

HB 34 -- UNIFORM COMMERCIAL CODE

This bill updates Articles 1 and 7 of Missouri's Commercial Code to match the current version of the Uniform Commercial Code.

SCS HCS HB 50 -- 16TH JUDICIAL CIRCUIT

This bill specifies that Division 12 of the 16th Judicial Circuit shall sit in the City of Independence rather than in Kansas City.

SCS HB 51 -- CEMETERY TRUST FUNDS

This bill authorizes county commissions that are trustees for a cemetery trust fund to utilize investment managers to invest, reinvest, and manage fund assets. Responsibilities and requirements for investment managers are detailed in the bill.

The cemetery trust funds to which the bill is referring and of which the county commission is given authority to invest in specified situations are those governed by Sections 214.140 to 214.180, RSMo, and the investments cannot otherwise be prohibited by the Missouri Constitution, Article VI, Section 23.

SS SCS HB 93 -- JOB TRAINING

ADULT HIGH SCHOOLS

The bill establishes four adult high schools to be operated by a Missouri nonprofit organization. An "adult high school" is defined as a school for an individual who is at least 21 years old without a high school diploma, offers industry certification programs that include a high school diploma and provides on-site child care for students (Section 160.2700, RSMo).

This bill requires the Department of Elementary and Secondary Education (DESE) to grant a license to a Missouri-based nonprofit organization before January 1, 2018, to establish and operate four adult high schools with locations as specified in the bill. Currently, these areas are St. Louis City, Butler County or contiguous counties, Greene County or contiguous counties, and Boone County or contiguous counties.

The license will be granted by a bid process conducted in accordance with the rules and regulations governing purchasing through the Office of Administration.

The bill specifies the requirements for a successful bid. The requirements include:

- (1) Demonstrating the ability to establish four adult high schools within 21 months of receiving

the license;

- (2) Committing a minimum of \$2 million in investment for the necessary infrastructure to operate the four schools;
- (3) Demonstrating substantial and positive experience in providing services, including industry certifications and job placement services, establish a partnership with a state-supported postsecondary education institution, if necessary;
- (4) Establishing a comprehensive plan for how each adult high school will help address the need for a sufficiently trained workforce in the surrounding region for each adult high school and establish partnerships and strategies for engaging the community and business leaders in carrying out the goals of each adult high school;
- (5) Establishing the ability to meet quality standards through certified teachers and programs;
- (6) Creating a plan for assisting students in overcoming barriers; and
- (7) Establishing a process for determining the outcomes of the adult high school.

This bill requires DESE to establish specific requirements for a student to obtain a high school diploma. The requirements must be based on an adult student's prior high school achievement and the remaining credits and coursework required for the student to receive a high school diploma if he or she were in a traditional high school setting. An adult student shall meet the requirements with the same level of academic rigor as would otherwise be necessary, at his or her own pace and as available from the school.

The bill specifies that DESE shall award high school diplomas to adult students who successfully complete the requirements and the diploma will be indistinguishable from a traditional high school diploma. This bill allows an adult student to complete required coursework at his or her own pace and as available through the adult high school. The bill prohibits DESE from creating additional regulations or burdens on the adult high school or an adult student beyond certifying necessary credits and ensuring that a student has sufficiently mastered the subject matter to make him or her eligible for credit (Section 160.2705).

This bill requires admission preference be given to a student who receives any local, state, or federal assistance in which a person or family is required not to exceed a certain income level in order to qualify for the assistance (Section 160.2710).

The bill specifies that an adult high school shall not receive funding from the foundation formula established under Section 163.031 and will not receive any local funding that is intended to benefit traditional public schools or charter schools in the state. An adult high school may receive funding from public or private sources, including from the nonprofit organization operating the adult high school. If the school receives funding from a public source it must operate in a manner that does not violate the provisions of Article IX, Section 8, or Article I,

Section 7, of the Missouri Constitution or the First Amendment of the United States Constitution. The nonprofit organization operating the school must ensure that the school is funded to operate year-round and set the following outcome expectations:

- 1) Each year, at least 75% of the school's students shall graduate or continue working toward a high school diploma or an industry certification;
- 2) At least 50% of the school's graduates shall attain an industry certification or enroll in higher education or more advanced skills training within six months of graduation;
- 3) At least 85% of the school's graduates who do not enroll in higher education or more advanced skills training shall be employed within six months of graduation; and
- 4) The school's graduates who enter the workforce shall earn, on average, a wage at least 20% greater than the average Missouri wage rate for individuals without high school diplomas (Section 160.2715).

The licensed nonprofit organization shall submit an annual report to DESE, the Joint Committee on Education, the Governor, the Speaker of the House, and the President Pro Tem of the Senate before December 1 of each year (Section 160.2720).

MISSOURI WORKS

This bill modifies the definition of "new capital investment" by allowing costs incurred by a qualified company at the project facility prior to acceptance of the proposal for benefits to be considered new capital investment (Section 620.800).

The bill allows the Department of Economic Development to contract with other entities for the purpose of advertising, marketing, and promoting the Missouri Works Training program. Such marketing shall not exceed \$50,000 annually (Section 620.803).

This bill also allows the department to provide assistance through the Missouri Works Job Development Fund to a consortium of companies if a majority of the consortium are qualified companies (Section 620.806).

Currently, Missouri Works Training projects are funded by redirecting withholding taxes remitted by a qualified company for new or retained jobs created by the company. Subject to appropriation, the bill allows the department to provide up-front funding from appropriations from the General Revenue Fund. For projects that utilize such funding, the amount of withholding taxes redirected for the project shall be reduced by the amount of funds received through the general revenue appropriation (Section 620.809).

SS SCS HCS HB 115 -- SALE OF LIQUOR IN AIRPORTS

This bill regulates intoxicating liquor. In its main provisions, the bill:

- (1) Specifies that exemptions for ignition interlock device requirements shall not be granted to individuals who are self-employed or who wholly or partially own or control an entity that owns an employer-owned vehicle (Section 302.441, RSMo);
- (2) Allows distillers under Section 331.070 to offer for the promotion of tourism liquor drink sales from 6:00 a.m. to 1:30 a.m. Monday to Saturday and 9:00 a.m. to midnight on Sundays (Section 311.070);
- (3) Exempts retailers on the grounds of a recreational resort from the requirement that a retailer purchase intoxicating liquors from a wholesaler if the intoxicating liquor is manufactured in close proximity to the recreational resort. A retailer and its employees may hold specified financial interests in a distillery located near a recreational resort that the retailer owns, in whole or in part. Sales from those licensed as resort distilleries to wholesalers are also allowed so long as the resort license holder has no financial interest in the wholesaler (Section 311.075);
- (4) Enables retail establishments selling liquor by the drink within the St. Louis Lambert International Airport or the Kansas City International Airport to apply for a permit which allows patrons to leave the licensed establishment with an alcoholic beverage and carry it into other designated areas within the airport. All such retail establishments in the airport are required to serve their alcoholic beverages in containers displaying the retailer's name or logo (Section 311.179);
- (5) Provides a five-day time limit for the Supervisor of Liquor Control inspections involving intoxicating liquor, as specified in the bill. Exceptions to inspection are allowed in certain cases where certificates are provided from federal agencies to the Supervisor of Liquor Control's office. The supervisor is granted sole authority over certain products (Sections 311.275, 311.510, and 311.540); and
- (6) Repeals a section related to the personal shipment of wine (Section 311.462).

SS#2 SCS HCS HB 130 -- TRANSPORTATION NETWORK COMPANIES

This bill outlines the new regulatory treatment of transportation network companies (TNCs).

The bill provides that TNCs and TNC drivers are not common carriers, contract carriers, motor carriers, taxicab services or associations, or for-hire vehicle services. TNC drivers need not register their vehicles as commercial or for-hire.

This bill further provides that, beginning April 28, 2018, a TNC must apply for an annual license from the Department of Revenue to do business within the State of Missouri, and maintain the insurance coverage requirements.

The bill allows TNCs to charge fares, but the TNC must disclose the fare or fare structure on its website or digital network. If the fare is based on actual time and distance traveled, the TNC on its website shall also provide riders the applicable rates being charged and the option to receive an estimated fare before the rider enters the vehicle.

The TNC's digital network shall display a picture of the TNC driver and the license plate number of the vehicle before the rider enters the vehicle. The TNC must provide a detailed electronic receipt to the rider within a reasonable time following a trip.

Except as they relate to a 501(c)(3) nonprofit, state or local government entity, or federally-recognized Indian tribe, TNC drivers shall be independent contractors and not employees under certain circumstances. TNC drivers are not agents of the TNC unless agreed to in writing.

TNCs must adopt a zero tolerance policy toward drivers using intoxicating substances. This bill also requires an investigation into any complaints regarding violations of such policy and maintenance of related records.

TNCs are required to notify drivers they may have a contractual obligation to include the TNC as a loss payee on their insurance policy, and drivers are required to take any steps necessary to satisfy the requirements of their insurance contracts.

This bill prescribes driver eligibility requirements, including background checks and registration with the TNC. Vehicles used by TNC drivers must meet Missouri's motor vehicle safety inspection requirements. TNC drivers, taxicab drivers, and persons performing food delivery services shall not be required to obtain a class of Missouri driver's license other than class F. TNCs shall remove drivers from their platform if they are determined to have committed certain crimes or if their insurance policy is no longer in effect.

TNC drivers shall not solicit or accept street hails. TNCs shall adopt nondiscrimination policies with respect to riders, shall notify drivers of such policy, and may not discriminate against TNC drivers in a way prohibited by the Missouri or United States Constitutions.

TNCs are prohibited from misleading riders or potential riders, including law enforcement, as to how many vehicles are available to provide rides. TNCs shall not use geographic location or geolocation data to exclude service to areas on the basis of such area's income, racial, or ethnic composition. TNCs are subject to fines and license suspension for violations as provided in the bill.

TNCs shall maintain individual trip records of riders for one year following each trip, and individual records of TNC drivers for one year following the end of the TNC's relationship with the driver. TNCs shall adopt a privacy policy to protect the personal information of TNC riders.

This bill provides that it is the sole body of law governing TNCs and TNC drivers, and provides that the Department of Revenue may promulgate rules to administer the provisions. Income

taxes imposed by the state and earnings taxes are not preempted by this bill. Airport owners or operators may establish operating procedures and may charge reasonable fees for passenger drop-off and pick-up or for use of their facilities.

This bill authorizes Kansas City and the Saint Louis Regional Taxicab Commission to audit a TNC, no more than twice a year, to ensure compliance with the provisions of this bill. Each licensed TNC may be charged for the costs of the audit, not to exceed \$5,000 per year. If any violations are discovered, the TNC can be fined up to \$500 per violation by the appropriate entity.

If a TNC learns that a TNC driver has been convicted of an offense that would preclude the driver from being eligible as a TNC driver under this bill, the TNC shall immediately revoke the driver's ability to accept trip requests and notify the Department of Revenue. A TNC shall also report to the department any TNC driver involved in a traffic accident or incident that resulted in serious bodily injury or fatality. The department shall have to implement a process to provide such information to all other TNCs in this state.

This bill provides that the statutes relating to the Saint Louis Regional Taxicab District shall not apply to TNCs, TNC drivers, or TNC services. It also removes the requirement that the Saint Louis Regional Taxicab Commission incorporate fingerprints into their criminal record check procedures.

SS#2 HCS HB 151 -- REAL ID COMPLIANT LICENSES

This bill requires the Department of Revenue to amend its procedures for applying for a driver's license or identification card in order to comply with the federal REAL ID Act. The department is currently prevented from complying with the act.

This bill requires that the department give applicants the option of either a REAL ID-compliant driver's license or identification card or a license or identification card that is not in compliance with the federal REAL ID Act. The department will be required to inform applicants of the differences between the compliant and non-compliant forms of license, specifically that the REAL ID-compliant driver's license or identification card can be used for federal purposes such as commercial domestic air travel and gaining access to military bases and most federal government facilities, while the non-compliant license or card cannot.

The bill specifies that any biometric data collected for these purposes will be retained only for the purposes of complying with the REAL ID Act, and requires that documents retained as required for REAL ID compliance driver's licenses or identification cards must be stored solely on a system not connected to the Internet. This provision contains a penalty provision (Section 302.170, RSMo).

The department cannot collect duplicate REAL ID driver's license or identification card fees from an applicant who did not previously have a compliant license or card (Section 302.185).

This bill allows a person to receive a veteran designation on a driver's license or identification card upon submission of a United States Department of Veterans Affairs photo identification card, or specified forms showing a discharge status of "honorable" or "general under honorable conditions" (Section 302.188).

In the event the state is required to provide its citizens with photo ID in order to vote, it must be a REAL ID non-compliant ID card (Section 1).

The bill repeals provisions requiring the Department of Revenue to destroy, by December 31, 2013, source documents obtained from driver license applicants after September 1, 2012. The bill also repeals a provision prohibiting the Department of Revenue from retaining certificates of qualification for concealed carry endorsements.

HB 153 -- EXPERT WITNESSES

This bill specifies that a witness who is qualified as an expert may testify in the form of an opinion or otherwise if the expert's specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue, the testimony is based on sufficient facts or data, the testimony is the product of reliable principles and methods, and the expert has reliably applied the principles and methods to the facts of the case.

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, such facts or data need not be admissible for the opinion to be admitted. However, if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

An expert opinion is not objectionable just because it embraces an ultimate issue. In a criminal case, an expert witness must not state an opinion about whether the defendant did or did not have a mental state or condition that constitutes an element of the crime charged or of a defense.

The bill specifies the provisions do not prevent a landowner from testifying as to the value of his or her land.

Unless the court orders otherwise, an expert may state an opinion and give the reasons for it without first testifying to the underlying facts or data. However, the expert may be required to disclose those facts or data on cross-examination.

Certain actions are excluded from the provisions of this bill, including actions in the family courts, juvenile courts, the probate division, and all other actions or proceedings in which there is no right to a jury trial.

HCS HBs 190 & 208 -- COMMUNITY COLLEGE POLICE OFFICERS

Currently, the board of regents or board of governors of any state college or university may establish regulations to control vehicular traffic on any thoroughfare owned or maintained by the state college or university. This bill adds the board of trustees of any community college to the list of entities that may establish such regulations.

The bill requires college police officers, before appointment, to satisfy the requirements of Chapter 590, RSMo, either by completing a training for peace officers or by virtue of previous experience or other training.

SS SCS HCS HB 292 -- BANK POWERS

This bill modifies provisions relating to banks, trust companies, and other financial institutions.

LEASING REAL PROPERTY

This bill modifies the powers of banks and trust companies by allowing a bank or trust company to acquire or convey real property for the purpose of leasing the property to a public entity, including government buildings, municipal buildings, schools, and public hospitals. The bank or trust company must lease the property only to a public entity that has sufficient resources to satisfy all rental payments as they become due. The lease agreement must provide that the public entity will become the owner of the real property and any building or facility upon the expiration of the lease. The purchase of the real estate for this purpose cannot exceed the bank's or trust company's lending limit under Section 362.170, RSMo (Section 365.105.1(10)).

SERVICES CONTRACTED FOR BY A BANK OR TRUST COMPANY

The bill authorizes a bank or trust company to contract with another bank or trust company, bank service corporation or other partnership, corporation, association or person, within or without the state, to render or receive any banking or trust services authorized under Chapter 362. Any person or entity that provides, by contract or otherwise, services to a bank or trust company will be subject to examination by the Division of Finance, within the Department of Insurance, Financial Institutions and Professional Registration, to the same extent as if the service was being performed by the bank or trust company on its own premises. The bill also requires each bank or trust company under the jurisdiction of the division to provide a list of all persons or entities providing services to the bank or trust company (Section 365.105.1(12)).

CONVENIENCE FEES

The bill further permits banks, holders of retail time contracts, lenders of certain small loans, and holders of retail installment contracts to charge a convenience fee for accepting a payment using an alternative payment channel that accepts a debit or credit card not present, non-face-to-face payment, provided that the person making the payment is notified that they are being charged the

fee and the convenience fee is fixed or flat (Sections 362.111, 365.100, 408.140, and 408.330).

FAMILY TRUST COMPANIES

This bill establishes the "Missouri Family Trust Company Act." A family trust company is a corporation or limited liability company owned and exclusively controlled by, directly or indirectly, one or more family members. The company must operate exclusively for the benefit of a family member, as defined in the bill.

This bill prohibits a family trust company from conducting business in Missouri without first registering with the Secretary of State, maintaining a capital account of not less than \$250,000, and paying an origination fee of \$5,000. Furthermore, the company shall also maintain a physical office in Missouri, a registered agent who maintains an office in Missouri, and a deposit account with a state-chartered or national financial institution that has a principal or branch office in Missouri. A family trust company is also thereafter required to file annual registration reports with the Secretary reaffirming the company's compliance with this bill. These reports must be signed under penalty of perjury. Failure to file such report may be subject to a fine of up to \$100 for each day the report is overdue. Failure to file the report within 60 days will result in termination of the company's registration as a family trust company.

The bill establishes the "Family Trust Company Fund" for the purpose of enabling the Secretary to perform its required functions under this bill.

A family trust company may not engage in commercial banking or advertise its services to the public.

The Secretary, or a designee of the Secretary, is permitted to examine or investigate a family trust company at any time deemed necessary to determine if the company violated certain provisions of this bill. The Secretary may additionally examine the books and records of the company as necessary to determine if the company is complying with this bill. The company is responsible for paying the costs of such examinations.

The Secretary may issue and serve upon the family trust company or a family trust company affiliated party a notice of charges when the Secretary has reason to believe that the company, party, or any individual named in the charge is engaging or has engaged in certain actions which are contrary to the provisions of this bill. Such notices issued by the Secretary shall contain a statement of the facts as well as an opportunity for a hearing. If the Secretary finds that the conduct engaged in is likely to cause substantial prejudice to the trust accounts of the company, the secretary may issue a cease and desist order.

The CEO of a family trust company is required to notify the Secretary if he or she has actual knowledge that an affiliated party of the company is charged with a felony in a state or federal court. Additionally, if such a party is charged with a felony in a state or federal court, or certain crimes in foreign countries with which the United State maintains diplomatic relations, then the Secretary may enter an emergency order suspending the party.

The books and records of each family trust company are confidential and available for inspection and examination only by certain entities, including the Secretary. The willful unlawful disclosure of confidential information in violation of this provision is a class E felony.

Additionally, the bill outlines certain types of information held by the Secretary of which shall remain confidential and not subject to the Sunshine Law. This information may be disclosed by the Secretary under certain circumstances, but generally the willful disclosure of such information is a class E felony.

Any person aggrieved by any order made by the Secretary under this bill is entitled to a hearing before the Secretary (Sections 362.1010, 362.1015, 362.1020, 362.1030, 362.1035, 362.1037, 362.1040, 362.1045, 362.1050, 362.1055, 362.1060, 362.1065, 362.1070, 362.1075, 362.1080, 362.1085, 362.1090, 362.1095, 362.1100, 362.1105, 362.1110, 362.1115, 362.1116, 362.1117, and 362.1118).

MARKET CONDUCT OF INSURANCE COMPANIES

The bill stipulates that if the Director of the Department of Insurance, Financial Institutions and Professional Registration determines that an insurance company should pay interest upon any claims, refunds, or payments due to an examination, investigation, settlement agreement, or other action that the interest charged shall be determined as provided under current law, but not to exceed 9% (Section 374.191).

RESIDENTIAL MORTGAGE LOAN BROKERS

This bill states that any residential mortgage loan broker licensed in this state, who exclusively makes loans on manufactured or modular homes, is not required to maintain a full-service office in this state. Such brokers are required to file an irrevocable consent which provides that for suits and actions commenced against the broker, the venue shall lie in Cole County.

Reasonable costs may be assessed for any investigation incurred by the Division of Finance, outside the scope of annual or special investigations as a result of the broker not maintaining a full-service office in Missouri. Any such costs collected shall be paid to the department to the credit of the division (Section 443.812).

PURCHASING OF STOCK

The bill repeals a requirement that the purchase and holding of stock in a corporation by a bank or trust company receive written approval from the director of such bank or trust company (Section 362.280).

ANNUAL EXAMINATIONS

This bill repeals provisions requiring an annual examination of certain bank and trust companies (Section 362.285).

HB 336 -- LIFE INSURANCE SUICIDE EXCLUSION

Currently, life insurance companies can exclude coverage for suicide for one year after the issuance of a policy. This bill adds the exclusion to any additional riders, endorsements, or amendments added.

SS SCS HCS HBs 339 & 714 -- TORT CLAIMS

This bill modifies provisions relating to tort claims.

SETTLEMENT OF TORT CLAIMS

This bill provides that a time-limited demand to settle any claim for personal injury, bodily injury, or wrongful death must be in writing and sent by certified mail to the tortfeasor's liability insurer, and it must include various material terms specified in the bill. Additional information, as provided in the bill, must accompany the demand including authorizations to allow the party to obtain records from all employers and medical care providers. Upon receipt of a time-limited demand, a recipient may ask for clarification of the terms without it being considered a counteroffer or rejection of the demand.

After acceptance of the time-limited demand, the defendant may provide payment to the claimant in the form of cash, money order, wire transfer, cashier's check, draft or bank check, or electronic funds transfer. A claimant may require payment within a specified period of time, but cannot be less than 10 days after written acceptance of the time-limited demand.

This bill does not apply to offers made within 90 days of the trial (Section 537.058, RSMo).

TORT CLAIMS

This bill specifies that if a person who has a claim for damages against a tort-feasor enters into a contract with a tort-feasor's insurer, such person will, in consideration for payment of a specified amount of money and in case of judgment against the tort-feasor, levy execution only up to the applicable monetary limits of the insurance contract. The bill also specifies that execution or garnishment proceedings as to the insurer or insurers depend on whether the insurer or insurers have been notified in writing of the contract and have been given the opportunity to intervene within 30 days in any lawsuit relating to the un-liquidated claim for damages (Section 537.065).

HCS HB 451 -- POPULATION DESIGNATIONS IN STATUTE

This bill provides that once any city, county, or other political subdivision has come under the terms of a statute requiring a specified population, a subsequent loss of population will not remove the city, county or political subdivision from operation of that law. Currently, this only

applies to the City of St. Louis.

SS HCS HB 452 -- ACTION AGAINST HEALTH CARE PROVIDERS

This bill creates a definition for the term "employee" and repeals the definition for the term "physician employee" in provisions relating to causes of action for damages against a health care provider for personal injury or death. With certain exceptions, no health care provider shall be liable to any plaintiff for the negligence of another entity or person who is not an employee of the health care provider.

SCS HCS HB 662 -- MISUSE OF HERBICIDES

The bill authorizes the Department of Agriculture, if it determines that any person has knowingly used a herbicide for a crop for which the herbicide was not labeled for use, to assess a civil penalty of up to \$10,000 per violation. If a person is a chronic violator, the department has the authority to assess a civil penalty of up to \$25,000 per violation.

During an active complaint investigation, the department may subpoena witnesses and compel the production of certain records relating to a person's application of any herbicide. If the person refuses to submit the records, the department may assess a civil penalty of up to \$5,000.

Any person who is penalized will be liable to the department for any reasonable costs associated with the department's investigation. Any penalty collected will be remitted to the school district in which the violation occurred. The department, after inquiry and opportunity for a hearing, may deny, suspend, revoke, or modify the provisions of any license, permit, or certification issued under the Missouri Pesticides Use Act.

This bill contains an emergency clause.

HB 850 -- MILITARY COMPLAINTS

Currently, a member of the National Guard may file a complaint against his or her commanding officer with the Governor or the Adjutant General. This bill limits the filing of a complaint to the Adjutant General.

SS HCS HB 1194 & 1193 -- MINIMUM WAGE

This bill provides that no political subdivision shall require an employer to provide an employee a minimum or living wage, or employment benefits, that exceed state law, rules, or regulations. Sections 290.500 to 290.530, RSMo, preempt and nullify all political subdivision ordinances in effect or later enacted relating to the establishment or enforcement of a minimum or living wage

or the provision of employee benefits that exceed state laws, rules, or regulations.

HB 2012 -- WITHDRAWN

CCS SB 8 -- TRANSPORTATION

This bill relates to transportation. In its main provisions, the bill:

- (1) Creates a graduated tax system for propane fueled vehicles. Tax rates are specified in the bill and the taxes are collected and used for the same purposes as the state road tax. Propane fueled vehicles may continue to apply for and use alternative fuel decals in lieu of paying the tax. No fuel decal is required for vehicles that fuel at stations collecting the new propane tax, however, there is no refund policy for vehicles with fuel decals that choose to obtain fuel at unattended stations where tax is automatically collected at the point of sale. This bill also requires owners of new electric hybrid cars with a model year of 2018 or newer to pay one-half of the stated annual alternative fuel decal fee for recharging at electrical power sources (Sections 142.800, 142.803, and 142.869, RSMo);
- (2) Allows a local log truck to obtain a special \$300 permit to transport forest products outside the normal 100-mile radius at weigh limits set for commercial vehicles (Sections 301.010 and 301.062);
- (3) Defines an autocycle as a three-wheeled motor vehicle where the driver and passenger ride in an enclosed or partially enclosed seating area so that they are not considered motorcycles. These vehicles must meet specified federal Department of Transportation or Federal Motorcycle Safety Standards (Section 304.005);
- (4) Specifies that any commercial vehicle which travels on designated municipal routes is not subject to nuisance claims (Section 304.120)
- (5) Allows the use of articulated buses up to 60 feet in length with addition exceptions for bike racks and bumpers (Section 304.170);
- (6) Allows agricultural machinery to operate on state highways for agricultural purposes between sundown and sunset if equipped with proper lighting under the requirements of Section 307.115 (Section 304.170);
- (7) Establishes a minimum legal standard of 75% functionality for LED lights using diodes (Section 307.005); and
- (8) Allows the use of both red and blue lights and white and amber lights in specified circumstances for the Department of Transportation, utility workers, and contractors thereof (Sections 304.022 and 307.175).

FEDERAL MANDATE PROVISIONS

In its main provisions, the federal mandate specifies:

(1) Changes definitions for specified terms including "automobile transporter," which is now defined as any vehicle combination capable of carrying cargo on the power unit and designed and used for the transport of assembled motor vehicles, including truck camper units; "backhaul" is the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route; "boat transporter," is any vehicle combination capable of carrying cargo on the power unit and designed and used specifically to transport assembled boats and boat hulls and boats may be partially disassembled to facilitate transporting; "towaway trailer transporter combination," is a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does not exceed 26,000 pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers; "trailer transporter towing unit," is a power unit that is not used to carry property when operating in a towaway trailer transporter combination (Section 301.010);

(2) Changes the requirements for stinger-steered combination automobile transporters having a length not in excess of 85 may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed 10 miles from such interstate or designated highway. All length provisions regarding stinger-steered automobile combination transporters are exclusive of front and rear overhang, which shall be no greater than a four-foot front overhang and no greater than a six-foot rear overhang (Section 304.170);

(3) Allows automobile transporters to transport cargo or general freight on a backhaul, in compliance with weight limitations for a truck-tractor and semitrailer combination as outlined in Section 304.180 (Section 304.170);

(4) Requires any towaway trailer transporter combination vehicle operated upon the interstate and designated primary highway system in this state to have an overall length of not more than 82 feet (304.170);

(5) Allows emergency vehicles designed to be used under emergency conditions to transport personnel and equipment and to mitigate hazardous situations to have a maximum gross vehicle weight of 86,000 pounds inclusive of 24,000 pounds on a single steering axle; 32,500 on a single drive axle; 62,000 on a tandem axle; or 52,000 on a tandem rear drive steer axle (304.180);

(6) Allows a vehicle operated by an engine fueled primarily by natural gas to operate on state highways in excess of the vehicle weight limits in these provisions by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. The maximum gross vehicle weight of the vehicle operating with a natural gas engine shall not exceed 82,000 pounds (Section 304.180); and

(7) Updates language to reference the State Highways and Transportation Commission instead of the Department of Transportation.

The vehicle lighting section of the bill contains an emergency clause.

SS SCS SB 16 -- EXEMPTION FOR DELIVERY CHARGES

This bill authorizes a state and local sales and use tax exemption for usual and customary delivery charges connected to a purchase of tangible personal property when stated separately from the sale price.

SS#2 SB 19 -- LABOR ORGANIZATIONS

This bill prohibits employers from requiring employees to join or refrain from joining a labor organization, requiring employees to pay any money to a labor organization, or requiring employees to pay any charity or third party the equivalent of money required to be paid by members of a labor organization. Any current agreement between an employer and labor organization contrary to this provision is exempted from these restrictions, but such restrictions shall apply to any current agreement that is later renewed, extended, amended, or modified.

Anyone violating a provision of the bill, or directing another to violate a provision, will be guilty of a class C misdemeanor, and any person injured as a result of a violation or threatened violation of the provisions of the bill may recover all resulting damages, including costs and reasonable attorney fees, and will be entitled to injunctive relief against any violator or person threatening a violation.

The prosecuting attorney, circuit attorney, or Attorney General of this state shall investigate and prosecute complaints of violations or threatened violations.

SS SB 31 -- COLLATERAL SOURCE RULE

This bill specifies that special damages claimed by the plaintiff at trial that have been satisfied by a payment from a defendant, the defendant's insurer, or an authorized representative prior to trial are not recoverable. The defendant is entitled to deduct such payments toward special damages from any judgment as provided in current law.

Parties may introduce evidence of the actual cost, rather than the value, of the medical care or treatment rendered to the plaintiff. The bill repeals a provision of law which provides that there is a rebuttable presumption that the value of the medical treatment provided is represented by the dollar amount necessary to satisfy the financial obligation to the health care provider. The actual

cost of the medical care or treatment cannot exceed the dollar amounts paid by or on behalf of a patient whose care is at issue plus any remaining amount necessary to satisfy the financial obligation for medical care by a health care provider after adjustment for any contractual discounts, or price reduction.

CCS HCS SS SB 34 -- CRIMINAL OFFENSES

This bill creates and modifies provisions relating to criminal offenses.

PUBLIC EMPLOYMENT RETIREMENT PLAN

This bill clarifies provisions related to public pension forfeiture when a felonious act is committed in direct connection with or directly related to the participant's duties. The employer is required to notify the appropriate retirement system and provide information in connection with the felony charge or conviction (Section 105.669, RSMo).

ENFORCEMENT AUTHORITY OF CONSERVATION COMMISSION

This bill states that an agent of the Conservation Commission may enforce provisions of law establishing the offense of littering and the offense of abandoning a vehicle only upon the water, the banks thereof, or public land (Section 252.069).

"SPECIAL VICTIM" DEFINITION

The bill adds hospital personnel to the definition of "special victim." Certain offenses carry enhanced penalties when committed against a special victim (Section 565.002).

CRIMINAL NONSUPPORT

This bill defines the term "arrearage" and specifies that the arrearage must reflect any retroactive support ordered under a modification, any judgments entered by a court or any authorized agency, and any satisfactions of judgment filed by the custodial parent.

Currently, criminal nonsupport is a class E felony if the total arrearage is in excess of 12 monthly payments. The bill changes it to if the total arrearage is in excess of 24 monthly payments.

A person whose children were the subject of a child support order and the obligation of such person to make payments has been terminated, who has pled guilty to or been convicted of a felony offense for criminal nonsupport, and who has successfully completed probation after a plea of guilty or was sentenced may petition the court for expungement of all official records of his or her arrest, plea, trial, or conviction. The bill lays out the specific elements a court must find the petitioner has met before ordering expungement. An individual may request an expungement of his or her DNA records pursuant to these provisions.

If a court grants the order of expungement, the records and files maintained in any court proceeding in an associate circuit or circuit court for the offense ordered expunged will be confidential and only available to the parties or by the order of the court for good cause shown. An individual is only entitled to have one petition for expungement granted under these provisions (Section 568.040).

The bill also changes these provisions in the newly revised criminal code that took effect January 1, 2017.

OFFENSES AGAINST LAW ENFORCEMENT

This bill enhances the penalties for involuntary manslaughter in the first and second degrees, stalking in the first and second degrees, property damage in the first and second degrees, and trespass in the first degree, if the victim of such offenses is intentionally targeted as a law enforcement officer or because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer (Sections 565.024, 565.027, 565.225, 565.227, 569.100, 569.120, and 569.140).

OFFENSE OF DOMESTIC ASSAULT

Currently, the offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person has previously been found guilty of assault of a domestic victim two or more times, in which case such offense is a class E felony. This bill provides that domestic assault in the fourth degree is a class E felony if the person has been found guilty two or more times of any assault offense under state law or of any offense against a domestic victim under any local ordinance, or any state, federal, or military law which would constitute domestic assault in the fourth degree if committed in this state (Section 565.076).

OFFENSE OF HARASSMENT

Harassment in the second degree is a class A misdemeanor, unless the person has previously been found guilty of harassment in the second degree or of any offense under any local ordinance, state law, federal law, or military law, which would be chargeable as harassment in the second degree, then harassment in the second degree is a class E felony. The provisions criminalizing harassment in the second degree shall not apply to the activities of law enforcement officers conducting investigations (Section 565.091).

SEXUAL OFFENDER LOITERING

This bill prohibits sexual offenders from being present or loitering within 500 feet of any museum if such museum holds itself out to the public as and exists with the primary purpose of entertaining or educating children under 18 years of age (Section 566.150).

OFFENSE OF ACCEDING TO CORRUPTION

The offense of acceding to corruption is a class D felony if a witness accepts a benefit on the understanding that he or she will disobey a legal process in a felony prosecution proceeding (Section 575.280).

INTOXICATION-RELATED OFFENSES

The definition of the terms "habitual offender" and "intoxication-related traffic offense" are modified as used in provisions relating to public safety criminal offenses. Driving while intoxicated is a class B felony if the person acts with criminal negligence to:

- 1) Cause the death of another who is not in the vehicle;
- 2) Cause death of two or more persons; or
- 3) Cause the death of any person while having a blood alcohol content of at least .18 of 1% (Section 577.001).

OFFENSE OF LEAVING THE SCENE OF AN ACCIDENT

The offense of leaving the scene of an accident is a class D felony if a death occurred as a result of the accident (Section 577.060).

OFFENSE OF ILLEGAL REENTRY

This bill creates the offense of illegal reentry. A person commits the offense of illegal reentry if he or she has been removed from the United States due to the violation of certain federal offenses and thereafter illegally enters the State of Missouri and commits the offense of misdemeanor assault or domestic assault, or certain other felony offense, or any crime committed in another state that would be considered an offense of misdemeanor assault or domestic assault, or certain other felony offense under Missouri law (Section 577.685).

Illegal reentry is punishable as a class C felony.

ADDRESS CONFIDENTIALITY PROGRAM

This bill adds provisions related to the Address Confidentiality Program, which protects program participants from having their actual addresses disclosed in certain situations (Sections 589.664 and 586.675).

MISTAKEN IDENTITY OR FALSE IDENTITY

This bill allows a person to petition a court for the expungement of any records relating to any infraction or a crime as a result of another person using the identifying information of the named person or mistaken identity and a finding of not guilty is entered, or the conviction is set aside, the named person may apply by petition or written motion to the court where the charge was last

pending for an order to expunge from all official records any entries relating to the person's apprehension, charge, or trial. If the charge against the named person is dismissed, the prosecutor or other judicial officer who ordered the dismissal shall notify the court, and the court shall order the expungement.

The court, after notice to the prosecuting attorney, must hold a hearing on the motion or petition and, upon finding that the person's identity was used without permission and the charges were dismissed or the person was found not guilty, the court must order the expungement.

No person as to whom an order has been entered under these provisions can be held thereafter under any provision of law to be guilty of perjury, or to be guilty of otherwise giving a false statement or response to any inquiry made for any purpose, by reason of the person's failure to recite or acknowledge any expunged entries concerning apprehension, charge, or trial.

The court is required to order that such entries must be expunged from the records of the court and direct all law enforcement agencies, the Department of Corrections, the Department of Revenue, or any other state or local government agency identified by the petitioner, or the person eligible for automatic expungement as bearing record of the same to expunge their records of the entries.

The clerk must notify state and local agencies of the court's order. The costs of expunging the records, as provided in this chapter, cannot be taxed against the person eligible for expungement under this section.

Any insurance company that charged any additional premium based on insurance points assessed against a policyholder as a result of a charge or conviction that was expunged must refund the additional premiums to the policyholder upon notification of the expungement (Section 610.145).

BLUE ALERT SYSTEM

This bill establishes the Blue Alert System to aid in the identification, location, and apprehension of any individual or individuals suspected of killing or seriously injuring a local, state, or federal law enforcement officer. The Department of Public Safety will coordinate with local law enforcement agencies and public commercial television and radio broadcasters to effectively implement the system. Participation is entirely optional for local law enforcement agencies and federally licensed radio and television broadcasters, but the program will include at least: the Department of Public Safety, Highway Patrol, Department of Transportation, and Missouri Lottery. Knowingly making a false report that triggers an alert is a class A misdemeanor. If the false report results in serious physical injury or death, it is a class E felony (Section 650.520).

This bill also includes clean-up language to certain criminal statutes that went into effect January 1, 2017, with the revision of the criminal code (Sections 479.170, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, and 577.010).

SB 35 -- PURCHASES OF LAND BY THE STATE

This bill requires that when the Commissioner of the Office of Administration contracts to purchase lands on behalf of any state agency or the Department of Natural Resources contracts to purchase lands, and the purchase is for 60 acres or more or exceeds \$250,000 in a single transaction, the department that will own or manage the lands must take certain actions including providing public notice on its website, to elected officials, and in a newspaper, holding a public hearing in affected counties, and providing public notice of the public hearing as specified in the bill.

SS#2 SCS SB 43 -- UNLAWFUL DISCRIMINATORY PRACTICES

This bill changes the laws regarding unlawful discriminatory employment practices and establishes the "Whistleblower's Protection Act."

UNLAWFUL DISCRIMINATORY EMPLOYMENT PRACTICES

The bill specifies that the term "because" or "because of," as it relates to a decision or action, means that the protected criterion was the motivating factor. The term "the motivating factor" means that a protected classification played a role in and had a determinative influence on an adverse employment action. The bill also revises the term "employer" by excluding those persons acting in the interests of the employer. The definition of employer further specifies that, with certain exceptions, an employer is a person engaged in an industry affecting commerce who has six or more employees for each working day in each of 20 or more weeks in the current or preceding year.

Chapter 213, RSMo, human rights; Chapter 285, employers and employees generally; and Chapter 287, workers' compensation law, provide the exclusive remedies for damages arising out of the employment relationship. The bill establishes a presumption that, for a fair presentation of a case, a jury must be given an instruction expressing the business judgment rule. The bill provides that the court shall consider the burden shifting analysis of *McDonnell Douglas Corp. v. Green*, 411 U.S. 782 (1973) in cases not involving direct evidence.

The bill specifies that an award of damages may include all future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, and punitive damages. The amount of damages awarded for each plaintiff cannot exceed the amount of the actual back pay plus interest, and up to \$50,000 in the case of an employer with six to 100 employees; up to \$100,000 for an employer with 101 to 200 employees; up to \$200,000 for an employer with 201 to 500 employees; and up to \$500,000 for an employer with more than 500 employees.

The bill specifies that in an employment-related action brought under Chapter 213, the plaintiff bears the burden of proving that the alleged unlawful decision or action was made or taken because of the protected criterion. Any party to an action under this section may demand a trial

by jury.

WHISTLEBLOWER'S PROTECTION ACT

This bill establishes the Whistleblower's Protection Act which codifies existing common law exceptions to the at-will employment doctrine. The provisions of this bill provide the exclusive remedy for all unlawful employment practices specified in the bill.

The bill provides that it is an unlawful employment practice for an employer to discharge an individual because of his or her status as a protected person. The bill defines a "protected person" as a person who has reported to the proper authorities an unlawful act or serious misconduct of the employer that violates a clear mandate of public policy. A "protected person" also includes a person who has refused to carry out a directive issued by the employer that if completed would be a violation of the law, or a person who engages in conduct otherwise protected by statute or regulation. Specified persons are excluded from the definition of a "protected person."

The term "employer" is defined as an entity that has six or more employees, excluding the state and other public bodies, an individual employed by an employer, and certain religious or sectarian groups. The term "proper authorities" is defined as a governmental or law enforcement agency or officer, or the employee's human resources representative employed by the employer.

A protected person aggrieved by a violation of these provisions shall have a private right of action for actual damages, unless a private right of action for damages exists under other statutes or regulations, either federal or state. The only remedies available are back pay, and, if the protected person proves outrageous conduct, an additional double amount as liquidated damages. The court may also award the prevailing party court costs and reasonable attorney fees. Any party to an action under these provisions may demand a trial by jury.

This bill contains a severability clause.

SS SCS SB 49 -- ST. LOUIS ZOO SALES TAX

This bill prohibits all counties from using certain county sales tax revenue for the purpose of funding in whole or in part the construction, operation, or maintenance of any zoological activities, zoological facilities, zoological organizations, the Metropolitan Zoological Park and Museum District, or any zoological board (Section 67.505, RSMo).

The bill provides that a county shall not submit to the voters a proposed sales tax under the County Sales Tax laws for a period of two years following the date of an election in which it previously submitted a proposed sales tax, regardless of whether the initial proposed sales tax was approved or disapproved by the voters.

The revenue collected from the County Sales Tax laws must only be used for the purpose approved by the county voters (Section 67.547.2).

This bill restricts, after the effective date of this bill, any sales tax enacted under Section 67.547 in certain counties and cities for the purpose of funding the St. Louis Zoo to no more than 1/8 of 1% (0.125%).

Beginning August 28, 2017, the total combined rate of sales taxes adopted under this section by any county cannot exceed 1% (Section 67.547.3).

Three-eighths of the tax rate adopted by certain counties shall be included in the calculation of that county's 1% combined tax rate cap. Currently, the only county in which 3/8 of the adopted tax rate will be included in the 1% tax rate cap is St. Louis County; however, if the sales tax revenue is for supporting zoological activities of the zoological subdistrict, such revenue shall not be counted toward the county's 1% tax rate cap (Section 67.547.5).

Residents of any county that does not adopt a sales tax for the purpose of supporting zoological activities may be charged an admission fee for zoological activities, programs, or events that are not, as of August 28, 2017, part of a zoological subdistrict of a metropolitan zoological park and museum district (Section 67.547.6).

The bill prohibits almost all counties from imposing a sales tax under the County Sales Tax laws for the purpose of funding in whole or in part the construction, operation, or maintenance of any zoological activities, zoological facilities, zoological organizations, the Metropolitan Zoological Park and Museum District, or any zoological board (Section 67.547.9).

The bill specifies that no funds from the sales tax can be distributed to Grant's Farm (Section 67.547.11).

This bill places a 2% cap on the combined sales tax rates adopted under the City Sales Tax laws (Section 94.510).

The director of the Department of Revenue is prohibited from sending notice to any taxpayer regarding the decision in *IBM Corporation v. Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) prior to August 28, 2018 relating to sales tax (Section 144.026).

CCS SB 50 -- HEALTH CARE

This bill modifies several provisions relating to health care.

STEMI AND TRAUMA CENTER DESIGNATIONS

This bill requires the Department of Health and Senior Services to promulgate rules for the designation of a trauma center or a STEMI center without site review if such hospital is certified

by a national body.

Additionally, a hospital may apply for STEMI center designation as follows:

- (1) A Level I STEMI center if such hospital has been certified as a Joint Commission Comprehensive Cardiac Center or another approved nationally-recognized organization; or
- (2) A Level II STEMI center if such hospital has been accredited as a Mission: Lifeline STEMI Receiving Center by the American Heart Association or another approved nationally-recognized organization.

No rule or regulation promulgated by the department shall require hospitals, as a condition of trauma, STEMI, or stroke center designation, to obtain emergency medical services data, unless such data may be obtained from the state database for emergency medical services. Additionally, a hospital shall not be required to comply with an interpretation of a specific provision in a regulation concerning trauma, STEMI, or stroke centers if the hospital can demonstrate that the interpretation of such provision was different for a similarly-situated hospital, unless the department has subsequently and consistently interpreted such provision for similarly-situated hospitals. The department shall attend meetings with trauma, STEMI, and stroke centers for the benefit of improved communications, best-practice identification, and facilitation of improvements to the designation process.

The bill removes the requirement that the department generate quarterly regional and state outcome data reports for trauma, stroke, and STEMI centers, the State Advisory Council on EMS, and regional EMS committees (Sections 190.241 and 190.242, RSMo).

NEWBORN SCREENING

Beginning January 1, 2019, this bill requires the department, subject to appropriations, to expand current newborn screening requirements to include spinal muscular atrophy and Hunter syndrome (MPS II) (Section 191.332).

NEONATAL AND MATERNAL LEVELS OF CARE

This bill requires the department to hold public hearings and establish criteria for levels of maternal care designations and neonatal care designations for birthing facilities. Beginning January 1, 2019, any hospital with a birthing facility and any hospital with a birthing facility operated by a state university shall report to the department its appropriate level of maternal care and neonatal care designations. The department may partner with nationally-recognized nonprofit organizations with relevant expertise to administer the provisions of this bill (Section 192.380).

X-RAY INSPECTIONS

This bill provides that inspections of cone beam computed tomography systems and panoramic

x-ray systems that cannot produce radiation intensity greater than 30 milligrays shall not be required to be inspected more frequently than every three years. Cone beam computed tomography systems that can produce radiation intensity greater than 30 milligrays shall be inspected annually. Additionally, all cone beam computed tomography systems and panoramic x-ray systems shall be inspected within 30 days of installation and whenever moved within an office.

A cone beam computed tomography system is a medical imaging device which uses x-ray computed tomography to capture data using a cone-shaped x-ray beam. A panoramic x-ray system is an imaging device that captures the entire mouth in a single, 2-dimensional image that includes the teeth, upper and lower jaws, and surrounding structures and tissues.

This bill also provides that inspections of conventional x-ray equipment used exclusively on animals by a licensed veterinarian or veterinary facility shall not be required to be inspected more frequently than every four years (Section 192.500).

HEALTH CARE DIRECTIVES REGISTRY

This bill requires the department to contract with a third party for the establishment of a health care directives registry for the purpose of providing a place to securely store an advance health care directive and to give authorized health care providers access to the directive. The third party contractor shall be solely responsible for the administration and maintenance of the registry. All data and information contained in the registry shall remain confidential and shall be exempt from the Sunshine Law. An "advance health care directive" is defined as either a power of attorney for health care or a declaration signed by an adult declarant containing the person's direction concerning a health care decision.

All documents shall be submitted electronically to the registry at intake points, such as licensed health care providers and licensed attorneys, and signed electronically with a unique identifier, such as a Social Security number, a driver's license number, or another unique government-issued identifier. The electronic submission will be accompanied by a fee not to exceed \$10.

The department may promulgate rules to carry out these provisions, which may include, but not be limited to, a determination of who may access the registry, including physicians, other licensed health care providers, the declarant, and his or her legal representative or designee. Failure to register a document with the registry or failure to notify the registry of the revocation of a document shall not affect the validity of the document or revocation (Section 194.600).

HOSPITAL LICENSURE

Beginning July 1, 2018, this bill requires that compliance with Medicare conditions of participation shall be deemed to constitute compliance with the standards for hospital licensure in this state. Nothing in this bill shall preclude the Department of Health and Senior Services from promulgating regulations, with specific statutory authorization, to define separate regulatory

standards that do not duplicate the Medicare conditions of participation. Regulations promulgated by the department that duplicate or conflict with Medicare conditions of participation shall lapse and expire on and after July 1, 2018 (Sections 197.005, 197.040, 197.050, 197.070, 197.071, 197.080, and 197.100).

HOSPITAL EMPLOYMENT OF DENTISTS

This bill allows a licensed hospital to employ any of the following providers to treat certain conditions for hospital patients: licensed dentists; licensed oral and maxillofacial surgeons; and licensed maxillofacial prosthodontists (Section 332.081).

ASSISTANT PHYSICIANS

This bill modifies the definition of "assistant physician" to allow any medical school graduate who has met the requirements to be an assistant physician between August 28, 2014, and August 28, 2017 to be deemed to be in compliance with the requirements of becoming an assistant physician (Section 334.036).

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

This bill provides that license renewal for speech-language pathologists and audiologists shall occur no less frequently than every three years. Additionally, the continued competence requirements for licensed speech-language pathologists and audiologists may include up to 30 hours triennially of continuing education, examination, self-evaluation, peer review, performance appraisal, or practical simulation (Section 345.051).

SCS SB 52 -- SUICIDE AWARENESS AND PREVENTION

This bill creates provisions relating to suicide awareness and prevention.

SHOW-ME COMPASSIONATE MEDICAL EDUCATION DAY

This bill designates August 28, 2017 and thereafter a date designated by specified committees, as "Show-Me Compassionate Medical Education Day." Citizens are encouraged to participate in activities and events to increase awareness regarding medical student wellbeing (Section 9.154, RSMo).

SUICIDE AWARENESS AND PREVENTION

This bill requires each public institution of higher education to develop and implement a policy to advise students and staff on suicide prevention programs available on and off campus that includes, but is not limited to crisis intervention access, mental health program access, multimedia application access, student communication plans, and post intervention plans. Such policy shall also advise students, faculty, and staff of the proper procedures for identifying and

addressing the needs of students exhibiting suicidal tendencies or behavior, and shall require training where appropriate.

Each public institution of higher education shall provide all incoming students with information about depression and suicide prevention resources available to students. The information contained in such policy, in addition to any applicable free-of-cost prevention materials or programs, shall be posted on the websites of each public institution of higher education.

Each public institution shall establish and maintain methods of anonymous reporting of unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of such activities. Such methods shall ensure the anonymity of the reporting party (Section 173.1200).

SHOW-ME COMPASSIONATE MEDICAL EDUCATION ACT

This bill creates the "Show-Me Compassionate Medical Education Act." A medical school may not restrict any specified organization from conducting a study of the prevalence of mental health issues among medical students or punishing a specified organization or student for any involvement with such a study.

The bill creates the "Show-Me Compassionate Medical Education Research Project" to facilitate the collection of data and implement practices and protocols to minimize stress and reduce the risk of depression and suicide for medical students in the state.

The bill creates the "Show-Me Compassionate Medical Education Research Project Committee," specifies the tasks of the committee, and permits medical schools in the state to collaborate with the committee to conduct a study of how to reduce medical student depression and suicide. The requirements of any study conducted under the provisions of the bill are specified and the committee is required to produce an annual report that must be made available on each medical school's website and provided to the General Assembly (Sections 191.594 and 191.596).

The bill contains an emergency clause.

CCS HCS SS SB 62 -- PUBLIC EMPLOYEE RETIREMENT SYSTEMS

This bill modifies various pension systems.

COUNTY EMPLOYEES' RETIREMENT FUND

This bill modifies the fees deposited in the County Employees' Retirement Fund (CERF) for funding the plan.

The recorder of deeds' fee on delinquent and back dated taxes is increased from 7% to 9%. Of the 9% collected, two-ninths is paid to the county general fund, two-ninths is paid to the county's tax maintenance fund, and five-ninths is paid to CERF; the penalty for failing to return personal

property assessment lists is increased by \$5; and the county collector and clerk shall receive \$5 each for the recording of delinquent land lists with each such sum going to CERF (Sections 52.290, 137.280, 137.345, and 140.100, RSMo).

ST. LOUIS PUBLIC EMPLOYEE RETIREMENT BENEFITS

This bill allows airport police officers in the Employees Retirement System of the City of St. Louis the option of remaining in that retirement plan or to transfer their creditable service to the St. Louis Metropolitan Police Department. Any member transferring is subject to the conditions and requirements of Section 105.691 relating to agreements to transfer service between plans (Section 86.207).

RETIREMENT OF STATE EMPLOYEES

Beginning January 1, 2018, members of the Missouri State Employees Retirement System and the Missouri Department of Transportation and Highway Patrol Employees' Retirement System who first become employees on or after January 1, 2011 and who are not statewide elected officials or members of the General Assembly should be eligible for retirement under the following conditions:

- (1) A member's normal retirement eligibility will be based on the attainment of at least age 67 with the completion of five years of credited service or at age 55 with the member's age plus years of credited service equal to 90 (90 and out). In the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions, such member's attainment of at least age 60 or the attainment of age 55 with five years of creditable service;
- (2) A vested former member's normal retirement eligibility shall be based on the attainment of at least age 67;
- (3) A temporary annuity shall be payable for members qualifying under 90 and out. For uniformed members of the highway patrol the temporary annuity shall be payable if the member has attained at least age 60, or at least age 55 with five years of credited service;
- (4) Members will be eligible for an early retirement at age 62 with five years of credited service. A vested former member shall not be eligible for early retirement;
- (5) Survivor benefits for vested former members covered by this section shall not be payable until the deceased member would have reached his or her normal retirement eligibility;
- (6) The annual cost-of-living adjustment payable to a vested former member will not be payable until the second anniversary of a vested former member's annuity starting date; and
- (7) The unused sick leave credit will only apply to members who terminate employment after reaching normal retirement eligibility or becoming eligible for an early retirement annuity

(Section 104.1091).

Additionally, term vested members, under the closed plan or year 2000 plan, who are not yet eligible for a normal retirement benefit are allowed to make a one-time election to receive a lump sum payment equal to a percentage of the present value of such member's deferred annuity should a board choose to establish such a program. Members electing this option will forfeit all creditable service under the plan and if such member again becomes an employee they will be considered a new employee with no prior credited service (Section 104.1092).

COLLEGE AND UNIVERSITY RETIREMENT PLAN

This bill provides that the retirement plan for employees of certain higher education institutions shall contribute 6% of payroll to the plan. Currently, the rate is 1% of payroll less than the normal cost contribution rate established for employees of institutions other than outside employees, and that employees hired on or after July 1, 2018, shall contribute 2% of pay.

Additionally, all employees may also contribute to an optional supplemental retirement account (Section 104.1205).

PUBLIC PENSION FORFEITURE DUE TO FELONY CONVICTION

This bill clarifies provisions related to public pension forfeiture when a felonious act is committed in direct connection with or directly related to the participant's duties. The employer is required to notify the appropriate retirement system and provide information in connection with the felony charge or conviction (Section 105.669).

PUBLIC SCHOOL EMPLOYEES RETIREMENT

This bill allows retired members of the Public School or Public Education Employees Retirement Systems who have elected a reduced retirement allowance to provide for survivor benefits for his or her spouse to have the retirement allowance increased to the single life annuity amount, with no survivor benefits, if the member and his or her spouse become divorced on or after September 1, 2017 only if the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance.

Currently, a retired member has 90 days from the date of the remarriage to nominate a successor beneficiary; this bill changes the deadline to one year.

Any such increase in the retirement allowance will be effective upon the receipt of an application for the increase and a certified copy of the decree of dissolution that meets the requirements (Sections 169.141 and 169.715).

KANSAS CITY PUBLIC SCHOOL RETIREMENT SYSTEM - EMPLOYMENT AFTER RETIREMENT

Currently, a retired teacher from the Kansas City Public School Retirement System can work part-time for a school district during a school year and not forfeit his or her retirement allowance. The retired teacher can work up to 600 hours and earn up to 50% of the annual salary received by the person while they were teaching prior to retirement.

The bill expands this provision to include someone who is employed by a third party or working as an independent contractor as a substitute teacher or other position normally requiring certification. Documentation may be required showing proof of compliance with this provision (Section 169.324).

PUBLIC SCHOOL RETIREMENT SYSTEM - EMPLOYMENT AFTER RETIREMENT

Currently, a retired teacher receiving an allowance from the Missouri Public School Retirement System can work part-time for a school district covered by the retirement system and not forfeit his or her retirement allowance. The retired person can work up to 550 hours and earn up to 50% of the annual salary received by the person while they were teaching prior to retirement.

The bill expands this provision to any individual who is employed by a third party or working as an independent contractor as a substitute teacher or other position normally requiring certification. Documentation may be required showing proof of compliance with this provision (Section 169.560).

ST. LOUIS PUBLIC SCHOOL RETIREMENT SYSTEM

This bill changes the laws regarding the Public School Retirement System of the City of St. Louis. In its main provisions, the bill:

- (1) Allows a teacher within the Public School Retirement System of the City of St. Louis to retire at age 65 or when his or her age added to the number of years of credited service is not less than 80. This will commonly be known as the Rule of 80. Currently, the retirement age is 65 or when the age added to the number of years of credited service is 85 and the rule is commonly known as the Rule of 85;
- (2) Beginning January 1, 2018, new employees hired for the first time, will have their retirement benefits calculated using a 1.75% multiplication factor. Existing employees will have their benefits calculated using a multiplication factor of 2% for all years of service;
- (3) Increases a current member's contribution to the system by .5% of the member's compensation each year until the contribution rate equals 9%. New members will automatically contribute 9%; and
- (4) Beginning with calendar year 2018 the employer contribution rate will be 16% and will decrease annually by .5% every year until the year 2032 when the rate will equal 9%. The rate will remain at 9% thereafter (Sections 169.460 and 169.490).

CCS SB 64 -- MEMORIAL HIGHWAYS AND BRIDGES

This bill names memorial highways and bridges with the costs associated with designating such highways and bridges being paid by private donation. In its main provisions, the bill:

(1) Names a portion of Interstate Highway 55 in Jefferson County as the "USMA Cadet Thomas M. Surdyke Memorial Highway;"

(2) Names a portion of Business 25 in Dunklin County in the city of Malden the "Narvel Felts Highway;"

(3) Names a portion of State Highway 163 in Boone County as the "Sherman Brown Jr. Memorial Highway;"

(4) Names a portion of State Highway VV in Jasper County as the "Edward F. Dixon the Third Memorial Highway;"

(5) Designates the bridge on State Highway 100 spanning the Big Boeuf Creek in Franklin County as the "Lyndon Ebker Memorial Bridge;"

(6) Names a portion of State Highway 231 in St. Louis City the "Veterans-Heroes Highway;"
and

(7) Names a portion of State Highway 99 crossing over the Eleven Point River in Thomasville in Oregon County the "Roger 'Dusty' Shaw Memorial Bridge."

SB 65 -- RELATING TO THE REGULATION OF BOATS

This bill exempts vessels propelled by outboard jet motors and vessels not originally manufactured with adequate guards or railing from the provisions prohibiting passengers from riding in certain areas of a boat.

HCS SS SCS SB 66 -- WORKERS' COMPENSATION

This bill modifies provisions relating to workers' compensation.

S CORPORATIONS

Beginning January 1, 2018, this bill allows a shareholder of an S corporation with at least 40% or more interest in the S corporation to individually elect to reject coverage under the workers' compensation laws by providing a written notice of the rejection to the S corporation and its insurer. Failure to provide notice to the S corporation shall not be grounds for any shareholder to claim that the rejection is not legally effective. The shareholder may rescind the rejection in

writing to the S corporation and its insurer. The rescission shall entitle the shareholder only to the benefits which accrue on or after the date of the notice of rescission is received by the insurance company (Section 287.037, RSMo).

MAXIMUM MEDICAL IMPROVEMENT

This bill defines the term "maximum medical improvement" as the point at which the injured employee's medical condition has stabilized and can no longer reasonably improve with additional medical care, within a reasonable degree of medical certainty.

The bill specifies that in the case of temporary total and temporary partial disability benefits, such benefits shall only continue until the employee reaches maximum medical improvement unless such benefits are terminated by the employee's return to work or are otherwise terminated under law. In the case of permanent total disability, compensation shall be paid during the continuance of such disability from the date of maximum medical improvement for the lifetime of the employee at the appropriate weekly rate.

This bill modifies provisions relating to compromise settlements under workers' compensation laws. For all compromise settlements offered after a claimant has reached maximum medical improvement, such claimants have 12 months after receiving an initial permanent disability rating from the employer's physician to acquire a rating from a second physician of his or her own choosing. Absent extenuating circumstances, if after 12 months the claimant has not acquired a second rating then any compromise settlement entered into shall be based upon the initial rating. Employers may waive these provisions with or without stating a reason (Sections 287.020, 287.149, 287.200, 287.280, and 287.780).

REDUCTION OF WORKERS' COMPENSATION AWARD BASED ON USE OF DRUGS

Currently, if an employee fails to obey any rule or policy of an employer relating to the use of alcohol or nonprescribed controlled drugs in the workplace, the compensation or death benefit available under workers' compensation laws shall be reduced by 50% if the injury was sustained in conjunction with the use of alcohol or nonprescribed controlled drugs. This bill provides that any positive test for a nonprescribed controlled drug or the metabolites of such drug from an employee creates a rebuttable presumption that the employee's injury was sustained in conjunction with the use of the drug (Section 287.120).

TERMINATION OF DISABILITY PAYMENTS - VOLUNTARY SEPARATION

If an employee voluntarily separates from employment at a time when the employer made work available for the employee which was in compliance with any medical restriction imposed upon the employee as a result of an injury that is the subject of a claim for benefits under workers' compensation, neither temporary total disability nor temporary partial disability benefits shall be payable to the employee (Section 287.170).

HEARINGS FOLLOWING TERMINATION OF WORKERS' COMPENSATION BENEFITS

Currently, the Division of Workers' Compensation is required to set a hearing for any dispute over the termination of workers' compensation benefits within 60 days of an employee making a request for a hearing. This bill requires a hearing to be set within 30 days (Section 287.203).

DEATH BENEFITS AND BURIAL EXPENSES

The bill modifies the definition of "dependent" for purposes of death benefits and burial expenses available under workers' compensation laws. The term "dependent" is modified to mean only the claimant's spouse or the claimant's natural, posthumous, or adopted child or children, including any stepchild claimable by the deceased on his or her federal tax return at the time of injury, who is under the age of 18 years or over that age but physically or mentally incapacitated from wage earning. This bill also eliminates partial dependents from the definition of "dependent" (Section 287.240).

LINE OF DUTY COMPENSATION

Currently, the estate of a deceased law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter who is killed in the line of duty is eligible to receive \$25,000 in compensation. This bill clarifies how the compensation should be awarded to the survivors (Section 287.243).

TRUST SELF-INSURERS

The bill requires new applicants to specified self-insured trusts to submit proof of payment of 25% of the estimated annual premium to the Division of Workers' Compensation. Self-insured trusts are further permitted to invest surplus moneys from a prior trust year not needed for current obligations (Sections 287.280).

DISCHARGE AND DISCRIMINATION

Currently, an employer or agent shall not discharge or in any way discriminate against any employee for exercising any of his or her rights under workers' compensation statutes. This bill modifies that provision so that an employer or agent shall not discharge or discriminate against any employee when the exercising of such rights is the motivating factor in the discharge or discrimination (Section 287.780).

SCS SB 88 -- ACTIONS AGAINST VETERINARIANS

This bill adds veterinarians and entities providing veterinary services to the list of health care providers to which the medical malpractice statute of limitations applies. The animal owner's knowledge is used when time periods are dependent on knowledge of the negligence.

CCS HCS SB 95 -- COUNTY FINANCES

Currently, a provision allowing counties to decrease their annual budgets expired on July 1, 2016. This bill extends the expiration date to July 1, 2027.

This bill extends the sunset provisions for the depositing of fees into the State's Technology Trust Fund from December 31, 2017 to December 31, 2021.

SCS SB 108 -- MILITARY REEMPLOYMENT RIGHTS

This bill specifies that a Missouri employee who is a member of the National Guard of another state called on active state duty by the Governor of that state or who is a member of any reserve component of the Armed Forces called to active duty is entitled to reemployment rights upon return to Missouri as granted under federal law.

CCS HCS SB 111 -- POLITICAL SUBDIVISIONS

This bill modifies provisions relating to political subdivisions. In its main provisions, the bill:

- (1) Extends a timeline for decreases in county budgets to July 1, 2027. The bill requires specified political subdivisions to issue debt in a competitive process unless a municipal advisor is employed or the bonds are specified general obligation bonds, issued in an amount less than \$12.5 million, or involve prior indebtedness. Municipal advisors are defined and conflict of interest rules established. The State Treasurer is instructed to provide information on bidding to the political subdivisions (Section 108.170, RSMo);
- (2) Repeals the current ban on running for public office with a federal misdemeanor, but retains a ban based on federal or state felony convictions (Section 115.306);
- (3) Allows port authorities to establish an advanced industrial manufacturing zone on their property and to expand such zones by resolution (Section 135.963);
- (4) Requires limited liability companies or cities to file affidavits free of charge that show management and control of Kansas City rental properties if they fall under Section 347.048 (Section 347.048);
- (5) Requires that candidates for the office of public administrator provide to the election authority a copy of a signed affidavit from one surety company indicating that the candidate meets the bonding requirements. (Section 473.730);
- (6) Repeals provisions requiring public administrators to automatically supervise the estates of minors and makes them subject to court appointment. Guardians are allowed to enter into preneed funeral contracts for minors without being personally liable for costs and without any interference with the existing right to dispose of bodies granted to next-of-kin (Section 473.730, 473.743, 475.120, and 473.747); and

(7) Enables a guardian to execute a preneed contract for a ward's funeral services, or an irrevocable life insurance policy to pay for the ward's funeral services, and authorize the payment of such services from the ward's resources. The bill does not interfere with the rights of next-of-kin to direct the disposition of the body of the ward upon death. If such a preneed arrangement is in place and no next-of-kin exercises the right of sepulcher within seven days of the death of the ward, the guardian may sign consents for the disposition of the body without liability thereafter (Section 475.120).

CCS#2 HCS SCS SB 112 -- POLITICAL SUBDIVISIONS

This bill makes changes to laws regarding political subdivisions.

POLITICAL SUBDIVISION MISCELLANEA

In its main provisions, the bill:

- (1) Extends the expiration date to 2027 for the authority of counties to decrease their annual budgets under certain delineated circumstances (Section 50.622, RSMo);
- (2) Authorizes the county clerk of counties of the third and fourth classification to send the county's estimated budget to the State Auditor by email or other electronic system, and the State Auditor may send the county a receipt by the same method (Section 50.740);
- (3) Repeals an obsolete section of law and clarifies that a sheriff, marshal, clerk or collector, or the deputy of any of those officers, can run for the Office of County Treasurer, but cannot hold two county offices at the same time (Section 54.040);
- (4) Requires that expenses incurred by county treasurers for attending required training sessions will be reimbursed to the treasurer. Currently, the reimbursement is discretionary (Section 54.261);
- (5) Allows port authorities to establish an advanced industrial manufacturing zone on property they control and to expand such zones by resolution (Section 68.075); and
- (6) Allows the Chief of Police for the Kansas City Police Department to appoint a Lieutenant Colonel who will be responsible for matters relating to homeland security (Section 84.514).

PUBLIC SAFETY SALES TAX

This bill adds certain cities to the list of cities authorized to impose, upon voter approval, a retail sales tax of up to 0.5% for improving public safety including compensation, pension programs, health care, and additional equipment and facilities for police, fire, and emergency medical providers (Sections 94.900, 94.902, and 94.903).

The additional cities include Peculiar, Lamar, Salem, St. Clair, Higginsville, Lexington, Mount Vernon, Eldon, Platte City, Rock Hill, and Mountain Grove, (Section 94.900.1(1)(b)); Jackson, Republic, and Lake St. Louis, (Section 94.900.1(1)(f)); Carl Junction, Sullivan, Pacific, Oak Grove, Dexter, and Warrenton, (Section 94.900.1(1)(g)); and Eureka, Harrisonville, Union, Bolivar, Branson, Troy (Section 94.902.1(6)), and Arcadia, Doolittle, Eminence, Fairfax, Hartville, Hayti Heights, Holcomb, Kelso, Lowry City, Matthews, Naylor, Pleasant Hope, Queen City, Trimble, Verona, and Vienna (Section 94.902.1(7)).

In certain of the additional cities, the sales tax will expire in 10 years unless approved again by the voters, and if the sales tax fails on the first ballot, the cities cannot put the issue on the ballot again without new statutory authorization. The cities to which the 10 year duration and the one-time vote opportunity applies include Peculiar, Lamar, Salem, St. Clair, Higginsville, Lexington, Mount Vernon, Eldon, Platte City, Rock Hill, and Mountain Grove (Section 94.900.1(1)(b)).

In certain of the additional cities, regardless of when the tax is imposed, it will expire on December 31, 2038. The specific tax expiration date provision currently applies to the cities of Eureka, Harrisonville, Union, Bolivar, Branson, and Troy.

In certain of the additional cities, if the sales tax fails on the first ballot, those cities cannot put the issue on the ballot again for at least 12 months. If the sales tax fails on a second ballot, then the authorization for the sales tax for those cities is repealed. Currently, this provision only applies to the cities of Branson, Eureka, Harrisonville, Union, Bolivar, and Troy (Sections 94.900, 94.902, and 94.903).

POLITICAL SUBDIVISION ANNUAL REPORTS

The bill requires the State Auditor's office to report any political subdivision failing to submit its annual financial statement to the Department of Revenue (DOR). The DOR will notify the non-compliant political subdivision, by certified mail, that it has 30 days from the postmarked date to submit the required statement to the State Auditor's office. If the statement is not received the political subdivision will be fined \$500 per day beginning on the 31st day from the postmarked date. Currently, these provisions only apply to transportation development districts (Section 105.145).

TIMELINESS OF TAX PAYMENTS

The bill also authorizes a collector to use discretion in determining the date of an unreadable or absent postmark on a mailed property tax payment and requires the collector to document the decision (Section 139.100).

CONSOLIDATED PUBLIC LIBRARY DISTRICTS

The bill adds four trustees to the board of a consolidated public library district when a county public library district successfully petitions to be included in the consolidated district. When a

city, municipal, school, or other public library district that does not include an entire county and is outside the boundaries of a consolidated public library district successfully petitions to be included in the consolidated public library district, the county commission or county executive of each county in which the petitioning district is located must appoint one trustee. Also adds one trustee to the board of a consolidated public library district when a city or municipal library district is petitioning to be included in the consolidated district and the petitioning district is partially located in a county that is not participating in the consolidated district. The additional trustee must be appointed by the county commission or county executive officer of the county that is not participating in the consolidated district. After admission of a petitioning district into a consolidated district, transfer of the title and interest in the property of the petitioning district, and appointment of the additional trustee, a petitioning district and its board of trustees will cease to exist (Sections 182.640 and 182.660).

ROAD DISTRICT CONSOLIDATION

This bill authorizes a county commission to combine two or more road districts within the county upon petition request by a majority of the commissioners in each of the road districts seeking to be combined. The county commission must hold a public hearing after publishing notice for a period of four weeks in a newspaper of general circulation in the county. The county may issue an order to consolidate the districts if it finds, after the public hearing, that the consolidation is in the public good. This bill also designates the procedure for appointing commissioners to the new consolidated district and transferring of assets, liabilities, and tax levies. The provisions for consolidation do not apply to road districts located in two counties (Section 233.295).

TAX LEVY CERTIFICATION DATE

The bill changes the installment levy certification date from October 31 to September 30 of each year for drainage districts and levee districts (Sections 242.460, 243.350, and 245.185).

PUBLIC SAFETY SALES TAX

The bill also adds certain fire protection districts to the list of fire protection districts authorized to impose, upon voter approval, a sales tax not to exceed 0.5% for the purpose of providing revenues for the operation of the fire protection district. The additional fire protection districts currently include those located in Ripley and Mississippi counties (Sections 321.242 and 321.246).

MISSOURI ENERGY EFFICIENCY INVESTMENT ACT

The bill enables those receiving tax credits under the low-income housing and the historic structures rehabilitation tax credit to also participate in the demand-side programs offered by an electrical corporation under the "Missouri Energy Efficiency Investment Act" (Section 393.1075).

PUBLIC ADMINISTRATORS

The bill requires that candidates for the office of public administrator provide to the election authority a copy of a signed affidavit from one surety company indicating that the candidate meets the bonding requirements. It also repeals provisions requiring public administrators to automatically supervise the estates of minors and makes them subject to court appointment. Guardians are allowed to enter into preneed funeral contracts for minors without being personally liable for costs and without any interference with the existing right to dispose of bodies granted to next-of-kin (Sections 473.730, 473.743, 475.120, and 473.747).

LAND CONVEYANCE

The bill authorizes the Director of the Department of Natural Resources to convey certain state property, specified in the bill, located in Jackson County to the City of Independence (Section 1).

CCS SCS#2 SB 128 -- JUDICIAL PROCEEDINGS

CONFLICT OF INTEREST

This bill provides that, upon request by a prosecuting attorney or law enforcement agency, the State Auditor or his or her authorized designee may audit all or part of any government entity. The bill also provides that violating provisions relating to conflict of interest and lobbying is a class E felony if the offense involves more than \$750 in value or if the offender has previously been found guilty of official misconduct. A court may enter judgment of restitution against an offender and may order the offender to make restitution to the victim, a government entity, or a third-party payor. The bill makes provisions regarding the determination and enforcement of the restitution. The bill also creates the offense of official misconduct in the first degree, which is a class E felony, and the offense of official misconduct in the second degree, which is a class A misdemeanor (Sections 29.225 and 105.478, RSMo).

STATE LEGAL EXPENSE FUND

The bill requires the Attorney General and the Commissioner of Administration to report to the General Assembly, at a time specified in the bill, regarding the settlements and judgments paid in the previous month from the State Legal Expense Fund (Section 105.713).

SALES TAX EXEMPTIONS

The bill affirms the construction and application of existing law as expressed by the Missouri Supreme Court in *Bridge Data Co. v. Director of Revenue*, 794 S.W.2d 204 (Mo. banc 1990), *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) regarding certain sales tax exemptions, as described in the bill (Section 144.026).

RESPONSIVE PLEADINGS

This bill requires the responding party to file a response to any motion to modify a child support, spousal maintenance, or child custody judgment (Sections 210.845, 452.370, 452.747, and 454.500).

CUSTODY OF A CHILD THROUGH A POWER OF ATTORNEY

This bill may be known as the "Supporting and Strengthening Families Act." It provides that during a child protective investigation if the child is at risk for possible removal the Children's Division shall provide information to the parent about community service programs that provide support services for families in crisis.

Additionally, a parent or legal custodian of a child may delegate to an attorney-in-fact, without compensation, any powers regarding the care and custody of a child for a period not to exceed one year, unless an exception applies as specified in the bill. Such delegation does not change parental or legal rights established by a court order or deprive the parent or legal custodian of any rights regarding child custody, visitation, or support.

A parent who intentionally uses a power of attorney to permanently avoid legal responsibility for the care of the child is guilty of violating current law on transferring child custody without a court order. A child subject to the power of attorney shall not be considered placed in foster care and the parties shall not be subject to any licensing regulations for foster care or community care for children.

Community service programs for families in crisis must conduct a background check of an attorney-in-fact and any adult members of his or her household prior to the placement of the child.

An attorney-in-fact must make arrangements to ensure that the child attends classes at an appropriate school based upon the residency requirements of the school, and the child's school shall be notified of the existence of the power of attorney and be provided a copy of the power of attorney. The delegation of care under the bill shall not modify a child's eligibility for the benefits, such as free or reduced lunch, that the child is receiving at the time of the execution of the power of attorney.

Finally, this bill specifies the information to be included on a form delegating any powers regarding the care and custody of a child under this bill (Sections 210.1109, 475.600, 475.602, and 475.604).

IGNITION INTERLOCK DEVICES

This bill specifies that exemptions for ignition interlock device requirements shall not be granted to individuals who are self-employed or who wholly or partially own or control an entity that owns an employer-owned vehicle (Section 302.441).

FILING FALSE DOCUMENTS

This bill creates the offense of filing a false document, which is committed if, with intent to defraud, deceive, harass, alarm, or negatively impact financially, a person files, causes to be filed, or attempts to file, creates, uses as genuine, transfers or has transferred, presents, or prepares with knowledge or belief that it will be filed, presented, or transferred to the Secretary of State or his or her designee, any county recorder of deeds or his or her designee, any municipal, county, district, or state government entity or office, or any credit bureau or financial institution specified documents. For the first offense, filing a false document is a class D felony. Filing false documents is a class C felony in certain specified instances. Any person who is found guilty of committing such offense will be ordered to make full restitution to any person or entity that has sustained any actual losses as a result of the commission of such offense.

The bill specifies that a system must be created, by January 1, 2018, in which suspicious filings are logged, and outlines the process for petitioning the court when a person has probable cause to believe a filing is fraudulent.

If a filing or record is deemed invalid, court costs and fees are the responsibility of the party who originally initiated the filing or record. If the filing fee is deemed valid, no court costs or fees, in addition to standard filing fees, shall be assessed (Sections 400.9-501 and 570.095).

TRUST INSTRUMENTS

The bill adds definitions for "directed trust" and "trust protectors," and it modifies provisions related to termination of trust instruments, no contest clauses in trusts, and to trust protectors (Sections 456.1-103, 456.4-414, 456.4-420, and 456.8-808).

REVISED FIDUCIARY ACCESS TO DIGITAL ASSETS ACT

This bill establishes the "Missouri Fiduciary Access to Digital Assets Act," which allows fiduciaries to access electronic records or "digital assets" of an account holder or "user." A user may allow or prohibit the disclosure of his or her digital assets to a fiduciary in a will, trust, or other record. The user may also use an online tool to direct the custodian of the digital assets to disclose some or all of the digital assets. In certain situations, the direction of the user to the custodian using the online tool can override a conflicting direction contained in the user's will, trust, or other record. Also, the user's direction regarding disclosure of the digital assets under an online tool or other record overrides a contrary provision in a terms-of-service agreement that does not require the user to take affirmative action regarding the agreement. A fiduciary's access to digital assets may be modified or eliminated by a user, federal law, or a terms-of-service agreement if the user has not provided direction through the use of an online tool or will, trust, or other record.

A custodian has the discretion to grant a fiduciary full access to the user's account, partial access, or provide a copy of the digital assets requested but is prohibited from disclosing a digital asset the user has deleted. A custodian may charge a fee for disclosure. A custodian must disclose to a fiduciary the content of an electronic communication sent or received by the user, a catalogue of electronic communications, and digital assets of the user if the fiduciary provides certain

documentation as specified in the bill. If the fiduciary is an agent acting under a power of attorney, then the power of attorney must expressly grant the agent authority over the content of electronic communications sent or received by the user for the custodian to disclose the digital assets.

A custodian may disclose to a conservator the user's catalogue of electronic communications and any digital assets if the conservator is given authority by the court and provides the court order to the custodian. Additionally, a conservator may request the suspension or termination of a user's account for good cause.

A fiduciary may terminate the user's account in writing and such request must be accompanied with certain documents as provided in the bill. Finally, a custodian has 60 days to comply with a fiduciary's request for disclosure or account termination. If the custodian does not comply with the request, then the fiduciary may apply to the court to order compliance (Sections 472.400, 472.405, 472.410, 472.415, 472.420, 472.425, 472.430, 472.435, 472.440, 472.445, 472.450, 472.455, 472.460, 472.465, 472.470, 472.475, 472.480, 472.485, and 472.490).

GUARDIANSHIP OF MINORS

This bill allows the court to order visitation between a minor who has been appointed a guardian and the minor's parents if the minor's parents petition the court for periods of visitation and if the court finds that the visitation is in the best interest of the minor, as specified (Section 475.084).

SIXTEENTH JUDICIAL CIRCUIT

This section moves Division 12 in the 16th Judicial Circuit from Kansas City to the City of Independence (Section 478.463).

MUNICIPAL COURTS

A court serving more than one municipality shall be treated as a single municipality for the purposes of the provisions of the section prohibiting municipal judges from serving on more than five municipalities at one time (Section 479.020).

COURT REPORTER COST

This bill repeals provisions of law that specify that court reporters shall receive \$3.50 per page in proceedings in any circuit court. The bill also repeals the requirement that court reporters be reimbursed at \$3.50 per page (Sections 479.020 and 488.2250).

PROPERTY EXEMPT FROM EXECUTION

This bill adds engagement rings valued up to \$1,500 to the list of property exempt from attachment and execution. Currently, any miscellaneous property valued up to \$600 in the aggregate is exempt from attachment and execution. This bill increases the value to \$1,200. The

bill also adds 401(k)s and any type of individual retirement arrangement as defined by Publication 590 of the IRS, but this exemption is limited by federal law.

Finally, the law currently allows each head of a family to select and hold various property and debts and wages valued up to \$1,250 plus up to \$350 for each head's unmarried dependent children under the age of 21, to be exempt from execution. This bill increases the values to \$1,650 plus \$450 for the person's unmarried dependent children under the age of 21 (Sections 513.430 and 513.440).

GUARDIAN AD LITEM FEES

This bill excludes guardian ad litem fees from the costs and expenses that may be waived, in certain civil actions, without the necessity of a motion and court approval. Individuals may still file a certification to have such fees waived. Failure to pay the guardian ad litem fees shall not preclude a certifying party from filing future suits, including motions to modify, and shall not be used as a basis to limit the certifying party's prosecution or defense of the action. Parties shall file certification for waiver of guardian ad litem fees prior to the trial commencing. Any party may present evidence on the financial condition of the parties. Based upon the evidence, if the court finds that the certifying party has the present ability to pay, the court may enter judgment ordering the certifying party to pay a portion of the guardian ad litem fees (Section 514.040).

DEPARTMENT OF MENTAL HEALTH

This bill provides that after a person accused of committing an offense has been committed to the Department of Mental Health due to lack of mental fitness to stand trial, the legal counsel for the department shall have standing to participate in hearings regarding involuntary medications for the accused (Section 552.020).

OFFENSE OF ACCEDING TO CORRUPTION

The offense of acceding to corruption is a class D felony if a witness accepts a benefit on the understanding that he or she will disobey a legal process in a felony prosecution proceeding (Section 575.280).

INTOXICATION-RELATED OFFENSES

The definition of the terms "habitual offender" and "intoxication-related traffic offense" are modified as used in provisions relating to public safety criminal offenses. Driving while intoxicated is a class B felony if the person acts with criminal negligence to:

- 1) Cause the death of another who is not in the vehicle;
- 2) Cause death of two or more persons; or
- 3) Cause the death of any person while having a blood alcohol content of at least .18 of 1%

(Section 577.001).

TOBY'S LAW

This bill creates "Toby's Law," which provides that a person who has been found guilty of driving while intoxicated must complete a victim impact program approved by the court. The person is responsible for any charges imposed by the program (Section 577.011).

CHEMICAL ANALYSIS OF BREATH

This bill requires admission of relevant chemical analysis of a person's breath in proceedings for any criminal offense, violations of county or municipal ordinances, or license suspension or revocation proceedings arising out of acts occurring between December 30, 2012 and April 4, 2014, relating to the operation of a vehicle, vessel, or aircraft while in an intoxicated condition so long as the evidence meets certain specified conditions. These provisions are a procedural rule and applicable to all proceedings in progress whether commenced before or after the enactment of the section (Section 577.037).

This bill abrogates the holdings of *Stiers v. Dir. of Revenue*, 477 S.W.3d 611, (Mo. 2016) and *Stiers v. Dir. of Revenue*, ED 101407, 2015 WL 343310 (Mo.App. E.D. Jan. 27, 2015).

LEAVING THE SCENE OF AN ACCIDENT

This bill specifies that the offense of leaving the scene of an accident is a class D felony if a death occurs as a result of the accident (Section 577.060).

ADDRESS CONFIDENTIALITY PROGRAM

This bill adds provisions related to the Address Confidentiality Program, which protects program participants from having their actual addresses disclosed in certain situations (Section 589.664).

COURT ORDERED RESTITUTION

The bill also provides that a court may enter a judgment of restitution against an offender and may order the offender to pay restitution against the victim, a government entity, or a third-party payor. The bill makes provisions regarding the determination and enforcement of this restitution (Section 595.219).

This bill also includes clean-up language for the criminal code revision from 2014 (Sections 252.069, 479.170, 488.029, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, and 595.045).

CCS HCS SCS SB 139 -- CONTROLLED SUBSTANCES

This bill modifies provisions relating to health care.

EMERGENCY ADMINISTRATION EPINEPHRINE

This bill allows a physician to prescribe epinephrine (EPI) auto-injectors in the name of an authorized entity for use in certain emergency situations. Pharmacists, physicians, and other persons authorized to dispense prescription medications may dispense EPI auto-injectors under a prescription issued in the name of an authorized entity. An "authorized entity" is any entity or organization at or in connection with locations where allergens capable of causing anaphylaxis may be present, including but not limited to restaurants, recreation camps, youth sports leagues, amusement parks, and sports arenas.

The bill allows authorized entities to acquire and stock a supply of EPI auto-injectors under a prescription issued in accordance with the provisions of the bill. An employee or agent of an authorized entity or any other person who has completed the required training will be allowed to use the EPI auto-injector on the premises of or in connection with the authorized entity to provide it to any individual who the employee, agent or other person believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for the EPI auto-injector or has been previously diagnosed with an allergy. The employee or agent cannot administer or provide the auto-injector to a person who is 18 years of age or younger without the verbal consent of a parent or guardian who is present at the time, unless the child will be in imminent danger without the use of the auto-injector.

The bill specifies the required training and the procedures for making the EPI auto-injectors available to individuals other than trained persons, as long as the auto-injectors are secured and properly stored. The bill also requires all basic life support ambulances and stretcher vans to be equipped with EPI auto-injectors and staffed by at least one person trained in the use of the auto-injectors.

This bill exempts certain persons and entities from liability for any injuries or related damages that result from the administration or self-administration of an EPI auto-injector in accordance with the provisions of the bill that may constitute ordinary negligence. The immunity does not apply to bills or omissions constituting reckless disregard for the safety of others, or willful or wanton conduct, and must be in addition to and not in lieu of the protections provided under the Good Samaritan emergency law. No trained person who is in compliance with this law and who in good faith and with reasonable care fails to administer the EPI auto-injector will be liable for that failure (Section 196.990, RSMo).

POLYPHARMACY AND ANTIPSYCHOTIC MEDICATIONS

This bill modifies existing language relating to psychotropic medications and requires the MO HealthNet Division to establish a polypharmacy program for high-risk MO HealthNet participants with numerous or multiple prescribed drugs or medications and establish a behavioral health pharmacy and opioid surveillance program to encourage the use of best medical evidence-supported prescription practices. No restrictions to access are imposed that preclude

availability of any individual atypical antipsychotic monotherapy for the treatment of schizophrenia, bipolar disorder, or psychosis associated with severe depression. The division must issue provider updates to enumerate specified treatment and utilization principles for MO HealthNet providers, including treatment principles relating to antipsychotic drugs or medications.

If the division implements any new policy or point-of-sale clinical edit for an antipsychotic drug or medication, the division must continue to allow MO HealthNet participants access to any antipsychotic drug or medication that they use and on which they are stable or that they have successfully used in the past. Additionally, the following applies to the prescribing of antipsychotics:

- (1) If an antipsychotic drug or medication is listed as "non-preferred" in the MO HealthNet pharmacy formulary and is considered clinically appropriate for an individual patient, prior authorization will be simple and flexible;
- (2) If an antipsychotic drug or medication is listed as "non-preferred" and is known or found to be safe and effective for a patient, the division shall not restrict the patient's access to the drug or medication and such drug or medication must be considered "preferred" for that patient;
- (3) A patient is not required to change antipsychotic drugs or medications due to changes in medication management policy, prior authorization, or a change in the payor responsible for the benefit; and
- (4) Patients transferring from state psychiatric hospitals to community-based settings will be permitted to continue their medication regimens.

The division's medication policy and clinical edits must provide MO HealthNet participants initial access to multiple FDA-approved antipsychotic drugs or medications that have substantially the same clinical differences and adverse effects that are predictable across patients and whose manufacturers have entered into rebate agreements with the federal Department of Health and Human Services and specify the categories of available drugs or medications that are available to participants (Section 208.227).

PRESCRIPTION DRUG REBATES

This bill requires pharmaceutical manufacturers to pay to the state, in accordance with federal law, rebates on eligible utilization of covered outpatient drugs dispensed to MO HealthNet participants as follows:

- (1) For single source drugs and innovator multiple source drugs, rebates shall reflect the manufacturer's best price; and
- (2) For single source drugs and innovator and noninnovator multiple source drugs, any additional rebates as necessary to account for certain price increases in excess of inflation

(Section 208.229).

MO RX PROGRAM

This bill modifies provisions relating to the Missouri Rx Prescription Drug Program by requiring applicants household income limits for eligibility to only apply to Medicaid dual eligible individuals.

The provisions of the MO Rx program will sunset in five years on August 28, 2022 (Sections 208.790 and 208.798).

DELEGATION OF PHYSICAL THERAPY TREATMENT

Currently, a physical therapist may delegate physical therapy treatment to a person in an entry level of a professional education program approved by the Commission for Accreditation of Physical Therapists and Physical Therapist Assistant Education who is under on-site supervision of the physical therapist. This bill modifies the name of the relevant commission to the Commission on Accreditation in Physical Therapy Education (CAPTE) and requires only that the person be under supervision of the physical therapist (Section 334.506).

RX CARES FOR MISSOURI PROGRAM

This bill creates the Rx Cares for Missouri Program to be administered by the Board of Pharmacy in consultation with the Department of Health and Senior Services. The goals of the program are to promote medication safety and prevent prescription drug abuse. The board may expend funds appropriated to the board to private and public entities for the development of programs and education in order to meet these goals. Funds cannot be used for any state prescription drug monitoring program.

The Board of Pharmacy may enter into inter-agency agreements with the Department of Health and Senior Services so that the department can assist in the operation of the program. After a full year of operation, the board must submit an evaluation report to the Governor and General Assembly including program operations and funds allocated. The program shall expire on August 28, 2019 (Sections 338.700 and 338.710).

HCS SS SCS SB 160 -- CHILD PROTECTION

This bill changes provisions relating to child protection.

JOINT COMMITTEE ON CHILD ABUSE AND NEGLECT

Currently, the Joint Committee on Child Abuse and Neglect expires January 15, 2018. This bill changes the expiration date to January 15, 2023 (Section 21.771, RSMo).

SEX TRAFFICKING

The bill includes victims of sex trafficking in the definitions of abuse and neglect and specifies that any person who takes control of a child by deception, force, or coercion is responsible for the care, custody, and control of the child (Section 210.110).

INVESTIGATION REPORTS

The bill specifies that in instances where the Children's Division, within the Department of Social Services, is unable to determine the identity of a perpetrator of child abuse or neglect, the investigative reports shall be retained by the division, but the unknown perpetrator shall not be placed on the central registry. The child's parents and legal guardian must be notified that the division shall retain, utilize, and disclose all information and findings as provided in family assessment and services cases when the division is unable to determine the identity of the perpetrator. The bill also allows the division to reopen a case for review if new, specific, and credible evidence is obtained (Section 210.152).

FOSTER CARE BILL OF RIGHTS

This bill establishes and enumerates the Foster Care Bill of Rights. The Children's Division shall provide every school-aged foster child and his or her foster parent with an age-appropriate orientation and explanation of the Foster Care Bill of Rights, as well as make them readily available and easily accessible online. Additionally, every Children's Division office, residential care facility, child placing agency, or other agency involved in the care and placement of foster children shall post the bill of rights in the office, facility, or agency (Section 210.564).

FOSTER HOME PLACEMENT

The bill defines the word "relative" to include a person who is not related to the child but has a close relationship with the child or child's family when determining foster home placement of a child

The bill also removes a trusted adult that has a preexisting relationship with the child from the order of preference for placement of a child (Section 210.565).

JUVENILE COURTS

Currently, a child taken into custody by a juvenile officer or law enforcement official is required to be advised of certain rights. This bill specifies that the child must be advised orally and in writing. The bill also specifies that a juvenile officer shall ensure the child in custody is advised of the limited role of the juvenile officer during questioning by law enforcement and shall specifically advise the child that the juvenile officer is not legal counsel for the child nor an advocate for the child during questioning by law enforcement. Furthermore, the juvenile officer shall not participate in questioning by law enforcement, asking questions or soliciting any

information from the child regarding the alleged offense or offenses.

This bill provides that whenever any person informs a juvenile officer in writing that a child appears to be within the purview of the juvenile court, the juvenile officer shall make a preliminary inquiry into the matter and may make an informal adjustment or file a petition.

Additionally, the bill provides that a child who is 17 years old and who is without proper care but is in need of care and treatment is entitled to be represented by a guardian ad litem in all juvenile or family court proceedings.

The presiding judge of the circuit shall ensure that any case in the family court or juvenile court divisions in which a juvenile officer is a participant is not heard by a judge who is the appointing authority for the juvenile officer or other necessary juvenile employees (Sections 211.059, 211.081, 211.211, 211.351, 211.361, 211.401, and 211.447).

THE PRESENCE OF CERTAIN OFFENDERS AT A MUSEUM

The bill states that a person who has been found guilty of certain offenses against minors shall not knowingly be present in or loiter within 500 feet of museums with the primary purpose of entertaining or educating children under 18 years of age (Section 566.150).

This bill contains an emergency clause.

HCS SCS SB 161 -- OZARK BICENTENNIAL COMMISSION

This bill creates the "Ozark Exploration Bicentennial Commission" and the "Ozark Exploration Bicentennial Fund" to hold any state or federal appropriations, gifts, or other money for use by the commission. The commission includes two representatives appointed by the Speaker and two senators appointed by the President Pro Tem. The duties of the commission include organizing and coordinating efforts relating to the bicentennial celebration of the exploration of the Ozarks in 1819, as well as promoting public awareness of the significance of the exploration. The commission will be dissolved on June 30, 2019.

SS SB 182 -- PROJECT LABOR AGREEMENTS

Currently, the state, or any agency or instrumentality of the state is prohibited, from requiring, or prohibiting, bidders from entering into agreements with labor organizations when entering into contracts for the construction of public projects funded by more than 50% by the state. This bill removes the 50% funding threshold and further prohibits the state, any agency, political subdivision, or instrumentality thereof from requiring, or prohibiting, bidders from entering into agreements with labor organizations when entering into contracts for the construction, repair, remodeling, or demolition of a facility. Discrimination against such bidders is also prohibited. Moreover, the state, any agency, political subdivision, or instrumentality of the state, shall not

encourage or give preferential treatment to bidders who enter or refuse to enter into agreements with a labor organization.

Any entity which violates the provisions of this bill is liable to the person affected for equitable damages as well as reasonable attorney's fees. Furthermore, such entities shall not be eligible for state funding, including tax credits for two years.

The bill gives investigatory authority to prosecuting attorneys, circuit attorneys, and the Attorney General for complaints of violations of this bill. Furthermore, such entities shall use all means at their command to ensure the effective enforcement of this bill.

CCS SB 222 -- TRANSPORTATION

This bill changes transportation regulations. In its main provisions, the bill:

- (1) Establishes a minimum legal standard of 75% functionality for specified vehicle light bulbs and other types of illumination that have multiple diodes or light sources (Section 307.005, RSMo);
- (2) Modifies the definition of autocycles so that they are regulated similarly to motor vehicles and not motorcycles (Section 304.005);
- (3) Requires all vehicles authorized to use red and blue or white and amber flashing lights in the requirement for motorists to pull over to the side of the road while such vehicles pass (Section 304.022);
- (4) Allows use of articulated buses up to 60 feet in length with exceptions for bumpers and bike racks (Section 304.170); and
- (5) Allows emergency vehicles and Department of Transportation vehicles to use red and blue flashing lights under specified conditions and allows state highway commission and its contractors and utility vehicles to use white and amber lights under specified conditions (Section 307.175).

FEDERAL MANDATE PROVISIONS

The bill makes changes to Missouri law to comply with the Fixing America's Surface Transportation Act of 2015.

In its main provisions, the bill:

- (1) Changes definitions for specified terms including "automobile transporter," which is now defined as any vehicle combination capable of carrying cargo on the power unit and designed and used for the transport of assembled motor vehicles, including truck camper units; "backhaul" is

the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route; "boat transporter" is any vehicle combination capable of carrying cargo on the power unit and designed and used specifically to transport assembled boats and boat hulls and boats may be partially disassembled to facilitate transporting; "towaway trailer transporter combination" is a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does not exceed 26,000 pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers; "trailer transporter towing unit" is a power unit that is not used to carry property when operating in a towaway trailer transporter combination;

(2) Changes the requirements for stinger-steered combination automobile transporters having a length not in excess of 85 may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed 10 miles from such interstate or designated highway. All length provisions regarding stinger-steered automobile combination transporters are exclusive of front and rear overhang, which shall be no greater than a four-foot front overhang and no greater than a six-foot rear overhang;

(3) Allows automobile transporters to transport cargo or general freight on a backhaul, in compliance with weight limitations for a truck-tractor and semitrailer combination as outlined in Section 304.180;

(4) Requires any towaway trailer transporter combination vehicle operated upon the interstate and designated primary highway system in this state to have an overall length of not more than 82 feet;

(5) Allows emergency vehicles designed to be used under emergency conditions to transport personnel and equipment and to mitigate hazardous situations to have a maximum gross vehicle weight of 86,000 pounds inclusive of 24,000 pounds on a single steering axle; 32,500 on a single drive axle; 62,000 on a tandem axle; or 52,000 on a tandem rear drive steer axle;

(6) Allows a vehicle operated by an engine fueled primarily by natural gas to operate on state highways in excess of the vehicle weight limits in these provisions by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. The maximum gross vehicle weight of the vehicle operating with a natural gas engine shall not exceed 82,000 pounds; and

(7) Updates language to reflect the State Highways and Transportation Commission.

CCS HCS SB 225 -- TRANSPORTATION

The bill modifies provisions relating to transportation. In its main provisions, the bill:

- (1) Allows the use of average distance charts as specified in the bill for calculating interjurisdictional assessed valuations (Section 137.095, RSMo);
- (2) Provides that two- and four-year colleges are eligible for the same type of directional road signs (Section 226.520);
- (3) Specifies that any camping or fifth-wheel trailer that is over 25 years old may be permanently registered by filing an application with the Department of Transportation and paying a \$52.50 registration fee (Section 301.136);
- (4) Defines an autocycle as a three-wheeled motor vehicle where the driver and passenger ride in an enclosed or partially enclosed seating area so that they are not considered motorcycles. These vehicles must meet specified federal Department of Transportation or Federal Motorcycle Safety Standards (Section 304.005);
- (5) Adds specified National Guard vehicles to the list of emergency vehicles (Section 304.022);
- (6) Accommodates articulated buses up to 60 feet in length with additional allowances for storage racks and bumpers (Section 304.170);
- (7) Expands the commercial zone in Kansas City which prohibits certain vehicles exceeding 15 feet in height or 22,400 pounds per axle, to include specified roads and the cities of Lone Jack and Strasburg (Section 304.190); and
- (8) Adds recipients of specified military awards to the special license plate provisions of Section 304.725.

FEDERALLY MANDATED TRANSPORTATION PROVISIONS

This bill also contains provisions that are federally mandated and makes changes to Missouri law to comply with the Fixing America's Surface Transportation Act of 2015. In its main provisions, the federal mandate portion of the bill:

- (1) Changes definitions for specified terms as follows: "automobile transporter," any vehicle combination capable of carrying cargo on the power unit and designed and used for the transport of assembled motor vehicles, including truck camper units; "backhaul," the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route; "boat transporter," any vehicle combination capable of carrying cargo on the power unit and designed and used specifically to transport assembled boats and boat hulls and boats may be partially disassembled to facilitate transporting; "towaway trailer transporter combination," a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does not exceed 26,000 pounds, and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers; and "trailer transporter towing unit," a power unit that is not used to carry property when operating in a towaway trailer transporter

combination (Section 301.010);

(2) Changes the requirements for stinger-steered combination automobile transporters having a length not in excess of 80 feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed 10 miles from such interstate or designated highway. All length provisions regarding stinger-steered automobile combination transporters are exclusive of front and rear overhang, which shall be no greater than a four-foot front overhang and no greater than a six-foot rear overhang (Section 304.170);

(3) Allows automobile transporters to transport cargo or general freight on a backhaul, in compliance with weight limitations for a truck-tractor and semitrailer combination as outlined in Section 304.180 (Section 304.170);

(4) Requires any towaway trailer transporter combination vehicle operated upon the interstate and designated primary highway system in this state to have an overall length of not more than 82 feet (Section 304.170);

(5) Allows emergency vehicles designed to be used under emergency conditions to transport personnel and equipment and to mitigate hazardous situations to have a maximum gross vehicle weight of 86,000 pounds inclusive of 24,000 pounds on a single steering axle; 32,500 on a single drive axle; 62,000 on a tandem axle; or 52,000 on a tandem rear drive steer axle (Section 304.180);

(6) Allows a vehicle operated by an engine fueled primarily by natural gas to operate on state highways in excess of the vehicle weight limits in these provisions by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. The maximum gross vehicle weight of the vehicle operating with a natural gas engine shall not exceed 82,000 pounds (Section 304.180); and

(7) Updates language to reference the State Highways and Transportation Commission instead of the Department of Transportation.

SCS SB 240 -- ELECTRICAL CONTRACTORS LICENSE

This bill creates a statewide license for electrical contractors, which shall be issued by the Division of Professional Registration, within the Department of Insurance, Financial Institutions and Professional Registration. The bill requires an applicant for statewide licensure to be at least 21 years of age, provide proof of liability insurance in the amount of \$500,000, pass a standardized and nationally accredited electrical assessment examination, and complete practical hours as specified in the bill.

This bill allows a political subdivision to continue establishing their own local electrical

contractor's license, but must recognize a statewide license in lieu of such local license. If a political subdivision fails to recognize a statewide license, then the licensee may file a complaint with the division. If, after investigation, the political subdivision still refuses to recognize the statewide license then the division shall notify the Director of the Department of Revenue who shall withhold local sales tax dollars until the political subdivision is in compliance with the law.

Any person who is operating as an electrical contractor in a political subdivision that does not require the contractor to hold a local license is not required to possess a statewide license to continue to operate in that political subdivision. However, each corporation, firm, institution, organization, company, or representative thereof who engages in electrical contracting must have a least one statewide licensed electrical contractor employed at a supervisory level.

Beginning in 2020, this bill requires a statewide license to be renewed once every three years. Any officer or agent of a corporation, partnership, or association who violates these provisions is guilty of a class B misdemeanor.

SB 248 -- ORGAN DONOR PROGRAM FUND CHECKOFF

Currently, the organ donor program fund tax checkoff on the individual and corporate income tax returns expires on December 31, 2017. This bill removes the expiration date.

SCS SB 279 -- LICENSE VETERANS DESIGNATION

This bill expands the acceptable documentation for a person to receive a veteran designation on a driver's license or identification card to include submission of a United States Department of Veterans Affairs photo identification card, or other specified forms showing a discharge status of "honorable" or "general under honorable conditions."

CCS HCS SB 283 -- LOCAL COMMISSIONS

This bill changes laws involving political subdivisions. In its main provisions, the bill:

- (1) Allows port authorities to establish advanced industrial manufacturing zones based on average county wages and to expand or contract such zones by resolution (Section 68.075, RSMo);
- (2) Prohibits combined tax rates over 2% for tax measures submitted under the section (Section 94.510);
- (3) Allows owners of land in addition to residents to petition the county commission to submit tax rates for roads and bridges (Section 137.565);

(4) Modifies the initial terms of directors elected to the Kansas City Public Schools school board in 2019, such that the terms of office of directors are staggered. One at-large director and the directors of subdistricts one, three, and five shall be elected to an initial two-year term. The other at-large director and the directors of subdistricts two and four will be elected to a four-year term. In subsequent elections, all directors will be elected to four-year terms (Section 162.492);

(5) Imposes penalties and liens to enforce penalties for blocking or damaging specified roads or drainage ditches and not acting to remove obstacles or repair damage upon notice (Section 229.150);

(6) Changes special road district commissioner election practices and allows appointments by the county commission if vacancies persist for over two consecutive elections in three year districts (Section 233.180); and

(7) Exempts commercial motor vehicles which are following approved, municipally designated traffic routes through a municipality from any type of nuisance requirement. The bill only creates an exception for nuisance claims and damages and does not regulate other types of civil or criminal claims (Section 304.120).

SCS SB 322 -- MEMORIAL HIGHWAY

This bill designates a portion of Interstate 55 in Jefferson County as the "USMA Cadet Thomas M. Surdyke Memorial Highway," a portion of State Highway 163 in Boone County as "Sherman Brown Jr. Memorial Highway," a portion of Missouri 249 in Jasper County as the "Edward F. Dixon The Third Memorial Highway," the bridge on State Highway 100 crossing over Big Boeuf Creek in Franklin County as the "Lyndon Ebker Memorial Bridge," the bridge on Interstate 70 crossing over The Paseo Boulevard in the city of Kansas City in Jackson County as the "Mary Groves Bland Memorial Bridge," and the bridge on State Highway 99 crossing over Eleven Point River in Thomasville in Oregon County as the "Roger "Dusty" Shaw Memorial Bridge.

SB 329 -- MOTOR VEHICLE FRANCHISE PRACTICES

This bill allows engine manufacturers to provide warranty service to their own engines so long as it does not control more than seven facilities in Missouri and provides franchise dealers with support for completing repairs. This is an exemption to unlawful merchandising practices law which precludes non-emergency repairs except by specified franchisees or under a fleet contract.

SB 376 -- HISTORIC AND WONDER DOG

This bill designates "Old Drum" as the historical dog of the state of Missouri and "Jim the Wonder Dog" as Missouri's wonder dog.

SB 395 -- THE PRACTICE OF PUBLIC ACCOUNTING

This bill modifies provisions relating to the practice of public accountants.

This bill modifies several definitions related to the profession of accountancy. This bill also lowers the age that someone can become licensed as an accountant from 21 to 18.

A certified public accounting firm that does not have an office in the State of Missouri may offer or perform attest or compilation services in Missouri without a permit if it meets certain requirements, as set forth in the bill. All firms practicing public accounting in the State of Missouri shall register with the Secretary of State, unless they are exempted as described in the bill.

This bill repeals several provisions relating to review services done by a public accountant or a public accounting firm.

This bill repeals a provision stating that a licensee who supervises review services or signs or authorizes someone to sign review reports shall meet competency requirements as determined by the Missouri State Board of Accountancy. This bill also repeals a provision that states that, prior to January 1, 2008, licensees who perform fewer than three attest services a year shall be exempt from the requirement to undergo peer review as described in the bill.

This bill repeals a provision relating to documents subject to lawful discovery in a court proceeding pursuant to the Missouri Rules of Civil Procedure prior to August 28, 2001. This bill also repeals a provision about the power of the board to revoke the permit of a CPA firm.

CCS HCS SCS SB 421 -- STATE PROPERTY

GUBERNATORIAL CONVEYANCE AUTHORIZATION

Currently, the Governor is not required to obtain legislative authorization for the conveyance or transfer of certain properties to certain entities, including easements for rural electric cooperatives, municipal corporations, and public utilities. This bill adds granting easements to political subdivisions or conveyances to rural electric cooperatives, railroads, to accommodate utility service provided to state property or facilities, to accommodate ingress and egress on state properties, or to facilitate the use of common elements of condominium property if the state is a unit owner. The easement shall be used for purposes as specified in the bill (Section 37.005, RSMo).

LAND CONVEYANCE

This bill authorizes the Department of Natural Resources to convey certain properties located in Jackson County to the City of Independence (Section 1).

SB 486 -- CONVEYANCE OF STATE PROPERTY

This bill authorizes the conveyance of certain state property located in Cole County to the City of Jefferson.

CCS HCS SB 501 -- HEALTH CARE

This bill modifies several provisions relating to health care.

HEALTH CARE RECORDS

This bill changes the fees for the search, retrieval, and copying of a patient's health care records by a health care provider. Additionally, a health care provider may disclose a deceased patient's health care records or payment records to specified persons in the bill (Section 191.227, RSMo).

HEALTH CARE DIRECTIVES REGISTRY

This bill requires the Department of Health and Senior Services to contract with a third party for the establishment of a health care directives registry for the purpose of providing a place to securely store an advance health care directive online and to give authorized health care providers immediate access to the directive. The third party contractor shall be solely responsible for the administration and maintenance of the registry. All data and information contained in the registry shall remain confidential and shall be exempt from the Sunshine Law. An "advance health care directive" is defined as either a power of attorney for health care or a declaration signed by an adult declarant containing the person's direction concerning a health care decision.

All documents shall be submitted electronically to the registry at intake points, such as licensed health care providers and licensed attorneys, and signed electronically with a unique identifier, such as a Social Security number, a driver's license number, or another unique government-issued identifier. The electronic submission shall be accompanied by a fee not to exceed \$10.

The department may promulgate rules to carry out these provisions, which may include, but not be limited to, a determination of who may access the registry, including physicians, other licensed health care providers, the declarant, and his or her legal representative or designee. Failure to register a document with the registry or failure to notify the registry of the revocation of a document shall not affect the validity of the document or revocation (Section 194.600).

DRUG OR ALCOHOL OVERDOSES

This bill allows a person who, in good faith, seeks or obtains medical assistance for himself or herself or someone else who is experiencing a drug or alcohol overdose or other medical

emergency shall not be arrested, charged, prosecuted, convicted, or have his or her property subject to civil forfeiture or otherwise penalized for offenses specified in the bill if the evidence, charge, prosecution, conviction, seizure, or penalty was gained as a result of seeking or obtaining medical assistance.

This bill shall not prevent a police officer from arresting a person for an outstanding warrant or prevent a person from being arrested, charged, or prosecuted based on an offense other than the specified offenses in the bill, whether the offense arises from the same circumstances as the seeking of medical assistance. Additionally, the protection from prosecution under this bill for possession offenses shall not be grounds for suppression of evidence or dismissal in charges unrelated to this bill.

Any police officer who is in contact with any person or persons in need of emergency medical assistance under this bill shall provide appropriate information and resources for substance-related assistance (Section 195.205).

OPIOID ANTAGONIST

This bill gives the Director of the Department of Health and Senior Services, or a licensed physician with the express written consent of the director if the director is not a licensed physician, the authority to issue a statewide standing order for an opioid antagonist. A physician issuing such an order shall not be subject to any criminal or civil liability or professional disciplinary action associated with the order (Section 196.206).

EPINEPHRINE AUTO-INJECTORS

This bill allows a physician to prescribe epinephrine (EPI) auto-injectors in the name of an authorized entity for use in certain emergency situations. Pharmacists, physicians, and other persons authorized to dispense prescription medications may dispense EPI auto-injectors under a prescription issued in the name of an authorized entity. An "authorized entity" is defined as any entity or organization at or in connection with locations where allergens capable of causing anaphylaxis may be present, including but not limited to restaurants, recreation camps, youth sports leagues, amusement parks, and sports arenas.

The bill also allows such authorized entities to acquire and stock a supply of EPI auto-injectors under a prescription issued in accordance with the provisions of the bill. An employee or agent of an authorized entity or any other person who has completed the required training shall be allowed to use the EPI auto-injector on the premises of or in connection with the authorized entity to provide it to any individual who the employee, agent, or other person believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for the EPI auto-injector or has been previously diagnosed with an allergy. The employee or agent shall not administer or provide the auto-injector to a person who is 18 years of age or younger without the verbal consent of a parent or guardian who is present at the time, unless the child will be in imminent danger without the use of the auto-injector.

The bill specifies the required training and the procedures for making the EPI auto-injectors available to individuals other than trained persons, as long as the auto-injectors are secured and properly stored. The bill also requires all basic life support ambulances and stretcher vans to be equipped with EPI auto-injectors and staffed by at least one person trained in the use of the auto-injectors.

This bill exempts certain persons and entities from liability for any injuries or related damages that result from the administration or self-administration of an EPI auto-injector in accordance with the provisions of the bill that may constitute ordinary negligence. The immunity shall not apply to acts or omissions constituting reckless disregard for the safety of others, or willful or wanton conduct, and shall be in addition to and not in lieu of the protections provided under the Good Samaritan emergency law. No trained person who is in compliance with this law and who in good faith and with reasonable care fails to administer the EPI auto-injector shall be liable for that failure (Section 196.990).

HOSPITAL LICENSURE

Beginning July 1, 2018, the bill specifies that compliance with Medicare conditions of participation shall be deemed to constitute compliance with the standards for hospital licensure in this state. Nothing in this bill shall preclude the Department of Health and Senior Services from promulgating regulations, with specific statutory authorization, to define separate regulatory standards that do not duplicate the Medicare conditions of participation. Regulations promulgated by the department that duplicate or conflict with Medicare conditions of participation shall lapse and expire on and after July 1, 2018.

These provisions contain a delayed effective date of July 1, 2018 (Sections 197.005, 197.040, 197.050, 197.070, 197.071, 197.080, and 197.100).

IMMUNIZATION EDUCATION

This bill requires all Missouri assisted living facilities, to notify residents and staff, no later than October 1 each year, where in the facility the latest edition of the Vaccine Informational Sheet published by the Centers for Disease Control and Prevention has been posted. Nothing in this bill shall be construed to require any assisted living facility to pay for an influenza vaccination, allow the Department of Health and Senior Services to promulgate any rules to implement this provision, or cite any facility for acting in good faith to post the Vaccine Informational Sheet (Section 198.053).

PROFESSIONAL REGISTRATION

This bill provides that the Division of Professional Registration, within the Department of Insurance, Financial Institutions and Professional Registration, shall allow a licensee to submit payment for fees in the form of personal check, money order, cashier's check, credit card, or electronic check. An applicant or licensee may apply for licensure or renewal in writing or electronically. A licensee may make requests for an extension of time to complete continuing

education requirement, notify the board or commission of changes in name, business name, home address, work address, or provide any other items required as part of licensure in writing or electronically (Section 324.003).

SPORTS MEDICINE

This bill permits a physician to travel into Missouri with an athletic team and provide sports-related medical services to specified individuals related to the athletic team, band, dance team, or cheerleading squad, so long as the physician is currently licensed to practice medicine in another state and has a written agreement with an athletic team located in the state where the physician is licensed. The bill prohibits such physician from providing medical services at a health care facility in Missouri (Section 334.010).

ASSISTANT PHYSICIANS

This bill modifies the definition of "assistant physician" to allow any medical school graduate who has met the requirements to be an assistant physician between August 28, 2014, and August 28, 2017, to be deemed to be in compliance with the requirements of becoming an assistant physician (Section 334.036).

PHYSICIAN ASSISTANTS

This bill removes the requirement that a physician assistant may only dispense drugs, medicines, devices, or therapies pursuant to a physician supervision agreement (Section 334.735).

PSYCHOLOGIST INTERNSHIPS

This bill changes the experience requirements for initial licensure as a psychologist. The bill specifies that supervised professional experience may be accrued through preinternship, internship, predoctoral postinternship, or postdoctoral experiences. Each applicant shall complete 1,500 hours of supervised professional experience as part of his or her required internship, along with an additional 2,000 hours through preinternship, predoctoral postinternship, internship, or postdoctoral experiences (Sections 337.010 and 337.025).

VACCINE PROTOCOLS

This bill requires pharmacists to administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (Section 338.010).

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

This bill provides that license renewal for speech-language pathologists and audiologists shall occur no less frequently than every three years. Additionally, the continued competence requirements for licensed speech-language pathologists and audiologists may include up to 30 hours triennially of continuing education, examination, self-evaluation, peer review, performance

appraisal, or practical simulation (Section 345.051).

MEDICATION-ASSISTED TREATMENT

This bill allows participants in drug courts, family courts, and veterans courts to receive medication-assisted treatment under the care of a licensed physician if the participant requires such treatment for substance abuse dependence. A participant assigned to a substance abuse treatment program for substance abuse or dependence shall not be in violation of the terms or conditions of the program on the basis of his or her participation in medication-assisted treatment (Sections 478.004 and 487.200).

DRUG TAKE-BACK PROGRAM

This bill gives the Missouri Board of Pharmacy the ability to allocate funds to develop a drug take-back program to collect and dispose of Schedule II and III controlled substances (Section 1).

CCS SB 503 -- EMERGENCY SERVICES

This bill involves emergency services laws. In its main provisions, the bill:

(1) Specifies that the state Emergency Medical Services (EMS) medical director shall be the chair of the State EMS Medical Director's Advisory Committee and that elected regional EMS medical directors shall be considered public officials for the purposes of sovereign immunity, official immunity, and the Missouri public duty doctrine defenses. The State EMS Medical Director's Advisory Committee shall be considered a peer review committee as specified. Regional EMS medical directors may act to provide online telecommunication medical direction to EMT-Bs, EMT-Is, EMT-Ps, and community paramedics and provide off-line medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including EMT-Bs, EMT-Is, EMT-Ps, or community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries. Multiple EMS agencies shall take necessary steps to follow established regional EMS protocols in cases of mass casualty or state-declared disaster incidents. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for such patients, such activity shall not be construed as having usurped local medical direction authority in any manner. When regional EMS medical directors are providing either online telecommunication medical direction to EMT-Bs, EMT-Is, EMT-Ps, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications (Sections 190.103 and 190.144, RSMo);

(2) Requires the Department of Public Safety to complete a study on economical 911 service and

provide a safety point answering consolidation plan to the Missouri 911 service board (Section 190.450);

(3) Changes the name of the Advisory Committee for 911 Service Oversight to the Missouri 911 Service Board and makes changes to the composition and power of such board as specified in the bill (Sections 650.330 and 650.340); and

(4) Grants the State Auditor authority to conduct performance and fiscal audits of boards, dispatch centers, joint emergency communications entities, and specified trust funds (Section 1).

This bill has an emergency clause for Section 650.330 which is necessary to obtain federal grant monies.