

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. No political subdivision of this state shall impose any occupational fees or licensing  
12 requirements on any occupation or profession that is already subject to licensing requirements by  
13 the state after August 28, 2018."; and

14  
15 Further amend said bill, Page 2, Section 324.015, Line 43, by inserting after all of said section and  
16 line the following:

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18 "324.018. 1. For purposes of this section, the following terms mean:

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

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

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

25 (4) "Occupational fee", a tax on or fee, including any application or renewal fee, for a  
26 professional license. "Occupational fee" shall not include a fee imposed by a political subdivision to  
27 obtain or renew a business license.

28 2. State licensing authorities shall not contract for pay, or otherwise compensate any  
29 lobbyist to lobby on their behalf; except this section shall not be construed to prohibit, limit,  
30 preclude, or deprive any officer or employee of a department or agency from exercising the  
31 department's or agency's individual right to communicate with members of the general assembly  
32 through proper official channels at the request of a member or to request legislative action or  
33 appropriations that are deemed necessary for the efficient conduct of public business or actually  
34 made in the proper performance of his or her official duties, including testifying before the general  
35 assembly or any committee thereof for information purposes.

36 324.019. 1. For purposes of this section, the following terms mean:

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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

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

7 (4) "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 (5) "Political subdivision", any city, town, village, or county.

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

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

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

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

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

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

44  
45 Further amend said bill by amending the title, enacting clause, and intersectional references  
46 accordingly.