

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1261, Page 1, Section A, Line 2, by
2 inserting after all of said section and line the following:

3
4 "324.011. 1. For purposes of this section, the following terms mean:

5 (1) "Licensing requirement", any required training, education, or fee to work in a specific
6 occupation or profession;

7 (2) "Occupational fee", a tax on or fee, including any application or renewal fee, for a
8 professional license; occupational fee shall not include a fee imposed by a political subdivision to
9 obtain or renew a business license;

10 (3) "Political subdivision", any city, town, village, or county.

11 2. A political subdivision of this state shall not impose any occupational fees or licensing
12 requirements on any occupation or profession, except as provided under subsection 3 of this section.

13 3. A political subdivision that imposed occupational fees or licensing requirements on any
14 occupation or profession before August 28, 2018, may continue to impose those same fees and
15 requirements, except a political subdivision shall not impose licensing requirements on any
16 occupation or profession already subject to licensing requirements by the state, including any
17 licensing requirements imposed by the state after August 28, 2018, on occupations or professions
18 not previously subject to any licensing requirements by the state."; and

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20 Further amend said bill, Page 2, Section 324.015, Line 43, by inserting after all of said section and
21 line the following:

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23 "324.018. 1. For purposes of this section, the following terms mean:

24 (1) "Licensing authority", any agency, examining board, credentialing board, or other office
25 with the authority to impose occupational fees or licensing requirements on any occupation or
26 profession;

27 (2) "Licensing requirement", any required training, education, or fee to work in a specific
28 occupation or profession;

29 (3) "Lobbyist", the same meaning given to the term in section 105.470;

30 (4) "Occupational fee", a fee or tax on professionals or businesses that is charged for the
31 privilege of providing goods or services within a certain jurisdiction. The term "occupational fee"
32 shall include any fee to obtain a license or renew a license.

33 2. State licensing authorities shall not contract for pay, or otherwise compensate any
34 lobbyist to lobby on their behalf; except this section shall not be construed to prohibit, limit,
35 preclude, or deprive any officer or employee of a department or agency from exercising the
36 department's or agency's individual right to communicate with members of the general assembly

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1 through proper official channels at the request of a member or to request legislative action or
2 appropriations that are deemed necessary for the efficient conduct of public business or actually
3 made in the proper performance of his or her official duties, including testifying before the general
4 assembly or any committee thereof for information purposes.

5 324.019. 1. For purposes of this section, the following terms mean:

6 (1) "Criminal offense", any type of felony conviction or misdemeanor conviction;

7 (2) "Licensing authority", any agency, examining board, credentialing board, or other office
8 with the authority to impose occupational fees or licensing requirements on any occupation or
9 profession;

10 (3) "Licensing requirement", any required training, education, or fee to work in a specific
11 occupation or profession;

12 (4) "Occupational fee", a fee or tax on professionals or businesses that is charged for the
13 privilege of providing goods or services within a certain jurisdiction. The term "occupational fee"
14 shall include any fee to obtain a license or renew a license;

15 (5) "Political subdivision", any city, town, village, or county.

16 2. All state and political subdivision licensing authorities shall revise their existing licensing
17 requirements to explicitly list the specific criminal offenses, civil penalties or judgments, or
18 disciplinary actions taken by other licensing authorities that may disqualify an applicant from
19 receiving a license. Such lists shall be made available to the public.

20 3. Any requirement of a state or political subdivision licensing authority that assesses the
21 character or moral fitness of the applicant for licensure shall be limited to consideration of the
22 criminal offenses, civil penalties or judgments, or disciplinary actions taken by other licensing
23 authorities contained in the list developed by the licensing authority under subsection 2 of this
24 section. If an applicant is denied licensure because such applicant has pleaded guilty to, entered a
25 plea of nolo contendere to, or been found guilty of any criminal offenses contained in the list
26 developed by the licensing authority under subsection 2 of this section, or because the applicant has
27 been subject to any civil penalties or judgments, or disciplinary actions taken by other licensing
28 authorities, the applicant may appeal such decision and request a hearing before the licensing
29 authority, and the licensing authority may, at its discretion, reverse its initial decision.

30 4. A licensing authority shall include in the list described under subsection 2 of this section
31 only criminal offenses, civil penalties or judgments, or disciplinary actions taken by other licensing
32 authorities that directly relate to the duties and responsibilities of the occupation or profession it
33 regulates.

34 5. All licensing authorities shall meet the requirements of subsections 2 to 4 of this section
35 within ten months of the effective date of this section.

36 6. If the state, on or after August 28, 2018, requires a license to practice an occupation or
37 profession for which no license was required by the state before August 28, 2018, the state licensing
38 authority for that occupation or profession shall establish a list of disqualifying criminal offenses in
39 accordance with the requirements of subsections 2 and 4 of this section and ensure that its
40 consideration of character or moral fitness is limited as described under subsection 3 of this section.

41 7. State licensing authorities shall promulgate rules to implement the provisions of this
42 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
43 under the authority delegated in this section shall become effective only if it complies with and is
44 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
45 chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to
46 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
47 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
48 August 28, 2018, shall be invalid and void."; and

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