order to shield subsequent eligible documents, the judicial officer shall present to the recorder of deeds at the time of recording a copy of his or her written request. The recorder of deeds shall ensure that the eligible document is shielded within five business days.

6. Eligible documents shall remain shielded until the recorder of deeds receives a court order or notarized affidavit signed by the judicial officer directing the recorder of deeds to terminate shielding.

7. The provisions of this section shall not prohibit access to a shielded eligible document by an individual or entity that provides to the recorder of deeds a court order or notarized affidavit signed by the judicial officer.

8. No recorder of deeds shall be liable for any damages under this section, provided the recorder of deeds made a good faith effort to comply with the provisions of this section. No recorder of deeds shall be liable for the release of any eligible document or any data from any eligible document that was released or accessed prior to the eligible document being shielded pursuant to this section.

509.520. 1. Notwithstanding any provision of law to the contrary, beginning August 28, **[**2009**]** **2023**, pleadings, attachments, **[**or**]** exhibits filed with the court in any case, as well as any judgments **or orders** issued by the court, **or other records of the court** shall not include **the following confidential and personal identifying information**:

(1) The full Social Security number of any party or any child **[**who is the subject to an order of custody or support**]**;

(2) The full credit card number **[**or other**],** financial **institution** account number**, personal identification number, or password used to secure an account** of any party**;**

(3) The full motor vehicle operator license number;

(4) Victim information, including the name, address, and other contact information of the victim;

(5) Witness information, including the name, address, and other contact information of the witness;

(6) Any other full state identification number;

(7) The name, address, and date of birth of a minor and, if applicable, any next friend; or

(8) The full date of birth of any party; however, the year of birth shall be made available, except for a minor.

2. **The information provided under subsection 1 of this section shall be provided in a confidential information filing sheet contemporaneously filed with the court or entered by the court, which shall not be subject to public inspection or availability.**

3. Nothing in this section shall preclude an entity including, but not limited to, a financial institution, insurer, insurance support organization, or consumer reporting agency that is otherwise permitted by law to access state court records from using a person's unique identifying information to match such information contained in a court record to validate that person's record.

4. The Missouri supreme court shall promulgate rules to administer this section.

5. Contemporaneously with the filing of every petition for dissolution of marriage, legal separation, motion for modification, action to establish paternity, and petition or motion for support or custody of a minor child, the filing party shall file a confidential case filing sheet with the court which shall not be subject to public inspection and which provides:

(1) The name and address of the current employer and the Social Security number of the petitioner or movant, if a person;

(2) If known to the petitioner or movant, the name and address of the current employer and the Social Security number of the respondent; and

(3) The names, dates of birth, and Social Security numbers of any children subject to the action.

[3.**]** **6.** Contemporaneously with the filing of every responsive pleading petition for dissolution of marriage, legal separation, motion for modification, action to establish paternity, and petition or motion for support or custody of a minor child, the responding party shall file a confidential case filing sheet with the court which shall not be subject to public inspection and which provides:

(1) The name and address of the current employer and the Social Security number of the responding party, if a person;

(2) If known to the responding party, the name and address of the current employer and the Social Security number of the petitioner or movant; and

(3) The names, dates of birth, and Social Security numbers of any children subject to the action.

[4.**]** **7.** The full Social Security number of any party or child subject to an order of custody or support shall be retained by the court on the confidential case filing sheet or other confidential record maintained in conjunction with the administration of the case. The full credit card number or other financial account number of any party may be retained by the court on a confidential record if it is necessary to maintain the number in conjunction with the administration of the case.

[5.**]** **8.** Any document described in subsection 1 of this section shall, in lieu of the full number, include only the last four digits of any such number.

[6.**]** **9.** Except as provided in section 452.430, the clerk shall not be required to redact any document described in subsection 1 of this section issued or filed before August 28, 2009, prior to releasing the document to the public.

[7.**] 10.** For good cause shown, the court may release information contained on the confidential case filing sheet; except that, any state agency acting under authority of chapter 454 shall have access to information contained herein without court order in carrying out their official duty."; and

Further amend said bill, Page 20, Section 547.500, Line 24, by inserting after the word "**discovered**" the words "**and reliable**"; and

Further amend said bill, page, and section, Line 25, by deleting the word "**verifiable**" and inserting in lieu thereof the word "**reliable**"; and

Further amend said bill, Pages 22-32, Section 552.020, Lines 1-330, by deleting said lines and inserting in lieu thereof the following:

"552.020. 1. No person who as a result of mental disease or defect lacks capacity to understand the proceedings against him or her or to assist in his or her own defense shall be tried, convicted or sentenced for the commission of an offense so long as the incapacity endures.

2. Whenever any judge has reasonable cause to believe that the accused lacks mental fitness to proceed, the judge shall, upon his or her own motion or upon motion filed by the state or by or on behalf of the accused, by order of record, appoint one or more private psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, who are neither employees nor contractors of the department of mental health for purposes of performing the examination in question, to examine the accused; or shall direct the director to have the accused so examined by one or more psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability, developmental disability, or mental illness. The order shall direct that a written report or reports of such examination be filed with the clerk of the court. No private physician, psychiatrist, or psychologist shall be appointed by the court unless he or she has consented to act. The examinations ordered shall be made at such time and place and under such conditions as the court deems proper; except that, if the order directs the director of the department to have the accused examined, the director, or his or her designee, shall determine the time, place and conditions under which the examination shall be conducted. The order may include provisions for the interview of witnesses and may require the provision of police reports to the department for use in evaluations. The department shall establish standards and provide training for those individuals performing examinations pursuant to this section and section 552.030. No individual who is employed by or contracts with the department shall be designated to perform an examination pursuant to this chapter unless the individual meets the qualifications so established by the department. Any examination performed pursuant to this subsection shall be completed and filed with the court within sixty days of the order unless the court for good cause orders otherwise. Nothing in this section or section 552.030 shall be construed to permit psychologists to engage in any activity not authorized by chapter 337. One pretrial evaluation shall be provided at no charge to the defendant by the department. All costs of subsequent evaluations shall be assessed to the party requesting the evaluation.

3. A report of the examination made under this section shall include:

(1) Detailed findings;

(2) An opinion as to whether the accused has a mental disease or defect;

(3) An opinion based upon a reasonable degree of medical or psychological certainty as to whether the accused, as a result of a mental disease or defect, lacks capacity to understand the proceedings against him or her or to assist in his or her own defense;

(4) **An opinion, if the accused is found to lack capacity to understand the proceedings against him or her or to assist in his or her own defense, as to whether there is a substantial probability that the accused will be mentally fit to proceed in the reasonably foreseeable future;**

(5) A recommendation as to whether the accused should be held in custody in a suitable hospital facility for treatment pending determination, by the court, of mental fitness to proceed; **[**and

(5)**] (6)** A recommendation as to whether the accused, if found by the court to be mentally fit to proceed, should be detained in such hospital facility pending further proceedings**;**

(7) A recommendation as to whether the accused, if found by the court to lack the mental fitness to proceed, should be committed to a suitable hospital facility for treatment to restore the mental fitness to proceed or if such treatments to restore the mental fitness to proceed may be provided in a county jail or other detention facility approved by the director or his or her designee; and

(8) A recommendation as to whether the accused, if found by the court to lack the mental fitness to proceed, and the accused is not charged with a dangerous felony as defined in section 556.061, or murder in the first degree pursuant to section 565.020, or rape in the second degree pursuant to section 566.031, or the attempts thereof:

(a) Should be committed to a suitable hospital facility; or

(b) May be appropriately treated in the community; and

(c) Whether the accused can comply with bond conditions as set forth by the court and can comply with treatment conditions and requirements as set forth by the director of the department or his or her designee.

4. When the court determines that the accused can comply with the bond and treatment conditions as referenced in paragraph (c) of subdivision (8) of subsection 3 of this section, the court shall order that the accused remain on bond while receiving treatment until the case is disposed of as set out in subsection 12 of this section. If, at any time, the court finds that the accused has failed to comply with the bond or treatment conditions, then the court may order that the accused be taken into law enforcement custody until such time as a department inpatient bed is available to provide treatment as set forth in this section.

[4.**] 5.** If the accused has pleaded lack of responsibility due to mental disease or defect or has given the written notice provided in subsection 2 of section 552.030, the court shall order the report of the examination conducted pursuant to this section to include, in addition to the information required in subsection 3 of this section, an opinion as to whether at the time of the alleged criminal conduct the accused, as a result of mental disease or defect, did not know or appreciate the nature, quality, or wrongfulness of his or her conduct or as a result of mental disease or defect was incapable of conforming his or her conduct to the requirements of law. A plea of not guilty by reason of mental disease or defect

shall not be accepted by the court in the absence of any such pretrial evaluation which supports such a defense. In addition, if the accused has pleaded not guilty by reason of mental disease or defect, and the alleged crime is not a dangerous felony as defined in section 556.061, or those crimes set forth in subsection 10 of section 552.040, or the attempts thereof, the court shall order the report of the examination to include an opinion as to whether or not the accused should be immediately conditionally released by the court pursuant to the provisions of section 552.040 or should be committed to a mental health or developmental disability facility. If such an evaluation is conducted at the direction of the director of the department of mental health, the court shall also order the report of the examination to include an opinion as to the conditions of release which are consistent with the needs of the accused and the interest of public safety, including, but not limited to, the following factors:

(1) Location and degree of necessary supervision of housing;

(2) Location of and responsibilities for appropriate psychiatric, rehabilitation and aftercare services, including the frequency of such services;

(3) Medication follow-up, including necessary testing to monitor medication compliance;

(4) At least monthly contact with the department's forensic case monitor;

(5) Any other conditions or supervision as may be warranted by the circumstances of the case.

[5.**] 6.** If the report contains the recommendation that the accused should be committed to or held in a suitable hospital facility pending determination of the issue of mental fitness to proceed, and if the accused is not admitted to bail or released on other conditions, the court may order that the accused be committed to or held in a suitable hospital facility pending determination of the issue of mental fitness to proceed.

[6.**] 7.** The clerk of the court shall deliver copies of the report to the prosecuting or circuit attorney and to the accused or his or her counsel. The report shall not be a public record or open to the public. Within ten days after the filing of the report, both the defendant and the state shall, upon written request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, of their own choosing and at their own expense. An examination performed pursuant to this subsection shall be completed and a report filed with the court within sixty days of the date it is received by the department or private psychiatrist, psychologist or physician unless the court, for good cause, orders otherwise. A copy shall be furnished the opposing party.

[7.**] 8.** If neither the state nor the accused nor his or her counsel requests a second examination relative to fitness to proceed or contests the findings of the report referred to in subsections 2 and 3 of this section, the court **[**may**] shall** make a determination and finding on the basis of the report filed or **[**may**]** hold a hearing on its own motion. If any such opinion is contested, the court shall hold a hearing on the issue. The court shall determine the issue of mental fitness to proceed and may impanel a jury of six persons to assist in making the determination. The report or reports may be received in evidence at any hearing on the issue but the party contesting any opinion therein shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue.

[8.**] 9.** At a hearing on the issue pursuant to subsection **[**7**] 8** of this section, the accused is presumed to have the mental fitness to proceed. The burden of proving that the accused does not have the mental fitness to proceed is by a preponderance of the evidence and the burden of going forward with the evidence is on the party raising the issue. The burden of going forward shall be on the state if the court raises the issue.

[9.**] 10.** If the court determines that the accused lacks mental fitness to proceed, the criminal proceedings shall be suspended and the court shall commit him or her to the director of the department of mental health. **The director of the department, or his or her designee, shall notify the court and parties of the conditions and the secure location of treatment unless an unsecured location has otherwise been authorized by the court.** After the person has been committed, legal counsel for the department of mental health shall have standing to file motions and participate in hearings on the issue of involuntary medications.

[10.**] 11.** Any person committed pursuant to subsection **[**9**] 10** of this section shall be entitled to the writ of habeas corpus upon proper petition to the court that committed him or her. The issue of the mental fitness to proceed after commitment under subsection **[**9**] 10** of this section may also be raised by a motion filed by the director of the department of mental health or by the state, alleging the mental fitness of the accused to proceed. A report relating to the issue of the accused's mental fitness to proceed may be attached thereto. When a motion to proceed is filed, legal counsel for the department of mental health shall have standing to participate in hearings on such motions. If the motion is not contested by the accused or his or her counsel or if after a hearing on a motion the court finds the accused mentally fit to proceed, or if he or she is ordered discharged from the director's custody upon a habeas corpus hearing, the criminal proceedings shall be resumed.

[11.**] 12.** The following provisions shall apply after a commitment as provided in this section:

(1) Six months after such commitment, the court which ordered the accused committed shall order an examination by the head of the facility in which the accused is committed, or a qualified designee, to ascertain whether the accused is mentally fit to proceed and if not, whether there is a substantial probability that the accused will attain the mental fitness to proceed to trial in the foreseeable future. The order shall direct that written report or reports of the examination be filed with the clerk of the court within thirty days and the clerk shall deliver copies to the prosecuting attorney or circuit attorney and to the accused or his or her counsel. The report required by this subsection shall conform to the requirements under subsection 3 of this section **[**with the additional requirement that it**] and shall** include an opinion, if the accused lacks mental fitness to proceed, as to whether there is a substantial probability that the accused will attain the mental fitness to proceed in the foreseeable future;

(2) Within ten days after the filing of the report, both the accused and the state shall, upon written request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, of their own choosing and at their own expense. An examination performed pursuant to this subdivision shall be completed and filed with the court within thirty days unless the court, for good cause, orders otherwise. A copy shall be furnished to the opposing party;

(3) If neither the state nor the accused nor his or her counsel requests a second examination relative to fitness to proceed or contests the findings of the report referred to in subdivision (1) of this subsection, the court may make a determination and finding on the basis of the report filed, or may hold a hearing on its own motion. If any such opinion is contested, the court shall hold a hearing on the issue. The report or reports may be received in evidence at any hearing on the issue but the party contesting any opinion therein relative to fitness to proceed shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue;

(4) If the accused is found mentally fit to proceed, the criminal proceedings shall be resumed;

(5) If it is found that the accused lacks mental fitness to proceed but there is a substantial probability the accused will be mentally fit to proceed in the reasonably foreseeable future, the court shall continue such commitment for a period not longer than six months, after which the court shall reinstitute the proceedings required under subdivision (1) of this subsection;

(6) If it is found that the accused lacks mental fitness to proceed and there is no substantial probability that the accused will be mentally fit to proceed in the reasonably foreseeable future, the court shall dismiss the charges without prejudice and the accused shall be discharged, but only if proper proceedings have been filed under chapter 632 or chapter 475, in which case those sections and no others will be applicable. The probate division of the circuit court shall have concurrent jurisdiction over the accused upon the filing of a proper pleading to determine if the accused shall be involuntarily detained under chapter 632, or to determine if the accused shall be declared incapacitated under chapter 475, and approved for admission by the guardian under section 632.120 or 633.120, to a mental health or developmental disability facility. When such proceedings are filed, the criminal charges shall be dismissed without prejudice if the court finds that the accused is mentally ill and should be committed or that he or she is incapacitated and should have a guardian appointed. The period of limitation on prosecuting any criminal offense shall be tolled during the period that the accused lacks mental fitness to proceed.

[12.**]** **13.** If the question of the accused's mental fitness to proceed was raised after a jury was impaneled to try the issues raised by a plea of not guilty and the court determines that the accused lacks the mental fitness to proceed or orders the accused committed for an examination pursuant to this section, the court may declare a mistrial. Declaration of a mistrial under these circumstances, or dismissal of the charges pursuant to subsection **[**11**]** **12** of this section, does not constitute jeopardy, nor does it prohibit the trial, sentencing or execution of the accused for the same offense after he or she has been found restored to competency.

[13.**]** **14.** The result of any examinations made pursuant to this section shall not be a public record or open to the public.

[14.**]** **15.** No statement made by the accused in the course of any examination or treatment pursuant to this section and no information received by any examiner or other person in the course thereof, whether such examination or treatment was made with or without the consent of the accused or upon his or her motion or upon that of others, shall be admitted in evidence against the accused on the issue of guilt in any criminal proceeding then or thereafter pending in any court, state or federal. A finding by the court that the accused is mentally fit to proceed shall in no way prejudice the accused in a defense to the crime charged on the ground that at the time thereof he or she was afflicted with a mental disease or defect

excluding responsibility, nor shall such finding by the court be introduced in evidence on that issue nor otherwise be brought to the notice of the jury.

556.021. 1. An infraction does not constitute a criminal offense and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

2. Except as otherwise provided by law, the procedure for infractions shall be the same as for a misdemeanor.

3. If a person fails to appear in court either solely for an infraction or for an infraction which is committed in the same course of conduct as a criminal offense for which the person is charged, or if a person fails to respond to notice of an infraction from the central violations bureau established in section 476.385, the court may issue a default judgment for court costs and fines for the infraction which shall be enforced in the same manner as other default judgments, including enforcement under sections 488.5028 and 488.5030, unless the court determines that good cause or excusable neglect exists for the person's failure to appear for the infraction. The notice of entry of default judgment and the amount of fines and costs imposed shall be sent to the person by first class mail. The default judgment may be set aside for good cause if the person files a motion to set aside the judgment within six months of the date the notice of entry of default judgment is mailed.

4. Notwithstanding subsection 3 of this section or any provisions of law to the contrary, a court may issue a warrant for failure to appear for any violation **[**which**] that** is classified **or charged** as an infraction**; except that, a court shall not issue a warrant for failure to appear for any violation that is classified or charged as an infraction under chapter 307**.

5. Judgment against the defendant for an infraction shall be in the amount of the fine authorized by law and the court costs for the offense."; and

Further amend said bill, Pages 39-41, Section 558.031, Lines 1 to 68, by deleting all of said lines and inserting in lieu thereof the following:

"558.031. 1. A sentence of imprisonment shall commence when a person convicted of an offense in this state is received into the custody of the department of corrections or other place of confinement where the offender is sentenced.

2. Such person shall receive credit toward the service of a sentence of imprisonment for all time in prison, jail or custody after **[**conviction**] the offense occurred** and before the commencement of the sentence, when the time in custody was related to that offense**[**, and the circuit court may, when pronouncing sentence, award credit for time spent in prison, jail, or custody after the offense occurred and before conviction toward the service of the sentence of imprisonment, except:

(1) Such credit shall only be applied once when sentences are consecutive;

(2) Such credit shall only be applied if the person convicted was in custody in the state of Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and

(3) As provided in section 559.100**]. This credit shall be based upon the certification of the sheriff as provided in subdivision (3) of subsection 2 of section 217.305 and may be supplemented by a**

certificate of a sheriff or other custodial officer from another jurisdiction having held the person on the charge of the offense for which the sentence of imprisonment is ordered.

3. The officer required by law to deliver a person convicted of an offense in this state to the department of corrections shall endorse upon the papers required by section 217.305 both the dates the offender was in custody and the period of time to be credited toward the service of the sentence of imprisonment, except as endorsed by such officer.

4. If a person convicted of an offense escapes from custody, such escape shall interrupt the sentence. The interruption shall continue until such person is returned to the correctional center where the sentence was being served, or in the case of a person committed to the custody of the department of corrections, to any correctional center operated by the department of corrections. An escape shall also interrupt the jail time credit to be applied to a sentence which had not commenced when the escape occurred.

5. If a sentence of imprisonment is vacated and a new sentence imposed upon the offender for that offense, all time served under the vacated sentence shall be credited against the new sentence, unless the time has already been credited to another sentence as provided in subsection 1 of this section.

6. If a person released from imprisonment on parole or serving a conditional release term violates any of the conditions of his or her parole or release, he or she may be treated as a parole violator. If the parole board revokes the parole or conditional release, the paroled person shall serve the remainder of the prison term and conditional release term, as an additional prison term, and the conditionally released person shall serve the remainder of the conditional release term as a prison term, unless released on parole.

7. Subsection 2 of this section shall be applicable to offenses **[**occurring**] for which the offender was sentenced** on or after August 28, **[**2021**] 2023**.

8. The total amount of credit given shall not exceed the number of days spent in prison, jail, or custody after the offense occurred and before the commencement of the sentence."; and

Further amend said bill, Pages 41-42, Section 565.003, Lines 1-17, by deleting said section and lines and inserting in lieu thereof the following:

"565.240. 1. A person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, telephone number, or any other personally identifiable information of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person.

2. The offense of unlawful posting of certain information over the internet is a class C misdemeanor, unless the person knowingly posts on the internet the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or of any immediate family member of such law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, intending to cause great bodily harm or death, or threatening to cause great bodily harm or death, in which case it is a class E felony**, and if such intention or threat results in bodily harm or death to such person or immediate family member, the offense of unlawful posting of certain information over the internet is a class D felony**."; and

Further amend said bill, Pages 46-48, Section 571.015, Lines 1-48, by deleting said lines and inserting in lieu there of the following:

"571.015. 1. Any person who commits any felony under the laws of this state by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also guilty of the offense of armed criminal action**; the offense of armed criminal action shall be an unclassified felony** and, upon conviction, shall be punished by imprisonment by the department of corrections for a term of not less than three years and not to exceed fifteen years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term of not less than five years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of three calendar years.

2. Any person convicted of a second offense of armed criminal action under subsection 1 of this section shall be punished by imprisonment by the department of corrections for a term of not less than five years and not to exceed thirty years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years.

3. Any person convicted of a third or subsequent offense of armed criminal action under subsection 1 of this section shall be punished by imprisonment by the department of corrections for a term of not less than ten years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be no less than fifteen years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of ten calendar years."; and

Further amend said bill, Page 61, Section 579.088, Line 7, by inserting after said section and line the following:

590.192. 1. There is hereby established the "Critical Incident Stress Management Program" within the department of public safety. The program shall provide services for peace officers **and firefighters** to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers **and firefighters** affected by a critical incident. For purposes of this section, a "critical incident" shall mean any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's physical integrity or the physical integrity of someone else.

2. All peace officers **and firefighters** shall be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider shall send a

notification to the peace officer's commanding officer **or firefighter's fire protection district director** that he or she completed such check-in.

3. Any information disclosed by a peace officer **or firefighter** shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer **or firefighter** unless:

(1) A program representative reasonably believes the disclosure is necessary to prevent harm to a person who received services or to prevent harm to another person;

(2) The person who received the services provides written consent to the disclosure; or

(3) The person receiving services discloses information that is required to be reported under mandatory reporting laws.

4. (1) There is hereby created in the state treasury the "988 Public Safety Fund", which shall consist of moneys appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely by the department of public safety for the purposes of providing services for peace officers **and firefighters** to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event pursuant to subsection 1 of this section. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers **or firefighters** affected by a critical incident. The director of public safety may prescribe rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

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

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

590.653. 1. Each city, county and city not within a county may establish a civilian review board, **division of civilian oversight, or any other entity which provides civilian review or oversight of police agencies,** or may use an existing civilian review board **or division of civilian oversight or other named entity** which has been appointed by the local governing body, with the authority to investigate allegations of misconduct by local law enforcement officers towards members of the public. The members shall not receive compensation but shall receive reimbursement from the local governing body for all reasonable and necessary expenses.

2. The board**, division, or any other such entity,** shall have the power **[**to receive, investigate, make**]** **solely limited to receiving, investigating, making** findings and **[**recommend**]** **recommending** disciplinary action upon complaints by members of the public against members of the police department

that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, **division, or other entity** and the basis therefor, shall be submitted to the chief law enforcement official. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such findings or recommendations. **Only the powers specifically granted herein are authorized and any and all authority granted to future or existing boards, divisions, or entities outside the scope of the powers listed herein are expressly preempted and void as a matter of law.**"; and

Further amend said bill, Page 67, Section 595.209, Line 220, by inserting after said section and line the following:

"600.042. 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

(4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

(5) Develop programs and administer activities to achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

(7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate;

(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of the state public defender system and the responsibilities of division directors, district defenders, deputy district defenders, assistant public defenders and other personnel;

(9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the **[**state general revenue**] public defender - federal and other** fund;

(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;

(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system.

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

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

(3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

(1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.

6. There is hereby created within the state treasury the "Public Defender - Federal and Other Fund", which shall be funded annually by appropriation, and which shall contain moneys received from any other funds from government grants, private gifts, donations, bequests, or any other source to be used for the purpose of funding local offices of the office of the state public defender. The state treasurer shall be the custodian of the fund and shall approve disbursements from the fund upon the request of the director of the office of state public defender. Any interest or other earnings with respect to amounts transferred to the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund."; and

Further amend said bill, Page 79, Section 610.140, Line 369, by inserting after said section and line the following:

"650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime **[**solely as a result of DNA profiling analysis**]** may be paid restitution. The individual may receive an amount of one hundred **seventy-nine** dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term "actually innocent" shall mean:

(1) The individual was convicted of a felony for which a final order of release was entered by the court;

(2) All appeals of the order of release have been exhausted;

(3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the parole board in connection with the crime for which the person has been exonerated. Regardless of whether any other basis may exist for the revocation of the person's probation or parole at the time of conviction for the crime for which the person is later determined to be actually innocent, when the court's or the parole board's sole stated reason for the revocation in its order is the conviction for the crime for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive evidence that **[**their**] the person's** probation or parole was revoked in connection with the crime for which the person has been exonerated; and

(4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, **or after an evidentiary hearing and finding in a habeas corpus proceeding or a proceeding held pursuant to section 547.031 which** demonstrates a person's innocence of the crime for which the person is in custody.

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than **[**thirty-six**]** **sixty-five** thousand **[**five hundred**]** dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831 **and may also be awarded other nonmonetary relief, including counseling, housing assistance, and personal financial literary assistance**.

2. If **a person receives DNA testing and** the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may **[**only**]** be filed **only** by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction. Upon **the court's** granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and **[**only**]** available **only** to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever**,** and no such inquiry shall be made for information relating to an expungement under this section.

650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

(1) "Board", the Missouri 911 service board established in section 650.325;

(2) "Public safety answering point", the location at which 911 calls are answered;

(3) "Telecommunicator **first responder**", any person employed as an emergency **[**telephone worker,**]** call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.

650.330. 1. The board shall consist of fifteen members, one of which shall be chosen from the department of public safety, and the other members shall be selected as follows:

(1) One member chosen to represent an association domiciled in this state whose primary interest relates to municipalities;

(2) One member chosen to represent the Missouri 911 Directors Association;

(3) One member chosen to represent emergency medical services and physicians;

(4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;

(5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;

(6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;

(7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;

(8) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;

(9) One member chosen to represent counties of the second, third, and fourth classification;

(10) One member chosen to represent counties of the first classification, counties with a charter form of government, and cities not within a county;

(11) One member chosen to represent telecommunications service providers;

(12) One member chosen to represent wireless telecommunications service providers;

(13) One member chosen to represent voice over internet protocol service providers; and

(14) One member chosen to represent the governor's council on disability established under section 37.735.

2. Each of the members of the board shall be appointed by the governor with the advice and consent of the senate for a term of four years. Members of the committee may serve multiple terms. No corporation or its affiliate shall have more than one officer, employee, assign, agent, or other representative serving as a member of the board. Notwithstanding subsection 1 of this section to the contrary, all members appointed as of August 28, 2017, shall continue to serve the remainder of their terms.

3. The board shall meet at least quarterly at a place and time specified by the chairperson of the board and it shall keep and maintain records of such meetings, as well as the other activities of the board. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the board.

4. The board shall:

(1) Organize and adopt standards governing the board's formal and informal procedures;

(2) Provide recommendations for primary answering points and secondary answering points on technical and operational standards for 911 services;

(3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;

(4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that the board shall not supersede decision-making authority of local political subdivisions in regard to 911 services;

(5) Provide assistance to the governor and the general assembly regarding 911 services;

(6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;

(7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;

(8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state, including monitoring federal and industry standards being developed for next-generation 911 systems;

(9) Designate a state 911 coordinator who shall be responsible for overseeing statewide 911 operations and ensuring compliance with federal grants for 911 funding;

(10) Elect the chair from its membership;

(11) Apply for and receive grants from federal, private, and other sources;

(12) Report to the governor and the general assembly at least every three years on the status of 911 services statewide, as well as specific efforts to improve efficiency, cost-effectiveness, and levels of service;

(13) Conduct and review an annual survey of public safety answering points in Missouri to evaluate potential for improved services, coordination, and feasibility of consolidation;

(14) Make and execute contracts or any other instruments and agreements necessary or convenient for the exercise of its powers and functions, including for the development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;

(15) Develop a plan and timeline of target dates for the testing, implementation, and operation of a next-generation 911 system throughout Missouri. The next-generation 911 system shall allow for the

processing of electronic messages including, but not limited to, electronic messages containing text, images, video, or data;

(16) Administer and authorize grants and loans under section 650.335 to those counties and any home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants that can demonstrate a financial commitment to improving 911 services by providing at least a fifty percent match and demonstrate the ability to operate and maintain ongoing 911 services. The purpose of grants and loans from the 911 service trust fund shall include:

(a) Implementation of 911 services in counties of the state where services do not exist or to improve existing 911 systems;

(b) Promotion of consolidation where appropriate;

(c) Mapping and addressing all county locations;

(d) Ensuring primary access and texting abilities to 911 services for disabled residents;

(e) Implementation of initial emergency medical dispatch services, including prearrival medical instructions in counties where those services are not offered as of July 1, 2019; and

(f) Development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;

(17) Develop an application process including reporting and accountability requirements, withholding a portion of the grant until completion of a project, and other measures to ensure funds are used in accordance with the law and purpose of the grant, and conduct audits as deemed necessary;

(18) Set the percentage rate of the prepaid wireless emergency telephone service charges to be remitted to a county or city as provided under subdivision (5) of subsection 3 of section 190.460;

(19) Retain in its records proposed county plans developed under subsection 11 of section 190.455 and notify the department of revenue that the county has filed a plan that is ready for implementation;

(20) Notify any communications service provider, as defined in section 190.400, that has voluntarily submitted its contact information when any update is made to the centralized database established under section 190.475 as a result of a county or city establishing or modifying a tax or monthly fee no less than ninety days prior to the effective date of the establishment or modification of the tax or monthly fee;

(21) Establish criteria for consolidation prioritization of public safety answering points;

(22) In coordination with existing public safety answering points, by December 31, 2018, designate no more than eleven regional 911 coordination centers which shall coordinate statewide interoperability among public safety answering points within their region through the use of a statewide 911 emergency services network; **[**and**]**

(23) Establish an annual budget, retain records of all revenue and expenditures made, retain minutes of all meetings and subcommittees, post records, minutes, and reports on the board's webpage on the department of public safety website**; and**

(24) Promote and educate the public about the critical role of telecommunicator first responders in protecting the public and ensuring public safety.

5. The department of public safety shall provide staff assistance to the board as necessary in order for the board to perform its duties pursuant to sections 650.320 to 650.340. The board shall have the authority to hire consultants to administer the provisions of sections 650.320 to 650.340.

6. The board shall promulgate rules and regulations that are reasonable and necessary to implement and administer the provisions of sections 190.455, 190.460, 190.465, 190.470, 190.475, and sections 650.320 to 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. 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, 2017, shall be invalid and void.

650.340. 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

2. Initial training requirements for **[**telecommunicators**]** **telecommunicator first responders** who answer 911 calls that come to public safety answering points shall be as follows:

(1) Police telecommunicator **first responder**, 16 hours;

(2) Fire telecommunicator **first responder**, 16 hours;

(3) Emergency medical services telecommunicator **first responder**, 16 hours;

(4) Joint communication center telecommunicator **first responder**, 40 hours.

3. All persons employed as a telecommunicator **first responder** in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator **first responder**. Such persons shall complete at least twenty-four hours of ongoing training every three years by such persons or organizations as provided in subsection 6 of this section.

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator **or a telecommunicator first responder** after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator **or telecommunicator first responder**.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the committee that such person has completed training in another state which is at least as stringent as the training requirements of subsection 2 of this section.

6. The board shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. This section shall not apply to an emergency medical dispatcher or agency as defined in section 190.100, or a person trained by an entity accredited or certified under section 190.131, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134."; and

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

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 189, 36 and 37, Page 1, In the Title, Line 5, by deleting the words "criminal laws" and inserting in lieu thereof the words "public safety"; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 540** with HA 1, HA 1 to HA 2 and HA 2, as amended.

HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 540, Page 1, In the Title, Line 3, by deleting the phrase "members of the armed forces" and inserting in lieu thereof the word "taxation"; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to Senate Substitute for Senate Bill No. 540, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

""**135.1310. 1. This section shall be known and may be cited as the "Child Care Contribution Tax Credit Act".**

2. For purposes of this section, the following terms shall mean:

(1) "Child care", the same as defined in section 210.201;

(2) "Child care desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five

hundred people or thirty-three percent of the population are located at least one-half mile away from a child care provider in urbanized areas or at least ten miles away in rural areas;

(3) "Child care provider", a child care provider as defined in section 210.201 that is licensed under section 210.221, or that is unlicensed and that is registered with the department of elementary and secondary education;

(4) "Contribution", an eligible donation of cash, stock, bonds or other marketable securities, or real property;

(5) "Department", the Missouri department of economic development;

(6) "Person related to the taxpayer", an individual connected with the taxpayer by blood, adoption, or marriage, or an individual, corporation, partnership, limited liability company, trust, or association controlled by, or under the control of, the taxpayer directly, or through an individual, corporation, limited liability company, partnership, trust, or association under the control of the taxpayer;

(7) "Rural area", a town or community within the state that is not within a metropolitan statistical area and has a population of six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a metropolitan statistical area;

(8) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under chapter 143 and chapter 148, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under chapter 143;

(9) "Tax credit", a credit against the taxpayer's state tax liability;

(10) "Taxpayer", a corporation as defined in section 143.441 or 143.471, any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or individuals or partnerships subject to the state income tax imposed by the provisions of chapter 143.

3. For all tax years beginning on or after January 1, 2023, a taxpayer may claim the tax credit authorized in this section against the taxpayer's state tax liability for the tax year in which a verified contribution was made in an amount up to seventy-five percent of the verified contribution to a child care provider. Any tax credit issued shall not be less than one hundred dollars and shall not exceed two hundred thousand dollars per tax year.

(1) The child care provider receiving a contribution shall, within sixty days of the date it received the contribution, issue the taxpayer a contribution verification and file a copy of the contribution verification with the department. The contribution verification shall be in the form established by the department and shall include the taxpayer's name, taxpayer's state or federal tax identification number or last four digits of the taxpayer's Social Security number, amount of tax credit, amount of contribution, legal name and address of the child care provider receiving the tax credit, the child care provider's federal employer identification number, the child care provider's departmental vendor number or license number, and the date the child care provider received the contribution

from the taxpayer. The contribution verification shall include a signed attestation stating the child care provider will use the contribution solely to promote child care.

(2) The failure of the child care provider to timely issue the contribution verification to the taxpayer or file it with the department shall entitle the taxpayer to a refund of the contribution from the child care provider.

4. A donation is eligible when:

(1) The donation is used directly by a child care provider to promote child care for children twelve years of age or younger, including by acquiring or improving child care facilities, equipment, or services, or improving staff salaries, staff training, or the quality of child care;

(2) The donation is made to a child care provider in which the taxpayer or a person related to the taxpayer does not have a direct financial interest; and

(3) The donation is not made in exchange for care of a child or children in the case of an individual taxpayer that is not an employer making a contribution on behalf of its employees.

5. A child care provider that uses the contribution for an ineligible purpose shall repay to the department the value of the tax credit for the contribution amount used for an ineligible purpose.

6. The tax credits authorized by this section shall not be refundable and shall not be transferred, sold, or otherwise conveyed. Any amount of approved tax credits that a taxpayer is prohibited by this subsection from using for the tax year in which the credit is first claimed may be carried back to the taxpayer's immediately prior tax year and carried forward to the taxpayer's subsequent tax year for up to five succeeding tax years.

7. Notwithstanding any provision of subsection 6 of this section to the contrary, a taxpayer that is exempt, under 26 U.S.C. Section 501(c)(3), and any amendments thereto, from all or part of the federal income tax shall be eligible for a refund of its tax credit issued under this section, without regard to whether it has incurred any state tax liability. Such exempt taxpayer may claim a refund of the tax credit on its tax return required to be filed under the provisions of chapter 143, exclusive of the return for the withholding of tax under sections 143.191 to 143.265. If such exempt taxpayer is not required to file a tax return under the provisions of chapter 143, the exempt taxpayer may claim a refund of the tax credit on a refund claim form prescribed by the department of revenue. The department of revenue shall prescribe such forms, instructions, and rules as it deems appropriate to carry out the provisions of this subsection.

8. (1) The cumulative amount of tax credits authorized under this section shall not exceed twenty million dollars for each calendar year. The department shall approve tax credit applications on a first-come, first-served basis until the cumulative tax credit authorization limit is reached for the calendar year. A taxpayer shall apply to the department for the child care contribution tax credit by submitting a copy of the contribution verification provided by a child care provider to such taxpayer. Upon receipt of the contribution verification, the department shall issue a tax credit certificate to the applicant.

(2) If the maximum amount of tax credits allowed in any calendar year as provided under subdivision (1) of this subsection is authorized, the maximum amount of tax credits allowed under

subdivision (1) of this subsection shall be increased by fifteen percent, provided that all such increases in the allowable amount of tax credits shall be reserved for contributions made to child care providers located in a child care desert. The director of the department shall publish such adjusted amount.

9. The tax credits allowed under this section shall be considered a domestic and social tax credit under subdivision (5) of subsection 2 of section 135.800.

10. All action and communication undertaken or required under this section shall be exempt from section 105.1500.

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

12. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset December 31, 2029, unless reauthorized by an act of the general assembly;

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

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

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department of revenue's ability to redeem tax credits authorized on or before the date the program authorized under this section expires, or a taxpayer's ability to redeem such tax credits.

135.1325. 1. This section shall be known and may be cited as the "Employer Provided Child Care Assistance Tax Credit Act".

2. For purposes of this section, the following terms shall mean:

(1) "Child care desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population are located at least one-half mile away from a child care provider in urbanized areas or at least ten miles away in rural areas;

(2) "Child care facility", a child care facility as defined in section 210.201 that is licensed under section 210.221, or that is unlicensed and that is registered with the department of elementary and secondary education;

(3) "Department", the Missouri department of economic development;

(4) "Employer matching contribution", a contribution made by the taxpayer to a cafeteria plan, as that term is used in 26 U.S.C. Section 125, of an employee of the taxpayer, that matches a dollar amount or percentage of the employee's contribution to the cafeteria plan, but this term does not include the amount of any salary reduction or other compensation foregone by the employee in connection with the cafeteria plan;

(5) "Qualified child care expenditure", an amount paid of reasonable costs incurred that meet any of the following:

(a) To acquire, construct, rehabilitate, or expand property that will be, or is, used as part of a child care facility that is either operated by the taxpayer or contracted with by the taxpayer and which does not constitute part of the principal residence of the taxpayer or any employee of the taxpayer;

(b) For the operating costs of a child care facility of the taxpayer, including costs relating to the training of employees, scholarship programs, and for compensation to employees;

(c) Under a contract with a child care facility to provide child care services to employees of the taxpayer; or

(d) As an employer matching contribution, but only to the extent such employer matching contribution is restricted by the taxpayer solely for the taxpayer's employee to obtain child care services at a child care facility and is used for that purpose during the tax year;

(6) "Rural area", a town or community within the state that is not within a metropolitan statistical area and has a population of six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a metropolitan statistical area;

(7) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143 and chapter 148, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143;

(8) "Tax credit", a credit against the taxpayer's state tax liability;

(9) "Taxpayer", a corporation as defined in section 143.441 or 143.471, any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or individuals or partnerships subject to the state income tax imposed by the provisions of chapter 143.

3. For all tax years beginning on or after January 1, 2023, a taxpayer may claim a tax credit authorized in this section in an amount equal to thirty percent of the qualified child care expenditures paid or incurred with respect to a child care facility. The maximum amount of any tax credit issued under this section shall not exceed two hundred thousand dollars per taxpayer per tax year.

4. A facility shall not be treated as a child care facility with respect to a taxpayer unless the following conditions have been met:

(1) Enrollment in the facility is open to employees of the taxpayer during the tax year; and

(2) If the facility is the principal business of the taxpayer, at least thirty percent of the enrollees of such facility are dependents of employees of the taxpayer.

5. The tax credits authorized by this section shall not be refundable or transferable. The tax credits shall not be sold, assigned, or otherwise conveyed. Any amount of approved tax credits that a taxpayer is prohibited by this subsection from using for the tax year in which the credit is first claimed may be carried back to the taxpayer's immediately prior tax year and carried forward to the taxpayer's subsequent tax year for up to five succeeding tax years.

6. Notwithstanding any provision of subsection 5 of this section to the contrary, a taxpayer that is exempt, under 26 U.S.C. Section 501(c)(3), and any amendments thereto, from all or part of the federal income tax shall be eligible for a refund of its tax credit issued under this section, without regard to whether it has incurred any state tax liability. Such exempt taxpayer may claim a refund of the tax credit on its tax return required to be filed under the provisions of chapter 143, exclusive of the return for the withholding of tax under sections 143.191 to 143.265. If such exempt taxpayer is not required to file a tax return under the provisions of chapter 143, the exempt taxpayer may claim a refund of the tax credit on a refund claim form prescribed by the department of revenue. The department of revenue shall prescribe such forms, instructions, and rules as it deems appropriate to carry out the provisions of this subsection.

7. (1) The cumulative amount of tax credits authorized under this section shall not exceed twenty million dollars for each calendar year. The department shall approve tax credit applications on a first-come, first-served basis until the cumulative tax credit authorization limit is reached for the calendar year.

(2) If the maximum amount of tax credits allowed in any calendar year as provided under subdivision (1) of this subsection is authorized, the maximum amount of tax credits allowed under subdivision (1) of this subsection shall be increased by fifteen percent, provided that all such increases in the allowable amount of tax credits shall be reserved for qualified child care expenditures for child care facilities located in a child care desert. The director of the department shall publish such adjusted amount.

8. A taxpayer who has claimed a tax credit under this section shall notify the department within sixty days of any cessation of operation, change in ownership, or agreement to assume recapture liability as such terms are defined by 26 U.S.C. Section 45F, in the form and manner prescribed by department rule or instruction. If there is a cessation of operation or change in ownership relating to a child care facility, the taxpayer shall repay the department the applicable recapture percentage of the credit allowed under this section, but this recapture amount shall be limited to the tax credit allowed under this section. The recapture amount shall be considered a tax liability arising on the tax payment due date for the tax year in which the cessation of operation, change in ownership, or agreement to assume recapture liability occurred and shall be assessed and collected under the same provisions that apply to a tax liability under chapter 143 or chapter 148.

9. The tax credit allowed under this section shall be considered a domestic and social tax credit under subdivision (5) of subsection 2 of section 135.800.

10. All action and communication undertaken or required under this section shall be exempt from section 105.1500.

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

12. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset December 31, 2029, unless reauthorized by an act of the general assembly;

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

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

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department of revenue's ability to redeem tax credits authorized on or before the date the program authorized under this section expires, or a taxpayer's ability to redeem such tax credits.

135.1350. 1. This section shall be known and may be cited as the "Child Care Providers Tax Credit Act".

2. For purposes of this section, the following terms shall mean:

(1) "Capital expenditures", expenses incurred by a child care provider, during the tax year for which a tax credit is claimed under this section, for the construction, renovation, or rehabilitation of a child care facility to the extent necessary to operate a child care facility and comply with applicable child care facility regulations promulgated by the department of elementary and secondary education;

(2) "Child care desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population are located at least one-half mile away from a child care provider in urbanized areas or at least ten miles away in rural areas;

(3) "Child care facility", a child care facility as defined in section 210.201 that is licensed under section 210.221, or that is unlicensed and that is registered with the department of elementary and secondary education;

(4) "Child care provider", a child care provider as defined in section 210.201 that is licensed under section 210.221, or that is unlicensed and that is registered with the department of elementary and secondary education;

(5) "Department", the department of elementary and secondary education;

(6) "Eligible employer withholding tax", the total amount of tax that the child care provider was required, under section 143.191, to deduct and withhold from the wages it paid to employees during the tax year for which the child care provider is claiming a tax credit under this section, to the extent actually paid;

(7) "Employee", an employee, as that term is used in subsection 2 of section 143.191, of a child care provider who worked for the child care provider for an average of at least ten hours per week for at least a three-month period during the tax year for which a tax credit is claimed under this section and who is not an immediate family member of the child care provider;

(8) "Rural area", a town or community within the state that is not within a metropolitan statistical area and has a population of six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a metropolitan statistical area;

(9) "State tax liability", any liability incurred by the taxpayer under the provisions of chapter 143, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions;

(10) "Tax credit", a credit against the taxpayer's state tax liability;

(11) "Taxpayer", a corporation as defined in section 143.441 or 143.471, any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or an individual or partnership subject to the state income tax imposed by the provisions of chapter 143.

3. For all tax years beginning on or after January 1, 2024, a child care provider with three or more employees may claim a tax credit authorized in this section in an amount equal to the child care provider's eligible employer withholding tax, and may also claim a tax credit in an amount up to thirty percent of the child care provider's capital expenditures. No tax credit for capital expenditures shall be allowed if the capital expenditures are less than one thousand dollars. The amount of any tax credit issued under this section shall not exceed two hundred thousand dollars per child care provider per tax year.

4. To claim a tax credit authorized under this section, a child care provider shall submit to the department, for preliminary approval, an application for the tax credit on a form provided by the department and at such times as the department may require. If the child care provider is applying for a tax credit for capital expenditures, the child care provider shall present proof acceptable to the department that the child care provider's capital expenditures satisfy the requirements of subdivision (1) of subsection 2 of this section. Upon final approval of an application, the department shall issue the child care provider a certificate of tax credit.

5. The tax credits authorized by this section shall not be refundable and shall not be transferred, sold, assigned, or otherwise conveyed. Any amount of credit that exceeds the child care provider's state tax liability for the tax year for which the tax credit is issued may be carried back to the child care provider's immediately prior tax year or carried forward to the child care provider's subsequent tax year for up to five succeeding tax years.

6. Notwithstanding any provision of subsection 5 of this section to the contrary, a child care provider that is exempt, under 26 U.S.C. Section 501(c)(3), and any amendments thereto, from all or part of the federal income tax shall be eligible for a refund of its tax credit issued under this section, without regard to whether it has incurred any state tax liability. Such exempt child care provider may claim a refund of the tax credit on its tax return required to be filed under the provisions of chapter 143, exclusive of the return for the withholding of tax under sections 143.191 to 143.265. If such exempt child care provider is not required to file a tax return under the provisions of chapter 143, the exempt child care provider may claim a refund of the tax credit on a refund claim form prescribed by the department of revenue. The department of revenue shall prescribe such forms, instructions, and rules as it deems appropriate to carry out the provisions of this subsection.

7. (1) The cumulative amount of tax credits authorized under this section shall not exceed twenty million dollars for each calendar year. The department shall approve tax credit applications on a first-come, first-served basis until the cumulative tax credit authorization limit is reached for the calendar year.

(2) If the maximum amount of tax credits allowed in any calendar year as provided under subdivision (1) of this subsection is authorized, the maximum amount of tax credits allowed under subdivision (1) of this subsection shall be increased by fifteen percent, provided that all such increases in the allowable amount of tax credits shall be reserved for child care providers located in a child care desert. The director of the department shall publish such adjusted amount.

8. The tax credit authorized by this section shall be considered a domestic and social tax credit under subdivision (5) of subsection 2 of section 135.800.

9. All action and communication undertaken or required with respect to this section shall be exempt from section 105.1500. Notwithstanding section 32.057 or any other tax confidentiality law to the contrary, the department of revenue may disclose tax information to the department for the purpose of the verification of a child care provider's eligible employer withholding tax under this section.

10. The department may promulgate rules and adopt statements of policy, procedures, forms, and guidelines to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

11. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset December 31, 2029, unless reauthorized by an act of the general assembly;

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

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

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department of revenue's ability to redeem tax credits authorized on or before the date the program authorized under this section expires, or a taxpayer's ability to redeem such tax credits.

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's"; and

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

HOUSE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 540, Pages 1-2, Section 42.312, Lines 1-30, by deleting all of said section and lines and inserting in lieu thereof the following:

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, **for all calendar years ending on or before December 31, 2023,** the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. **Except as otherwise provided in subsection 3 of this section and section 137.078, for all calendar years beginning on or after January 1, 2024, the assessor shall annually assess all personal property at thirty-two and eight-tenths percent of its true value in money as of January first of each calendar year.** The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-

numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than two hundred hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (7) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(a) For real property in subclass (1), nineteen percent;

(b) For real property in subclass (2), twelve percent; and

(c) For real property in subclass (3), thirty-two percent.

(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is deemed to be real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is deemed to be real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. **(1) To determine the true value in money for motor vehicles,** the assessor of each county and each city not within a county shall use the **[**trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.**] trade-in value published in the current or any of the three immediately previous years' October issue of a nationally recognized automotive trade publication selected by the state tax commission. The assessor shall not use a value that is greater than the average trade-in value for such motor vehicle in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than the average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which, in the assessor's judgment, will fairly estimate the true value in money of the motor vehicle.**

(2) For all tax years beginning on or after January 1, 2025, the assessor shall apply the following depreciation schedule to the trade-in value of the motor vehicle as determined pursuant to subdivision (1) of this subsection:

Years since manufacture	**Percent Depreciation**
Current	**15**
1	**25**
2	**32.5**
3	**39.3**
4	**45.3**
5	**50.8**

6	**55.7**
7	**60.1**
8	**64.1**
9	**67.7**
10	**71**
11	**75.2**
12	**79.2**
13	**83.2**
14	**87.2**
15	**90**
Greater than 15	**99.9% or a minimum value of $300, whichever is higher**

Notwithstanding the provisions of this subdivision to the contrary, in no case shall the assessed value of a motor vehicle, as depreciated pursuant to this subdivision, be less than three hundred dollars.

(3) To implement the provisions of this subsection without large variations from the method in effect prior to January 1, 2024, the assessor shall assume that the last valuation tables used prior to October 1, 2024, are fair valuations and these valuations shall be depreciated from the table provided in subdivision (2) of this subsection until the end of their useful life. The state tax commission shall secure an annual appropriation from the general assembly for the publication used pursuant to subdivision (1) of this subsection. The state tax commission or the state of Missouri shall be the registered user of the publication with rights to allow all assessors access to the publication. The publication shall be available to all assessors by December fifteenth of each year.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner

may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

14. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

15. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 14 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

16. Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer or taxpayer's mine property. For purposes of this subsection, "mine property" shall mean all real property that is in use or readily available as a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444.

137.1050. 1. For the purposes of this section, the following terms shall mean:

(1) "Eligible credit amount", the difference between an eligible taxpayer's real property tax liability on such taxpayer's homestead for a given tax year, minus the real property tax liability on such homestead in the year that the taxpayer became an eligible taxpayer;

(2) "Eligible taxpayer", a Missouri resident who:

(a) Is eligible for Social Security retirement benefits;

(b) Is an owner of record of a homestead or has a legal or equitable interest in such property as evidenced by a written instrument; and

(c) Is liable for the payment of real property taxes on such homestead;

(3) "Homestead", real property actually occupied by an eligible taxpayer as the primary residence. An eligible taxpayer shall not claim more than one primary residence;

(4) "Real property tax liability", the amount of revenue derived from the tax imposed on an eligible taxpayer's homestead that is:

(a) Collected by the county in which such eligible taxpayer's homestead is located; and

(b) Available under state law for appropriation by such county in such county's annual budget for county expenditures.

2. Any county authorized to impose a property tax may grant a property tax credit to eligible taxpayers residing in such county in an amount equal to the taxpayer's eligible credit amount, provided that:

(1) Such county adopts an ordinance authorizing such credit; or

(2) (a) A petition in support of a referendum on such a credit is signed by at least five percent of the registered voters of such county voting in the last gubernatorial election and the petition is delivered to the governing body of the county, which shall subsequently hold a referendum on such credit.

(b) The ballot of submission for the question submitted to the voters pursuant to paragraph (a) of this subdivision shall be in substantially the following form:

Shall the County of _____ exempt senior citizens from increases in the property tax liability due on such seniors citizens' primary residence?

☐ YES ☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the credit shall be in effect.

3. A county granting an exemption pursuant to this section shall apply such exemption when calculating the eligible taxpayer's property tax liability for the tax year. The amount of the credit shall be noted on the statement of tax due sent to the eligible taxpayer by the county collector.

4. For the purposes of calculating property tax levies pursuant to section 137.073, the total amount of credits authorized by a county pursuant to this section shall be considered tax revenue, as such term is defined in section 137.073, actually received by the county.

143.022. 1. As used in this section, "business income" means the income greater than zero arising from transactions in the regular course of all of a taxpayer's trade or business and shall be limited to the Missouri source net profit from the combination of the following:

(1) The total combined profit as properly reported to the Internal Revenue Service on each Schedule C, or its successor form, filed; **[**and**]**

(2) The total partnership and S corporation income or loss properly reported to the Internal Revenue Service on Part II of Schedule E, or its successor form**;**

(3) The total combined profit as properly reported to the Internal Revenue Service on each Schedule F, or its successor form, filed; and

(4) The total combined profit as properly reported to the Internal Revenue Service on each Form 4835, or its successor form, filed.

2. In addition to all other modifications allowed by law, there shall be subtracted from the federal adjusted gross income of an individual taxpayer a percentage of such individual's business income, to the extent that such amounts are included in federal adjusted gross income when determining such individual's Missouri adjusted gross income **and are not otherwise subtracted or deducted in determining such individual's Missouri taxable income**.

3. In the case of an S corporation described in section 143.471 or a partnership computing the deduction allowed under subsection 2 of this section, taxpayers described in subdivision (1) or (2) of this subsection shall be allowed such deduction apportioned in proportion to their share of ownership of the business as reported on the taxpayer's Schedule K-1, or its successor form, for the tax period for which such deduction is being claimed when determining the Missouri adjusted gross income of:

(1) The shareholders of an S corporation as described in section 143.471;

(2) The partners in a partnership.

4. The percentage to be subtracted under subsection 2 of this section shall be increased over a period of years. Each increase in the percentage shall be by five percent and no more than one increase shall occur in a calendar year. The maximum percentage that may be subtracted is twenty percent of business income. Any increase in the percentage that may be subtracted shall take effect on January first of a calendar year and such percentage shall continue in effect until the next percentage increase occurs. An increase shall only apply to tax years that begin on or after the increase takes effect.

5. An increase in the percentage that may be subtracted under subsection 2 of this section shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

6. The first year that a taxpayer may make the subtraction under subsection 2 of this section is 2017, provided that the provisions of subsection 5 of this section are met. If the provisions of subsection 5 of this section are met, the percentage that may be subtracted in 2017 is five percent.”; and

Further amend said bill, Page 4, Section 143.175, Line 38, by inserting after all of said section and line the following:

“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law, sections 281.220 to 281.310, which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. For the purposes of this subdivision, subdivision (5) of this subsection, and section 144.054, as well as the definition in subdivision (9) of subsection 1 of section 144.010, the term "product" includes telecommunications services and the term "manufacturing" shall include the production, or production and transmission, of telecommunications services. The preceding sentence does not make a substantive change in the law and is intended to clarify that the term "manufacturing" has included and continues to include the production and transmission of "telecommunications services", as enacted in this subdivision and subdivision (5) of this subsection, as well as the definition in subdivision (9) of subsection 1 of section 144.010. The preceding two sentences reaffirm legislative intent consistent with the interpretation of this subdivision and subdivision (5) of this subsection in Southwestern Bell Tel. Co. v. Director of Revenue, 78 S.W.3d 763 (Mo. banc 2002) and Southwestern Bell Tel. Co. v. Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005), and accordingly abrogates the Missouri supreme court's interpretation of those exemptions in IBM Corporation v. Director of Revenue, 491 S.W.3d 535 (Mo. banc 2016) to the extent inconsistent with this section and Southwestern Bell Tel. Co. v. Director of Revenue, 78 S.W.3d 763 (Mo. banc 2002) and Southwestern Bell Tel. Co. v. Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005). The construction and application of this subdivision as expressed by the Missouri supreme court in DST Systems, Inc. v. Director of Revenue, 43 S.W.3d 799 (Mo. banc 2001); Southwestern Bell Tel. Co. v. Director of Revenue, 78 S.W.3d 763 (Mo. banc 2002); and Southwestern Bell Tel. Co. v. Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption. The construction and application of this subdivision as expressed by the Missouri supreme court in DST Systems, Inc. v. Director of Revenue, 43 S.W.3d 799 (Mo. banc 2001); Southwestern Bell Tel. Co. v. Director of Revenue, 78 S.W.3d 763 (Mo. banc 2002); and Southwestern Bell Tel. Co. v. Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;

(18) All sales of insulin, and all sales, rentals, repairs, and parts of durable medical equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories including parts, and hospital beds and accessories and ambulatory aids including parts, and all sales or rental of manual and powered wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters including parts, and reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19)

of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" shall mean:

(a) New or used farm tractors and such other new or used farm machinery and equipment, including utility vehicles used for any agricultural use, and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment and rotary mowers used for any agricultural purposes. For the purposes of this subdivision, "utility vehicle" shall mean any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than eighty inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three thousand five hundred pounds or less, traveling on four or six wheels;

(b) Supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile; and

(c) One-half of each purchaser's purchase of diesel fuel therefor which is:

a. Used exclusively for agricultural purposes;

b. Used on land owned or leased for the purpose of producing farm products; and

c. Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4071, 4081, **[**4091,**]** 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (4) of this subsection;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(38) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(39) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(40) All materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(42) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as defined in section 306.010;

(43) Any new or used aircraft sold or delivered in this state to a person who is not a resident of this state or a corporation that is not incorporated in this state, and such aircraft is not to be based in this state and shall not remain in this state more than ten business days subsequent to the last to occur of:

(a) The transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state; or

(b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations that are completed contemporaneously with the transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state;

(44) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision, "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(45) All internet access or the use of internet access regardless of whether the tax is imposed on a provider of internet access or a buyer of internet access. For purposes of this subdivision, the following terms shall mean:

(a) "Direct costs", costs incurred by a governmental authority solely because of an internet service provider's use of the public right-of-way. The term shall not include costs that the governmental authority would have incurred if the internet service provider did not make such use of the public right-of-way. Direct costs shall be determined in a manner consistent with generally accepted accounting principles;

(b) "Internet", computer and telecommunications facilities, including equipment and operating software, that comprises the interconnected worldwide network that employ the transmission control protocol or internet protocol, or any predecessor or successor protocols to that protocol, to communicate information of all kinds by wire or radio;

(c) "Internet access", a service that enables users to connect to the internet to access content, information, or other services without regard to whether the service is referred to as telecommunications, communications, transmission, or similar services, and without regard to whether a provider of the service is subject to regulation by the Federal Communications Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of this subdivision, internet access also includes: the purchase, use, or sale of communications services, including telecommunications services as defined in section 144.010, to the extent the communications services are purchased, used, or sold to provide the service described in this subdivision or to otherwise enable users to access content, information, or other services offered over the internet; services that are incidental to the provision of a service described in this subdivision, when furnished to users as part of such service, including a home page, electronic mail, and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity; a home page electronic mail and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity that are provided independently or that are not packed with internet access. As used in this subdivision, internet access does not include voice, audio, and video programming or other products and services, except services described in this paragraph or this subdivision, that use internet protocol or any successor protocol and for which there is a charge, regardless of whether the charge is separately stated or aggregated with the charge for services described in this paragraph or this subdivision;

(d) "Tax", any charge imposed by the state or a political subdivision of the state for the purpose of generating revenues for governmental purposes and that is not a fee imposed for a specific privilege, service, or benefit conferred, except as described as otherwise under this subdivision, or any obligation imposed on a seller to collect and to remit to the state or a political subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer by such a governmental entity. The term tax shall not include any franchise fee or similar fee imposed or authorized under sections 67.1830 to 67.1846 or section 67.2689; Section 622 or 653 of the Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573; or any other fee related to obligations of telecommunications carriers under the Communications Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent that:

a. The fee is not imposed for the purpose of recovering direct costs incurred by the franchising or other governmental authority from providing the specific privilege, service, or benefit conferred to the payer of the fee; or

b. The fee is imposed for the use of a public right-of-way based on a percentage of the service revenue, and the fee exceeds the incremental direct costs incurred by the governmental authority associated with the provision of that right-of-way to the provider of internet access service.

Nothing in this subdivision shall be interpreted as an exemption from taxes due on goods or services that were subject to tax on January 1, 2016;

(46) All purchases by a company of solar photovoltaic energy systems, components used to construct a solar photovoltaic energy system, and all purchases of materials and supplies used directly to construct or make improvements to such systems, provided that such systems:

(a) Are sold or leased to an end user; or

(b) Are used to produce, collect and transmit electricity for resale or retail**;**

(47) All sales of used tangible personal property purchased by a consumer for use or consumption, and not for resale, for valuable consideration directly from a seller at an auction of used tangible personal property or from another consumer. For the purposes of this section, "used tangible personal property" is any tangible personal property that is sold a second time at an auction or any number of additional subsequent times after the initial point of sale at an auction, upon which a sales tax is levied. The term "used tangible personal property" shall not include motor vehicles, trailers, boats, or 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.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code, as amended.

144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale or other transfer of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsection 2 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section 144.020;

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state**;**

(8) Tangible personal property purchased by a consumer for use or consumption, and not for resale, for valuable consideration directly from a seller at an auction of used tangible personal property or from another consumer. For the purposes of this section, "used tangible personal property" is any tangible personal property that is sold a second time at an auction or any number of additional subsequent times after the initial point of sale at an auction, upon which a sales tax is levied. The term "used tangible personal property" shall not include motor vehicles, trailers, boats, or 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.

Section B. Because immediate action is necessary to protect taxpayers from inflated values and rapidly increasing prices, the repeal and reenactment of section 137.115 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 137.115 of section A of this act shall be in full force and effect upon its passage and approval."; and

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

Emergency Clause Defeated.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Rowden appointed the following conference committee to act with a like committee from the House on **SB 47**, with **HCS**, as amended: Senators Gannon, Crawford, Brown (16), Razer, and McCreery.

President Pro Tem Rowden appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 187**, with **HCS**, as amended: Senators Brown (16), Cierpiot, Bernskoetter, Razer, and Roberts.

On motion of Senator O'Laughlin the Senate recessed until 10:00 a.m., May 11, 2023.

RECESS

The time of recess having expired the Senate was called to order by President Kehoe.

President Pro Tem Rowden assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Arthur, Chair of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 554**, begs leave to report that it has considered the same and recommends that the bill do pass.

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 was referred **HCS** for **HCRs 21** and **22**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HCR 13**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Thompson Rehder, Chair of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SS** for **HB 202** and **HCS** for **HB 253**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gannon, Chair of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HJR 66**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

President Kehoe assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Bean moved that **SS** for **HB 202** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Bean, **SS** for **HB 202** was read the 3rd time and passed by the following vote:

YEAS—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	Mosley	O'Laughlin	Razer	Rizzo	Roberts	Rowden
Schroer	Thompson Rehder	Trent	Williams—32			

NAYS—Senator Moon—1

Absent—Senator Washington—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Brown (16), on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 186**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 186

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 186, with House Amendment Nos. 1, 2, 3, 4, and 5, House Amendment Nos. 1, 2, 3, and 4 to House Amendment No. 6, House Amendment No. 6, as amended, House Amendment Nos. 7 and 8, House Amendment No. 1 to House Amendment No. 9, House Amendment No. 9, as amended, House Amendment Nos. 1, 2, and 3 to House Amendment No. 10, House Amendment No. 10, as amended, House Amendment Nos. 1, 2, and 3 to House Amendment No. 11, House Amendment No. 11 as amended, House Amendment No. 12, House Amendment Nos. 1, 2, 3, and 4 to House Amendment No. 13, House Amendment No. 13 as amended, House Amendment Nos. 14, 15, 16, and 17, House Amendment Nos. 1 and 2 to House Amendment No. 18, House Amendment No. 18 as amended, House Amendment No. 1 to House Amendment No. 19, House Amendment No. 19 as amended, House Amendment Nos. 20, 21, 22, 23, 24, 25 and 26, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 186, as amended;

2. That the Senate recede from its position on Senate Bill No. 186;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 186 be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Justin Brown (16)	/s/ Alex Riley
/s/ Tony Luetkemeyer	/s/ David Evans
/s/ Curtis Trent	/s/ Lane Roberts
/s/ Doug Beck	/s/ Kimberly-Ann Collins
/s/ Karla May	/s/ Robert Sauls

Senator Brown (16) moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Cierpiot	Crawford	Eslinger	Fitzwater	Gannon
Hoskins	Hough	Koenig	Luetkemeyer	May	McCreery	O'Laughlin
Razer	Rizzo	Roberts	Rowden	Schroer	Thompson Rehder	Trent
Williams—29						

NAYS—Senators

Coleman	Eigel	Moon	Mosley	Washington—5

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Brown (16), **CCS** for **HCS** for **SB 186**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 186

An Act to repeal sections 37.725, 43.400, 43.401, 43.539, 43.540, 57.280, 57.952, 57.961, 57.967, 57.991, 67.145, 70.631, 84.344, 84.480, 84.510, 94.900, 94.902, 170.310, 190.091, 190.100, 190.103, 190.134, 190.142, 190.147, 190.255, 190.327, 190.460, 192.2405, 195.206, 208.1032, 210.305, 210.565, 285.040, 287.067, 287.245, 301.3175, 320.210, 320.400, 321.225, 321.246, 321.620, 407.302, 488.435, 537.037, 558.031, 569.010, 569.100, 570.010, 570.030, 571.030, 575.095, 590.040, 590.080, 595.209, 610.021, 650.320, 650.330, and 650.340, RSMo, and to enact in lieu thereof seventy new sections relating to public safety, with penalty provisions.

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

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Cierpiot	Crawford	Eslinger	Fitzwater	Gannon
Hoskins	Hough	Koenig	Luetkemeyer	May	McCreery	O'Laughlin
Razer	Rizzo	Roberts	Rowden	Thompson Rehder	Trent	Washington
Williams—29						

NAYS—Senators

Coleman	Eigel	Moon	Mosley	Schroer—5

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown (16), title to the bill was agreed to.

Senator Brown (16) moved that the vote by which the bill passed be reconsidered.

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

Senator Luetkemeyer moved that **SS** for **SCS** for **SBs 189**, **36**, and **37**, with **HA 1** to **HA 1**, **HA 1** as amended, and **HSA 1** for **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1, as amended, for **SS** for **SCS** for **SBs 189**, **36**, and **37** was taken up.

Senator Luetkemeyer moved that **HA 1**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Cierpiot	Crawford	Eigel	Eslinger	Fitzwater
Gannon	Hoskins	Hough	Koenig	Luetkemeyer	May	McCreery
Moon	O'Laughlin	Razer	Rizzo	Roberts	Rowden	Schroer
Thompson Rehder	Trent	Williams—31				

NAYS—Senators

Coleman	Mosley	Washington—3

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

HSA 1 for **HA 2** to **SS** for **SCS** for **SBs 189**, **36** and **37** was taken up.

Senator Luetkemeyer moved that **HSA 1** for **HA 2** be adopted, which motion prevailed by the following vote:

YEAS—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	O'Laughlin	Razer	Rizzo	Roberts	Rowden
Schroer	Thompson Rehder	Trent	Williams—32			

NAYS—Senators

Mosley	Washington—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Luetkemeyer, **SS** for **SCS** for **SBs 189**, **36**, and **37**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)	Brown (26th Dist.)
Carter	Cierpiot	Crawford	Eigel	Eslinger	Fitzwater	Gannon
Hoskins	Hough	Koenig	Luetkemeyer	May	McCreery	O'Laughlin
Razer	Rizzo	Roberts	Rowden	Schroer	Thompson Rehder	Trent
Washington	Williams—30					

NAYS—Senators

Arthur	Coleman	Moon	Mosley—4

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bernskoetter, on behalf of the conference committee appointed to act with a like committee from the House on **SB 20**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 20

The Conference Committee appointed on Senate Bill No. 20, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 20, as amended;

2. That the Senate recede from its position on Senate Bill No. 20;

3. That the attached Conference Committee Substitute for Senate Bill No. 20, to be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Mike Bernskoetter	/s/ Barry Hovis
/s/ Rusty Black	/s/ Michael O'Donnell
/s/ Jason Bean	/s/ Richard West
/s/ Doug Beck	/s/ Richard Brown
/s/ Tracy McCreery	/s/ Doug Clemens

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

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brown (16th Dist.)	Brown (26th Dist.)
Carter	Cierpiot	Coleman	Crawford	Eigel	Eslinger	Fitzwater
Gannon	Hoskins	Hough	Koenig	Luetkemeyer	May	McCreery
Mosley	O'Laughlin	Razer	Rizzo	Roberts	Rowden	Schroer
Thompson Rehder	Trent	Washington	Williams—32			

NAYS—Senators—None

Absent—Senators

Brattin	Moon—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Bernskoetter, **CCS** for **SB 20**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 20

An Act to repeal sections 57.952, 57.961, 57.967, 57.991, 86.253, 86.254, 86.280, 86.283, 86.287, 104.010, 104.020, 104.035, 104.090, 104.130, 104.160, 104.170, 104.200, 104.312, 104.380, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1018, 104.1024, 104.1039, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, 143.114, 169.070, 169.331, 169.560, 169.596, 173.1205, and 476.521, RSMo, and to enact in lieu thereof fifty-four new sections relating to retirement, with existing penalty provisions.

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

YEAS—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	Mosley	O'Laughlin	Razer	Rizzo	Roberts	Schroer
Thompson Rehder	Trent	Washington	Williams—32			

NAYS—Senator Moon—1

Absent—Senator Rowden—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

Senator Bernskoetter assumed the Chair.

Senator Black, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 157**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 157

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for Senate Bill No. 157, with House Amendment Nos. 1, 2, 3, 4, and 5, House Amendment No. 1 to House

Amendment No. 6, House Amendment No. 6 as amended, House Amendment Nos. 7 and 8, House Amendment No. 1 to House Amendment No. 9, House Amendment No. 9 as amended, House Amendment No. 1 to House Amendment No. 10, House Amendment No. 10 as amended, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 11 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 157, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 157;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 157, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Rusty Black	/s/ Jeff Coleman
/s/ Holly Thompson Rehder	/s/ Bruce Sassmann
/s/ Karla Eslinger	/s/ Chris Dinkins
/s/ Lauren Arthur	/s/ Richard Brown
/s/ Doug Beck	/s/ Patty Lewis (23)

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

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Cierpiot	Coleman	Crawford	Eslinger	Fitzwater	Gannon
Hoskins	Hough	Koenig	Luetkemeyer	May	McCreery	Mosley
O'Laughlin	Razer	Rizzo	Roberts	Rowden	Schroer	Thompson Rehder
Trent	Washington	Williams—31				

NAYS—Senators

Carter	Eigel	Moon—3

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

President Kehoe assumed the Chair.

On motion of Senator Black, **CCS** for **HCS** for **SS** for **SCS** for **SB 157**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 157

An Act to repeal sections 190.255, 191.500, 191.505, 191.510, 191.515, 191.520, 191.525, 191.530, 191.535, 191.540, 191.545, 191.550, 191.600, 191.828, 191.831, 193.145, 193.265, 195.070, 195.100, 195.206, 281.102, 324.520, 331.020, 331.060, 334.036, 334.043, 334.100, 334.104, 334.506, 334.613,

334.735, 334.747, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, 335.175, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 337.510, 337.615, 337.644, 337.665, 338.010, 340.200, 340.216, 340.218, and 340.222, RSMo, and section 192.530 as truly agreed to and finally passed by senate substitute for house bill no. 402, one hundred second general assembly, first regular session, and to enact in lieu thereof ninety-four new sections relating to professions requiring licensure, with penalty provisions and an emergency clause for a certain section.

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

YEAS—Senators

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

Williams—29

NAYS—Senators

Brattin	Carter	Eigel	Moon	Schroer—5

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators

Brattin	Carter	Eigel	Hoskins	May	Moon	Mosley

Schroer—8

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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

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

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

Senator Bernskoetter, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 111**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 111

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 111, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 111, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 111;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 111 be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Mike Bernskoetter	/s/ Dave Griffith
/s/ Mike Cierpiot	/s/ Jim Schulte
/s/ Jason Bean	/s/ Tara Peters
/s/ Angela Mosley	/s/ Donna Baringer
/s/ Barbara Washington	/s/ Jamie Johnson (12)

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

YEAS—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	Mosley	O'Laughlin	Razer	Rizzo	Roberts	Rowden
Schroer	Thompson Rehder	Trent	Washington	Williams—33		

NAYS—Senator Moon—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Black, **CCS** for **HCS** for **SS** for **SB 111**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 111

An Act to repeal sections 33.100, 36.020, 36.030, 36.050, 36.060, 36.070, 36.080, 36.090, 36.100, 36.120, 36.140, 36.250, 36.440, 36.510, 37.010, 105.950, 105.1114, and 288.220, RSMo, and to enact in lieu thereof seventeen new sections relating to the administration of state employees.

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

YEAS—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	Mosley	O'Laughlin	Razer	Rizzo	Roberts	Rowden
Schroer	Thompson Rehder	Trent	Washington	Williams—33		

NAYS—Senator Moon—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

Senator Thompson Rehder moved that **SS** for **SCS** for **SB 40**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 40**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 40

An Act to repeal sections 43.539, 43.540, and 210.493, RSMo, and to enact in lieu thereof five new sections relating to background checks.

Was taken up.

Senator Thompson Rehder moved that **HCS** for **SS** for **SCS** for **SB 40**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Cierpiot	Coleman	Crawford	Eslinger	Fitzwater
Gannon	Hoskins	Hough	Koenig	Luetkemeyer	May	McCreery
Mosley	O'Laughlin	Razer	Rizzo	Roberts	Rowden	Schroer
Thompson Rehder	Trent	Washington	Williams—32			

NAYS—Senators

Eigel Moon—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Thompson Rehder, **HCS** for **SS** for **SCS** for **SB 40** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Cierpiot	Coleman	Crawford	Eslinger	Fitzwater
Gannon	Hoskins	Hough	Koenig	Luetkemeyer	May	McCreery
Mosley	O'Laughlin	Razer	Rizzo	Roberts	Rowden	Schroer
Thompson Rehder	Trent	Washington	Williams—32			

NAYS—Senators

Eigel Moon—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

Senator O′Laughlin moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bernskoetter moved that **SCR 7**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCR 7**, entitled:

An Act relating to the America 250 Missouri Commission.

Was taken up.

Senator Bernskoetter moved that **HCS** for **SCR 7** be adopted, which motion prevailed by the following vote:

YEAS—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	Roberts	Rowden
Schroer	Thompson Rehder	Trent	Washington	Williams—33		

NAYS—Senators—None

Absent—Senator Rizzo—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Bernskoetter, **HCS** for **SCR 7** was read the 3rd time and passed by the following vote:

YEAS—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	Roberts	Rowden
Schroer	Thompson Rehder	Trent	Washington	Williams—33		

NAYS—Senators—None

Absent—Senator Rizzo—1

Absent with leave—Senators—None

Vacancies—None

The President declared the concurrent resolution passed.

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

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

Senator O′Laughlin moved that motion lay on the table, which motion prevailed.

Concurrent resolution ordered enrolled.

Senator Rowden assumed the Chair.

Senator Bernskoetter, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 109**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 109

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 109, with House Amendment Nos. 1, 2, 3, 4, 5, and 6, House Amendment No. 1 to House Amendment No. 7, and House Amendment No. as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 109, as amended;

2. That the Senate recede from its position on Senate Bill No. 109;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 109 be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Mike Bernskoetter	/s/ Dan Houx
/s/ Holly Thompson Rehder	/s/ Jeff Knight
/s/ Sandy Crawford	/s/ Bob Bromley
/s/ Tracy McCreery	/s/ Emily Weber
/s/ Barbara Washington	/s/ Yolanda Young

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

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brown (16th Dist.)	Brown (26th Dist.)
Cierpiot	Crawford	Eslinger	Gannon	May	McCreery	Mosley
Razer	Rizzo	Roberts	Rowden	Thompson Rehder	Washington	Williams—21

NAYS—Senators

Brattin	Carter	Coleman	Eigel	Fitzwater	Hoskins	Hough
Koenig	Luetkemeyer	Moon	O'Laughlin	Schroer	Trent—13	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Bernskoetter, **CCS** for **HCS** for **SB 109**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 109

An Act to repeal sections 12.070, 163.024, 256.700, 256.710, 259.080, 260.262, 260.273, 260.380, 260.392, 260.475, 293.030, 444.768, 444.772, 640.099, 640.100, 643.079, 644.051, and 644.057, RSMo, and to enact in lieu thereof twenty new sections relating to natural resources.

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

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brown (16th Dist.)	Cierpiot
Crawford	Eslinger	Gannon	May	McCreery	Mosley	Razer
Rizzo	Roberts	Rowden	Thompson Rehder	Washington	Williams—20	

NAYS—Senators

Brattin	Brown (26th Dist.)	Carter	Coleman	Eigel	Fitzwater	Hoskins
Hough	Koenig	Luetkemeyer	Moon	O'Laughlin	Schroer	Trent—14

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

Senator Schroer moved that **SS** for **SCS** for **SB 398**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 398**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 398

An Act to repeal sections144.020, 144.070, 304.820, 407.812, and 407.828, RSMo, and to enact in lieu thereof five new sections relating to motor vehicles, with penalty provisions.

Was taken up.

Senator Schroer moved that **HCS** for **SS** for **SCS** for **SB 398**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brown (16th Dist.)	Carter
Coleman	Crawford	Eslinger	Fitzwater	Gannon	Hoskins	Hough
Luetkemeyer	May	McCreery	Mosley	O'Laughlin	Razer	Rizzo
Roberts	Rowden	Schroer	Thompson Rehder	Washington	Williams—27	

NAYS—Senators

Brattin	Brown (26th Dist.)	Eigel	Koenig	Moon	Trent—6

Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schroer, **HCS** for **SS** for **SCS** for **SB 398** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Brattin	Brown (26th Dist.)	Carter	Eigel	Koenig	Moon	Trent—7

Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Eslinger moved that **SS** for **SB 138**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS** for **SB 138**, entitled:

HOUSE SUBSITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 138

An Act to repeal sections 60.401, 60.410, 60.421, 60.431, 60.441, 60.451, 60.471, 60.480, 60.491, 60.510, 135.772, 135.775, 135.778, 143.022, 143.121, 195.203, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767, 195.773, 196.311, 196.316, 261.265, 281.102, 304.180, 323.100, 340.341, 340.345, 340.381, 340.384, 340.387, and 413.225, RSMo, and to enact in lieu thereof twenty-eight new sections relating to agriculture, with penalty provisions.

Was taken up.

Senator Eslinger moved that **HS** for **HCS** for **SS** for **SB 138**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brown (16th Dist.)	Brown (26th Dist.)
Carter	Coleman	Crawford	Eslinger	Fitzwater	Gannon	Hoskins
Hough	Koenig	Luetkemeyer	May	McCreery	Mosley	O'Laughlin
Razer	Rizzo	Roberts	Rowden	Thompson Rehder	Washington	Williams—28

NAYS—Senators

Brattin	Eigel	Moon	Schroer	Trent—5

Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Eslinger, **HS** for **HCS** for **SS** for **SB 138**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brown (16th Dist.)	Brown (26th Dist.)
Cierpiot	Coleman	Crawford	Eslinger	Fitzwater	Gannon	Hoskins
Hough	Koenig	Luetkemeyer	May	McCreery	Mosley	O'Laughlin
Razer	Rizzo	Roberts	Rowden	Thompson Rehder	Washington	Williams—28

NAYS—Senators

Brattin	Carter	Eigel	Moon	Schroer	Trent—6

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Fitzwater assumed the Chair.

Senator Koenig moved that **SS No. 2** for **SCS** for **SB 96**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS No. 2** for **SCS** for **SB 96**, entitled:

HOUSE SUBSITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 96

An Act to repeal sections 67.1421, 115.105, 115.123, 115.351, 115.776, 115.904, and 238.225, RSMo, and to enact in lieu thereof fifteen new sections relating to voting procedures.

Senator Koenig moved that **HS** for **HCS** for **SS No. 2** for **SCS** for **SB 96**, as amended, be adopted.

Senator Fitzwater assumed the Chair.

Senator Thompson Rehder assumed the Chair.

Senator Rowden assumed the Chair.

Senator Koenig offered a substitute motion that the Senate refuse to concur in **HS** for **HCS** for **SS No. 2** for **SCS** for **SB 96**, as amended, and request the House to recede from its position and take up and pass **SS No. 2** for **SCS** for **SB 96**, which motion prevailed.

Senator Trent moved that **SB 275**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 275**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 275

An Act to repeal sections 137.122, 204.300, 204.610, 393.320, 393.1030, 393.1506, and 640.144, RSMo, and section 67.2677 as enacted by senate bills nos. 153 & 97, one hundred first general assembly, first regular session, and to enact in lieu thereof thirteen new sections relating to utilities.

Was taken up.

Senator Trent moved that **HCS** for **SB 275**, be adopted.

Senator Bernskoetter assumed the Chair.

Senator Bean assumed the Chair.

At the request of Senator Trent, the above privileged motion was withdrawn.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 129**, entitled:

An Act to repeal sections 211.221, 452.375, and 454.1005, RSMo, and to enact in lieu thereof three new sections relating to child custody.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 116**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 25**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **SB 127**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **SB 127**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 186**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 186**.

Bill ordered enrolled.

On motion of Senator O'Laughlin, the Senate recessed until 10:00 a.m., Friday, May 12, 2023.

RECESS

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

PRIVILEGED MOTIONS

Senator Trent moved that **SB 275**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 275**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 275

An Act to repeal sections 137.122, 204.300, 204.610, 393.320, 393.1030, 393.1506, and 640.144, RSMo, and section 67.2677 as enacted by senate bills nos. 153 & 97, one hundred first general assembly, first regular session, and to enact in lieu thereof thirteen new sections relating to utilities.

Was taken up.

Senator Eigel raised a point of order that the Chair failed recognize him for a substitute privileged motion.

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

Senator Bean assumed the Chair.

President Pro Tem Rowden assumed the Chair.

The point of order was ruled well taken.

Senator Eigel offered a substitute privileged motion that the Senate take up **SS** for **SB 540**, with HA 1, HA 1 to HA 2, and HA 2, as amended, for 3rd reading and final passage, and requested it be reduced to writing.

Senator O'Laughlin offered an amendment to the substitute privileged motion to strike "**SS** for **SB 540**, with HA 1, HA 1 to HA 2, and HA 2, as amended" and insert "**SS** for **SCS** for **SB 92**, with **HCS**, with HA 1, HA 2, HA 3, HA 4, HA 1 to HA 5, HA 5, as amended, HA 1 to HA 6, HA 2 to HA 6, HA 6 as amended".

Senator O'Laughlin moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bean, Coleman, Eigel, and Eslinger.

The amendment to the substitute motion was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators

Brattin	Brown (26th Dist.)	Carter	Eigel	Hoskins	Koenig	Moon
Schroer—8						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The above substitute privileged motion, as amended, was adopted.

Senator Hoskins moved that **SS** for **SCS** for **SB 92**, with **HCS**, be taken up for 3rd reading and final passage.

At the request of Senator Hoskins, the above motion was withdrawn, which placed the bill back on the Calendar.

Senator Trent moved that **SB 275**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 275**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 275

An Act to repeal sections 137.122, 204.300, 204.610, 393.320, 393.1030, 393.1506, and 640.144, RSMo, and section 67.2677 as enacted by senate bills nos. 153 & 97, one hundred first general assembly, first regular session, and to enact in lieu thereof thirteen new sections relating to utilities.

Was taken up.

RESOLUTIONS

Senator Schroer offered Senate Resolution No. 496, regarding Emily Farris, Maryland Heights, which was adopted.

Senator Schroer offered Senate Resolution No. 497, regarding Natalie Hendren, St. Charles, which was adopted.

Senator Schroer offered Senate Resolution No. 498, regarding Taylor Mollet, St. Charles, which was adopted.

Senator Schroer offered Senate Resolution No. 499, regarding Melina Karavousanos, St. Charles, which was adopted.

Senator Schroer offered Senate Resolution No. 500, regarding Elizabeth Schmidt, St. Charles, which was adopted.

Senator Carter offered Senate Resolution No. 501, regarding Harry S. Truman Elementary School, Webb City School District, which was adopted.

Senator Eigel offered Senate Resolution No. 502, regarding Mya Edgar, St. Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 503, regarding Laraya Kalynn Duncan, St. Charles, which was adopted.

Senator Beck offered Senate Resolution No. 504, regarding Harry Francis Gillick, St. Louis, which was adopted.

Senator Beck offered Senate Resolution No. 505, regarding Richard "Pete" Elmer Browne, Grantwood Village, which was adopted.

Senator Beck offered Senate Resolution No. 506, regarding David "Dave" Michael Reinheimer, St. Louis, which was adopted.

Senator Beck offered Senate Resolution No. 507, regarding James "Chip" David Miller, St. Louis, which was adopted.

Senator Beck offered Senate Resolution No. 508, regarding Fred Vincent Behm, St. Louis, which was adopted.

Senator Beck offered Senate Resolution No. 509, regarding Jerry Hrabovsky, Webster Groves, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 510, regarding the Sixtieth Wedding Anniversary of George and Sherri Scott, St. Joseph, which was adopted.

Senator Black offered Senate Resolution No. 511, regarding Catherine Rhoad, Maysville, which was adopted.

Senator Black offered Senate Resolution No. 512, regarding the One Hundredth Birthday of Dorothy Jean Peter Culp, Skidmore, which was adopted.

Senator O'Laughlin offered Senate Resolution No. 513, regarding Robert Ellison, Canton, which was adopted.

Senators Bernskoetter, Hough, and Rizzo offered Senate Resolution No. 514, regarding Dee Ann McKinney, Jefferson City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 515, regarding Sister Jean Dietrich, Jefferson City, which was adopted.

Senators Trent and Moon offered Senate Resolution No. 516, regarding Deborah Plaster, Republic, which was adopted.

Senator May offered Senate Resolution No. 517, regarding Mallinckrodt Academy of Gifted Instruction, St. Louis Public School District, which was adopted.

Senators Koenig and Schroer offered Senate Resolution No. 518, regarding Tatiana Mouzi, Ballwin, which was adopted.

Senator May offered Senate Resolution No. 519, regarding the death of Emily Hunter Burch, St. Louis, which was adopted.

On motion of Senator O'Laughlin the Senate adjourned until 3:00 p.m., Friday, May 12, 2023, which withdrew the above privileged motion.

SENATE CALENDAR

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SIXTY-EIGHTH DAY–FRIDAY, MAY 12, 2023

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FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 8-Eigel (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 335-Crawford
2. SB 46-Gannon, with SCS
3. SB 206-Eslinger
4. SB 349-Trent, with SCS
5. SB 229-Colemen, with SCS
6. SBs 332, 334, 541 & 144-Brattin, with SCS
7. SB 161-Coleman, with SCS
8. SB 166-Carter
9. SB 381-Thompson Rehder
10. SB 77-Black
11. SB 342-Trent
12. SB 374-Cierpiot, with SCS
13. SB 455-Roberts, with SCS
14. SB 440-Washington
15. SJR 46-Black
16. SB 185-Bernskoetter, with SCS
17. SB 7-Rowden, with SCS
18. SB 366-Crawford, with SCS
19. SB 337-Crawford
20. SB 367-Luetkemeyer
21. SJR 37-Cierpiot
22. SB 274-Trent
23. SB 412-Brown (26)
24. SJR 30-Brown (26), with SCS
25. SB 348-Trent
26. SB 519-Hoskins, with SCS
27. SB 319-Eigel, with SCS
28. SB 534-Black
29. SB 343-Razer
30. SB 160-Schroer and Coleman
31. SB 375-Cierpiot
32. SB 313-Mosley
33. SB 17-Arthur
34. SB 26-Brown (16)
35. SB 428-Carter
36. SJR 28-Carter
37. SB 553-Eslinger
38. SB 554-McCreery

HOUSE BILLS ON THIRD READING

1. HCS for HB 253 (Koenig)
2. HCS for HBs 133 & 583, with SCS (Hoskins) (In Fiscal Oversight)
3. HCS for HBs 640 & 729, with SCS (Luetkemeyer) (In Fiscal Oversight)
4. HCS for HB 467 (Crawford)
5. HB 644-Francis (Bean)
6. HCS for HB 154, with SCS (Thompson Rehder) (In Fiscal Oversight)
7. HB 283-Kelly (141), with SCS (Arthur)
8. HCS for HB 454 (Coleman)
9. HB 677-Copeland, with SCS (Brown (16))
10. HB 1010-Christofanelli (Trent)
11. HB 70-Dinkins (Brattin)
12. HB 415-O'Donnell, with SCS (Hough)
13. HCS for HBs 702, 53, 213, 216, 306 & 359 (Schroer) (In Fiscal Oversight)
14. HCS for HB 668, with SCS (Williams)
15. HCS for HB 316 (Bean)
16. HCS for HB 675 (Hoskins) (In Fiscal Oversight)
17. HB 585-Owen, with SCS (Crawford) (In Fiscal Oversight)
18. HCS for HB 1019 (Trent)
19. HCS for HB 1152, with SCS (Cierpiot)
20. HCS for HB 631, with SCS (Bernskoetter)
21. HCS for HB 587 (Crawford)
22. HCS for HBs 971 & 970 (Crawford)
23. HCS for HBs 994, 52 & 984, with SCS (Luetkemeyer)
24. HCS for HB 475, with SCS (Roberts)
25. HCS for HB 88 (Bernskoetter)
26. HB 81-Veit, with SCS (Thompson Rehder)
27. HB 94, HCS HB 130 & HCS HBs 882 & 518-Schwadron, with SCS (Eigel)
28. HCS for HB 1015, with SCS (Bernskoetter)
29. HCS for HB 774 (Moon)
30. HB 200-Francis (Thompson Rehder)
31. HCS#2 for HB 713, with SCS (Crawford) (In Fiscal Oversight)
32. HCS for HB 155, with SCS (Black)
33. HB 1067-Sharpe (4), with SCS (Eigel)
34. HCS for HB 725, with SCS (Brown (16)) (In Fiscal Oversight)
35. HCS for HB 1109 (Crawford)
36. HCS for HB 521 (Trent)
37. HCS for HB 779, with SCS (Bernskoetter)
38. HCS for HB 442 (Bernskoetter)
39. HB 136-Hudson (Carter)
40. HCS for HJRs 33 & 45 (Brown (26))
41. HCS for HB 424 (Crawford)
42. HB 1120-Hardwick (Brown (16))
43. HB 345-McGirl (Gannon)
44. HCS for HB 870 (Arthur) (In Fiscal Oversight)
45. HCS for HBs 919 & 1081, with SCS (Eigel)
46. HB 403-Haden, with SCS (Brown (16))
47. HCS for HB 576 (Black)
48. HCS for HBs 948 & 915 (Thompson Rehder)
49. HCS for HB 1023 (Rizzo)
50. HCS for HBs 117, 343 & 1091, with SCS (Luetkemeyer)
51. HB 282-Schnelting (Schroer)
52. HB 392-Toalson Reisch (Bean)
53. HJR 66-Baker (Brown (26))

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 5-Koenig, with SCS
SB 11-Crawford, with SCS, SS for SCS, SA 2 & SA 1 to SA 2 (pending)
SB 15-Cierpiot, with SS (pending)
SB 21-Bernskoetter, with SCS (pending)
SB 30-Luetkemeyer, with SS & SA 12

(pending)
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 74-Trent, with SCS, SS for SCS & SA 1 (pending)
SB 79-Schroer, with SCS
SB 81-Coleman, with SCS
SB 85-Carter, with SCS, SS for SCS & SA 1 (pending)
SBs 93 & 135-Hoskins, with SCS & SS for SCS (pending)
SB 95-Koenig, with SS & SA 2 (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 152-Trent
SB 168-Brown (26), with SCS & SS for SCS (pending)
SB 180-Crawford
SB 184-Arthur, with SCS & SA 1 (pending)
SB 209-Bean, with SCS
SB 214-Beck, with SS & SA 2 (pending)
SB 228-Coleman, with SCS & SS for SCS (pending)SB 234-Brown (26)
SB 256-Brattin, with SCS
SB 304-Eigel, with SS & SA 5 (pending)
SB 317-Eigel, with SCS, SS#2 for SCS & SA 1 (pending)
SB 355-Brown (16), with SCS
SB 360-Koenig, with SCS
SB 400-Schroer, with SS (pending)
SB 413-Hoskins, with SCS, SS for SCS, SA 3 & SA 2 to SA 3 (pending)
SJR 12-Cierpiot
SJR 14-Brown (16), with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 184, with SCS, SS for SCS & SA 1 (pending) (Brown (26))
HCS for HB 301, with SCS, SS for SCS & SA 6 (pending) (Luetkemeyer)
HB 730-C. Brown (Trent)
HB 827-Christofanelli, with SS, SA 2 & SA 1 to SA 2 (pending) (Koenig)
HCS for HB 909, with SA 2 & SA 1 to SA 2 (pending) (Brattin)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 92-Hoskins, with HCS, as amended
SS for SCS for SB 129-Brattin, with HCS
SS for SB 181-Crawford, with HCS, as amended
SS for SB 198-Thompson Rehder, with HCS, as amended
SS for SB 199-Thompson Rehder, with HA 1, HA 1 to HA 2, HA 2 to HA 2 & HA 2, as amended
SB 275-Trent, with HCS, as amended
SS for SB 540-Eigel, with HA 1, HA 1 to HA 2 & HA 2, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 20-Bernskoetter, with HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7, HA 8, HA 9 & HA 10 (Senate adopted CCR and passed CCS)

SS for SCS for SBs 45 & 90-Gannon, with HCS, as amended (Senate adopted CCR and passed CCS)

SB 47-Gannon, with HCS, as amended

SS for SCS for SB 72-Trent, with HCS, as amended

SB 109-Bernskoetter, with HCS, as amended (Senate adopted CCR and passed CCS)

SS for SB 111-Bernskoetter, with HCS, as amended (Senate adopted CCR and passed CCS

SS for SCS for SB 157-Black, with HCS, as amended (Senate adopted CCR and passed CCS)

SCS for SB 187-Brown (16), with HCS, as amended

SS for SB 222-Trent, with HCS, as amended

SB 247-Brown (16), with HCS, as amended

HCS for HBs 903, 465, 430 & 499, with SS for SCS, as amended (Brattin)

HCS for HJR 43, with SS#3 (Crawford) (House adopted CCR and passed CCS)

Requests to Recede or Grant Conference

HCS for HB 655, with SS for SCS, as amended (Crawford) (House requests Senate recede or grant conference)

Requests to Recede

SS#2 for SCS for SB 96-Koenig, with HS for HCS, as amended (Senate requests House recede and take up & pass bill)

RESOLUTIONS

SR 22-Roberts

SR 390-Beck

SR 417-Hoskins

Reported from Committee

HCS for HCR 13

HCS for HCRs 21 & 22 (Fitzwater)

To be Referred

SCR 19-May

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