

JOURNAL OF THE HOUSE

First Regular Session, 101st GENERAL ASSEMBLY

SIXTY-FIRST DAY, WEDNESDAY, APRIL 28, 2021

The House met pursuant to adjournment.

Speaker Vescovo in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicki, Chaplain.

I will extol Thee, my God, O King; and I will bless Thy name for ever and ever. (Psalm 145:1)

O Eternal God, who commits to us the swift pace of life, since we know not what a day may bring forth but only that the hour for serving You is always present, may we awake to the claims of Your holy will, not waiting for tomorrow but offering today. Consecrate with Your presence the way our feet may go, that the humblest work may shine and the roughest places be made smooth. Lift us above fear and doubt by a simple and steadfast reliance on Your holy will in this historic chamber.

May the light of faith burn brightly within us; may the life of hope ever glow in our hearts; and may the love of truth always lead us in the way of Your peace in our bicentennial state.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the sixtieth day was approved as printed.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HJR 17**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Eggleston, Fitzwater, Griesheimer, Richey, Walsh (50) and Wiemann

Noes (2): Baringer and Terry

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HCS HB 876**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

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Ayes (8): Baringer, Eggleston, Fitzwater, Griesheimer, Richey, Terry, Walsh (50) and Wiemann

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 1010**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Eggleston, Fitzwater, Griesheimer, Richey, Walsh (50) and Wiemann

Noes (2): Baringer and Terry

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 1061**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Baringer, Eggleston, Fitzwater, Griesheimer, Richey, Terry, Walsh (50) and Wiemann

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SBs 153 & 97**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Eggleston, Fitzwater, Griesheimer, Richey, Walsh (50) and Wiemann

Noes (2): Baringer and Terry

Absent (0)

PERFECTION OF HOUSE BILLS - INFORMAL

HB 445, relating to special road districts, was taken up by Representative McGirl.

Representative McGirl moved that the title of **HB 445** be agreed to.

Representative Hudson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 445, Page 1, In the Title, Lines 2-3, by deleting the words "special road districts" and inserting in lieu thereof the words "the oversight of certain roadways"; and

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

On motion of Representative Hudson, **House Amendment No. 1** was adopted.

Representative Hudson offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 445, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"230.205. 1. The alternative county highway commission provided by sections 230.200 to 230.260 shall not become operative in any county unless adopted by a vote of the majority of the voters of the county voting upon the question at an election. All counties of this state which have adopted the alternative county highway commission may abolish it [~~and return to the county highway commission provided for by sections 230.010 to 230.110~~] by submitting the question to a vote of the voters of the county in the manner provided by law **or by a vote of the governing body**.

2. Any county which does not adopt the alternative county highway commission provided by sections 230.200 to 230.260, or any county in which [~~a majority of the voters of the county voting upon the question reject~~] the alternative county highway commission provided by sections 230.200 to 230.260 **is abolished** shall [~~retain~~] **adopt either** the county highway commission provided by sections 230.010 to 230.110 **or the provisions of sections 231.010 to 231.130.**"; and

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

On motion of Representative Hudson, **House Amendment No. 2** was adopted.

On motion of Representative McGirl, **HB 445, as amended**, was ordered perfected and printed.

HB 708, HB 259, HB 1088, HCS HB 1202, HCS HB 472, HB 478, HCS HB 303, HCS HB 602, HCS HB 1408, and HB 1416 were placed back on the House Bills for Perfection Calendar.

PERFECTION OF HOUSE BILLS

HCS HB 1202, relating to incentives for new businesses, was taken up by Representative Fitzwater.

On motion of Representative Fitzwater, the title of **HCS HB 1202** was agreed to.

Representative Chipman assumed the Chair.

Representative Fitzwater offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1202, Page 1, Section 34.195, Line 1, by deleting said line and inserting in lieu thereof the following:

**"34.195. 1. This section shall be known and may be cited as the "Right-to-Start Act".
2. Beginning July 1, 2023, five percent of all state contracts shall be awarded"; and**

Further amend said bill, Page 2, Section 143.022, Lines 43-44, by deleting the words "**the rate of taxation on**"; and

Further amend said bill, page, and section, Lines 46-47, by deleting the words "**the rate of taxation on the first seven hundred fifty thousand dollars of income**" and inserting in lieu thereof the words "**the first seven hundred fifty thousand dollars of such amount**"; and

Further amend said bill, page, and section, Lines 49-50, by deleting the words "**the rate of taxation on the first one million dollars of income**" and inserting in lieu thereof the words "**the first one million dollars of such amount**"; and

Further amend said bill, Page 4, Section 431.203, Line 11, by deleting the word "**ninety**" and inserting in lieu thereof the word "**seventy-five**"; and

Further amend said bill and page, Section 620.3800, Line 2, by deleting the word "**someone**" and inserting in lieu thereof the words "**an individual**"; and

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

Representative Schnelting offered **House Amendment No. 1 to House Amendment No. 1**.

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 1202, Page 1, Line 19, by inserting the following after all of said line:

"Further amend said bill, page, and section, Line 12, by deleting the word "**employer**." and inserting in lieu thereof the following:

"employer, or the employee is employed by an employer working on a contract with the United States Department of Defense."; and"; and

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

On motion of Representative Schnelting, **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Fitzwater, **House Amendment No. 1, as amended**, was adopted.

Representative Eggleston offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1202, Page 4, Section 431.203, Line 12, by inserting after all of said section and line the following:

"620.2005. 1. As used in sections 620.2000 to 620.2020, the following terms mean:

(1) "Average wage", the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;

(2) "Commencement of operations", the starting date for the qualified company's first new employee, which shall be no later than twelve months from the date of the approval;

(3) "Contractor", a person, employer, or business entity that enters into an agreement to perform any service or work or to provide a certain product in exchange for valuable consideration. This definition shall include but not be limited to a general contractor, subcontractor, independent contractor, contract employee, project manager, or a recruiting or staffing entity;

(4) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(5) "Department", the Missouri department of economic development;

(6) "Director", the director of the department of economic development;

(7) "Employee", a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a noncontrolling interest in stock of a qualified company that is publicly traded;

(8) "Existing Missouri business", a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely performed job duties within Missouri;

(9) "Full-time employee", an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee's work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

(10) "Industrial development authority", an industrial development authority organized under chapter 349 that has entered into a formal written memorandum of understanding with an entity of the United States Department of Defense regarding a qualified military project;

(11) "Infrastructure projects", highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks, storm water and drainage systems, broadband internet infrastructure, and any other similar public improvements, but in no case shall infrastructure projects include private structures;

(12) "Local incentives", the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

(13) "Manufacturing capital investment", expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing project facility directly related to the manufacturing of a new product or the expansion or modification of the manufacture of an existing product;

(14) "Memorandum of understanding", an agreement executed by an industrial development authority and an entity of the United States Department of Defense, a copy of which is provided to the department of economic development, that states, but is not limited to:

(a) A requirement for the military to provide the total number of existing jobs, jobs directly created by a qualified military project, and average salaries of such jobs to the industrial development authority and the department of economic development annually for the term of the benefit;

(b) A requirement for the military to provide an accounting of the expenditures of capital investment made by the military directly related to the qualified military project to the industrial development authority and the department of economic development annually for the term of the benefit;

(c) The process by which the industrial development authority shall monetize the tax credits annually and any transaction cost or administrative fee charged by the industrial development authority to the military on an annual basis;

(d) A requirement for the industrial development authority to provide proof to the department of economic development of the payment made to the qualified military project annually, including the amount of such payment;

(e) The schedule of the maximum amount of tax credits which may be authorized in each year for the project and the specified term of the benefit, as provided by the department of economic development; and

(f) A requirement that the annual benefit paid shall be the lesser of:

a. The maximum amount of tax credits authorized; or

b. The actual calculated benefit derived from the number of new jobs and average salaries;

(15) "NAICS" or "NAICS industry classification", the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(16) "New capital investment", shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent;

(17) "New direct local revenue", the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

(18) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

(19) "New payroll", the amount of wages paid for all new jobs, located at the project facility during the qualified company's tax year that exceeds the project facility base payroll;

(20) "New product", a new model or line of a manufactured good that has not been manufactured in Missouri by a qualified manufacturing company at any time prior to the date of the notice of intent, or an existing brand, model, or line of a manufactured good that is redesigned;

(21) "Notice of intent", a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company's intent to request benefits under this program. The notice of intent shall be accompanied with a detailed plan by the qualifying company to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census. At a minimum, such plan shall include monitoring the effectiveness of outreach and recruitment strategies in attracting diverse applicants and linking with different or additional referral sources in the event that recruitment efforts fail to produce a diverse pipeline of applicants;

(22) "Percent of local incentives", the amount of local incentives divided by the amount of new direct local revenue;

(23) "Program", the Missouri works program established in sections 620.2000 to 620.2020;

(24) "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located or by a qualified manufacturing company at which a manufacturing capital investment is or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period. For qualified military projects, the term "project facility" means the military base or installation at which such qualified military project is or shall be located;

(25) "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

(26) "Project facility base payroll", the annualized payroll for the project facility base employment or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

(27) "Project period", the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

(28) "Projected net fiscal benefit", the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

(29) "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term "qualified company" shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision **and except for any such establishments located in a county of the third or fourth classification**:

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production;

(k) Biodiesel production; or

(l) Health care and social services (NAICS sector 62).

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

(30) "Qualified manufacturing company", a company that:

(a) Is a qualified company that manufactures motor vehicles (NAICS group 3361);

(b) Manufactures goods at a facility in Missouri;

(c) Manufactures a new product or has commenced making a manufacturing capital investment to the project facility necessary for the manufacturing of such new product, or modifies or expands the manufacture of an existing product or has commenced making a manufacturing capital investment for the project facility necessary for the modification or expansion of the manufacture of such existing product; and

(d) Continues to meet the requirements of paragraphs (a) to (c) of this subdivision for the project period;

(31) "Qualified military project", the expansion or improvement of a military base or installation within this state that causes:

(a) An increase of ten or more military or civilian support personnel:

a. Whose average salaries equal or exceed ninety percent of the county average wage; and

b. Who are offered health insurance, with an entity of the United States Department of Defense paying at least fifty percent of such insurance premiums; and

(b) Investment in real or personal property at the base or installation expressly for the purposes of serving a new or expanded military activity or unit;

(32) "Related company", shall mean:

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, "control of a qualified company" shall mean:

a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;

b. Ownership of at least fifty percent of the capital or profit interest in such qualified company if it is a partnership or association;

c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(33) "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(34) "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(35) "Related facility base payroll", the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

(36) "Rural area", a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

(37) "Tax credits", tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

(38) "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages.

2. This section is subject to the provisions of section 196.1127.;" and

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

Representative Basye offered **House Substitute Amendment No. 1 for House Amendment No. 2.**

*House Substitute Amendment No. 1
for
House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1202, Page 4, Section 431.203, Line 12, by inserting after all of said section and line the following:

"620.2005. 1. As used in sections 620.2000 to 620.2020, the following terms mean:

(1) "Average wage", the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;

(2) "Commencement of operations", the starting date for the qualified company's first new employee, which shall be no later than twelve months from the date of the approval;

(3) "Contractor", a person, employer, or business entity that enters into an agreement to perform any service or work or to provide a certain product in exchange for valuable consideration. This definition shall include but not be limited to a general contractor, subcontractor, independent contractor, contract employee, project manager, or a recruiting or staffing entity;

(4) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(5) "Department", the Missouri department of economic development;

(6) "Director", the director of the department of economic development;

(7) "Employee", a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a noncontrolling interest in stock of a qualified company that is publicly traded;

(8) "Existing Missouri business", a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely performed job duties within Missouri;

(9) "Full-time employee", an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee's work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

(10) "Industrial development authority", an industrial development authority organized under chapter 349 that has entered into a formal written memorandum of understanding with an entity of the United States Department of Defense regarding a qualified military project;

(11) "Infrastructure projects", highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks, storm water and drainage systems, broadband internet infrastructure, and any other similar public improvements, but in no case shall infrastructure projects include private structures;

(12) "Local incentives", the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

(13) "Manufacturing capital investment", expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing project facility directly related to the manufacturing of a new product or the expansion or modification of the manufacture of an existing product;

(14) "Memorandum of understanding", an agreement executed by an industrial development authority and an entity of the United States Department of Defense, a copy of which is provided to the department of economic development, that states, but is not limited to:

(a) A requirement for the military to provide the total number of existing jobs, jobs directly created by a qualified military project, and average salaries of such jobs to the industrial development authority and the department of economic development annually for the term of the benefit;

(b) A requirement for the military to provide an accounting of the expenditures of capital investment made by the military directly related to the qualified military project to the industrial development authority and the department of economic development annually for the term of the benefit;

(c) The process by which the industrial development authority shall monetize the tax credits annually and any transaction cost or administrative fee charged by the industrial development authority to the military on an annual basis;

(d) A requirement for the industrial development authority to provide proof to the department of economic development of the payment made to the qualified military project annually, including the amount of such payment;

(e) The schedule of the maximum amount of tax credits which may be authorized in each year for the project and the specified term of the benefit, as provided by the department of economic development; and

(f) A requirement that the annual benefit paid shall be the lesser of:

a. The maximum amount of tax credits authorized; or

b. The actual calculated benefit derived from the number of new jobs and average salaries;

(15) "NAICS" or "NAICS industry classification", the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(16) "New capital investment", shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent;

(17) "New direct local revenue", the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

(18) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

(19) "New payroll", the amount of wages paid for all new jobs, located at the project facility during the qualified company's tax year that exceeds the project facility base payroll;

(20) "New product", a new model or line of a manufactured good that has not been manufactured in Missouri by a qualified manufacturing company at any time prior to the date of the notice of intent, or an existing brand, model, or line of a manufactured good that is redesigned;

(21) "Notice of intent", a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company's intent to request benefits under this program. The notice of intent shall be accompanied with a detailed plan by the qualifying company to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census. At a minimum, such plan shall include monitoring the effectiveness of outreach and recruitment strategies in attracting diverse applicants and linking with different or additional referral sources in the event that recruitment efforts fail to produce a diverse pipeline of applicants;

(22) "Percent of local incentives", the amount of local incentives divided by the amount of new direct local revenue;

(23) "Program", the Missouri works program established in sections 620.2000 to 620.2020;

(24) "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located or by a qualified manufacturing company at which a manufacturing capital investment is or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period. For qualified military projects, the term "project facility" means the military base or installation at which such qualified military project is or shall be located;

(25) "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

(26) "Project facility base payroll", the annualized payroll for the project facility base employment or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

(27) "Project period", the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

(28) "Projected net fiscal benefit", the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

(29) "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term "qualified company" shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision **and except for any such establishments located in a county of the third or fourth classification**;

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production;

(k) Biodiesel production; or

(l) Health care and social services (NAICS sector 62).

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

(30) "Qualified manufacturing company", a company that:

(a) Is a qualified company that manufactures motor vehicles (NAICS group 3361);

(b) Manufactures goods at a facility in Missouri;

(c) Manufactures a new product or has commenced making a manufacturing capital investment to the project facility necessary for the manufacturing of such new product, or modifies or expands the manufacture of an existing product or has commenced making a manufacturing capital investment for the project facility necessary for the modification or expansion of the manufacture of such existing product; and

(d) Continues to meet the requirements of paragraphs (a) to (c) of this subdivision for the project period;

(31) "Qualified military project", the expansion or improvement of a military base or installation within this state that causes:

(a) An increase of ten or more part-time or full-time military or civilian support personnel:

a. Whose average salaries equal or exceed ninety percent of the county average wage; and

b. Who are offered health insurance, with an entity of the United States Department of Defense paying at least fifty percent of such insurance premiums; and

(b) Investment in real or personal property at the base or installation expressly for the purposes of serving a new or expanded military activity or unit.

For the purposes of this subdivision, part-time military or civilian support personnel shall be converted to full-time new jobs by, in hire date order, counting one full-time new job for every thirty-five averaged hours worked per week by part-time military or civilian support personnel in jobs directly created by the qualified military project. For each such full-time new job, the sum of the wages of the part-time military or civilian support personnel combined and converted to form the new job shall be the wage for the one full-time new job. Each part-time military or civilian support personnel whose job is combined and converted for such a full-time new job shall be offered health insurance as described in subparagraph b of paragraph (a) of this subdivision;

(32) "Related company", shall mean:

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, "control of a qualified company" shall mean:

a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;

b. Ownership of at least fifty percent of the capital or profit interest in such qualified company if it is a partnership or association;

c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(33) "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(34) "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(35) "Related facility base payroll", the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

(36) "Rural area", a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

(37) "Tax credits", tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

(38) "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages.

2. This section is subject to the provisions of section 196.1127.;" and

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

On motion of Representative Basye, **House Substitute Amendment No. 1 for House Amendment No. 2** was adopted.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Bromley	Buchheit-Courtway	Burger
Busick	Chipman	Coleman 32	Coleman 97	Cook
Copeland	Cupps	Davidson	Davis	Deaton
Derges	Dogan	Eggleson	Evans	Falkner
Fishel	Fitzwater	Francis	Gregory 96	Grier
Griesheimer	Griffith	Haden	Haffner	Haley
Hannegan	Henderson	Hicks	Hill	Houx
Hovis	Hudson	Hurlbert	Kalberloh	Kelley 127
Kelly 141	Knight	Lewis 6	Mayhew	McDaniel
McGaugh	McGirl	Murphy	O'Donnell	Owen
Perkins	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Pouche	Proudie	Railsback	Reedy
Richey	Riggs	Riley	Roberts	Rone
Ruth	Sander	Sassmann	Schnelting	Schroer
Schwadron	Seitz	Sharpe 4	Shaul	Shields
Simmons	Smith 155	Smith 163	Stacy	Stephens 128
Tate	Taylor 139	Taylor 48	Thomas	Thompson
Toalson Reisch	Van Schoiack	Veit	Wallingford	Walsh 50
West	Wiemann	Wright	Mr. Speaker	

NOES: 041

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bland Manlove	Brown 27	Brown 70
Burnett	Burton	Butz	Clemens	Doll
Ellebracht	Fogle	Gray	Gunby	Ingle
Johnson	Lewis 25	Mackey	McCreery	Merideth
Mosley	Nurrenbern	Person	Quade	Rogers
Rowland	Sauls	Sharp 36	Smith 67	Stevens 46
Terry	Turnbaugh	Unsicker	Walsh Moore 93	Weber
Young				

PRESENT: 000

ABSENT WITH LEAVE: 021

Aldridge	Bailey	Boggs	Bosley	Brown 16
Christofanelli	Collins	DeGroot	Dinkins	Gregory 51
Hardwick	Kidd	Lovasco	Morse	Patterson
Phifer	Pietzman	Price IV	Roden	Trent
Windham				

VACANCIES: 002

On motion of Representative Fitzwater, **HCS HB 1202, as amended**, was adopted.

On motion of Representative Fitzwater, **HCS HB 1202, as amended**, was ordered perfected and printed.

THIRD READING OF SENATE BILLS

HCS SS#2 SB 26, relating to public safety, was placed on the Informal Calendar.

SB 37, relating to anhydrous ammonia, was taken up by Representative Knight.

Representative Knight moved that the title of **SB 37** be agreed to.

Representative Sharpe (4) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Bill No. 37, Page 1, In the Title, Line 3, by deleting the words "anhydrous ammonia" and inserting in lieu thereof the word "agriculture"; and

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

On motion of Representative Sharpe (4), **House Amendment No. 1** was adopted.

Representative Haffner offered **House Amendment No. 2**.

House Amendment No. 2

AMEND Senate Bill No. 37, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

"135.775. 1. For the purposes of this section, the following terms shall mean:

(1) "Biodiesel blend", a blend of diesel fuel and biodiesel fuel between five percent and twenty percent for on-road and off-road diesel-fueled vehicle use. Biodiesel blend shall comply with the ASTM International specification D7467-19, or the most recent specifications;

(2) "Biodiesel fuel", a renewable, biodegradable, mono alkyl ester combustible liquid fuel that is derived from agricultural and other plant oils or animal fats and that meets the ASTM International specification D6751-19, or the most recent specification, for Biodiesel Fuel (B100) or (B99) Blend Stock for Distillate Fuels. Biodiesel produced from palm oil is not biodiesel fuel for the purposes of this section, unless the palm oil is contained within waste oil and grease collected within the United States;

(3) "Department", the Missouri department of revenue;

(4) "Retail dealer", a person that owns or operates a retail service station;

(5) "Retail service station", a location from which biodiesel blend is sold to the general public and is dispensed directly into motor vehicle fuel tanks for consumption.

2. For all tax years beginning on or after January 1, 2022, a retail dealer that sells a biodiesel blend at a retail service station shall be allowed a tax credit to be taken against the retail dealer's state income tax liability. The amount of the tax credit shall be as follows:

(1) Two cents per gallon of biodiesel blend of at least five percent but not more than ten percent sold by a retail dealer at a retail service station during the tax year for which the tax credit is claimed; or

(2) Five cents per gallon of biodiesel blend in excess of ten percent sold by a retail dealer at a retail service station during the tax year for which the tax credit is claimed.

Tax credits authorized pursuant to this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer's state tax liability, the difference shall be refundable. The total amount of tax credits authorized pursuant to this section for any given fiscal year shall not exceed twenty million dollars.

3. In the event the total amount of tax credits claimed under this section exceeds the amount of available tax credits, the tax credits shall be apportioned equally to all eligible retail dealers claiming the credit by April fifteenth of the fiscal year in which the tax credit is claimed.

4. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to implement the provisions of this section.

5. The department may work with the division of weights and measures within the department of agriculture to validate that the biodiesel blend a retail dealer claims for the tax credit authorized under this section contains a sufficient percentage of biodiesel fuel.

6. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

7. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall automatically sunset on December 31, 2027, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

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

On motion of Representative Haffner, **House Amendment No. 2** was adopted.

Representative Francis offered **House Amendment No. 3**.

House Amendment No. 3

AMEND Senate Bill No. 37, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

"135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, [2020] 2027. In no event shall the aggregate amount of all tax credits allowed under sections 135.300 to 135.311 exceed six million dollars in any given fiscal year. There shall be no tax credits authorized under sections 135.300 to 135.311 unless an appropriation is made for such tax credits.

135.686. 1. This section shall be known and may be cited as the "Meat Processing Facility Investment Tax Credit Act".

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

(1) "Authority", the agricultural and small business development authority established in chapter 348;

(2) "Meat processing facility", any commercial plant, as defined under section 265.300, at which livestock are slaughtered or at which meat or meat products are processed for sale commercially and for human consumption;

(3) "Meat processing modernization or expansion", constructing, improving, or acquiring buildings or facilities, or acquiring equipment for meat processing including the following, if used exclusively for meat processing and if acquired and placed in service in this state during tax years beginning on or after January 1, 2017, but ending on or before December 31, [2024] 2027:

- (a) Building construction including livestock handling, product intake, storage, and warehouse facilities;
 - (b) Building additions;
 - (c) Upgrades to utilities including water, electric, heat, refrigeration, freezing, and waste facilities;
 - (d) Livestock intake and storage equipment;
 - (e) Processing and manufacturing equipment including cutting equipment, mixers, grinders, sausage stuffers, meat smokers, curing equipment, cooking equipment, pipes, motors, pumps, and valves;
 - (f) Packaging and handling equipment including sealing, bagging, boxing, labeling, conveying, and product movement equipment;
 - (g) Warehouse equipment including storage and curing racks;
 - (h) Waste treatment and waste management equipment including tanks, blowers, separators, dryers, digesters, and equipment that uses waste to produce energy, fuel, or industrial products;
 - (i) Computer software and hardware used for managing the claimant's meat processing operation including software and hardware related to logistics, inventory management, production plant controls, and temperature monitoring controls; and
 - (j) Construction or expansion of retail facilities or the purchase or upgrade of retail equipment for the commercial sale of meat products if the retail facility is located at the same location as the meat processing facility;
- (4) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or otherwise due under chapter 147;
- (5) "Taxpayer", any individual or entity who:
- (a) Is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or the tax imposed under chapter 147;
 - (b) In the case of an individual, is a resident of this state as verified by a 911 address or, in the absence of a 911 system, a physical address; and
 - (c) Owns a meat processing facility located in this state;
 - (6) "Used exclusively", used to the exclusion of all other uses except for use not exceeding five percent of total use.

3. For all tax years beginning on or after January 1, 2017, but ending on or before December 31, [2021] 2027, a taxpayer shall be allowed a tax credit for meat processing modernization or expansion related to the taxpayer's meat processing facility. The tax credit amount shall be equal to twenty-five percent of the amount the taxpayer paid in the tax year for meat processing modernization or expansion.

4. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed. No tax credit claimed under this section shall be refundable. The tax credit shall be claimed in the tax year in which the meat processing modernization or expansion expenses were paid, but any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year may be carried forward to any of the taxpayer's four subsequent tax years. The total amount of tax credits that any taxpayer may claim shall not exceed seventy-five thousand dollars per year. If two or more persons own and operate the meat processing facility, each person may claim a credit under this section in proportion to his or her ownership interest; except that, the aggregate amount of the credits claimed by all persons who own and operate the meat processing facility shall not exceed seventy-five thousand dollars per year. The amount of tax credits authorized in this section and section 135.679 in a calendar year shall not exceed two million dollars. Tax credits shall be issued on an as-received application basis until the calendar year limit is reached. Any credits not issued in any calendar year shall expire and shall not be issued in any subsequent year.

5. To claim the tax credit allowed under this section, the taxpayer shall submit to the authority an application for the tax credit on a form provided by the authority and any application fee imposed by the authority. The application shall be filed with the authority at the end of each calendar year in which a meat processing modernization or expansion project was completed and for which a tax credit is claimed under this section. The application shall include any certified documentation, proof of meat processing modernization or expansion, and any other information required by the authority. All required information obtained by the authority shall be confidential and not disclosed except by court order, subpoena, or as otherwise provided by law. If the taxpayer and the meat processing modernization or expansion meet all criteria required by this section and approval is granted by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credit certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit certificate shall have the same rights in the tax credit as the original taxpayer. If a tax credit certificate is assigned, transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit certificate and the value of the tax credit.

6. Any information provided under this section shall be confidential information, to be shared with no one except state and federal animal health officials, except as provided in subsection 5 of this section.

7. The authority shall promulgate rules establishing a process for verifying that a facility's modernization or expansion for which tax credits were allowed under this section has in fact expanded the facility's production within three years of the issuance of the tax credit and if not, the authority shall promulgate through rulemaking a process by which the taxpayer shall repay the authority an amount equal to that of the tax credit allowed.

8. The authority shall, at least annually, submit a report to the Missouri general assembly reviewing the costs and benefits of the program established under this section.

9. The authority may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

10. This section shall not be subject to the Missouri sunset act, sections 23.250 to 23.298.

137.1018. 1. The commission shall ascertain the statewide average rate of property taxes levied the preceding year, based upon the total assessed valuation of the railroad and street railway companies and the total property taxes levied upon the railroad and street railway companies. It shall determine total property taxes levied from reports prescribed by the commission from the railroad and street railway companies. Total taxes levied shall not include revenues from the surtax on subclass three real property.

2. The commission shall report its determination of average property tax rate for the preceding year, together with the taxable distributable assessed valuation of each freight line company for the current year to the director no later than October first of each year.

3. Taxes on property of such freight line companies shall be collected at the state level by the director on behalf of the counties and other local public taxing entities and shall be distributed in accordance with sections 137.1021 and 137.1024. The director shall tax such property based upon the distributable assessed valuation attributable to Missouri of each freight line company, using the average tax rate for the preceding year of the railroad and street railway companies certified by the commission. Such tax shall be due and payable on or before December thirty-first of the year levied and, if it becomes delinquent, shall be subject to a penalty equal to that specified in section 140.100.

4. (1) As used in this subsection, the following terms mean:

(a) "Eligible expenses", expenses incurred in this state to manufacture, maintain, or improve a freight line company's qualified rolling stock;

(b) "Qualified rolling stock", any freight, stock, refrigerator, or other railcars subject to the tax levied under this section.

(2) For all taxable years beginning on or after January 1, 2009, a freight line company shall, subject to appropriation, be allowed a credit against the tax levied under this section for the applicable tax year. The tax credit amount shall be equal to the amount of eligible expenses incurred during the calendar year immediately preceding the tax year for which the credit under this section is claimed. The amount of the tax credit issued shall not exceed the freight line company's liability for the tax levied under this section for the tax year for which the credit is claimed.

(3) A freight line company may apply for the credit by submitting to the commission an application in the form prescribed by the state tax commission.

(4) Subject to appropriation, the state shall reimburse, on an annual basis, any political subdivision of this state for any decrease in revenue due to the provisions of this subsection.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under **subsection 4 of** this section shall expire on August 28, [2020] 2027; and
(2) **Subsection 4 of** this section shall terminate on September 1, [2024] 2028.

348.436. The provisions of sections 348.430 to 348.436 shall expire December 31, [2024] 2027."; and

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

On motion of Representative Francis, **House Amendment No. 3** was adopted.

Representative Sharpe (4) offered **House Amendment No. 4.**

House Amendment No. 4

AMEND Senate Bill No. 37, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

- "348.500. 1. This section shall be known and may be cited as the "Family Farms Act".
2. As used in this section, "small farmer" means a farmer who is a Missouri resident and who has less than [two hundred fifty] **five hundred** thousand dollars in gross sales per year.
3. The agricultural and small business development authority shall establish a family farm breeding livestock loan program for small farmers for the purchase of beef cattle, dairy cattle, sheep and goats, and swine only.
4. To participate in the loan program, a small farmer shall first obtain approval for a family farm livestock loan from a lender as defined in section 348.015. [~~Each small farmer shall be eligible for only one family farm livestock loan per family and for only one type of livestock.~~]
5. The maximum amount of the family farm livestock loan for each type of livestock shall be as follows:
(1) [~~Seventy-five~~] **One hundred fifty** thousand dollars for beef cattle;
(2) [~~Seventy-five~~] **One hundred fifty** thousand dollars for dairy cattle;
(3) [~~Thirty-five~~] **Seventy** thousand dollars for swine; and
(4) [~~Thirty~~] **Sixty** thousand dollars for sheep and goats.
6. Eligible borrowers under the program:
(1) Shall use the proceeds of the family farm loan to acquire breeding livestock;
(2) Shall not finance more than ninety percent of the anticipated cost of the purchase of such livestock through the family farm livestock loan; and
(3) Shall not be charged interest by the lender, as defined in section 348.015, for the first year of the qualified family farm livestock loan.
7. Upon approval of the family farm livestock loan by a lender under subsection 4 of this section, the loan shall be submitted for approval by the agricultural and small business development authority. The authority shall promulgate rules establishing eligibility under this section, taking into consideration:
(1) The eligible borrower's ability to repay the family farm livestock loan;
(2) The general economic conditions of the area in which the farm is located;
(3) The prospect of a financial return for the small farmer for the type of livestock for which the family farm livestock loan is sought; and
(4) Such other factors as the authority may establish.
8. For eligible borrowers participating in the program, the authority shall be responsible for reviewing the purchase price of any livestock to be purchased by an eligible borrower under the program to determine whether the price to be paid is appropriate for the type of livestock purchased. The authority may impose a one-time loan review fee of one percent which shall be collected by the lender at the time of the loan and paid to the authority.
9. Nothing in this section shall preclude a small farmer from participating in any other agricultural program.
10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void."; and

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

On motion of Representative Sharpe (4), **House Amendment No. 4** was adopted.

Representative Mackey offered **House Amendment No. 5.**

House Amendment No. 5

AMEND Senate Bill No. 37, Page 1, Section A, Line 4, by inserting after said section and line the following:

"208.018. 1. Subject to federal approval, the department of social services shall establish a pilot program for the purpose of providing Supplemental Nutrition Assistance Program (SNAP) participants with access and the ability to afford fresh food when purchasing fresh food at farmers' markets. The pilot program shall be established in at least one rural area and one urban area. Under the pilot program, such participants shall be able to:

- (1) Purchase fresh fruit, vegetables, meat, fish, poultry, eggs, and honey with SNAP benefits with an electronic benefit transfer (EBT) card; and
- (2) Receive a dollar-for-dollar match for every SNAP dollar spent at a participating farmers' market or vending urban agricultural zone as defined in section 262.900 in an amount up to ten dollars per week whenever the participant purchases fresh food with an EBT card.

2. For purposes of this section, the term "farmers' market" shall mean a market with multiple stalls at which farmer-producers sell agricultural products, particularly fresh fruit and vegetables, directly to the general public at a central or fixed location.

3. Purchases of approved fresh food by SNAP participants under this section shall automatically trigger matching funds reimbursement into the central farmers' market vendor accounts by the department.

4. The funding of this pilot program shall be subject to appropriation. In addition to appropriations from the general assembly, the department may apply for available grants and shall be able to accept other gifts, grants, and donations to develop and maintain the program.

5. The department shall promulgate rules setting forth the procedures and methods of implementing this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under and pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

6. Under and pursuant to section 23.253 of the Missouri sunset act:

- (1) The provisions of this section shall [sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and]
 - (2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section] expire on August 28, 2033; and
- [③] (2) This section shall terminate on September [first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset] 1, 2034."; and

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

On motion of Representative Mackey, **House Amendment No. 5** was adopted.

Representative Rone offered **House Amendment No. 6**.

House Amendment No. 6

AMEND Senate Bill No. 37, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

"135.755. 1. For the purposes of this section, the following terms shall mean:

- (1) "Department", the Missouri department of revenue;
- (2) "Higher ethanol blend", a fuel capable of being dispensed directly into motor vehicle fuel tanks for consumption that is comprised of at least fifteen percent but not more than eighty-five percent ethanol;
- (3) "Retail dealer", a person that owns or operates a retail service station;
- (4) "Retail service station", a location from which higher ethanol blend is sold to the general public and is dispensed directly into motor vehicle fuel tanks for consumption.

2. For all tax years beginning on or after January 1, 2022, a retail dealer that sells higher ethanol blend at such retail dealer's retail service station shall be allowed a tax credit to be taken against the retail dealer's state income tax liability. The amount of the credit shall equal five cents per gallon of higher ethanol blend sold by the retail dealer and dispensed through metered pumps at the retail dealer's retail service station during the tax year in which the tax credit is claimed. Tax credits authorized pursuant to this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer's state tax liability, the difference shall not be refundable, but may be carried forward to any of the five subsequent tax years. The total amount of tax credits authorized pursuant to this section for any given fiscal year shall not exceed four million dollars.

3. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to implement the provisions of this section.

4. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

5. Pursuant to section 23.253 of the Missouri sunset act:

- (1) The provisions of this section shall automatically sunset on December 31, 2027, unless reauthorized by an act of the general assembly; and
- (2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and
- (3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

281.015. Sections 281.005 to 281.115 shall be administered by the director of the department of agriculture of the state of Missouri[~~, hereafter referred to as the "director"~~].

281.020. As used in sections 281.010 to 281.115, the following terms mean:

- (1) "Animal", all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish;
- (2) "Applicator, operator or technician":
 - (a) "Certified applicator", any certified commercial applicator, certified noncommercial applicator, certified private applicator, certified provisional private applicator, or certified public operator;
 - (b) "Certified commercial applicator", any individual, whether or not [~~he~~] the individual is a private applicator with respect to some uses, who is certified by the director as authorized to use, supervise the use of, [~~or~~] determine the need for the use of, **or supervise the determination of need for** any pesticide, whether classified for restricted use or for general use, while [~~he~~] the individual is engaged in the business of using pesticides on the lands of another as a direct service to the public in exchange for a fee or compensation;
 - (c) "Certified noncommercial applicator", any individual, whether or not [~~he~~] the individual is a private applicator with respect to some uses, who is certified by the director as authorized to use, or to supervise the use of, any pesticide which is classified for restricted use only on lands owned or rented by [~~him~~] the individual or [~~his~~] the individual's employer;
 - (d) "Certified private applicator", any individual who is certified by the director as authorized to use[, ~~or to supervise the use of,~~] any pesticide [~~which~~] that is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by [~~him~~] the individual or [~~his~~] the individual's employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities[, on the property of another person];

[~~(e)~~] (e) "Certified provisional private applicator", any individual who is sixteen or seventeen years of age, an immediate family member of a certified private applicator, and certified by the director to use any pesticide that is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by the individual's immediate family member, as long as the following requirements are met:

- a. The restricted use pesticide is not a fumigant;
- b. The restricted use pesticide does not contain sodium cyanide or sodium fluoroacetate;
- c. The individual does not apply any restricted use pesticide using aerial application equipment;

- d. The individual does not supervise the use of any restricted use pesticide; and
- e. The individual does not purchase any restricted use pesticide;

(f) "Certified public operator", any individual who is certified by the director as authorized to use, or to supervise the use of, any pesticide classified for restricted use in the performance of [his] the individual's duties as an official or employee of any agency of the state of Missouri or any political subdivision thereof, or any other governmental agency;

[e] (g) "Noncertified restricted use pesticide applicator", any person who is not certified in accordance with sections 281.010 to 281.115 who uses or determines the need for the use of restricted use pesticides under the direct supervision of a certified commercial applicator or uses restricted use pesticides under the direct supervision of a certified noncommercial applicator or certified public operator;

(h) "Private applicator", any person not holding a certified private applicator's license or certified provisional private applicator's license who [shall be required to obtain a permit for the use of any restricted use pesticide] uses general use pesticides or minimum risk pesticides for the purposes of producing any agricultural commodity on property owned or rented by [him] the person or [his] the person's employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities[, such permit shall authorize the one time emergency purchase of a restricted use pesticide for the purpose of a one time emergency use of that pesticide];

[f] (i) "Pesticide technician", any individual working under the direct supervision of a commercial applicator certified in categories as specified by regulation, and who having met the competency requirements of [this chapter] sections 281.010 to 281.115, is authorized by the director to determine the need for the use of any pesticide as well as to the use of any pesticide;

[g] (j) "Pesticide technician trainee", any individual working in the physical presence and under the direct supervision of a certified commercial applicator to gain the required on-the-job training in preparation for obtaining a pesticide technician's license;

(3) "Beneficial insects", those insects [which] that, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial;

(4) "Defoliant", any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission;

(5) "Department" or "department of agriculture", the state department of agriculture, and when by sections 281.010 to 281.115 the department of agriculture is charged to perform a duty, the director of the department of agriculture is authorized to perform such duty;

(6) "Desiccant", any substance or mixture of substances intended for artificially accelerating the drying of plant tissue;

[f] (7) "Determining the need for the use of any pesticide", the act of inspecting land for the presence of pests for the purpose of contracting for their control or prevention through the use of pesticides in categories as specified by regulation;

[g] (8) "Device", any instrument or contrivance, other than a firearm, [which] that is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than man and other than bacteria, viruses, or other microorganisms on or in living man or other living animals, but not including equipment used for the application of pesticides when sold separately therefrom;

(9) "Director", the director of the department of agriculture or the director's designee;

(10) "Distribute", to sell, offer for sale, hold for sale, deliver for transportation in intrastate commerce, or transport in intrastate commerce;

[g] (11) "Environment" includes, but is not limited to, water, air, land, and all plants and man and other animals living therein, and the interrelationships [which] that exist among these;

[g] (12) "Equipment" [means], any type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized hand-sized household apparatus used to apply any pesticide, or any equipment or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application;

[g] (13) "Fungus", any nonchlorophyll-bearing thallophyte, [that] which is[,] any nonchlorophyll-bearing plant of a lower order than mosses and liverworts, such as[, for example,] rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other living animals, and except those on or in processed food, beverages, or pharmaceuticals;

(14) "General use pesticide", any pesticide, when applied in accordance with its directions for use, warnings, and cautions, and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, that will not generally cause unreasonable adverse effects on the environment;

(15) "Immediate family", familial relationships limited to the spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins. As used in this subdivision, "first cousin" means the child of a parent's sibling, i.e., the child of an aunt or uncle;

[11] (16) "Individual", any responsible, natural human being;

[12] (17) "Insect", any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, ~~such as[, for example,]~~ beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, ~~such as[, for example,]~~ spiders, mites, ticks, centipedes, and wood lice;

[13] (18) "Land", all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances, and machinery, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation;

(19) "Minimum risk pesticide", any pesticide product exempted under 40 C.F.R. 152.25(f) from registration requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended;

[14] (20) "Misuse of a pesticide", a use of any [registered] pesticide in a manner inconsistent with its labeling; provided, that the use of a lesser concentration than provided on the label shall not be considered the misuse of a pesticide when used strictly for agricultural purposes, and when requested in writing by the person on whose behalf a pesticide is used;

[15] (21) "Nematode", invertebrate animals of the phylum Nemathelminthes and class Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms;

(22) "Nontarget organism", any plant, animal, or organism other than the target pests that a pesticide is intended to affect;

[16] (23) "Person", any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not;

[17] (24) "Pest":

(a) Any insect, snail, slug, rodent, nematode, fungus, weed; or

(b) Any other form of terrestrial or aquatic plant or animal life or virus, bacterium, or other microorganism, except viruses, bacteria, or other microorganisms on or in living man or other living animals, [which] that is normally considered to be a pest;

[18] (25) "Pesticide":

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; or

(b) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant;

[19] (26) "Pesticide dealer", any individual who is engaged in the business of distributing, selling, offering for sale, or holding for sale at retail, or direct wholesale to the end user, any pesticide classified for restricted use;

(27) "Pesticide dealership", any location or outlet where restricted use pesticides are held for sale, distributed, or sold;

[20] (28) "Plant regulator", any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments. The term "plant regulator" does not include any of those nutrient mixtures or soil amendments [which] that are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, and [which] that are not for pest destruction and are nontoxic, nonpoisonous in the undiluted package concentration;

[21] "Private applicator permit", a written certificate, issued by the director or his authorized agent, authorizing the purchase, possession or use of certain restricted use pesticides by a private applicator. Such permit shall authorize the one time emergency purchase of a restricted use pesticide for the purpose of a one time emergency use of such pesticide;

_____(22)] (29) "Restricted use pesticide" or "RUP", any pesticide when applied in accordance with its directions for use, warnings, and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, the director determines may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator;

[(23)] (30) "Sale", selling or offering for sale any pesticide;

[(24)] (31) "Snails" or "slugs" includes all harmful mollusks;

[(25)] (32) "Unreasonable adverse effects on the environment", any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide;

[(26)] (33) "Under the direct supervision of a certified applicator", when a pesticide is used by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is used;

[(27)] (34) "Use", mixing, loading, or applying[~~, storing or disposing of a]~~ any pesticide; cleaning pesticide equipment; or storing or disposing of pesticide containers, pesticides, spray mix, equipment wash waters, or other pesticide-containing materials;

[(28)] (35) "Weed", any plant [~~which~~] that grows where not wanted; [~~and~~

_____(29)] (36) "Wildlife", all living things that are neither human, domesticated, or pests, including, but not limited to, mammals, protected birds, and aquatic life.

281.025. 1. The director shall administer and enforce the provisions of sections 281.010 to 281.115 and shall have authority to issue regulations after a public hearing following due notice of not less than thirty days to all interested persons, in conformance with the provisions of chapter 536, to carry out the provisions of sections 281.010 to 281.115. Where the director finds that such regulations are needed to carry out the purpose and intent of sections 281.010 to 281.115, such regulations may relate to, but need not be limited to, prescribing the time, place, manner, methods, materials, and amounts and concentrations, in connection with the use of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and shall encompass all reasonable factors [~~which~~] that the director deems necessary to prevent damage or injury. In issuing such regulations, the director may give consideration to pertinent research findings and recommendations of other agencies of this state, the federal government, or other reliable sources. The director may by regulation require that notice of a proposed application of a pesticide be given to landowners adjoining the property to be treated or in the immediate vicinity thereof, if [~~he~~] the director finds that such notice is necessary to carry out the purpose of sections 281.010 to 281.115. [The director may, by regulation, provide for the one-time emergency purchase and one-time emergency use of a restricted use pesticide by a private applicator.]

2. The pesticides on the list of restricted use pesticides, as determined by the federal agency having jurisdiction over the classification of pesticides, shall be so restricted in the state of Missouri. The director shall publish, at least annually, a list of pesticides [~~which~~] that have restricted uses. Such publication shall be made available to the public upon request. If the director determines that a pesticide, when used in accordance with its directions for use, warnings, and cautions, and for uses for which it is registered, may cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator or other persons, the pesticide shall be used only by or under the direct supervision of a certified applicator[~~, or a private applicator with a permit~~]. Such pesticides may be subject to other restrictions as determined by the director, to include the time and conditions of possession and use.

3. No regulation, or any amendment or repeal thereof, provided for in sections 281.010 to 281.115 shall be adopted, except after public hearing giving an opportunity to the public to be heard, to be held after no less than thirty days' prior notice of the date, time, and place of hearing, to be given by regular mail to any person who has registered with the director for purposes of notice of such public hearings, in accordance with procedures prescribed by the director.

4. At any hearing, opportunity to be heard shall be afforded to any interested person upon written request received not later than twenty-four hours prior to the hearing, and may also be afforded to other persons. In addition, any interested person, whether or not heard, may submit within seven days subsequent to the hearing a written statement of views. The director may solicit the views in writing of persons who may be affected by, or interested in any proposed regulation. Any person heard or represented at the hearing, or making written request for notice, shall be given written notice of the action of the director with respect to the subject thereof.

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

281.030. 1. The director may, by regulation, classify [certified applicator, operator or technician] licenses to be issued under sections 281.010 to 281.115. Such classifications may include but not be limited to commercial applicators, noncommercial applicators, private applicators, **provisional private applicators**, public operators [~~or~~], pesticide technicians, **or noncertified RUP applicators**. Separate classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides or to the use of pesticides for the control of pests.

2. The director may, by regulation, establish certification categories to be provided under each license classification. Each certification category shall be subject to separate testing procedures and requirements; provided, that no individual shall be required to pay an additional fee if [~~he~~] **the individual** is certified in one or all of the certification categories provided under the license for which [~~he~~] **the individual** has applied. The director may, by regulation, establish certification categories limited to the use of certain pesticides and issue a license therefor. Each certification category shall be subject to separate testing procedures covering only those pesticides for which the applicant seeks to be licensed.

3. The director may by regulation establish fees for identification documents.

281.035. 1. No individual shall engage in the business of determining the need for the use of, supervising the use of, **supervising the determination of the need for the use of**, or using any pesticide, in categories as specified by regulation, on the lands of another at any time without a certified commercial applicator's license issued by the director. A certified commercial applicator shall not determine the need for the use of, supervise the use of, **supervise the determination of the need for the use of**, or use any pesticide for any particular purpose unless [~~he or she~~] **the certified commercial applicator** has demonstrated [~~his or her~~] **such certified commercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. The director shall require an annual fee of sixty-five dollars for each certified commercial applicator's license issued. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any **general use** pesticide **or minimum risk pesticide** on the land of another at any time unless such individual is a pesticide technician or pesticide technician trainee in such categories as specified by regulation or is working under the direct supervision of a certified commercial applicator so authorizing, directing or instructing, in which case the certified commercial applicator shall be liable for any use of a **general use** pesticide **or minimum risk pesticide** by an individual operating under [~~his or her~~] **the certified commercial applicator's** direct supervision. The certified commercial applicator or the employer shall assure that the director is informed in writing within ten [~~working~~] days of the employment of any person as a pesticide technician or pesticide technician trainee.

2. **No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any restricted use pesticide on the land of another at any time unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified commercial applicator so authorizing, directing, or instructing, in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.**

3. Application for a certified commercial applicator's license shall be [~~made in writing~~] submitted to the director on a designated form obtained from the [~~director's office~~] department. Each application shall include such information as prescribed by the director by regulation.

[3.] 4. The director shall not issue a certified commercial applicator's license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [~~his or her~~] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications [~~he or she~~] **the applicant** had applied for, and [~~his or her~~] **the applicant's** knowledge of the standards prescribed by regulations for the certification of commercial applicators.

[4.] 5. The director may renew any certified commercial applicator's license under the classification for which such applicant is licensed, [~~subject to~~] **upon successful completion of approved recertification training or** reexamination for additional knowledge that may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[5.] 6. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, and if the applicant files evidence that the requirement for bonds or insurance has been met as required under section 281.065, the director shall issue a certified commercial applicator's license limited to the classifications for which [~~he or she~~] **the applicant** is qualified, which shall expire one year from date of issuance unless [~~#~~] **the license** has been revoked or suspended prior thereto by the director for cause; provided, such financial responsibility required under section 281.065 does not expire at an earlier date, in which case [~~said~~] **the license** shall

expire upon the expiration date of the financial responsibility. The director may limit the license of the applicant to the use of certain [restricted use] pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] 7. The director shall require each certified commercial applicator or [his or her] the certified commercial applicator's employer to maintain records with respect to applications of any pesticide, including pesticides used under direct supervision by licensed pesticide technicians, pesticide technician trainees, and licensed noncertified RUP applicators. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified commercial applicator or [his or her] the certified commercial applicator's employer.

[7.] 8. A person or individual engaged in the business of using pesticides on the lands of another, who is deprived of [his or her] such person's or individual's sole certified commercial applicator by reason of death, illness, incapacity, or any absence which the director determines is unavoidable, is authorized to continue business operations without the services of a certified commercial applicator for a period of time deemed appropriate by the director, but not to exceed sixty days; except that, no restricted-use pesticide shall be used, or caused to be used, by such person or individual. Any such person or individual shall immediately notify the director as to the absence of [his or her] such person's or individual's sole certified commercial applicator.

[8.] 9. Every certified commercial applicator shall display [his or her] the certified commercial applicator's license in a prominent place at the site, location, or office from which [he or she] the certified commercial applicator will operate as a certified commercial applicator; that place, location, or office being at the address printed on the license.

[9.] 10. Every certified commercial applicator who changes the address from which [he or she] the certified commercial applicator will operate as a certified commercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.037. 1. Any individual who is not certified pursuant to section 281.035, 281.040, or 281.045[,-or has not been issued a private applicator permit pursuant to subsection 5 of section 281.040] shall not use, or supervise the use of, any [restricted use] restricted use pesticide without a certified noncommercial applicator license. A certified noncommercial applicator shall not use, or supervise the use of, any restricted use pesticide for any purpose unless [he or she] the certified noncommercial applicator has demonstrated [his or her] the certified noncommercial applicator's competence to use pesticides for that purpose by being certified by the director in the proper certification category.

2. No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified noncommercial applicator so authorizing, directing, or instructing, in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct supervision.

3. Application for a certified noncommercial applicator license shall be [made in writing] submitted to the director on a designated form obtained from the [director's office] department. Each application shall include such information as prescribed by the director by regulation.

[3.] 4. The director shall not issue a certified noncommercial applicator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his or her] the applicant's competence and knowledge of the proper use of pesticides under the classifications for which [he or she] the applicant has applied, and [his or her] the applicant's knowledge of the standards prescribed by regulations for the certification of noncommercial applicators.

[4.] 5. If the director finds the applicant qualified to use restricted use pesticides in the classification for which [he or she] the applicant has applied, the director shall issue a certified noncommercial applicator license limited to the applicator categories in which [he or she] the applicant is certified. The license shall expire one year from the date of issuance unless [it] the license has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain

areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[5.] 6. The director may renew any certified noncommercial applicator license under the classification for which the license is issued [subject to] upon successful completion of approved recertification training or reexamination for additional knowledge [which] that may be required to apply pesticides safely and properly.

[6.] 7. The director shall collect a fee of thirty-five dollars for each certified noncommercial applicator license issued.

[7.] 8. Any certified noncommercial applicator may use, or supervise the use of, restricted use pesticides only to or on lands or structures owned, leased or rented by [himself or herself] the certified noncommercial applicator or [his or her] the certified noncommercial applicator's employer.

[8.] 9. The director shall require the certified noncommercial applicator or [his or her] the certified noncommercial applicator's employer to maintain records with respect to applications of restricted use pesticides. Any relevant information [which] that the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified noncommercial applicator or [his or her] the certified noncommercial applicator's employer.

[9.] 10. Every certified noncommercial applicator shall display [his or her] the certified noncommercial applicator's license in a prominent place at the site, location, or office from which [he or she] the certified noncommercial applicator will operate as a certified noncommercial applicator; that place, location, or office being at the address printed on the license.

[10.] 11. Every certified noncommercial applicator who changes the address from which [he or she] the certified noncommercial applicator will operate as a certified noncommercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.038. 1. [After July 1, 1990,] No individual working under the direct supervision of a certified commercial applicator shall determine the need for the use of or use any general use pesticide [nor use any] or minimum risk pesticide in categories as specified by regulation, unless and until the individual has met the requirements of [this chapter] sections 281.010 to 281.115.

2. Application for a pesticide technician's license shall be [made in writing] submitted to the director on a designated form obtained from the [director's office] department. Each application shall include such information as prescribed by the director by regulation and shall be received by the director within forty-five days of employment of the pesticide technician or pesticide technician trainee.

3. The director shall not issue a pesticide technician's license until the individual has demonstrated [his or her] the applicant's competence by completion of an approved training program to the satisfaction of the director.

4. The director may renew any pesticide technician's license under the classification for which that applicant is licensed subject to completion of an additional approved training program to the satisfaction of the director as prescribed by regulation.

5. The director shall collect a fee of thirty-five dollars for each pesticide technician license issued.

6. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, the director shall issue a pesticide technician's license limited to the classifications for which [he or she] the applicant is qualified, which shall expire one year from date of issuance unless [it] the license has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons for such denial of license.

7. In order for pesticide technicians to use or determine the need for the use of any general use pesticide:

(1) A certified commercial applicator shall be licensed to work from the same physical location as the pesticide technician; and

(2) The licensed certified commercial applicator shall be certified in the same use categories as the pesticide technician as specified by regulation.

8. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

281.040. 1. No private applicator shall use any [restricted use] restricted use pesticide unless [~~he~~ the private applicator first complies with the requirements determined pursuant to subsection [2 or 5] 3 of this section, as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use.

2. No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional private applicator.

3. The private applicator shall qualify for a certified private applicator's license or a certified provisional private applicator's license by [~~either~~] attending [~~a course or completing an online course of instruction~~] an approved certification training program provided by University of Missouri Extension, completing an online certification training program provided by University of Missouri Extension, or by passing the required private applicator certification examination provided by the director on the use, handling, storage, and application of [restricted use] restricted use pesticides in the proper certification categories as specified by regulation. The content of the instruction shall be determined and revised as necessary by the director. Upon completion of the [~~course~~] certification training program, completion of the online certification training program, or passage of the required private applicator certification examination, the director shall issue a certified private applicator's license or certified provisional private applicator's license to the applicant. The director shall not collect a fee for the issuance of such license[, but the] . University of Missouri Extension [~~service may~~] shall collect [~~a fee for the actual cost of the materials necessary to complete the course of instruction~~] reasonable fees for study materials and for enrollment in certification or recertification programs administered in-person or online. [~~However, no fee~~] Such fees shall be assessed [~~or collected from an individual completing an online course of instruction. Both the director of the department and of the University of Missouri Extension service shall review such costs annually.~~] based on the majority decision of a review committee convened every five years or as needed by the director. Such fees shall not exceed seventy-five dollars per program per applicant unless the members of the review committee representing statewide agricultural organizations vote unanimously in favor of setting the fee in an amount in excess of seventy-five dollars. Such committee shall be provided revenue and expense information for the training program from the University of Missouri Extension and information on the content of the instruction and method of delivery from the director. The review committee shall also determine a maximum in-seat training time limit for the training programs. The committee shall report its minutes, fee decisions, time limitation decisions, and its evaluation of the training provided to the chairs of the House of Representatives and Senate agriculture or equivalent committees. The review committee shall be composed of five members including:

- (1) The director;
- (2) The director of the University of Missouri Extension, or such director's designee;
- (3) The president of a statewide corn producers organization who actively grows corn, or such president's designee;
- (4) The president of a statewide soybean producers organization who actively grows soybeans, or such president's designee; and
- (5) The president of the state's largest general farm membership organization, or such president's designee.

[3.] 4. A certified private applicator's license shall expire five years from date of issuance and may then be renewed without charge or additional fee. Any certified private applicator holding a valid license may renew that license for the next five years [~~without additional training unless the director determines that additional knowledge related to the use of agricultural pesticides makes additional training necessary.~~] upon successful completion of approved recertification training or by passing the required private applicator certification examination.

5. On the date of the certified provisional private applicator's eighteenth birthday, such certified provisional private applicator's license shall automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire five years from date of issuance and may be renewed as a certified private applicator's license without charge or additional fee.

[4.] 6. If the director does not qualify the private applicator under this section [~~he~~], the director shall inform the applicant in writing of the reasons therefor.

[5. The private applicator may apply to the director, or his designated agent, for a private applicator permit for the one time emergency purchase and use of restricted use pesticides. When the private applicator has demonstrated his competence in the use of the pesticides to be purchased and used on a one-time emergency basis, he shall be issued a permit for the one time emergency purchase and use of restricted use pesticides. The director or his designated agent shall not collect a fee for the issuance of such permit.]

281.045. 1. All agencies of the state of Missouri and the political subdivisions thereof, and any other governmental agency shall be subject to the provisions of sections 281.010 to 281.115 and rules adopted thereunder concerning the use of restricted use pesticides.

2. Public operators for agencies listed in subsection 1 of this section shall not use, or supervise the use of, any restricted use pesticides on any land or structure without a certified public operator license issued by the director. The certified public operator shall not use or supervise the use of any restricted use pesticide for any purpose unless [he] **the certified public operator** has demonstrated [his] **the certified public operator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category. [Any employee of any agency listed in subsection 1 of this section who is not licensed as a certified public operator may use restricted use pesticides only under the direct supervision of a certified public operator.]

3. No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified public operator so authorizing, directing, or instructing, in which case the certified public operator shall be liable for any use of a restricted use pesticide by an individual operating under the certified public operator's direct supervision.

4. Application for a certified public operator license shall be [made in writing] submitted to the director on a designated form obtained from the [director's office] department. Each application shall include all information prescribed by the director by regulation.

[4.] 5. The director shall not issue a certified public operator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his] **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which [he] **the applicant** has applied, and [his] **the applicant's** knowledge of the standards prescribed by regulations for the certification of public operators.

[5.] 6. If the director finds the applicant qualified to use pesticides in the classification for which [he] **the applicant** has applied, the director shall issue a license, without a fee, to the certified public operator who has so qualified. The certified public operator license shall be valid only when the operator is acting as an operator using, or supervising the use of, restricted use pesticides in the course of [his] **the operator's** employment. A certified public operator license shall expire three years from the date of issuance unless [it] **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] 7. The director may renew any certified public operator license under the classification for which that applicant is licensed[, subject to] upon successful completion of approved recertification training or reexamination for additional knowledge [which] that may be required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[7.] 8. The director shall require the certified public operator, or [his] **the certified public operator's** employer, to maintain records with respect to applications of restricted use pesticides. Any relevant information which the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified public operator or [his] **the certified public operator's** employer.

[8.] 9. Agencies listed in subsection 1 of this section shall be subject to a legal action by any person damaged by any use of any pesticide, which may be brought in the county where the damage or any part thereof occurred.

[9.] 10. Every certified public operator shall display [his] **the certified public operator's** license in a prominent place at the site, location, or office from which [he] **the certified public operator** will operate as a certified public operator, that place, location, or office being at the address printed on the license.

[10.] 11. Every certified public operator who changes the address from which [he] **the certified public operator** will operate as a certified public operator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

12. Any person who volunteers to work for a public agency may use general use pesticides without a license under the supervision of the public agency on lands owned or managed by the state agency, political subdivision, or governmental agency.

281.048. 1. No individual shall use or determine the need for the use of any restricted use pesticide while working under the direct supervision of a certified commercial applicator until the individual has met the requirements of this section.

2. No individual shall use restricted use pesticides while working under the direct supervision of a certified noncommercial applicator or certified public operator until the individual has met the requirements of this section.

3. Application for a noncertified RUP applicator's license shall be submitted to the director on a designated form obtained from the department. Each application shall include such information as prescribed by the director by regulation.

4. The director shall issue or renew a noncertified RUP applicator license once an individual has met the requirements set forth in 40 C.F.R. 171.201(c)(1) or (3). The director shall collect an annual fee of thirty-five dollars for each noncertified RUP applicator license issued. The license shall be valid for one year unless revoked or suspended by the department prior to its expiration. Any individual whose application is denied shall receive a written explanation as to the determination of the denial.

5. Individuals holding a valid noncertified RUP applicator license may use and determine the need for the use of restricted use pesticides, general use pesticides, and minimum risk pesticides under the direct supervision of a certified commercial applicator and only for the categories in which the commercial applicator is certified. The director may limit the license of the applicant to the use of certain pesticides, to certain areas, or to certain types of equipment if the applicant is only so qualified.

6. Every certified commercial applicator, certified noncommercial applicator, or certified public operator providing direct supervision to a licensed noncertified RUP applicator shall immediately notify the director when the licensed noncertified RUP applicator has changed address from which the applicator or operator will operate as a licensed noncertified RUP applicator or when the noncertified RUP applicator's employment has been terminated. The director shall immediately issue a revised license upon which shall be printed the change of address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

7. A noncertified RUP applicator may complete retraining requirements and renew the applicator's license without a certified commercial applicator, certified noncommercial applicator, or certified public operator working from the same physical location.

8. Every licensed noncertified RUP applicator shall display the applicator's license in a prominent place at the site, location, or office from which the applicator will operate as a noncertified RUP applicator, that place, location, or office being at the address printed on the license.

281.050. 1. No individual shall act in the capacity of a pesticide dealer or shall engage in the business of, advertise as, or assume to act as a pesticide dealer unless [he or she] the individual has obtained a license from the director [which] that shall expire one year from date of issuance. [An individual shall be required to obtain a license for] Each pesticide dealership location or outlet from which [such] restricted use pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user[. Pesticide dealers may be designated by the director as agents of the state for the purpose of issuing permits for restricted use pesticides to private applicators] shall have at least one individual licensed as a pesticide dealer. Any individual possessing restricted use pesticides and selling or holding and offering for sale restricted use pesticides at retail or wholesale from a motor vehicle shall be licensed as a pesticide dealer. For the purposes of this subsection, "selling or holding and offering for sale" shall not include solely transporting product in commerce. No individual shall be issued more than one pesticide dealer license.

2. Application for a pesticide dealer's license shall be made on a designated form obtained from the [director's office] department. The director shall collect a fee of thirty-five dollars for the issuance of each license. The provisions of this section shall not apply to a pesticide applicator who sells pesticides only as an integral part of [his or her] the applicator's pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide applications. The provisions of this section shall not apply to any federal, state, or county agency [which] that provides pesticides for its own programs.

3. Each applicant shall satisfy the director as to [his or her] the applicant's knowledge of the laws and regulations governing the use and sale of pesticides and [his or her] the applicant's responsibility in carrying on the business of a pesticide dealer **by passing a pesticide dealer examination provided by the director**. Each licensed pesticide dealer shall be responsible for insuring that all of [his or her] the dealer's employees and agents who sell or recommend restricted use pesticides have adequate knowledge of the laws and regulations governing the use and sale of such restricted use pesticides.

4. Each pesticide dealer shall be responsible for the acts of each person employed by [him or her] the dealer in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The dealer's license shall be subject to denial, suspension, or revocation after a hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by the dealer's officer, agent or employee.

5. No pesticide dealer shall sell, give away, or otherwise make available any restricted use pesticides to anyone but certified **commercial applicators, certified noncommercial applicators [or], certified public operators, or to certified private applicators [who have met the requirements of subsection 5 of section 281.040,]** holding valid certifications in proper certification categories or to other licensed pesticide dealers, except that pesticide dealers may allow the designated representative of such certified applicators, operators or private applicators to take possession of restricted use pesticides when those restricted use pesticides are purchased by and for use by or under the direct supervision of such certified applicator, operator or private applicator.

6. The director shall require the pesticide dealer, or [his or her] the dealer's employer, to maintain books and records with respect to sales of restricted use pesticides **at each dealership location or outlet**. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of sale of the restricted use pesticide to which such records refer, and the director shall upon request in writing be furnished with a copy of such records by any licensed pesticide dealer or [his or her] the dealer's employer.

7. Every licensed pesticide dealer who changes [his or her] the dealer's address or place of business shall immediately notify the director.

281.055. 1. If the [application for] renewal of any license[,] or certification [or permit] provided for in [this chapter] sections **281.010 to 281.115** is not filed prior to the expiration date in any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the license[,] or certification [or permit] shall be renewed[; provided, that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the business subsequent to the expiration of his license, certification or permit]. Any person holding a current valid license[,] or certification [or permit] may renew the license[,] or certification [or permit] for the next year without taking another examination unless the director determines that additional knowledge related to classifications for which the applicant has applied makes a new examination necessary. However, if the license is not renewed within sixty days following the date of expiration [then] , the license shall be cancelled and the licensee shall be required to satisfy all the requirements of licensure as if such person was never licensed.

2. The director may promulgate reasonable regulations requiring additional training and instruction on the part of any applicant for a license issued under sections 281.010 to 281.115.

3. The director shall have prepared for prospective licensee's use[,] a book of guidelines of factual necessary information related to the requirements of sections 281.010 to 281.115. A reasonable fee may be collected for [said] the publication.

281.060. 1. The director, after inquiry, and after opportunity for a hearing, may deny, suspend, revoke, or modify the provisions of any license[,] permit[,] or certification issued under sections 281.010 to 281.115, if [he] the director finds that the applicant or the holder of a license[,] permit[,] or certification has violated any provision of sections 281.010 to 281.115, or any regulation issued thereunder, or has been convicted or subject to a final order imposing a civil or criminal penalty pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, or has been convicted, or is the subject of prosecution, in [another] this state or in any state or protectorate of the United States, or has had a pesticide applicator license[,] or certificate [or permit] denied, suspended, revoked or modified by [another] any state or protectorate of the United States, or the person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under [this chapter] sections **281.010 to 281.115**, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed. **Licensed certified applicators, licensed noncertified RUP applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the department within ten days of any conviction of or plea to any offense listed in this section.**

2. If the director determines, after inquiry and opportunity for a hearing, that any [individual] person is in violation of any provision of sections 281.010 to 281.115, or any regulations issued thereunder, the director shall have the authority to assess a civil penalty of not more than one thousand dollars for each violation, and in addition, may order that restitution be made to any person.

3. In the event that a person penalized or ordered to pay restitution under this section fails to pay the penalty or restitution, the director may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty or restitution.

281.063. The director may subpoena witnesses and compel the production of books, documents, and records anywhere in the state in any hearing affecting the authority or privilege granted by a license[;] or certificate [or permit] issued under the provisions of sections 281.010 to 281.115.

281.065. 1. The director shall not issue a certified commercial applicator's license until the applicant or the employer of the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of [the operations of] pesticide use by the applicant; except that, such surety bond or liability insurance policy need not apply to damages or injury to crops, plants or land being worked upon by the applicant. Following the receipt of the initial license, the certified commercial applicator shall not be required to furnish evidence of financial responsibility to the department for the purpose of license renewal unless upon request. Annual renewals for surety bonds or liability insurance shall be maintained at the business location from which the certified commercial applicator is licensed. Valid surety bonds or liability insurance certificates shall be available for inspection by the director [or his or her designee] at a reasonable time during regular business hours or, upon a request in writing, the director shall be furnished a copy of the surety bond or liability insurance certificate within ten [working] days of receipt of the request.

2. The amount of the surety bond or liability insurance required by this section shall be not less than fifty thousand dollars for each occurrence. Such surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified by the surety or insurer within twenty days prior to any cancellation or reduction of the surety bond or liability insurance. If the surety bond or liability insurance policy which provides the financial responsibility for the certified commercial applicator is provided by the employer of the certified commercial applicator, the employer of the certified commercial applicator shall immediately notify the director upon the termination of the employment of the certified commercial applicator or when a condition exists under which the certified commercial applicator is no longer provided bond or insurance coverage by the employer. The certified commercial applicator shall then immediately execute **and submit to the director** a surety bond or an insurance policy to cover the financial responsibility requirements of this section and the certified commercial applicator or the applicator's employer shall maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding one thousand dollars; except that, if the bond- or policyholder has not satisfied the requirement of the deductible amount in any prior legal claim, such deductible clause shall not be accepted by the director unless the bond- or policyholder executes and maintains a surety bond or liability insurance which shall satisfy the amount of the deductible as to all claims that may arise in [his or her] the bond- or policyholder's application of pesticides.

3. If the surety becomes unsatisfactory, **the commercial applicator license shall expire and become invalid and** the bond- or policyholder shall immediately execute **and submit to the director** a new bond or insurance policy and maintain the surety bond or liability insurance certificate at the business location from which the certified commercial applicator is licensed, and if [he or she] **the bond- or policyholder** fails to do so, the director shall cancel [his or her] **the bond- or policyholder** license, or deny the license of an applicant, and give [him or her] **the bond- or policyholder** notice of cancellation or denial, and it shall be unlawful thereafter for the applicant to engage in the business of using pesticides until the bond or insurance is brought into compliance with the requirements of subsection 1 of this section. If the bond- or policyholder does not execute a new bond or insurance policy within sixty days of expiration of such bond or policy, the licensee shall be required to satisfy all the requirements for licensure as if never before licensed.

4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms to the rules and regulations of the director.

281.070. 1. The director may investigate the use of any pesticide or claims of damages [which] **that** result from the use of any pesticide.

2. Any person who claims to have been damaged as a result of a pesticide use and who requests an investigation of that damage by the director shall file with the director, on a form provided by the director, a written statement claiming that [he] **the person** has been damaged. Damage statements shall be filed within thirty days after the date the damage is alleged to have occurred, unless a growing crop is alleged to have been damaged. If a growing crop is alleged to have been damaged, the damage statement shall be filed at least two weeks prior to the time that twenty-five percent of that crop has been harvested. The director shall, upon receipt of the statement, notify the person alleged to have caused the damage and the owner or lessee of the land, or other person who may be charged with the responsibility of the damages claimed, and furnish copies of any statements which may be requested. The director shall inspect damages whenever possible and [he] **the director** shall make [his] **the director's** inspection reports available to the person claiming damage and to the person who is alleged to have caused the damage. Where damage is alleged to have occurred, the claimant shall permit the director, the licensee, and [his] **the licensee's** representatives, such as the bondsman or insurer, to observe, within reasonable hours, the lands or nontarget organism alleged to have been damaged.

3. The filing of or the failure to file need not be alleged in any complaint which might be filed in a court of law, and the failure to file a damage claim shall not be considered any bar to the maintenance of any criminal or civil action. The failure to file such a report shall not be a violation of sections 281.010 to 281.115. However, if the person failing to file such report is the only one injured from such use or application of a pesticide by others, the director may, when in the public interest, refuse to hold a hearing for the denial, suspension, or revocation of a license [~~or permit~~] issued under sections 281.010 to 281.115 until such report is filed.

4. The director may in the conduct of any investigation or hearing authorized or held by [him] **the director**:

- (1) Examine, or cause to be examined, under oath, any person;
- (2) Examine, or cause to be examined, books and records of the sale or use of any pesticide directly related to the investigation;
- (3) Hear such testimony and take such evidence as will assist [him] **the director** in the discharge of [his] **the director's** duties under [~~this chapter~~] **sections 281.010 to 281.115**;
- (4) Administer or cause to be administered [~~oath~~] **oaths**; and
- (5) Issue subpoenas to require the attendance of witnesses and the production of books and records directly related to the investigation.

281.075. [+] The director may issue a [~~license or~~] **pesticide applicator** certification on a reciprocal basis with other states without examination to a nonresident who is licensed [~~or~~] as a certified [~~in another state~~] **substantially** **applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state**. A **pesticide applicator certification** shall be issued in accordance with the provisions of sections 281.010 to 281.115; except that, financial responsibility [~~must~~] shall be filed pursuant to section 281.065. Fees collected shall be the same as for resident licenses or certification.

[2. Any nonresident applying for any license under section 281.035, 281.037, 281.038 or 281.050 to operate in the state of Missouri shall designate in writing the secretary of state as the agent of such nonresident upon whom process may be served as provided by law; except that, any such nonresident who has designated a resident agent upon whom process may be served as provided by law shall not be required to designate the secretary of state as such agent. The secretary of state shall be allowed such fees therefor as provided by law for designating resident agents. The director shall be furnished with a copy of such designation of the secretary of state or of a resident agent, such copy to be certified by the secretary of state.]

281.085. No person shall discard, transport, or store any pesticide or pesticide containers in such a manner that is inconsistent with **label directions** or as to cause injury to humans, vegetation, crops, livestock, wildlife, beneficial insects, or to pollute any waterway. The director may promulgate rules and regulations governing the discarding and storing of such pesticide or pesticide containers. In determining these rules and regulations the director shall take into consideration any regulations issued by the federal Environmental Protection Agency.

281.101. 1. It shall be unlawful for any [~~individual~~] **person** to violate any provision of sections 281.010 to 281.115, or any regulation issued thereunder.

2. The following are determined to be unlawful acts:

- (1) It shall be unlawful to recommend for use, [~~to~~] **cause to use**, use, or [~~to~~] supervise the use of any pesticide in a manner inconsistent with its labeling required by labeling requirements of FIFRA, **the Missouri pesticide use act or the Missouri pesticide registration act**;
- (2) It shall be unlawful for any [~~individual~~] **person** to misuse any pesticide;
- (3) **It shall be unlawful for any person to use or supervise the use of pesticides that are cancelled or suspended;**

(4) It shall be unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides;

(5) It shall be unlawful to make any false or misleading statements during the course of an investigation into the sale, distribution, use, or misuse of any pesticide;

[~~(4)~~] (6) It shall be unlawful to make any false or misleading statement on any application, form, or document submitted to the director concerning licensing pursuant to sections 281.010 to 281.115 or any regulations issued thereunder;

[~~(5)~~] (7) It shall be unlawful to make any false, misleading, or fraudulent statement or claim, through any media, [~~which~~] that misrepresents the effects of any pesticide, the methods to be utilized in the application of any pesticide, or the qualifications of the person determining the need for the use of any pesticide or using any pesticide;

[~~(6)~~] (8) It shall be unlawful to make any false or misleading statement specifying[,] or inferring that a person or [~~his~~] the person's methods are recommended by any branch of government or that any pesticide work done will be inspected by any branch of government;

[~~(7)~~] (9) It shall be unlawful to aid or abet any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder, or to conspire with any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder; and

(10) It shall be unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or to aid or abet any person in stealing or attempting to steal examinations or examination materials, cheating on examinations, or evading recertification or retraining requirements.

3. Other acts [~~which~~] that are not specified, but [~~which~~] that violate sections 281.010 to 281.115 or regulations issued thereunder, shall nevertheless be unlawful.

301.033. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration on a calendar year basis of all farm vehicles, as defined in section 302.700, owned or purchased by a farm vehicle fleet owner registered under this section. The director of revenue shall prescribe the forms for such farm vehicle fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of more than one farm vehicle which is required to be registered under this chapter may, at his or her option, register a fleet of farm vehicles on a calendar year or biennial basis under this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of a fleet of farm vehicles registered under this section.

2. All farm vehicles included in the fleet of a registered farm vehicle fleet owner shall be registered during April of the corresponding year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the farm vehicle fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of the corresponding year, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an application for registration of a farm vehicle fleet shall be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the farm vehicle fleet which are required to be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee, and when licensed on or after January first the fee shall be one-fourth the annual fee. If biennial registration is sought for vehicles added to a farm vehicle fleet, an additional year's annual fee shall be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a farm vehicle fleet purchases or otherwise acquires a farm vehicle which is to be added to the farm vehicle fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The farm vehicle fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred under this subsection.

4. Except as specifically provided in this subsection, all farm vehicles registered under this section shall be issued a special license plate which shall have the words "Farm Fleet Vehicle" and shall meet the requirements prescribed by section 301.130. Farm fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of appropriate

registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

5. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void."; and

Further amend said bill, Page 14, Section 266.355, Line 25, by inserting after all of said section and line the following:

"Section B. The repeal and reenactment of sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101 of section A of this act and the enactment of section 281.048 of section A of this act shall become effective on January 1, 2024."; and

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

Representative Collins offered **House Amendment No. 1 to House Amendment No. 6**.

*House Amendment No. 1
to
House Amendment No. 6*

AMEND House Amendment No. 6 to Senate Bill No. 37, Page 2, Line 3, by inserting after all of said line the following:

"135.1610. 1. As used in this section, the following terms mean:

- (1) "Eligible expenses", expenses incurred in the construction or development of establishing an urban farm in a food desert;
 - (2) "Food desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population is located at least one-quarter mile away from a full-service grocery store in an urban area;
 - (3) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265;
 - (4) "Taxpayer", any individual, partnership, or corporation as described under section 143.441 or 143.471 that is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143;
 - (5) "Urban area", an urban place as designated by the United States Census Bureau;
 - (6) "Urban farm", an agricultural plot or facility in an urban area that produces agricultural products, as that term is defined in section 262.900. "Urban farm" shall include, but not be limited to, community-run gardens.
2. For all tax years beginning on or after January 1, 2022, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the taxpayer's eligible expenses for establishing an urban farm in a food desert.
3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability in the tax year for which the credit is claimed, and the taxpayer shall not be allowed to claim a tax credit under this section in excess of one thousand dollars for each urban farm. However, any tax credit that

cannot be claimed in the tax year the contribution is made may be carried over to the next three succeeding tax years until the full credit is claimed.

4. The total amount of tax credits that may be authorized under this section shall not exceed one hundred thousand dollars in any calendar year.

5. Tax credits issued under the provisions of this section shall not be sold, assigned, or otherwise transferred.

6. The department of revenue and the department of agriculture may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

7. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(4) Nothing in this subsection shall be construed to prevent a taxpayer from claiming a tax credit properly issued before the program is sunset in a tax year after the program is sunset.

135.1620. 1. As used in this section, the following terms mean:

(1) "Eligible expenses", expenses incurred in the reestablishment of a full-service grocery store within three miles of a formerly operational grocery store that has been permanently closed and that is located within a food desert;

(2) "Food desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population is located at least a mile away from a full-service grocery store when in urban areas or at least ten miles away when in rural areas;

(3) "Full-service grocery store", a grocery store that provides a full complement of healthy fruits, vegetables, grains, meat, and dairy products along with household items. Fresh fruits and vegetables shall be available for sale in quantities that are substantially similar to industry standards for facilities of similar size;

(4) "Rural area", a town or community within the state that is not within a standard metropolitan statistical area and has six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a standard metropolitan statistical area;

(5) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265;

(6) "Taxpayer", any individual, partnership, or corporation as described under section 143.441 or 143.471 that is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143;

(7) "Urban area", an urban place as designated by the United States Census Bureau.

2. For all tax years beginning on or after January 1, 2022, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state income tax liability in an amount equal to fifty percent of the taxpayer's eligible expenses for reestablishing a full-service grocery store within three miles of a formerly operational grocery store that has been permanently closed and that is located within a food desert, after initial expenses of:

(1) One million dollars if the full-service grocery store is established in a county with a charter form of government, a county of the first classification, or a city not within a county; or

(2) Five hundred thousand dollars if the full-service grocery store is established in any other county.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability in the tax year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of two million five hundred thousand dollars per tax year. However, any tax credit that cannot be claimed in the tax year the contribution was made may be carried over to the next three succeeding tax years until the full credit is claimed.

4. The total amount of tax credits that may be authorized under this section shall not exceed twenty-five million dollars in any calendar year.

5. Tax credits issued under the provisions of this section may be transferred, sold, or assigned.

6. If the taxpayer fails to fully operate the reestablished full-service grocery store at the same location for at least five consecutive years, such taxpayer shall immediately submit payment to the state general revenue fund in an amount equal to the full value of the tax credit received, less twenty percent of the full value received for each full year in which the grocery store was fully operational at the same location.

7. The department of revenue and the department of economic development may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

8. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(4) Nothing in this subsection shall be construed to prevent a taxpayer from claiming a tax credit properly issued before the program was sunset in a tax year after the program was sunset.

261.021. 1. As used in this section, the term "socially disadvantaged community" means an area containing a group of individuals whose members have been subjected to racial or ethnic prejudice because of the identity of such individuals as members of a group without regard to the individual qualities of such individuals.

2. There is hereby created within the department of agriculture the "Socially Disadvantaged Communities Outreach Program" to connect historically unserved and underserved urban communities with access to healthy fresh food and knowledge and skills related to food production.

3. The outreach program shall:

(1) Provide financial assistance for people growing food in socially disadvantaged communities through programs such as those authorized in section 135.1610;

(2) Encourage activities that support and promote urban agriculture in socially disadvantaged communities;

(3) Provide educational and skills training related to food production in socially disadvantaged communities; and

(4) Address food deserts in urban socially disadvantaged communities through programs such as those authorized in section 135.1620.

4. The department shall designate an employee to administer and monitor the socially disadvantaged communities outreach program and to serve as a liaison to affected communities. The duties of such employee shall include, but not be limited to:

(1) Providing leadership at the state level to encourage participation in programs to meet the goals under subsections 2 and 3 of this section;

(2) Conducting workshops and other sessions that provide educational and skills training related to food production to residents of socially disadvantaged communities; and

(3) Seeking grants, private donations, or other funding sources to support the socially disadvantaged communities outreach program.

5. On or before December thirty-first of each year, the department shall submit a report to the general assembly detailing the number of residents who received training under this section, the number of tax credits issued under sections 135.1610 and 135.1620, and any recommendations for legislative action to improve the program."; and

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

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Bromley	Brown 16	Buchheit-Courtway
Burger	Busick	Chipman	Coleman 32	Coleman 97
Cook	Copeland	Cupps	Davidson	Davis
Deaton	Derges	Dinkins	Dogan	Eggleston
Evans	Falkner	Fitzwater	Francis	Gregory 51
Gregory 96	Griesheimer	Griffith	Haden	Haffner
Haley	Hannegan	Henderson	Hill	Houx
Hovis	Hudson	Hurlbert	Kalberloh	Kelley 127
Kelly 141	Kidd	Knight	Lewis 6	Mayhew
McGaugh	McGirl	Murphy	O'Donnell	Owen
Perkins	Pietzman	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Rone	Ruth
Sander	Sassmann	Schnelting	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Smith 155	Smith 163
Stacy	Stephens 128	Tate	Taylor 139	Thomas
Thompson	Toalson Reisch	Van Schoiack	Veit	Wallingford
Walsh 50	West	Wiemann	Wright	Mr. Speaker

NOES: 046

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Collins	Doll	Ellebracht	Fogle	Gray
Gunby	Ingle	Johnson	Lewis 25	Mackey
McCreery	Merideth	Mosley	Nurrenbern	Person
Phifer	Proudie	Quade	Rogers	Rowland
Sauls	Sharp 36	Smith 67	Stevens 46	Terry
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Windham
Young				

PRESENT: 000

ABSENT WITH LEAVE: 020

Bailey	Boggs	Christofanelli	Clemens	DeGroot
Fishel	Grier	Hardwick	Hicks	Lovasco
McDaniel	Morse	Patterson	Pouche	Price IV
Roden	Schroer	Simmons	Taylor 48	Trent

VACANCIES: 002

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Representative Collins moved that **House Amendment No. 1 to House Amendment No. 6** be adopted.

Which motion was defeated.

On motion of Representative Rone, **House Amendment No. 6** was adopted.

On motion of Representative Knight, **SB 37, as amended**, was read the third time and passed by the following vote:

AYES: 120

Adams	Aldridge	Anderson	Andrews	Atchison
Aune	Bailey	Bangert	Baringer	Barnes
Black 137	Black 7	Bland Manlove	Bosley	Brown 16
Brown 70	Buchheit-Courtway	Burger	Burnett	Burton
Butz	Clemens	Coleman 32	Collins	Cook
Copeland	Cupps	Davidson	Derges	Dinkins
Dogan	Doll	Eggleson	Evans	Falkner
Fishel	Fitzwater	Fogle	Francis	Gray
Gregory 51	Gregory 96	Grier	Griesheimer	Griffith
Gunby	Haden	Haffner	Haley	Hannegan
Henderson	Houx	Hovis	Hurlbert	Ingle
Johnson	Kalberloh	Kelley 127	Kelly 141	Knight
Lewis 25	Lewis 6	Mackey	Mayhew	McCreery
McGaugh	McGirl	Merideth	Mosley	Murphy
Nurrenbern	O'Donnell	Owen	Patterson	Perkins
Person	Phifer	Pike	Plocher	Pollitt 52
Porter	Pouche	Price IV	Quade	Railsback
Reedy	Riggs	Riley	Roberts	Rogers
Rone	Rowland	Ruth	Sassmann	Sauls
Seitz	Sharp 36	Sharpe 4	Shaul	Shields
Smith 155	Smith 67	Stephens 128	Stevens 46	Tate
Taylor 48	Thomas	Thompson	Toalson Reisch	Turnbaugh
Unsicker	Van Schoiack	Veit	Wallingford	Walsh 50
Walsh Moore 93	Weber	Wiemann	Wright	Young

NOES: 024

Baker	Billington	Bromley	Chipman	Christofanelli
Coleman 97	Davis	Deaton	Hill	Hudson
Kidd	Pietzman	Pollock 123	Richey	Sander
Schnelting	Schroer	Schwadron	Simmons	Smith 163
Stacy	Taylor 139	West	Mr. Speaker	

PRESENT: 004

Appelbaum	Proudie	Terry	Windham
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ABSENT WITH LEAVE: 013

Basye	Boggs	Brown 27	Busick	DeGroot
Ellebracht	Hardwick	Hicks	Lovasco	McDaniel
Morse	Roden	Trent		

VACANCIES: 002

Representative Chipman declared the bill passed.

SS SB 22 was placed on the Informal Calendar.

HCS SS SB 6, relating to insurance, was taken up by Representative Hill.

On motion of Representative Hill, the title of **HCS SS SB 6** was agreed to.

HCS SS SB 6 was laid over.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 15** entitled:

An act to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2021.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 36** entitled:

An act to amend chapter 620, RSMo, by adding thereto one new section relating to historic buildings.

In which the concurrence of the House is respectfully requested.

Read the first time.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 45** entitled:

An act to repeal sections 287.245 and 537.620, RSMo, and to enact in lieu thereof three new sections relating to benefits for certain firefighters as a result of employment as a firefighter.

In which the concurrence of the House is respectfully requested.

Read the first time.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 78** entitled:

An act to repeal sections 33.100 and 313.004, RSMo, and to enact in lieu thereof four new sections relating to state employees.

In which the concurrence of the House is respectfully requested.

Read the first time.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 272** entitled:

An act to amend chapter 313, RSMo, by adding thereto one new section relating to prohibiting publishing of the names of lottery winners, with a penalty provision.

In which the concurrence of the House is respectfully requested.

Read the first time.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 323** entitled:

An act to amend chapter 170, RSMo, by adding thereto one new section relating to elective social studies courses on the Bible.

In which the concurrence of the House is respectfully requested.

Read the first time.

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HCS HB 15, to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2021, was taken up by Representative Smith (163).

Representative Smith (163) moved that the House refuse to adopt **SCS HCS HB 15** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

PERFECTION OF HOUSE BILLS - INFORMAL

HB 652, relating to the Missouri farmers' market nutrition program, was taken up by Representative Stevens (46).

Representative Stevens (46) moved that the title of **HB 652** be agreed to.

Representative Gregory (51) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 652, Page 1, In the Title, Lines 2 and 3, by deleting the words "the Missouri farmers' market nutrition program" and inserting in lieu thereof the words "nutritional assistance programs"; and

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

On motion of Representative Gregory (51), **House Amendment No. 1** was adopted.

Representative Gregory (51) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 652, Page 2, Section 208.285, Line 46, by inserting after all of said line the following:

"210.251. 1. By January 1, 1994, financial incentives shall be provided by the department of health and senior services through the child development block grant and other public moneys for child-care facilities wishing to upgrade their standard of care and which meet quality standards.

2. The department of health and senior services shall make federal funds available to licensed or inspected child-care centers pursuant to federal law as set forth in the Child and Adult Food Program, 42 U.S.C. 1766.

3. **Notwithstanding any other provision of law, in the administration of the program for at-risk children through the Child and Adult Food Program, 42 U.S.C. 1766, this state shall not have requirements that are stricter than federal regulations for participants in such program. Child care facilities shall not be required to be licensed child care providers to participate in such federal program so long as minimum health and safety standards are met and documented.**"; and

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

On motion of Representative Gregory (51), **House Amendment No. 2** was adopted.

Representative Mackey offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Bill No. 652, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"208.018. 1. Subject to federal approval, the department of social services shall establish a pilot program for the purpose of providing Supplemental Nutrition Assistance Program (SNAP) participants with access and the ability to afford fresh food when purchasing fresh food at farmers' markets. The pilot program shall be established in at least one rural area and one urban area. Under the pilot program, such participants shall be able to:

(1) Purchase fresh fruit, vegetables, meat, fish, poultry, eggs, and honey with SNAP benefits with an electronic benefit transfer (EBT) card; and

(2) Receive a dollar-for-dollar match for every SNAP dollar spent at a participating farmers' market or vending urban agricultural zone as defined in section 262.900 in an amount up to ten dollars per week whenever the participant purchases fresh food with an EBT card.

2. For purposes of this section, the term "farmers' market" shall mean a market with multiple stalls at which farmer-producers sell agricultural products, particularly fresh fruit and vegetables, directly to the general public at a central or fixed location.

3. Purchases of approved fresh food by SNAP participants under this section shall automatically trigger matching funds reimbursement into the central farmers' market vendor accounts by the department.

4. The funding of this pilot program shall be subject to appropriation. In addition to appropriations from the general assembly, the department may apply for available grants and shall be able to accept other gifts, grants, and donations to develop and maintain the program.

5. The department shall promulgate rules setting forth the procedures and methods of implementing this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under and pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

6. Under and pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall [sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and]

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section] expire on August 28, 2033; and

[(3)] (2) This section shall terminate on September [first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset] 1, 2034."; and

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

On motion of Representative Mackey, **House Amendment No. 3** was adopted.

Representative Collins offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Bill No. 652, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"**135.1610. 1. As used in this section, the following terms mean:**

(1) "Eligible expenses", expenses incurred in the construction or development of establishing an urban farm in a food desert;

(2) "Food desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population is located at least one-quarter mile away from a full-service grocery store in an urban area;

(3) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265;

(4) "Taxpayer", any individual, partnership, or corporation as described under section 143.441 or 143.471 that is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143;

(5) "Urban area", an urban place as designated by the United States Census Bureau;

(6) "Urban farm", an agricultural plot or facility in an urban area that produces agricultural products, as that term is defined in section 262.900. "Urban farm" shall include, but not be limited to, community-run gardens.

2. For all tax years beginning on or after January 1, 2022, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the taxpayer's eligible expenses for establishing an urban farm in a food desert.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability in the tax year for which the credit is claimed, and the taxpayer shall not be allowed to claim a tax credit under this section in excess of one thousand dollars for each urban farm. However, any tax credit that cannot be claimed in the tax year the contribution is made may be carried over to the next three succeeding tax years until the full credit is claimed.

4. The total amount of tax credits that may be authorized under this section shall not exceed one hundred thousand dollars in any calendar year.

5. Tax credits issued under the provisions of this section shall not be sold, assigned, or otherwise transferred.

6. The department of revenue and the department of agriculture may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

7. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(4) Nothing in this subsection shall be construed to prevent a taxpayer from claiming a tax credit properly issued before the program is sunset in a tax year after the program is sunset.

135.1620. 1. As used in this section, the following terms mean:

(1) "Eligible expenses", expenses incurred in the reestablishment of a full-service grocery store within three miles of a formerly operational grocery store that has been permanently closed and that is located within a food desert;

(2) "Food desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population is located at least a mile away from a full-service grocery store when in urban areas or at least ten miles away when in rural areas;

(3) "Full-service grocery store", a grocery store that provides a full complement of healthy fruits, vegetables, grains, meat, and dairy products along with household items. Fresh fruits and vegetables shall be available for sale in quantities that are substantially similar to industry standards for facilities of similar size;

(4) "Rural area", a town or community within the state that is not within a standard metropolitan statistical area and has six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a standard metropolitan statistical area;

(5) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265;

(6) "Taxpayer", any individual, partnership, or corporation as described under section 143.441 or 143.471 that is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143;

(7) "Urban area", an urban place as designated by the United States Census Bureau.

2. For all tax years beginning on or after January 1, 2022, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state income tax liability in an amount equal to fifty percent of the taxpayer's eligible expenses for reestablishing a full-service grocery store within three miles of a formerly operational grocery store that has been permanently closed and that is located within a food desert, after initial expenses of:

(1) One million dollars if the full-service grocery store is established in a county with a charter form of government, a county of the first classification, or a city not within a county; or

(2) Five hundred thousand dollars if the full-service grocery store is established in any other county.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability in the tax year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of two million five hundred thousand dollars per tax year. However, any tax credit that cannot be claimed in the tax year the contribution was made may be carried over to the next three succeeding tax years until the full credit is claimed.

4. The total amount of tax credits that may be authorized under this section shall not exceed twenty-five million dollars in any calendar year.

5. Tax credits issued under the provisions of this section may be transferred, sold, or assigned.

6. If the taxpayer fails to fully operate the reestablished full-service grocery store at the same location for at least five consecutive years, such taxpayer shall immediately submit payment to the state general revenue fund in an amount equal to the full value of the tax credit received, less twenty percent of the full value received for each full year in which the grocery store was fully operational at the same location.

7. The department of revenue and the department of economic development may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

8. Under section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(4) Nothing in this subsection shall be construed to prevent a taxpayer from claiming a tax credit properly issued before the program was sunset in a tax year after the program was sunset."; and

Further amend said bill, Page 2, Section 208.285, Line 46, by inserting after all of said section and line the following:

"**261.021.** 1. As used in this section, the term "socially disadvantaged community" means an area containing a group of individuals whose members have been subjected to racial or ethnic prejudice because of the identity of such individuals as members of a group without regard to the individual qualities of such individuals.

2. There is hereby created within the department of agriculture the "Socially Disadvantaged Communities Outreach Program" to connect historically unserved and underserved urban communities with access to healthy fresh food and knowledge and skills related to food production.

3. The outreach program shall:

(1) Provide financial assistance for people growing food in socially disadvantaged communities through programs such as those authorized in section 135.1610;

(2) Encourage activities that support and promote urban agriculture in socially disadvantaged communities;

(3) Provide educational and skills training related to food production in socially disadvantaged communities; and

(4) Address food deserts in urban socially disadvantaged communities through programs such as those authorized in section 135.1620.

4. The department shall designate an employee to administer and monitor the socially disadvantaged communities outreach program and to serve as a liaison to affected communities. The duties of such employee shall include, but not be limited to:

(1) Providing leadership at the state level to encourage participation in programs to meet the goals under subsections 2 and 3 of this section;

(2) Conducting workshops and other sessions that provide educational and skills training related to food production to residents of socially disadvantaged communities; and

(3) Seeking grants, private donations, or other funding sources to support the socially disadvantaged communities outreach program.

5. On or before December thirty-first of each year, the department shall submit a report to the general assembly detailing the number of residents who received training under this section, the number of tax credits issued under sections 135.1610 and 135.1620, and any recommendations for legislative action to improve the program."; and

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

Representative Weber offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1
to
House Amendment No. 4*

AMEND House Amendment No. 4 to House Bill No. 652, Page 2, Lines 16-49, and Page 3, Lines 1-35, by deleting said lines and inserting in lieu thereof the following:

"credit properly issued before the program is sunset in a tax year after the program is sunset."; and"; and

Further amend said amendment, Page 4, Lines 5-6, by deleting said lines and inserting in lieu thereof the following:

"(4) Address food deserts in urban socially disadvantaged communities."; and

Further amend said amendment and page, Line 18, by deleting the words "**sections 135.1610 and 135.1620**" and inserting in lieu thereof the words "**section 135.1610**"; and

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

On motion of Representative Weber, **House Amendment No. 1 to House Amendment No. 4** was adopted.

On motion of Representative Collins, **House Amendment No. 4, as amended**, was adopted.

On motion of Representative Stevens (46), **HB 652, as amended**, was ordered perfected and printed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS HCS HB 271** entitled:

An act to repeal sections 49.310, 50.166, 50.327, 50.332, 50.530, 50.660, 50.783, 57.530, 59.021, 59.100, 67.398, 67.990, 67.993, 67.1153, 67.1158, 82.390, 84.400, 91.025, 91.450, 115.127, 115.646, 137.115, 137.280, 139.100, 162.441, 192.300, 204.569, 221.105, 386.800, 393.106, 394.020, 394.315, 407.300, 451.040, 476.083, 485.060, 488.2235, 570.030, 620.2450, and 620.2456, RSMo, and section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof fifty-nine new sections relating to local government, with penalty provisions and an emergency clause for certain sections.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 271, Page 11, Section 50.332, Lines 1-18, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS SB 202** entitled:

An act to repeal sections 386.370, 393.106, 394.120, and 400.9-109, RSMo, and to enact in lieu thereof eight new sections relating to electrical corporations.

In which the concurrence of the House is respectfully requested.

Read the first time.

On motion of Representative Plocher, the House recessed until 2 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Chipman.

Representative Plocher suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 025

Atchison	Bailey	Barnes	Basye	Brown 27
Busick	Cook	Copeland	Cupps	Davis
Haffner	Kelly 141	Lewis 6	Lovasco	McGirl
Owen	Pollock 123	Richey	Riggs	Shields
Taylor 139	Veit	Walsh 50	West	Wright

NOES: 002

Fitzwater	Rowland
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PRESENT: 086

Adams	Anderson	Andrews	Appelbaum	Aune
Baker	Baringer	Billington	Black 137	Black 7
Boggs	Bromley	Brown 16	Buchheit-Courtway	Burger
Burnett	Butz	Chipman	Coleman 97	Davidson
Deaton	Dinkins	Dogan	Doll	Eggleson
Evans	Falkner	Fogle	Francis	Gray
Grier	Griffith	Gunby	Haley	Hannegan
Henderson	Hill	Houx	Hovis	Hudson
Hurlbert	Kalberloh	Knight	Lewis 25	Mayhew
McCreery	McGaugh	Mosley	Murphy	Nurrenbern
Perkins	Person	Phifer	Pike	Plocher
Politt 52	Porter	Pouche	Quade	Railsback
Reedy	Riley	Roberts	Ruth	Sander

Sassmann	Schnelting	Schwadron	Seitz	Sharp 36
Sharpe 4	Shaul	Smith 155	Smith 163	Stacy
Thomas	Thompson	Toalson Reisch	Turnbaugh	Unsicker
Van Schoiack	Wallingford	Walsh Moore 93	Weber	Wiemann
Young				

ABSENT WITH LEAVE: 048

Aldridge	Bangert	Bland Manlove	Bosley	Brown 70
Burton	Christofanelli	Clemens	Coleman 32	Collins
DeGroot	Derges	Ellebracht	Fishel	Gregory 51
Gregory 96	Griesheimer	Haden	Hardwick	Hicks
Ingle	Johnson	Kelley 127	Kidd	Mackey
McDaniel	Merideth	Morse	O'Donnell	Patterson
Pietzman	Price IV	Proudie	Roden	Rogers
Rone	Sauls	Schroer	Simmons	Smith 67
Stephens 128	Stevens 46	Tate	Taylor 48	Terry
Trent	Windham	Mr. Speaker		

VACANCIES: 002

PERFECTION OF HOUSE BILLS

HB 64, HCS HB 108, HCS HB 156, HCS HB 157, HB 213, HCS HB 218, HCS HB 301, HCS HB 339, HB 347, HCS HB 355, HCS HB 385, HB 447, HB 511, HCS HB 852, HB 893, HCS HB 900, HB 908, HB 1008, HCS HB 1046, HCS HB 1358, HCS HB 1166, HB 708, HB 259, HB 1088, HCS HB 472, HB 478, HCS HB 303, HCS HB 602, HCS HB 1408, and HB 1416 were placed on the Informal Calendar.

PERFECTION OF HOUSE BILLS - INFORMAL

HCS HBs 647 & 841, relating to working animals, was taken up by Representative Pollitt (52).

On motion of Representative Pollitt (52), the title of **HCS HBs 647 & 841** was agreed to.

Representative Black (7) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 647 & 841, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"262.217. Effective September 1, 1995, there is created a "State Fair Commission" whose domicile for the purposes of sections 262.215 to 262.280 shall be the department of agriculture of this state. The commission shall consist of nine members, [two of whom shall be active farmers, two of whom shall be either current members or past presidents of county or regional fair boards,] one of whom shall be the director of the department of agriculture[, one of whom shall be employed in agribusiness, and three at-large members who shall be Missouri residents]. The director of the department of agriculture [shall be the chairman of the commission until January 31, 1997, and] shall not be counted against membership from a congressional district[, at which time] . The [chairman] chair shall be elected from among the members of the commission by the commission members. Such officer shall serve for a term of two years. Commissioners shall be reimbursed for their actual and necessary expenses incurred

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when attending meetings of the commission, to be paid from appropriations made therefor. Commissioners shall be appointed by the governor, with the advice and consent of the senate. [The county fair association in the state may submit to the governor a list of nominees for appointment, three from each congressional district, for those commission members who are required to be current members or past presidents of county fair boards. Not more than four commissioners excluding the director of agriculture shall be members of the same political party.] Each commissioner shall be a resident of the state for five years prior to [his] the commissioner's appointment. The eight initial commissioners shall be appointed as follows: two shall be appointed for terms of one year, two for terms of two years, two for terms of three years and two for terms of four years. Their successors shall be appointed for terms of four years. A commissioner shall continue to serve until [his] a successor is appointed and qualified. Whenever any vacancy occurs on the commission, the governor shall fill the vacancy by appointment for the remainder of the term of the commissioner who was replaced. **Up to three commission members may be appointed from the congressional district containing the state fairgrounds as described in section 262.220, but there shall be no more than two commission members from [any] each of the other congressional [district] districts.**"; and

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

On motion of Representative Black (7), **House Amendment No. 1** was adopted.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 091

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Chipman
Coleman 97	Cook	Copeland	Cupps	Davidson
Davis	Deaton	Derges	Dinkins	Eggleston
Evans	Falkner	Fitzwater	Francis	Gregory 96
Grier	Griffith	Haden	Haffner	Haley
Hannegan	Henderson	Hicks	Hill	Houx
Hovis	Hudson	Hurlbert	Kalberloh	Kelly 141
Knight	Lewis 6	Mayhew	McGaugh	McGirl
O'Donnell	Owen	Perkins	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Ruth	Sander	Sassmann	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Smith 155	Smith 163
Stacy	Stephens 128	Taylor 139	Taylor 48	Terry
Thomas	Thompson	Toalson Reisch	Van Schoiack	Veit
Wallingford	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 036

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 70	Burnett	Burton	Butz	Clemens
Doll	Fogle	Gray	Ingle	Johnson
Lewis 25	McCreery	Mosley	Nurrenbern	Person
Phifer	Quade	Rogers	Rowland	Sharp 36
Stevens 46	Turnbaugh	Unsicker	Walsh Moore 93	Weber
Young				

PRESENT: 000

ABSENT WITH LEAVE: 034

Brown 27	Christofanelli	Coleman 32	Collins	DeGroot
Dogan	Ellebracht	Fishel	Gregory 51	Griesheimer
Gunby	Hardwick	Kelley 127	Kidd	Lovasco
Mackey	McDaniel	Merideth	Morse	Murphy
Patterson	Pietzman	Price IV	Proudie	Roden
Rone	Sauls	Schnelting	Schroer	Simmons
Smith 67	Tate	Trent	Windham	

VACANCIES: 002

On motion of Representative Pollitt (52), **HCS HBs 647 & 841, as amended**, was adopted.

On motion of Representative Pollitt (52), **HCS HBs 647 & 841, as amended**, was ordered perfected and printed.

HB 447, relating to the official state monument, was taken up by Representative Wright.

On motion of Representative Wright, the title of **HB 447** was agreed to.

On motion of Representative Wright, **HB 447** was ordered perfected and printed.

HB 395, relating to historic cemeteries, was taken up by Representative Reedy.

On motion of Representative Reedy, the title of **HB 395** was agreed to.

Representative Reedy offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 395, Page 1, Section 253.387, Line 4, by inserting after the word "Cemetery" the following:

"**a historic cemetery wherein is interred freed African-American slaves and their descendants, for the purpose of historic preservation and to inform and educate future generations to the contribution and sacrifice of freed African-American slaves and descendants to their country and to preserve for posterity this historic site**"; and

Further amend said bill, page, and section, Line 6, by inserting after the word "resources." the following "**The cemetery is hereby designated as a state historic site.**"; and

Further amend said bill, page, and section, Line 16, by inserting after the word "burial" the following "**The department shall not be responsible for active burials.**"; and

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

On motion of Representative Reedy, **House Amendment No. 1** was adopted.

On motion of Representative Reedy, **HB 395, as amended**, was ordered perfected and printed.

HCS HB 32, relating to licensed child care facilities, was taken up by Representative Walsh (50).

On motion of Representative Walsh (50), the title of **HCS HB 32** was agreed to.

Representative Walsh (50) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 32, Page 3, Section 210.211, Line 65, by inserting after the number "4." the phrase "**Up to two**"; and

Further amend said bill, page, and section, Line 66, by deleting the word "**second**" and inserting in lieu thereof the word "**third**"; and

Further amend said bill, page, and section, Line 68, by inserting after the word "**operation**" the word "**of**"; and

Further amend said bill, page, and section, Line 72, by deleting the word "**facility**" and inserting in lieu thereof the phrase "**licensed family child care facility or group child care facility**"; and

Further amend said bill, page, and section, Line 74, by deleting the word "**facility**," and inserting in lieu thereof the phrase "**licensed family child care facility or group child care facility, then**"; and

Further amend said bill, page, and section, Lines 75 to 77, by deleting all of said lines and inserting in lieu thereof the following:

"member shall be excluded. A licensed family child care facility or group child care facility caring for children not counted in the maximum number of children, as permitted under this subsection, shall disclose this to parents or guardians on the written notice required under subsection 3 of this section. If a licensed family child care facility or group child care facility begins caring for children not counted in the maximum number of children after a parent or guardian has signed the written notice required under subsection 3 of this section, the licensed family child care facility or group child care facility shall provide a separate notice to the parent or guardian that the licensed family child care facility or group child care facility is caring for children not counted in the maximum number of children for which the licensed family child care facility or group child care facility is licensed and shall keep a copy of the signed notice on file."; and

Further amend the said bill, page, and section, Line 83, by deleting the phrase "**does not utilize**" and inserting in lieu thereof the phrase "**not utilizing**"; and

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

On motion of Representative Walsh (50), **House Amendment No. 1** was adopted.

On motion of Representative Walsh (50), **HCS HB 32, as amended**, was adopted.

On motion of Representative Walsh (50), **HCS HB 32, as amended**, was ordered perfected and printed.

HB 259, relating to sexual offenses, was taken up by Representative Evans.

On motion of Representative Evans, the title of **HB 259** was agreed to.

Representative Hannegan offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 259, Page 3, Section 566.086, Line 21, by inserting after said section and line the following:

"595.123. 1. For purposes of this section, "employer" means any person or entity employing any person for work in any establishment listed under subsection 2 of section 595.120.

2. Before January 1, 2023, an employer shall provide at least twenty minutes of classroom or other effective interactive training and education regarding human trafficking awareness to each employee who is likely to interact or come into contact with victims of human trafficking and is employed as of July 1, 2022, and, within six months of employment in such role, to each new employee who is likely to interact or come into contact with victims of human trafficking. An employer who has provided this training and education to an employee on or before January 1, 2022, shall not be required to provide additional training to that employee to meet the requirements of this subsection.

3. After January 1, 2023, an employer may, once every two years, provide human trafficking awareness training and education to each employee who is likely to interact or come into contact with victims of human trafficking and, within six months of employment in such role, to each new employee who is likely to interact or come into contact with victims of human trafficking.

4. As used in this section, "an employee who is likely to interact or come into contact with victims of human trafficking" means an employee who has recurring interactions with the public.

5. The human trafficking awareness training and education required under this section shall include, but not be limited to, the following:

(1) The definition of human trafficking and commercial exploitation of children;

(2) Guidance on how to identify individuals who are most at risk for human trafficking;

(3) The difference between labor and sex trafficking specific to the particular industry in which the employee works;

(4) Guidance on the role of hospitality and service-industry employees in reporting and responding to this issue; and

(5) The contact information of appropriate agencies including, but not limited to, the National Human Trafficking Hotline toll-free telephone number, 1-888-373-7888; the National Human Trafficking Hotline text line, 233733; and the telephone numbers of the appropriate local law enforcement agencies.

6. The human trafficking awareness training and education required under this section may also include, but is not limited to, materials and information provided by the Department of Justice, the Blue Campaign of the federal Department of Homeland Security, and private nonprofit organizations that represent the interests of victims of human trafficking.

7. The lack of reporting by an employee of a human trafficking case that occurs in an establishment listed under subsection 2 of section 595.120 shall not, by itself, result in the liability of any employer or employee of that establishment to the human trafficking victim or victims in the case or to any other legal party.

8. The provisions of this section shall not be construed to discourage or relieve an employer from providing longer, more frequent, or more elaborate training and education regarding human trafficking awareness.

9. If an employer violates this section, the department of public safety may seek an order requiring the employer to comply with these requirements.;" and

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

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Representative Taylor (139) assumed the Chair.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Chipman
Coleman 97	Cook	Copeland	Cupps	Davidson
Davis	Deaton	Derges	Dinkins	Dogan
Eggleson	Evans	Falkner	Fitzwater	Gregory 51
Gregory 96	Grier	Griffith	Haden	Haffner
Haley	Hannegan	Henderson	Hicks	Hill
Houx	Hovis	Hudson	Hurlbert	Kalberloh
Kelley 127	Lewis 6	Mayhew	McGaugh	McGirl
O'Donnell	Owen	Perkins	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Rone	Ruth	Sander	Sassmann	Schnelting
Schwadron	Seitz	Sharpe 4	Shaul	Shields
Smith 155	Smith 163	Stacy	Stephens 128	Taylor 139
Taylor 48	Thomas	Thompson	Toalson Reisch	Wallingford
Walsh 50	West	Wiemann	Wright	

NOES: 041

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Collins	Doll	Ellebracht	Fogle	Gray
Johnson	Lewis 25	Mackey	McCreery	Mosley
Person	Phifer	Proudie	Quade	Rogers
Rowland	Sauls	Sharp 36	Smith 67	Terry
Tumbaugh	Unsicker	Walsh Moore 93	Weber	Windham
Young				

PRESENT: 000

ABSENT WITH LEAVE: 031

Bland Manlove	Christofanelli	Coleman 32	DeGroot	Fishel
Francis	Griesheimer	Gunby	Hardwick	Ingle
Kelly 141	Kidd	Knight	Lovasco	McDaniel
Merideth	Morse	Murphy	Nurrenbern	Patterson
Pietzman	Price IV	Roden	Schroer	Simmons
Stevens 46	Tate	Trent	Van Schoiack	Veit
Mr. Speaker				

VACANCIES: 002

Representative Hannegan moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative Hannegan:

AYES: 063

Adams	Aldridge	Anderson	Appelbaum	Aune
Bailey	Bangert	Baringer	Barnes	Black 137
Bland Manlove	Bosley	Brown 16	Brown 27	Brown 70
Burnett	Burton	Butz	Clemens	Collins
Derges	Dogan	Doll	Ellebracht	Fitzwater
Fogle	Gray	Griffith	Gunby	Hannegan
Hill	Hovis	Ingle	Johnson	Lewis 25
Mackey	McCreery	Merideth	Mosley	Person
Phifer	Pike	Proudie	Quade	Rogers
Rowland	Sander	Sauls	Schroer	Schwadron
Sharp 36	Shields	Smith 67	Stephens 128	Terry
Toalson Reisch	Turnbaugh	Unsicker	Walsh Moore 93	Weber
Windham	Wright	Young		

NOES: 076

Andrews	Atchison	Baker	Basye	Billington
Black 7	Bogg	Bromley	Buchheit-Courtway	Burger
Busick	Chipman	Christofanelli	Coleman 32	Coleman 97
Cook	Copeland	Cupps	Davidson	Davis
Deaton	Dinkins	Eggleston	Evans	Falkner
Francis	Gregory 51	Grier	Haden	Haffner
Haley	Henderson	Hicks	Houx	Hudson
Hurlbert	Kalberloh	Kelley 127	Kidd	Knight
Lewis 6	Mayhew	McGirl	O'Donnell	Owen
Perkins	Plocher	Pollock 123	Porter	Pouche
Railsback	Reedy	Richey	Riggs	Riley
Roberts	Rone	Ruth	Sassmann	Schnelting
Seitz	Sharpe 4	Shaul	Smith 155	Smith 163
Stacy	Taylor 139	Taylor 48	Thomas	Thompson
Van Schoiack	Veit	Wallingford	Walsh 50	West
Wiemann				

PRESENT: 000

ABSENT WITH LEAVE: 022

DeGroot	Fishel	Gregory 96	Griesheimer	Hardwick
Kelly 141	Lovasco	McDaniel	McGaugh	Morse
Murphy	Nurrenbern	Patterson	Pietzman	Pollitt 52
Price IV	Roden	Simmons	Stevens 46	Tate
Trent	Mr. Speaker			

VACANCIES: 002

On motion of Representative Evans, **HB 259** was ordered perfected and printed.

HCS HB 682, relating to student lodging, was taken up by Representative Chipman.

Representative Chipman moved that the title of **HCS HB 682** be agreed to.

Representative Chipman offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 682, Page 1, In the Title, Line 2, by deleting the phrase "student lodging" and inserting in lieu thereof the phrase "restrictions on government authority"; and

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

On motion of Representative Chipman, **House Amendment No. 1** was adopted.

Representative Basye offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 682, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"162.052. 1. The registered voters of a school district may file a petition with the district's school board asking that an item be placed on a board meeting agenda. If the school board of a school district receives a petition, signed by at least five percent of the registered voters of the school district who voted in the last school board election, calling for an item to be placed on the agenda for the school board, then the school board shall place the requested item on the next meeting's agenda and shall take a vote on the petitioned item within the next three board meetings. The petition shall include each signer's printed or typed name, registered voting address, signature, and the date signed. The school district shall verify the petition requirements with the local election authority of the district.

2. The school board shall follow all relevant board policies in regards to the placement of the item on the agenda, time allowed for discussion, testimony allowed, quorum requirements, the process by which a vote is taken, and the required number of votes for approval.

3. The petition shall contain a concise statement of what the school board is being requested to discuss and vote upon. Such statement shall consist of no more than one hundred words. The item requested by the petition shall be presented to the board in its exact form and shall not be modified by the board.

4. A petition to request an item to be placed on the school board's agenda shall not be submitted for the same item more than once every six months.

5. Items that may be presented to the board by petition shall include, but shall not be limited to:

(1) Implementing, changing, or repealing a board policy;

(2) Modifying or reversing an action by school administration or requesting that certain action be taken by school administration;

(3) Implementing, changing, or discontinuing the use of any curriculum or course of instruction; or

(4) Modifying the school calendar.

6. The petition process under this section shall not be used to recall board members, change district boundaries, authorize any bonding, impose any additional tax, or for any other purpose that would require an issue be placed on the ballot to be voted upon by residents at an election. However, a petition may be used under this section to request that any of the issues described under this subsection be discussed at an upcoming school board meeting and voted upon by the school board for further consideration by the district's voters."; and

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

On motion of Representative Basye, **House Amendment No. 2** was adopted.

Representative Pollock (123) offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 682, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"167.181. 1. The department of health and senior services, after consultation with the department of elementary and secondary education, shall promulgate rules and regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B, to be required of children attending public[~~, private, parochial or parish~~] schools. Such rules and regulations [~~may modify the~~] shall not require immunizations against diseases that are [~~required of children~~] not listed in this subsection. The immunizations required and the manner and frequency of their administration shall conform to recognized standards of medical practice. The department of health and senior services shall supervise and secure the enforcement of the required immunization program.

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

3. This section shall not apply to any child if one parent or guardian objects in writing to his **or her** school administrator against the immunization of the child, because of religious **or conscientious** beliefs or medical contraindications. In cases where any such objection is for reasons of medical contraindications, a statement from a duly licensed physician must also be provided to the school administrator. **The written religious or conscientious belief objection may be a written statement of the parent or guardian as long as the written statement includes the child's name and the parent's or guardian's name and signature. Each public school shall accept the written religious or conscientious belief objection as described under this subsection or the religious or conscientious belief exemption form as described under section 167.186 and shall not require any additional actions including, but not limited to, submitting additional forms, making an appointment with the local health department, obtaining an official stamp or seal, watching a video, or attending a lecture.**

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

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

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

7. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

167.186. 1. The department of health and senior services shall develop an informational brochure outlining the process on how to obtain a medical contraindication exemption or religious or conscientious belief exemption from the immunizations required under sections 167.181, 174.335, and 210.003.

2. The brochure shall include the religious or conscientious belief exemption form, the medical contraindication exemption form, and a statement that a student without immunizations cannot, on the basis of not having immunizations, be prohibited from attending a public school, a public institution of higher education, or a public day care center, preschool, or nursery school if the student has an exemption described under section 167.181, 174.335, or 210.003.

3. The department shall make the brochure available on its website. Every public school, public institution of higher education, and public day care center, preschool, and nursery school shall provide notice of the brochure to each student or, if the student is under eighteen years of age, to the student's parent or guardian.

4. The department shall develop and make a religious or conscientious belief exemption form available on its website. The religious or conscientious belief exemption form shall not require any information other than the date; the student's name; the student's signature or, if the student is a minor, the name and signature of the parent or guardian; and a list of the immunizations to which the student or the student's parent or guardian objects. "; and

Further amend said bill and page, Section 173.1590, Line 7, by inserting after all of said section and line the following:

"174.335. 1. Beginning with the 2004-05 school year and for each school year thereafter, every public institution of higher education in this state shall require all students who reside in on-campus housing to have received the meningococcal vaccine not more than five years prior to enrollment and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, unless a signed statement of medical **exemption** or religious or **conscientious belief** exemption is on file with the institution's administration. A student shall be exempted from the immunization requirement of this section upon signed certification by a physician licensed under chapter 334 indicating that either the immunization would seriously endanger the student's health or life or the student has documentation of the disease or laboratory evidence of immunity to the disease. A student shall be exempted from the immunization requirement of this section if he or she objects in writing to the institution's administration that immunization violates his or her religious or conscientious beliefs. **The written religious or conscientious belief objection may be a written statement of the student as long as the written statement includes the student's name and signature.** Each public institution of higher education shall accept the written religious or conscientious belief objection as described under this subsection or the religious or conscientious belief exemption form as described under section 167.186 and shall not require any additional actions including, but not limited to, submitting additional forms, making an appointment with the local health department, obtaining an official stamp or seal, watching a video, or attending a lecture.

2. Each public university or college in this state shall maintain records on the meningococcal vaccination status of every student residing in on-campus housing at the university or college.

3. Nothing in this section shall be construed as requiring any institution of higher education to provide or pay for vaccinations against meningococcal disease.

4. For purposes of this section, the term "on-campus housing" shall **only** include[~~, but not be limited to, any fraternity or sorority residence, regardless of whether such residence is privately owned, on or near the campus of a public institution of higher education]~~ publicly owned property.

210.003. 1. No child shall be permitted to enroll in or attend any public[~~, private or parochial~~] day care center, preschool, or nursery school [~~caring for ten or more children~~] unless such child has been adequately immunized against [~~vaccine preventable childhood illnesses specified by the department of health and senior services in accordance with recommendations of the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP)~~] poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B.

2. A child who has not completed all immunizations **required under this section that are appropriate for his or her age** may enroll[~~,~~] if:

(1) Satisfactory evidence is produced that such child has begun the process of immunization. The child may continue to attend as long as the immunization process is being accomplished according to the [~~ACIP/Missouri~~] schedule recommended by the department of health and senior services [~~recommended schedule~~];

(2) The parent or guardian has signed and placed on file with the day care administrator a statement of exemption which may be either of the following:

(a) A medical exemption, by which a child shall be exempted from the requirements of this section upon certification by a licensed physician that such immunization would seriously endanger the child's health or life; or

(b) A [parent or guardian] **religious or conscientious belief** exemption, by which a child shall be exempted from the requirements of this section if one parent or guardian files a written objection to immunization with the day care administrator; or

(3) The child is homeless or in the custody of the children's division and cannot provide satisfactory evidence of the required immunizations. Satisfactory evidence shall be presented within thirty days of enrollment and shall confirm either that the child has completed all immunizations **required under this section that are appropriate for his or her age or has begun the process of immunization.** If the child has begun the process of immunization, he or she may continue to attend as long as the process is being accomplished according to the schedule recommended by the department of health and senior services.

[Exemptions shall be accepted by the day care administrator when the necessary information as determined by the department of health and senior services is filed with the day care administrator by the parent or guardian.]

Exemption forms shall be provided by the department of health and senior services] The written religious or conscientious belief objection may be a written statement of the parent or guardian as long as the written statement includes the child's name and the parent's or guardian's name and signature. Each public day care center, preschool, and nursery school shall accept the written religious or conscientious belief objection as described under this subsection or the religious or conscientious belief exemption form as described under section 167.186 and shall not require any additional actions including, but not limited to, submitting additional forms, making an appointment with the local health department, obtaining an official stamp or seal, watching a video, or attending a lecture.

3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease within a particular facility, the administrator of the facility shall follow the control measures instituted by the local health authority or the department of health and senior services or both the local health authority and the department of health and senior services, as established in Rule 19 CSR 20-20.040, "Measures for the Control of Communicable, Environmental and Occupational Diseases".

4. The administrator of each public[, private or parochial] day care center, preschool, or nursery school shall cause to be prepared a record of immunization of every child enrolled in or attending a facility under his or her jurisdiction. An annual summary report shall be made by January fifteenth showing the immunization status of each child enrolled, using forms provided for this purpose by the department of health and senior services. The immunization records shall be available for review by department of health and senior services personnel upon request.

5. For purposes of this section, "satisfactory evidence of immunization" means a statement, certificate or record from a physician or other recognized health facility or personnel, stating that the required immunizations have been given to the child and verifying the type of vaccine and the month, day and year of administration.

6. Nothing in this section shall preclude any political subdivision from adopting more stringent rules regarding the immunization of preschool children.

7. All public[, private, and parochial] day care centers, preschools, and nursery schools shall notify the parent or guardian of each child at the time of initial enrollment in or attendance at the facility that the parent or guardian may request notice of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed. Beginning December 1, 2015, all public[, private, and parochial] day care centers, preschools, and nursery schools shall notify the parent or guardian of each child currently enrolled in or attending the facility that the parent or guardian may request notice of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed. Any public[, private, or parochial] day care center, preschool, or nursery school shall notify the parent or guardian of a child enrolled in or attending the facility, upon request, of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed.

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, **or a decision by those responsible for the child's care, custody, and control to not immunize a child** shall not be construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. [78] Section 7102[~~(9)~~-~~(10)~~] , as amended;

(2) "Assessment and treatment services for children", an approach to be developed by the children's division which will recognize and treat the specific needs of at-risk and abused or neglected children. The developmental and medical assessment may be a broad physical, developmental, and mental health screening to be completed within thirty days of a child's entry into custody and in accordance with the periodicity schedule set forth by the American Academy of Pediatrics thereafter as long as the child remains in care. Screenings may be offered at a centralized location and include, at a minimum, the following:

(a) Complete physical to be performed by a pediatrician familiar with the effects of abuse and neglect on young children;

(b) Developmental, behavioral, and emotional screening in addition to early periodic screening, diagnosis, and treatment services, including a core set of standardized and recognized instruments as well as interviews with the child and appropriate caregivers. The screening battery may be performed by a licensed mental health professional familiar with the effects of abuse and neglect on young children, who will then serve as the liaison between all service providers in ensuring that needed services are provided. Such treatment services may include in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family counseling, parenting training and other best practices.

Children whose screenings indicate an area of concern may complete a comprehensive, in-depth health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

(3) "Central registry", a registry of persons where the division has found probable cause to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, or a court has substantiated through court adjudication that the individual has committed child abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if the victim is a child less than eighteen years of age, or any other crime pursuant to chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such crimes. Any persons placed on the registry prior to August 28, 2004, shall remain on the registry for the duration of time required by section 210.152;

(4) "Child", any person, regardless of physical or mental condition, under eighteen years of age;

(5) "Children's services providers and agencies", any public, quasi-public, or private entity with the appropriate and relevant training and expertise in delivering services to children and their families as determined by the children's division, and capable of providing direct services and other family services for children in the custody of the children's division or any such entities or agencies that are receiving state moneys for such services;

(6) "Director", the director of the Missouri children's division within the department of social services;

(7) "Division", the Missouri children's division within the department of social services;

(8) "Family assessment and services", an approach to be developed by the children's division which will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or neglect by a person responsible for that child's care, custody or control and of that child's family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family;

(9) "Family support team meeting" or "team meeting", a meeting convened by the division or children's services provider in behalf of the family and/or child for the purpose of determining service and treatment needs, determining the need for placement and developing a plan for reunification or other permanency options, determining the appropriate placement of the child, evaluating case progress, and establishing and revising the case plan;

(10) "Investigation", the collection of physical and verbal evidence to determine if a child has been abused or neglected;

(11) "Jail or detention center personnel", employees and volunteers working in any premises or institution where incarceration, evaluation, care, treatment or rehabilitation is provided to persons who are being held under custody of the law;

(12) "Neglect", failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being. Victims of neglect shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. [78] Section 7102(9)(10), as amended. "Neglect" shall not include a decision by those responsible for the child's custody, care, and control to not immunize a child;

(13) "Preponderance of the evidence", that degree of evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it or evidence which as a whole shows the fact to be proved to be more probable than not;

(14) "Probable cause", available facts when viewed in the light of surrounding circumstances which would cause a reasonable person to believe a child was abused or neglected;

(15) "Report", the communication of an allegation of child abuse or neglect to the division pursuant to section 210.115;

(16) "Those responsible for the care, custody, and control of the child", includes, but is not limited to:

(a) The parents or legal guardians of a child;

(b) Other members of the child's household;

(c) Those exercising supervision over a child for any part of a twenty-four-hour day;

(d) Any adult person who has access to the child based on relationship to the parents of the child or members of the child's household or the family;

(e) Any person who takes control of the child by deception, force, or coercion; or

(f) School personnel, contractors, and volunteers, if the relationship with the child was established through the school or through school-related activities, even if the alleged abuse or neglect occurred outside of school hours or off school grounds.

210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, peace officer or law enforcement official, volunteer or personnel of a community service program that offers support services for families in crisis to assist in the delegation of any powers regarding the care and custody of a child by a properly executed power of attorney pursuant to sections 475.600 to 475.604, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report to the division in accordance with the provisions of sections 210.109 to 210.183. No internal investigation shall be initiated until such a report has been made. As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. If two or more members of a medical institution who are required to report jointly have knowledge of a known or suspected instance of child abuse or neglect, a single report may be made by a designated member of that medical team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter immediately make the report. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. The reporting requirements under this section are individual, and no supervisor or administrator may impede or inhibit any reporting under this section. No person making a report under this section shall be subject to any sanction, including any adverse employment action, for making such report. Every employer shall ensure that any employee required to report pursuant to subsection 1 of this section has immediate and unrestricted access to communications technology necessary to make an immediate report and is temporarily relieved of other work duties for such time as is required to make any report required under subsection 1 of this section.

4. Notwithstanding any other provision of sections 210.109 to 210.183, any child [who does] not [receive] receiving specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child[, for that reason alone,] or not receiving immunizations by reason of the religious or conscientious belief of the child's parents, guardian, or others legally responsible for the child shall not be [found to be] a contributing factor for a finding of an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently

investigate or conduct a family assessment as a result of that report; **except that, a child not receiving immunizations shall not be a contributing factor in the division's decision to accept reports concerning such a child or to investigate or conduct a family assessment.** Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

5. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

6. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452 and shall report the findings to the child fatality review panel established pursuant to section 210.192.

7. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting to the division.

8. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri children's division, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the children's division.

334.099. 1. (1) The board may initiate a contested hearing to determine if reasonable cause exists to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances. **The board shall not initiate a contested hearing on the basis of, or in retaliation for, any licensee or applicant providing an immunization exemption statement or certification under section 167.181, 174.335, or 210.003.**

(2) The board shall serve notice pursuant to section 536.067 of the contested hearing at least fifteen days prior to the hearing. Such notice shall include a statement of the reasons the board believes there is reasonable cause to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental, or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances.

(3) For purposes of this section and prior to any contested hearing, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to the licensee or applicant without the licensee's or applicant's consent, upon issuance of a subpoena by the board. These data and records shall be admissible without further authentication by either board or licensee at any hearing held pursuant to this section.

(4) After a contested hearing before the board, and upon a showing of reasonable cause to believe that a licensee or applicant is unable to practice his or her profession with reasonable skill and safety to the public by reason of medical or osteopathic incompetency, mental, or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances the board may require a licensee or applicant to submit to an examination. The board shall maintain a list of facilities approved to perform such examinations. The licensee or applicant may propose a facility not previously approved to the board and the board may accept such facility as an approved facility for such licensee or applicant by a majority vote.

(5) For purposes of this subsection, every licensee or applicant is deemed to have consented to an examination upon a showing of reasonable cause. The applicant or licensee shall be deemed to have waived all objections to the admissibility of testimony by the provider of the examination and to the admissibility of examination reports on the grounds that the provider of the examination's testimony or the examination is confidential or privileged.

(6) Written notice of the order for an examination shall be sent to the applicant or licensee by registered mail, addressed to the licensee or applicant at the licensee's or applicant's last known address on file with the board, or shall be personally served on the applicant or licensee. The order shall state the cause for the examination, how to obtain information about approved facilities, and a time limit for obtaining the examination. The licensee or applicant shall cause a report of the examination to be sent to the board.

(7) The licensee or applicant shall sign all necessary releases for the board to obtain and use the examination during a hearing and to disclose the recommendations of the examination as part of a disciplinary order.

(8) After receiving the report of the examination ordered in subdivision (4) of this subsection, the board may hold a contested hearing to determine if by clear and convincing evidence the licensee or applicant is unable to practice with reasonable skill or safety to the public by reasons of medical or osteopathic incompetency, reason of mental or physical incapacity, or due to the excessive use or abuse of alcohol or controlled substances. If the board finds that the licensee or applicant is unable to practice with reasonable skill or safety to the public by reasons of medical or osteopathic incompetency, reason of mental or physical incapacity, or excessive use or abuse of controlled substances, the board shall, after a hearing, enter an order imposing one or more of the disciplinary measures set forth in subsection 4 of section 334.100.

(9) The provisions of chapter 536 for a contested case, except those provisions or amendments which are in conflict with this section, shall apply to and govern the proceedings contained in this subsection and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence under chapter 536 relevant to the allegations.

2. Failure to submit to the examination when directed shall be cause for the revocation of the license of the licensee or denial of the application. No license may be reinstated or application granted until such time as the examination is completed and delivered to the board or the board withdraws its order.

3. Neither the record of proceedings nor the orders entered by the board shall be used against a licensee or applicant in any other proceeding, except for a proceeding in which the board or its members are a party or in a proceeding involving any state or federal agency.

4. A licensee or applicant whose right to practice has been affected under this section shall, at reasonable intervals not to exceed twelve months, be afforded an opportunity to demonstrate that he or she can resume the competent practice of his or her profession or should be granted a license. The board may hear such motion more often upon good cause shown.

5. The board shall promulgate rules and regulations to carry out the provisions of this section.

6. For purposes of this section, "examination" means a skills, multidisciplinary, or substance abuse evaluation.

334.100. 1. (1) The board may refuse to issue or renew any certificate of registration or authority, permit, or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

(2) **The board shall not refuse to issue or renew any certificate of registration or authority, permit, or license required by this chapter on the basis of, or in retaliation for, providing an immunization exemption statement or certification under section 167.181, 174.335, or 210.003. The board shall not issue a license that is subject to probation, restriction, or limitation on the basis of, or in retaliation for, providing an immunization exemption statement or certification under section 167.181, 174.335, or 210.003.**

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit, or license for any one or any combination of the following causes:

- (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;
- (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated pursuant to this chapter, for any offense involving fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;
- (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;
- (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:
 - (a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;
 - (b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;
 - (c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests, or medical or surgical services;
 - (d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;
 - (e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine, or device;
 - (f) Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;
 - (g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice, or any other violation of any provision of this chapter;
 - (h) Signing a blank prescription form; or dispensing, prescribing, administering, or otherwise distributing any drug, controlled substance, or other treatment without sufficient examination including failing to establish a valid physician-patient relationship pursuant to section 334.108, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity, or disease, except as authorized in section 334.104;
 - (i) Exercising influence within a physician-patient relationship for purposes of engaging a patient in sexual activity;
 - (j) Being listed on any state or federal sexual offender registry;
 - (k) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;
 - (l) Failing to furnish details of a patient's medical records to other treating physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;
 - (m) Failure of any applicant or licensee to cooperate with the board during any investigation;
 - (n) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;
 - (o) Failure to timely pay license renewal fees specified in this chapter;
 - (p) Violating a probation agreement, order, or other settlement agreement with this board or any other licensing agency;
 - (q) Failing to inform the board of the physician's current residence and business address;
 - (r) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician. An applicant or licensee shall also be in violation of this

provision if the applicant or licensee has a financial interest in any organization, corporation, or association which issues or conducts such advertising;

(s) Any other conduct that is unethical or unprofessional involving a minor;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence, or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or regulation adopted pursuant to this chapter or chapter 324;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation, or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice medicine who is not registered and currently eligible to practice pursuant to this chapter. A physician who works in accordance with standing orders or protocols or in accordance with the provisions of section 334.104 shall not be in violation of this subdivision;

(11) Issuance of a certificate of registration or authority, permit, or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of the drug laws or rules and regulations of this state, including but not limited to any provision of chapter 195, any other state, or the federal government;

(14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death, or other certificate or document executed in connection with the practice of the person's profession;

(15) Knowingly making a false statement, orally or in writing to the board;

(16) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of health care services for all patients, or the qualifications of an individual person or persons to diagnose, render, or perform health care services;

(17) Using, or permitting the use of, the person's name under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial exploitation of any goods, wares, or merchandise;

(18) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(19) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof;

(20) Any candidate for licensure or person licensed to practice as a physical therapist, paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing;

(21) Any candidate for licensure or person licensed to practice as a physical therapist, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.620;

(22) Any person licensed to practice as a physician or surgeon, requiring, as a condition of the physician-patient relationship, that the patient receive prescribed drugs, devices, or other professional services directly from facilities of that physician's office or other entities under that physician's ownership or control. A physician shall provide the patient with a prescription which may be taken to the facility selected by the patient and a physician knowingly failing to disclose to a patient on a form approved by the advisory commission for professional physical therapists as established by section 334.625 which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands that the physician has a pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one physician to another physician within a group of physicians practicing together;

(23) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by another physician who is authorized by law to do so;

(24) Habitual intoxication or dependence on alcohol, evidence of which may include more than one alcohol-related enforcement contact as defined by section 302.525;

(25) Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement, or licensee's professional health program;

(26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not, or voluntary termination of a controlled substance authority while under investigation;

(27) For a physician to operate, conduct, manage, or establish an abortion facility, or for a physician to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such facility has failed to obtain or renew a license as an ambulatory surgical center.

3. Collaborative practice arrangements, protocols, and standing orders shall be in writing and signed and dated by a physician prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate, or permit for a period not to exceed three years, or restrict or limit the person's license, certificate, or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate, or permit issued pursuant to this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing, or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian, or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may

withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant, or record custodian and a patient.

334.291. No health care provider shall deny life-saving treatment or life-saving surgery including, but not limited to, dialysis, organ transplants, or extracorporeal membrane oxygenation to a child under eighteen years of age on the basis of the child not being immunized if the child has completed an immunization exemption statement or form under section 167.181, 174.335, or 210.003."; and

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

Representative Baker offered **House Amendment No. 1 to House Amendment No. 3.**

*House Amendment No. 1
to
House Amendment No. 3*

AMEND House Amendment No. 3 to House Committee Substitute for House Bill No. 682, Page 3, Line 22, by inserting after said line the following:

"192.027. 1. The provisions of this section shall be known and may be cited as the "True COVID Liability Act".

2. The general assembly finds and declares that:

(1) Epidemiology is an inexact science and experts in that field hold a diverse set of opinions about how best to deal with contagious diseases from a public policy perspective;

(2) Public policy relating to contagious diseases should take into account numerous aspects of life beyond the scope of epidemiology, such as economic, social, spiritual, and mental well-being;

(3) Contagious diseases including, but not limited to, COVID-19 tend to be ubiquitous. Because of the prevalence of contagious diseases, exposure is practically unavoidable for most people and likely to occur from multiple sources. It may be virtually impossible to tell where and when exposure occurs;

(4) Susceptibility to contagious diseases depends greatly on personal choices and individual characteristics. Hygiene, diet and nutrition, lifestyle, body condition, and other factors may cause some individuals to succumb to exposure to a contagious disease while the same viral load in another individual would be within his or her immune system's ability to fight off;

(5) Personal accountability is central to the American ethos;

(6) The 2020 response to the COVID-19 pandemic has resulted in questionable use of power by both state and local governments;

(7) There is no single public policy solution suitable to everyone's needs and desires;

(8) Fear of legal liability associated with COVID-19 has placed pressures on the private sector, resulting in decisions that are not best for the economy or the physical, emotional, or spiritual well-being of Missourians;

(9) Government-mandated responses to contagious diseases always place unequal burdens on people with varying circumstances. An edict may be of no great consequence for some individuals but economically or emotionally devastating for other individuals; and

(10) The principal office of government is to secure the individual liberty of the people, including the freedom to make choices about how to personally deal with contagious diseases.

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

(1) "Contagious disease", global acute infectious respiratory illness that is transmitted by airborne particles or droplets and is not transmitted by direct contact with food, surfaces, or bodily fluids;

(2) "Extraordinary prevalence", significantly greater prevalence than is typically found in similar political subdivisions within the same time frame.

4. Notwithstanding any other provision of law, neither the state nor any political subdivision of the state shall, as a response to a contagious disease:

(1) Quarantine an individual, issue a stay-at-home order for an individual, or otherwise isolate an individual if a contagious disease has not been positively identified in the individual;

- (2) Limit the use of or otherwise lawful activities in any private property or premises under circumstances in which extraordinary prevalence of a contagious disease has not been proven; or
 - (3) Revoke any business license based on an individual's or entity's decision regarding recommendations from a government or scientific entity.
- 5. Notwithstanding any other provision of law, no individual, owner of premises, or any other entity shall be subject to criminal or civil liability in any action alleging exposure to a contagious disease on premises under the control of the individual, owner, or entity unless:
 - (1) The individual, owner, or entity knowingly and purposely, and with malice, exposed an individual to a contagious disease; and
 - (2) Such exposure caused the exposed individual to suffer from a clinical disease."; and

Further amend said amendment, Page 13, Line 38, by deleting said line and inserting in lieu thereof the following:

"210.003.

Section B. Because of the immediate threat of government overreach to the residents of Missouri, section 192.027 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 192.027 of section A of this act shall be in full force and effect upon its passage and approval."; and"; and

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

On motion of Representative Baker, **House Amendment No. 1 to House Amendment No. 3** was adopted.

Representative Seitz offered **House Amendment No. 2 to House Amendment No. 3.**

House Amendment No. 2
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for House Bill No. 682, Page 3, Line 22, by inserting after said line the following:

"192.026. (1) No Missouri government entity, political subdivision, state agency, special district, or agent of such entities, is authorized to issue vaccine passports, vaccine passes, or other standardized documentation for the purpose of certifying an individual's COVID-19 vaccination status to a third party, or otherwise publish or share any individual's COVID-19 vaccination record or similar health information.

(2) No Missouri government entity, political subdivision, state agency, special district, or agent of such entities, is authorized to do business with any entity that requires vaccine passports, vaccine passes, or other standardized documentation for the purpose of certifying an individual's COVID-19 vaccination status to a third party. Where there is already a written or implied contract, including employment contracts, any entity that creates a new requirement for individuals to present proof of COVID-19 vaccination shall be prohibited from doing business with the aforementioned government entities and any existing contract to the contrary shall be null and void as a matter of public policy."; and

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

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 091

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Chipman
Coleman 97	Cook	Davidson	Davis	Deaton
Derges	Dinkins	Dogan	Falkner	Fitzwater
Francis	Gregory 51	Gregory 96	Grier	Griesheimer
Griffith	Haffner	Haley	Hannegan	Hardwick
Henderson	Hill	Hovis	Hudson	Hurlbert
Kalberloh	Kelly 141	Lewis 6	Lovasco	Mayhew
McGirl	Murphy	O'Donnell	Owen	Patterson
Perkins	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Pouche	Proudie	Railsback	Reedy
Richey	Riley	Roberts	Rone	Ruth
Sander	Sassmann	Schnelting	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Simmons	Smith 155
Smith 163	Stacy	Stephens 128	Taylor 139	Taylor 48
Thomas	Thompson	Toalson Reisch	Van Schoiack	Veit
Wallingford	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 043

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Collins	Doll	Ellebracht	Fogle	Gray
Gunby	Ingle	Johnson	Lewis 25	Mackey
McCreery	Merideth	Nurrenbern	Person	Phifer
Quade	Rogers	Rowland	Sharp 36	Smith 67
Stevens 46	Terry	Turnbaugh	Unsicker	Walsh Moore 93
Weber	Windham	Young		

PRESENT: 000

ABSENT WITH LEAVE: 027

Christofanelli	Clemens	Coleman 32	Copeland	Cupps
DeGroot	Eggleston	Evans	Fishel	Haden
Hicks	Houx	Kelley 127	Kidd	Knight
McDaniel	McGaugh	Morse	Mosley	Pietzman
Price IV	Riggs	Roden	Sauls	Schroer
Tate	Trent			

VACANCIES: 002

On motion of Representative Seitz, **House Amendment No. 2 to House Amendment No. 3** was adopted.

Representative Van Schoiack offered **House Amendment No. 3 to House Amendment No. 3**.

*House Amendment No. 3
to
House Amendment No. 3*

AMEND House Amendment No. 3 to House Committee Substitute for House Bill No. 682, Page 13, Line 38, by deleting all of said line and inserting in lieu thereof the following:

"210.003.

542.525. No employee of a state agency or a political subdivision of the state shall place any surveillance camera or game camera on private property without first obtaining consent from the landowner or the landowner's designee; a search warrant as required under Article I, Section 15 of the Constitution of Missouri or the fourth and fourteenth amendments of the Constitution of the United States; or permission from the highest ranking law enforcement chief or officer of the agency or political subdivision, provided that permission of the highest ranking law enforcement chief or officer of the agency or political subdivision is valid only when the camera is facing a location that is open to public access or use and the camera is located within one hundred feet of the intended surveillance location."; and"; and

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

On motion of Representative Van Schoiack, **House Amendment No. 3 to House Amendment No. 3** was adopted.

Representative Pollock (123) moved that **House Amendment No. 3, as amended**, be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative Pollock (123):

AYES: 067

Bailey	Baker	Basye	Billington	Black 137
Boggs	Bromley	Buchheit-Courtway	Burger	Busick
Chipman	Christofanelli	Coleman 97	Cook	Cupps
Davidson	Davis	Deaton	Derges	Dinkins
Eggleston	Fitzwater	Francis	Gregory 96	Grier
Griffith	Haffner	Hardwick	Hicks	Hill
Hovis	Hudson	Hurlbert	Kalberloh	Kelly 141
Kidd	Lewis 6	Lovasco	Mayhew	McGirl
Murphy	Perkins	Porter	Pouche	Railsback
Richey	Riley	Sander	Sassmann	Schnelting
Schroer	Schwadron	Seitz	Simmons	Smith 155
Smith 163	Stacy	Taylor 139	Taylor 48	Thomas
Toalson Reisch	Van Schoiack	Wallingford	Walsh 50	West
Wiemann	Mr. Speaker			

NOES: 079

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bangert	Baringer	Barnes
Black 7	Bland Manlove	Bosley	Brown 16	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Coleman 32	Collins	Dogan	Doll	Ellebracht
Falkner	Fogle	Gray	Gregory 51	Griesheimer
Gunby	Haley	Hannegan	Henderson	Houx
Ingle	Johnson	Knight	Lewis 25	Mackey

McCreery	Merideth	Mosley	Nurrenbern	O'Donnell
Owen	Patterson	Person	Phifer	Pike
Plocher	Pollett 52	Pollock 123	Proudie	Quade
Reedy	Roberts	Rogers	Rone	Rowland
Ruth	Sauls	Sharp 36	Sharpe 4	Shaul
Shields	Smith 67	Stephens 128	Stevens 46	Terry
Thompson	Turnbaugh	Unsicker	Veit	Walsh Moore 93
Weber	Windham	Wright	Young	

PRESENT: 002

Copeland Haden

ABSENT WITH LEAVE: 013

DeGroot	Evans	Fishel	Kelley 127	McDaniel
McGaugh	Morse	Pietzman	Price IV	Riggs
Roden	Tate	Trent		

VACANCIES: 002

Representative Baker offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 682, Page 1, Section 173.1590, Line 7, by inserting after said section and line the following:

"192.027. 1. The provisions of this section shall be known and may be cited as the "True COVID Liability Act".

2. The general assembly finds and declares that:

(1) Epidemiology is an inexact science and experts in that field hold a diverse set of opinions about how best to deal with contagious diseases from a public policy perspective;

(2) Public policy relating to contagious diseases should take into account numerous aspects of life beyond the scope of epidemiology, such as economic, social, spiritual, and mental well-being;

(3) Contagious diseases including, but not limited to, COVID-19 tend to be ubiquitous. Because of the prevalence of contagious diseases, exposure is practically unavoidable for most people and likely to occur from multiple sources. It may be virtually impossible to tell where and when exposure occurs;

(4) Susceptibility to contagious diseases depends greatly on personal choices and individual characteristics. Hygiene, diet and nutrition, lifestyle, body condition, and other factors may cause some individuals to succumb to exposure to a contagious disease while the same viral load in another individual would be within his or her immune system's ability to fight off;

(5) Personal accountability is central to the American ethos;

(6) The 2020 response to the COVID-19 pandemic has resulted in questionable use of power by both state and local governments;

(7) There is no single public policy solution suitable to everyone's needs and desires;

(8) Fear of legal liability associated with COVID-19 has placed pressures on the private sector, resulting in decisions that are not best for the economy or the physical, emotional, or spiritual well-being of Missourians;

(9) Government-mandated responses to contagious diseases always place unequal burdens on people with varying circumstances. An edict may be of no great consequence for some individuals but economically or emotionally devastating for other individuals; and

(10) The principal office of government is to secure the individual liberty of the people, including the freedom to make choices about how to personally deal with contagious diseases.

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

(1) "Contagious disease", global acute infectious respiratory illness that is transmitted by airborne particles or droplets and is not transmitted by direct contact with food, surfaces, or bodily fluids;

(2) "Extraordinary prevalence", significantly greater prevalence than is typically found in similar political subdivisions within the same time frame.

4. Notwithstanding any other provision of law, neither the state nor any political subdivision of the state shall, as a response to a contagious disease:

(1) Quarantine an individual, issue a stay-at-home order for an individual, or otherwise isolate an individual if a contagious disease has not been positively identified in the individual;

(2) Limit the use of or otherwise lawful activities in any private property or premises under circumstances in which extraordinary prevalence of a contagious disease has not been proven; or

(3) Revoke any business license based on an individual's or entity's decision regarding recommendations from a government or scientific entity.

5. Notwithstanding any other provision of law, no individual, owner of premises, or any other entity shall be subject to criminal or civil liability in any action alleging exposure to a contagious disease on premises under the control of the individual, owner, or entity unless:

(1) The individual, owner, or entity knowingly and purposely, and with malice, exposed an individual to a contagious disease; and

(2) Such exposure caused the exposed individual to suffer from a clinical disease.

Section B. Because of the immediate threat of government overreach to the residents of Missouri, section 192.027 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 192.027 of section A of this act shall be in full force and effect upon its passage and approval. "; and

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

On motion of Representative Baker, **House Amendment No. 4** was adopted.

Representative Grier offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 682, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"1.1000. 1. The exercise of any emergency power that the governor or any other official may have under the Constitution of Missouri or state law that binds or regulates the public is limited as follows:

(1) Notwithstanding any other law, emergency orders issued by state or local officials that bind, curtail, or infringe on the rights of private parties shall be narrowly tailored to serve a compelling public health or safety interest. Each order shall be limited in duration, applicability, and scope to reduce infringement of individual liberty;

(2) State courts shall have jurisdiction to hear cases challenging the lawfulness of state and local emergency orders, including compliance with this section. Courts shall expedite consideration of such challenges to the extent practicable. A court may cite inequality in the applicability or impact of emergency orders on analogous groups, situations, and circumstances as evidence that the order is not narrowly tailored to serve a compelling public health or safety purpose;

(3) To the extent allowed by the Constitution of Missouri and state law, only the governor may issue emergency orders that infringe on constitutional rights in a nontrivial manner. For the purposes of this section, constitutional rights include, but are not limited to, the rights to travel, work, assemble, and speak; the freedom of religious exercise; the nonimpairment of contract and property rights; freedom from unreasonable search and seizure; and the freedom to purchase lawful firearms and ammunition. All such orders shall expire after thirty days unless the governor terminates the order earlier or the legislature enacts legislation granting the governor power to issue an extended order.

2. Nothing in this section grants additional emergency powers to the governor or any other official.

3. Notwithstanding the provisions of this section, state and local officials may issue nonbinding recommendations and guidelines and may help coordinate public and private action to prevent or respond to an emergency."; and

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

Representative Lovasco offered **House Amendment No. 1 to House Amendment No. 5**.

*House Amendment No. 1
to
House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for House Bill No. 682, Page 1, Line 28, by inserting after all of said line the following:

"Further amend said bill and page, Section 173.1590, Line 7, by inserting after all of said section and line the following:

"Section 1. No political subdivision of this state shall adopt or enforce an ordinance, resolution, regulation, code, or policy that requires or has the effect of requiring the connection of a private single-family residence to public water or sewer services if that residence is already served by an existing private well or septic system unless such existing installation was installed in violation of applicable ordinances at the time of installation. Nothing in this subsection shall be construed to prohibit the enforcements of applicable health or environmental regulations of the State of Missouri"; and"; and

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

On motion of Representative Lovasco, **House Amendment No. 1 to House Amendment No. 5** was adopted.

Representative Lewis (6) offered **House Amendment No. 2 to House Amendment No. 5**.

*House Amendment No. 2
to
House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for House Bill No. 682, Page 1, Line 28, by inserting after all of said line the following:

"Further amend said bill, Page 1, Section 173.1590, Line 7, by inserting after all of said line the following:

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

(1) "Public employee", any person performing work or service of any kind or character for a public employer;

(2) "Public employer", any department, agency, or instrumentality of the state or any political subdivision of the state.

2. A public employer shall not require any public employee or person entering a public building or space to be vaccinated for COVID-19.

3. A political subdivision shall not adopt any ordinance, rule, or regulation that requires a public employer to implement a policy that violates the provisions of subsection 2 of this section."; and"; and

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

On motion of Representative Lewis (6), **House Amendment No. 2 to House Amendment No. 5** was adopted.

Representative Van Schoiack offered **House Amendment No. 3 to House Amendment No. 5**.

*House Amendment No. 3
to
House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for House Bill No. 682, Page 1, Line 28, by inserting after all of said line the following:

"Further amend said bill, Page 1, Section 173.1590, Line 7, by inserting after all of said section and line the following:

"542.525. No employee of a state agency or a political subdivision of the state shall place any surveillance camera or game camera on private property without first obtaining consent from the landowner or the landowner's designee; a search warrant as required under Article I, Section 15 of the Constitution of Missouri or the fourth and fourteenth amendments of the Constitution of the United States; or permission from the highest ranking law enforcement chief or officer of the agency or political subdivision, provided that permission of the highest ranking law enforcement chief or officer of the agency or political subdivision is valid only when the camera is facing a location that is open to public access or use and the camera is located within one hundred feet of the intended surveillance location."; and"; and

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

On motion of Representative Van Schoiack, **House Amendment No. 3 to House Amendment No. 5** was adopted.

Representative Appelbaum offered **House Amendment No. 4 to House Amendment No. 5**.

*House Amendment No. 4
to
House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for House Bill No. 682, Page 1, Line 28, by inserting after all of said line the following:

"Further amend said bill, Page 1, Section 173.1590, Line 7, by inserting after all of said line the following:

"Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday following the first Monday in November 2022, under the applicable laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and it shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.";

 and"; and

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

Representative Appelbaum moved that **House Amendment No. 4 to House Amendment No. 5** be adopted.

Which motion was defeated.

On motion of Representative Grier, **House Amendment No. 5, as amended**, was adopted.

Representative Murphy offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 682, Page 1, Section A, Line 2, by inserting after said section and line the following:

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

(1) "Government entity", the government of any political subdivision, as such term is defined under section 70.120; provided that, "government entity" shall not be construed to include the general assembly;

(2) "Legislative body", the elected county health center board of trustees, county council, county commission, board of alderman, or other elected governing body having legislative authority over matters of public health within the government entity;

(3) "Public health order", an order, rule, or regulation that closes, partially closes, or places restrictions on the opening of or access to business organizations, churches, schools, other places of public or private gathering or assembly, or any individual business, including any order, rule, or regulation that prohibits or otherwise limits attendance at any public or private gathering, which order, rule, or regulation is instituted in response to an actual or perceived threat to public health for the purpose of preventing the spread of a contagious disease.

2. No official of a government entity shall enact any rule or regulation that is generally applicable to the political subdivision and that is related to public health, including any rule or regulation intended to prevent or limit the spread of a contagious disease, without first securing a two-thirds vote of the government entity's legislative body to approve the rule or regulation.

3. No rule or regulation issued by the department of health and senior services shall authorize a local health official to create or enforce any generally applicable order, ordinance, rule, or regulation described in section 192.300 or to issue any public health order inconsistent with the provisions of subsection 4 of this section.

4. Any public health order issued by a government entity, including by a local health officer, local public health agency, or the government entity's executive, as the term "executive" is defined in section 67.750, shall not remain in effect for longer than fifteen calendar days, including the cumulative duration of similar orders issued concurrently, consecutively, or successively, and shall automatically expire at the end of the fifteen days or as specified in the order, whichever is shorter, unless so authorized as follows:

(1) For a second period not to exceed an additional fifteen calendar days, upon approval of the government entity's legislative body to extend such order or approve a similar order;

(2) For a third period not to exceed an additional ten calendar days, upon a two-thirds vote of the government entity's legislative body to extend such order or approve a similar order;

(3) For a fourth period not to exceed an additional ten calendar days, upon a two-thirds vote of the government entity's legislative body to extend such order or approve a similar order;

(4) For a fifth period not to exceed an additional ten calendar days, upon a two-thirds vote of the government entity's legislative body to extend such order or approve a similar order; and

(5) For each additional period not to exceed an additional ten calendar days, upon a unanimous vote of the government entity's legislative body to extend such order or approve a similar order.

5. The department of health and senior services may promulgate necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and

is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void."; and

Further amend said bill and page, Section 173.1590, Line 7, by inserting after said section and line the following:

"Section B. Because immediate action is necessary to protect the health and safety of Missouri residents, section 67.260 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 67.260 of section A of this act shall be in full force and effect upon its passage and approval."; and

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

Representative Burton offered **House Amendment No. 1 to House Amendment No. 6**.

*House Amendment No. 1
to
House Amendment No. 6*

AMEND House Amendment No. 6 to House Committee Substitute for House Bill No. 682, Page 2, Line 4, by deleting the word "**unanimous**" and inserting in lieu thereof the word "**supermajority**"; and

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

Representative Burton moved that **House Amendment No. 1 to House Amendment No. 6** be adopted.

Which motion was defeated.

On motion of Representative Murphy, **House Amendment No. 6** was adopted.

Representative Coleman (97) offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 682, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"37.710. 1. The office shall have access to the following information:

(1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children's division, the department of mental health, and the juvenile court;

(2) All written reports of child abuse and neglect; and

(3) All current records required to be maintained pursuant to chapters 210 and 211.

2. The office shall have the authority:

(1) To communicate privately by any means possible with any child under protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, and other persons or entities providing treatment and services;

(2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state;

- (3) To work in conjunction with juvenile officers and guardians ad litem;
- (4) To file any findings or reports of the child advocate regarding the parent or child with the court, and issue recommendations regarding the disposition of an investigation, which may be provided to the court and to the investigating agency;
- (5) To file amicus curiae briefs on behalf of the interests of the parent or child, or to file such pleadings necessary to intervene on behalf of the child at the appropriate judicial level using the resources of the office of the attorney general;
- (6) To initiate meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers;
- (7) To take whatever steps are appropriate to see that persons are made aware of the services of the child advocate's office, its purpose, and how it can be contacted;
- (8) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest;
- (9) Subject to appropriation, to establish as needed local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner; and
- (10) To mediate between alleged victims of sexual misconduct and school districts or charter schools as provided in subsection 1 of section 160.262.

3. For any information obtained from a state agency or entity under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity providing such information to the office of child advocate. For information obtained directly by the office of child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the children's division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report. **Nothing in this section shall preclude the office of child advocate from releasing findings regarding the professional performance of any individual member of the multidisciplinary team as described in section 660.520.**

37.717. 1. The office shall create a safety reporting system in which employees of the children's division may report information regarding the safety of those served by the children's division and the safety of such division's employees.

2. The identity of any individual who reports to or participates in the reporting system under subsection 1 of this section shall:

- (1) Be sealed from inspection by the public or any other entity or individual who is otherwise provided access to the department of social services' confidential records;
- (2) Not be subject to discovery or introduction into evidence in any civil proceeding; and
- (3) Be disclosed only as necessary to carry out the purpose of the reporting system under subsection 1 of this section.

3. Any criminal act reported into the reporting system under subsection 1 of this section shall be disclosed by the office of child advocate to the appropriate law enforcement agency or prosecuting or city attorney.

4. Any investigation conducted as a result of a report made under this section shall be conducted by an unbiased and disinterested investigator."; and

Further amend said bill and page, Section 173.1590, Line 7, by inserting after all of said section and line the following:

"210.152. 1. All information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division or removed from the records of the division as follows:

- (1) For investigation reports contained in the central registry, the report and all information shall be retained by the division;
- (2) (a) For investigation reports initiated against a person required to report pursuant to section 210.115, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment, or in retaliation for the filing of a

report by a person required to report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(b) For investigation reports, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment, or in retaliation for the filing of a report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(c) For investigation reports initiated by a person required to report under section 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for ten years from the conclusion of the investigation. For all other investigation reports where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for five years from the conclusion of the investigation. Such reports shall include any exculpatory evidence known by the division, including exculpatory evidence obtained after the closing of the case. At the end of such time period, the identifying information shall be removed from the records of the division and destroyed;

(d) For investigation reports where the identification of the specific perpetrator or perpetrators cannot be substantiated and the division has specific evidence to determine that a child was abused or neglected, the division shall retain the report and all information but shall not place an unknown perpetrator on the central registry. The division shall retain all information. The division shall retain and disclose information and findings in the same manner as the division retains and discloses family assessments. If the division made a finding of abuse or neglect against an unknown perpetrator prior to August 28, 2017, the division shall remove the unknown perpetrator from the central registry but shall retain and utilize all information as otherwise provided in this section;

(3) For reports where the division uses the family assessment and services approach, information shall be retained by the division;

(4) For reports in which the division is unable to locate the child alleged to have been abused or neglected, information shall be retained for eighteen years from the date of the report and then shall be removed from the records by the division.

2. Within ninety days, or within one hundred twenty days in cases involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality, after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:

(1) That the division has determined by a probable cause finding prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that the division shall retain all information regarding the abuse or neglect; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's determination through a review by the child abuse and neglect review board as provided in subsection 4 of this section;

(2) That the division has not made a probable cause finding or determined by a preponderance of the evidence that abuse or neglect exists; or

(3) The division has been unable to determine the identity of the perpetrator of the abuse or neglect. The notice shall also inform the child's parents and legal guardian that the division shall retain, utilize, and disclose all information and findings as provided in family assessment and services cases.

3. The children's division may reopen a case for review if new, specific, and credible evidence is obtained.

4. Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts of the investigation are pending, the request for review shall be made within sixty days from the court's final disposition or dismissal of the charges. **Nothing in this section shall preclude the office of child advocate from releasing findings regarding the professional performance of any individual member of the multidisciplinary team as described in section 660.520.**"; and

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

Representative Walsh (50) offered **House Amendment No. 1 to House Amendment No. 7.**

*House Amendment No. 1
to
House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute for House Bill No. 682, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

""21.753. All occupations in the state of Missouri qualify as essential workers. The general assembly hereby occupies and preempts the entire field of legislation touching in any way the classification of essential workers.

37.710. 1. The office shall have access to the following information:"; and

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

On motion of Representative Walsh (50), **House Amendment No. 1 to House Amendment No. 7** was adopted.

On motion of Representative Coleman (97), **House Amendment No. 7, as amended**, was adopted.

On motion of Representative Chipman, **HCS HB 682, as amended**, was adopted.

On motion of Representative Chipman, **HCS HB 682, as amended**, was ordered perfected and printed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 2** entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021 and ending June 30, 2022.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 3** entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and Workforce Development, the several divisions and programs thereof, and institutions of higher education, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2021, and ending June 30, 2022.

In which the concurrence of the House is respectfully requested.

COMMITTEE REPORTS

Committee on Elementary and Secondary Education, Chairman Basye reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 528**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (15): Baker, Basye, Black (7), Brown (70), Christofanelli, DeGroot, Dogan, Haffner, Hill, Mackey, Patterson, Pollitt (52), Sharp (36), Stacy and Tolson Reisch

Noes (3): Bangert, Nurrenbern and Terry

Absent (2): Grier and Hicks

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **SB 86**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (12): Baker, Basye, Black (7), Christofanelli, DeGroot, Dogan, Haffner, Hill, Mackey, Patterson, Stacy and Tolson Reisch

Noes (6): Bangert, Brown (70), Nurrenbern, Pollitt (52), Sharp (36) and Terry

Absent (2): Grier and Hicks

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **SS SCS SB 152**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (17): Baker, Bangert, Basye, Black (7), Brown (70), Christofanelli, DeGroot, Dogan, Haffner, Mackey, Nurrenbern, Patterson, Pollitt (52), Sharp (36), Stacy, Terry and Tolson Reisch

Noes (0)

Absent (3): Grier, Hicks and Hill

Committee on General Laws, Chairman Trent reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 952**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (11): Boggs, Brown (16), Davidson, Hurlbert, Pollitt (52), Riley, Ruth, Schnelting, Schroer, Schwadron and Trent

Noes (5): Ingle, Merideth, Rogers, Sharp (36) and Weber

Absent (0)

Mr. Speaker: Your Committee on General Laws, to which was referred **HB 1127**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (11): Boggs, Brown (16), Davidson, Hurlbert, Pollitt (52), Riley, Ruth, Schnelting, Schroer, Schwadron and Trent

Noes (5): Ingle, Merideth, Rogers, Sharp (36) and Weber

Absent (0)

Committee on Health and Mental Health Policy, Chairman Stephens (128) reporting:

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **SS SCS SB 43**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (11): Appelbaum, Buchheit-Courtway, Collins, Haden, Johnson, Lewis (25), Smith (155), Stephens (128), Stevens (46), Wallingford and Wright

Noes (3): Pollock (123), Seitz and Thomas

Absent (1): Cook

Committee on Professional Registration and Licensing, Chairman Coleman (32) reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 9**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (13): Brown (27), Coleman (32), Cook, Davidson, Davis, Dinkins, Doll, Grier, Kelley (127), Lewis (25), Riley, Roberts and Thomas

Noes (0)

Absent (1): Smith (67)

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 330**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (13): Brown (27), Coleman (32), Cook, Davidson, Davis, Dinkins, Doll, Grier, Kelley (127), Lewis (25), Riley, Roberts and Smith (67)

Noes (1): Thomas

Absent (0)

Special Committee on Government Accountability, Chairman Gregory (96) reporting:

Mr. Speaker: Your Special Committee on Government Accountability, to which was referred **HB 1374**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(a) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (12): Baringer, Doll, Falkner, Gregory (96), Henderson, Knight, Mackey, McGirl, Pollock (123), Roden, Simmons and Terry

Noes (0)

Absent (4): Patterson, Proudie, Veit and Wiemann

Mr. Speaker: Your Special Committee on Government Accountability, to which was referred **SS SCS SB 289**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(a) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (13): Baringer, Doll, Falkner, Gregory (96), Henderson, Knight, Mackey, McGirl, Patterson, Pollock (123), Simmons, Terry and Wiemann

Noes (0)

Absent (3): Proudie, Roden and Veit

Committee on Transportation, Chairman Ruth reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SS SB 89**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(28)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (12): Bangert, Bromley, Buchheit-Courtway, Burger, Busick, Hurlbert, Mosley, Porter, Pouche, Ruth, Smith (67) and Taylor (48)

Noes (0)

Absent (2): Butz and Griesheimer

Committee on Rules - Administrative Oversight, Chairman Eggleston reporting:

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HB 293**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Dogan, Eggleston, Fitzwater, Hudson, Ingle, Mackey, McGaugh, Phifer and Ruth

Noes (1): McDaniel

Absent (4): Bosley, Cupps, Gregory (96) and Patterson

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HB 440**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (10): Dogan, Eggleston, Fitzwater, Hudson, Ingle, Mackey, McDaniel, McGaugh, Phifer and Ruth

Noes (0)

Absent (4): Bosley, Cupps, Gregory (96) and Patterson

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS HB 467**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (11): Dogan, Eggleston, Fitzwater, Hudson, Ingle, Mackey, McDaniel, McGaugh, Patterson, Phifer and Ruth

Noes (0)

Absent (3): Bosley, Cupps and Gregory (96)

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HB 1003**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Bosley, Dogan, Eggleston, Fitzwater, Hudson, Mackey, McGaugh, Patterson and Ruth

Noes (3): Ingle, McDaniel and Phifer

Absent (2): Cupps and Gregory (96)

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HB 1135**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (12): Bosley, Dogan, Eggleston, Fitzwater, Hudson, Ingle, Mackey, McDaniel, McGaugh, Patterson, Phifer and Ruth

Noes (0)

Absent (2): Cupps and Gregory (96)

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS HB 1295**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Cupps, Eggleston, Fitzwater, Gregory (96), Ingle, Mackey, McGaugh, Phifer and Ruth

Noes (0)

Absent (5): Bosley, Dogan, Hudson, McDaniel and Patterson

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HB 1296**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

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Ayes (10): Dogan, Eggleston, Fitzwater, Hudson, Ingle, Mackey, McDaniel, McGaugh, Patterson and Ruth

Noes (0)

Present (2): Bosley and Phifer

Absent (2): Cupps and Gregory (96)

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS HB 1362**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (7): Cupps, Eggleston, Fitzwater, Gregory (96), Hudson, McGaugh and Ruth

Noes (3): Ingle, Mackey and Phifer

Absent (4): Bosley, Dogan, McDaniel and Patterson

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS HB 1444**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Dogan, Eggleston, Fitzwater, Hudson, McDaniel, McGaugh, Patterson and Ruth

Noes (4): Bosley, Ingle, Mackey and Phifer

Absent (2): Cupps and Gregory (96)

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **SCS SCR 3**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (11): Dogan, Eggleston, Fitzwater, Gregory (96), Hudson, Ingle, Mackey, McGaugh, Patterson, Phifer and Ruth

Noes (0)

Absent (3): Bosley, Cupps and McDaniel

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS SS SCS SB 71**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (12): Cupps, Dogan, Eggleston, Fitzwater, Gregory (96), Hudson, Ingle, Mackey, McGaugh, Patterson, Phifer and Ruth

Noes (0)

Absent (2): Bosley and McDaniel

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS SS SB 176**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (12): Cupps, Dogan, Eggleston, Fitzwater, Gregory (96), Hudson, Ingle, Mackey, McGaugh, Patterson, Phifer and Ruth

Noes (0)

Absent (2): Bosley and McDaniel

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS SB 226**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (12): Cupps, Dogan, Eggleston, Fitzwater, Gregory (96), Hudson, Ingle, Mackey, McGaugh, Patterson, Phifer and Ruth

Noes (0)

Absent (2): Bosley and McDaniel

Committee on Rules - Legislative Oversight, Chairman Christofanelli reporting:

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HB 601**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Basye, Christofanelli, Griesheimer, Haffner, Kelly (141) and Richey

Noes (2): Aune and Rogers

Absent (3): Bailey, Hill and Proudie

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 1032**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Aune, Basye, Christofanelli, Griesheimer, Haffner, Kelly (141), Richey and Rogers

Noes (0)

Absent (3): Bailey, Hill and Proudie

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS SCS SB 49**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Aune, Basye, Christofanelli, Griesheimer, Haffner, Kelly (141), Richey and Rogers

Noes (0)

Absent (3): Bailey, Hill and Proudie

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS SB 72**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Aune, Basye, Christofanelli, Griesheimer, Haffner, Kelly (141), Richey and Rogers

Noes (0)

Absent (3): Bailey, Hill and Proudie

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Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **SS SCS SB 120**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Aune, Basye, Christofanelli, Griesheimer, Haffner, Kelly (141), Richey and Rogers

Noes (0)

Absent (3): Bailey, Hill and Proudie

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS SB 365**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Basye, Christofanelli, Griesheimer, Haffner, Kelly (141) and Richey

Noes (2): Aune and Rogers

Absent (3): Bailey, Hill and Proudie

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS SCS SB 520**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (8): Aune, Basye, Christofanelli, Griesheimer, Haffner, Kelly (141), Richey and Rogers

Noes (0)

Absent (3): Bailey, Hill and Proudie

REFERRAL OF HOUSE RESOLUTIONS

The following House Resolution was referred to the Committee indicated:

HR 288 - Downsizing State Government

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

SS#2 SCS HCS HB 271, as amended - Fiscal Review

HCS HB 814 - Fiscal Review

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SB 226 - Fiscal Review

HCS SB 365 - Fiscal Review

BILLS DROPPED FROM INFORMAL CALENDAR

Pursuant to Rule 47, the following bill, having remained on the Informal Calendar for ten legislative days, was laid on the table and dropped from the Calendar: **HCS HB 248**.

The following member's presence was noted: Roden.

ADJOURNMENT

On motion of Representative Plocher, the House adjourned until 10:00 a.m., Thursday, April 29, 2021.

CORRECTION TO THE HOUSE JOURNAL

HOUSE JOURNAL CORRECTION AFFIDAVIT

I, State Representative Yolanda Young, District 22, hereby state and affirm that on Pages 1834-1835 of the Journal of the House, my vote by which HCS HB 1204 was read the third time and passed, was incorrectly recorded as "Absent with Leave". Pursuant to House Rule 93, I am requesting that the Journal be corrected to show that I was in fact present in the chamber when the vote was taken. I did in fact vote, my vote was incorrectly recorded, and should have been recorded as "Aye".

IN WITNESS THEREOF, I have hereunto subscribed my hand to this affidavit on this 27th day of April, 2021.

/s/ Yolanda R. Young
State Representative

State of Missouri)
) ss.
County of _____)

Subscribed and sworn before me this 27th of April in the year 2021.

/s/ Benjamin Murray
Notary Public

COMMITTEE HEARINGS

AGRICULTURE POLICY

Thursday, April 29, 2021, upon adjournment, House Hearing Room 1.
Executive session will be held: SB 377
Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Thursday, April 29, 2021, upon adjournment, House Hearing Room 5.
Executive session will be held: SS SCS SB 27
Executive session may be held on any matter referred to the committee.

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ECONOMIC DEVELOPMENT

Thursday, April 29, 2021, 9:00 AM, House Hearing Room 5.

Executive session will be held: SB 5

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 29, 2021, 9:45 AM, House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Thursday, April 29, 2021, 8:30 AM, House Hearing Room 7.

Public hearing will be held: HB 274

Executive session will be held: HB 1274, HB 1365

Executive session may be held on any matter referred to the committee.

UTILITIES

Thursday, April 29, 2021, 8:00 AM, House Hearing Room 6.

Public hearing will be held: SS SCS SB 108

Executive session will be held: SS SB 44

Executive session may be held on any matter referred to the committee.

Please note additional procedures will be in place due to the COVID-19 pandemic. All entrants to the capitol building may be required to submit to screening questions and physical screening. Members of the public must enter the building using the south entrance. Public seating in committees will be socially distanced and therefore limited. Committee hearings will be streamed. Links may be found at <https://www.house.mo.gov>.

HOUSE CALENDAR

SIXTY-SECOND DAY, THURSDAY, APRIL 29, 2021

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HJR 26 - Falkner

HJR 47 - Bailey

HJR 13 - Coleman (32)

HCS HJR 24 - Hardwick

HJR 43 - Hill

HJR 60 - Hill

HCS HJR 22 - Eggleston

HJR 49 - Simmons

HCS HJR 53 - Basye

HOUSE BILLS FOR PERFECTION

HCS HB 1295 - Andrews

HCS HB 601 - Rone

HB 1032 - Busick

HOUSE BILLS FOR PERFECTION - INFORMAL

HB 37 - Pollock (123)
HCS HB 217 - Perkins
HB 451 - Bailey
HB 461 - Dogan
HCS HB 499 - Schroer
HCS HB 541 - Lewis (6)
HCS HB 549 - Christofanelli
HB 750 - Lovasco
HCS HB 842 - Hill
HCS HBs 1141 & 1067, as amended, HA 1 HA 3 and HA 3, pending - Shaul
HCS HBs 1222 & 1342 - Van Schoiack
HB 1349 - Porter
HB 1363 - Dogan
HCS HB 1139 - Eggleston
HB 36 - Pollock (123)
HB 61 - Schnelting
HCS HB 86 - Taylor (139)
HCS HB 245 - Porter
HB 308 - Kelley (127)
HCS HB 323 - Hill
HCS HBs 359 & 634 - Baker
HB 390 - Griffith
HB 396 - Richey
HCS HB 673 - Coleman (97)
HCS HB 754 - Christofanelli
HCS HB 755 - Christofanelli
HCS HB 760 - Roden
HB 764 - Andrews
HB 769 - Grier
HB 851 - Walsh (50)
HCS HB 925 - Hudson
HB 931 - Schroer
HB 996 - Taylor (139)
HB 1156 - Hill
HB 1162 - Trent
HB 1178 - Riggs
HB 1345 - Cupps
HB 920 - Baker
HCS HB 1095 - Deaton
HB 143 - DeGroot
HB 161 - Hudson
HCS HB 214 - Hill
HCS HB 229 - Basye

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HB 318 - DeGroot
HB 469 - Dinkins
HCS HB 555 - Eggleston
HCS HB 1016 - Griesheimer
HB 1200 - Billington
HCS HB 577 - Riley
HB 92 - Taylor (139)
HB 491 - Grier
HCS HB 688 - Murphy
HCS HB 782 - Trent
HB 316 - Toalson Reisch
HB 894 - Riggs
HS HB 513 - Smith (155)
HS HB 152 - Rone
HB 474 - Trent
HCS HB 785 - Hicks
HB 212 - Hill
HB 64 - Pike
HCS HB 108 - Bangert
HCS HB 156 - Veit
HCS HB 157 - Veit
HB 213 - Hill
HCS HB 218 - Burnett
HCS HB 301 - Haffner
HCS HB 339 - Mayhew
HB 347 - Veit
HCS HB 355 - Baker
HCS HB 385 - DeGroot
HB 511 - Lovasco
HCS HB 852 - Walsh (50)
HB 893 - Riggs
HCS HB 900 - Lovasco
HB 908 - Andrews
HB 1008 - Hardwick
HCS HB 1046 - Dinkins
HCS HB 1358 - Baker
HCS HB 1166 - Van Schoiack
HB 708 - Trent
HB 1088 - Hovis
HCS HB 472 - Griesheimer
HB 478 - Christofanelli
HCS HB 303 - Wiemann
HCS HB 602 - Grier
HCS HB 1408 - Plocher
HB 1416 - Black (137)

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCS HCR 6 - Stevens (46)

HCR 9 - Eggleston

HCR 17 - Trent

HCR 36 - Basye

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HJR 17 - Kidd

HOUSE BILLS FOR THIRD READING

HCS HB 946 - Hill

HCS HB 242 - Porter

HS HCS HB 876 - Dogan

HB 353 - Henderson

HCS HB 839 - Copeland

HB 381 - McGaugh

HB 338 - Mayhew

HCS HB 443 - Kalberloh

HB 1010 - Boggs

HB 1061 - Eggleston

HCS HB 508 - Rone

HCS HB 814, (Fiscal Review 4/28/21) - O'Donnell

HOUSE BILLS FOR THIRD READING - INFORMAL

HCS HB 922, (Fiscal Review 4/13/21) - Houx

HS HCS HB 441, (Fiscal Review 4/15/21) - Falkner

HCS HB 439 - Davidson

HCS HB 494 - Hurlbert

SENATE BILLS FOR SECOND READING

SB 36

SS SB 45

SB 78

SS#2 SCS SB 202

SCS SB 272

SB 323

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SENATE BILLS FOR THIRD READING

HCS SS SB 6 - Hill
HCS SS SCS SBs 153 & 97 - Eggleston
SS SCS SB 106 - Shaul
HCS SS SB 176 - Fitzwater
HCS SB 226, (Fiscal Review 4/28/21) - Christofanelli
HCS SB 365, (Fiscal Review 4/28/21) - Murphy
HCS SCS SB 49 - Hardwick
HCS SCS SB 520 - Ruth
HCS SS SCS SB 71 - Roberts

SENATE BILLS FOR THIRD READING - INFORMAL

HCS SS#2 SB 26 - Schroer
SS SB 22 - Grier

SENATE CONCURRENT RESOLUTIONS FOR THIRD READING

SCR 2 - Murphy

HOUSE BILLS WITH SENATE AMENDMENTS

SS HB 345, (Fiscal Review 4/14/21) - DeGroot
SS#2 SCS HCS HB 271, as amended (Fiscal Review 4/28/21), E.C. - Wiemann
SS SCS HCS HB 2 - Smith (163)
SS SCS HCS HB 3 - Smith (163)

BILLS CARRYING REQUEST MESSAGES

SCS HCS HB 15, (request Senate recede/grant conference) - Smith (163)

HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION

HB 275 - Hannegan

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 2001 - Smith (163)
CCS SCS HS HCS HB 2002 - Smith (163)
CCS SCS HS HCS HB 2003 - Smith (163)
CCS SCS HS HCS HB 2004 - Smith (163)
CCS SCS HS HCS HB 2005 - Smith (163)
CCS SS SCS HS HCS HB 2006 - Smith (163)
CCS SCS HS HCS HB 2007 - Smith (163)
CCS SCS HS HCS HB 2008 - Smith (163)

CCS SCS HS HCS HB 2009 - Smith (163)
CCS SCS HS HCS HB 2010 - Smith (163)
CCS SCS HS HCS HB 2011 - Smith (163)
CCS SCS HS HCS HB 2012 - Smith (163)
SCS HCS HB 2013 - Smith (163)
HCS HB 2017 - Smith (163)
HCS HB 2018 - Smith (163)
HCS HB 2019 - Smith (163)
HCS HB 14, (2020, 2nd Extra) - Smith (163)
HCS HB 16 - Smith (163)

2016 *Journal of the House*

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