

JOURNAL OF THE HOUSE

First Regular Session, 101st GENERAL ASSEMBLY

SIXTY-FOURTH DAY, TUESDAY, MAY 4, 2021

The House met pursuant to adjournment.

Speaker Vescovo in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicki, Chaplain.

I remind you to rekindle the gift of God that is within you, for God did not give us the spirit of fear, but of power, and of love and of a sound mind. (II Timothy 1:67)

O God beyond all praising, whose love and care we cannot escape, in the glory of a new day we come lifting our hearts to You, praying that Your spirit may guide us, Your strength support us, and Your peace pervade our minds and hearts.

Within the noise and commotion of this day, may we hear Your still, small voice and, responding, find our weakness changed to strength, our fear to faith, and our wicked thoughts to good actions.

We can be disturbed by the challenges in our changing and pluralistic world, weighed down by many burdens, both political and personal, as well as tempted to become critical, if not cynical, because of human error and human evil. Give us the spirit to carry on with courage and faith, believing that You are with us, and believing that together we can do what needs to be done for the show-me state.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the sixty-third day was approved as printed by the following vote:

AYES: 134

Anderson	Appelbaum	Atchison	Aune	Bailey
Baker	Bangert	Baringer	Barnes	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Brown 27	Brown 70	Buchheit-Courtway	Burger
Burton	Busick	Butz	Chipman	Coleman 32
Collins	Cook	Copeland	Davidson	Davis
Deaton	DeGroot	Derges	Dinkins	Dogan
Doll	Eggleston	Ellebracht	Evans	Falkner
Fishel	Fitzwater	Fogle	Francis	Gray
Gregory 51	Gregory 96	Griesheimer	Griffith	Gunby
Haden	Haffner	Haley	Hannegan	Hardwick
Henderson	Hicks	Hill	Houx	Hudson
Hurlbert	Johnson	Kalberloh	Kelley 127	Kelly 141
Kidd	Knight	Lewis 25	Lewis 6	Lovasco
Mackey	Mayhew	McCreery	McGaugh	McGirl

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Morse	Mosley	Murphy	Nurrenbern	O'Donnell
Owen	Perkins	Person	Phifer	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Price IV	Quade	Railsback	Reedy	Richey
Riggs	Riley	Rone	Ruth	Sander
Sassmann	Sauls	Schroer	Schwadron	Seitz
Sharp 36	Sharpe 4	Shaul	Shields	Simmons
Smith 155	Smith 163	Smith 45	Smith 67	Stacy
Stephens 128	Stevens 46	Tate	Taylor 139	Taylor 48
Terry	Thompson	Toalson Reisch	Turnbaugh	Van Schoiack
Veit	Wallingford	Walsh 50	Weber	West
Wiemann	Wright	Young	Mr. Speaker	

NOES: 008

Adams	Bosley	Clemens	McDaniel	Merideth
Rowland	Unsicker	Walsh Moore 93		

PRESENT: 003

Burnett	Ingle	Windham
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ABSENT WITH LEAVE: 017

Aldridge	Andrews	Bland Manlove	Christofanelli	Coleman 97
Cupps	Grier	Hovis	Patterson	Pietzman
Proudie	Roberts	Roden	Rogers	Schnelting
Thomas	Trent			

VACANCIES: 001

SECOND READING OF SENATE BILLS

The following Senate Bill was read the second time:

SB 231, relating to the appointment and duties of commissioners to attend an Article V Convention.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS#2 SCS HB 273, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Baringer, Eggleston, Fitzwater, Griesheimer, Richey and Terry

Noes (0)

Absent (2): Walsh (50) and Wiemann

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS HCS HB 574, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (4): Eggleston, Fitzwater, Griesheimer and Richey

Noes (2): Baringer and Terry

Absent (2): Walsh (50) and Wiemann

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 43**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Baringer, Eggleston, Fitzwater, Griesheimer, Richey and Terry

Noes (0)

Absent (2): Walsh (50) and Wiemann

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SBs 53 & 60**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (7): Baringer, Eggleston, Fitzwater, Griesheimer, Richey, Terry and Walsh (50)

Noes (0)

Absent (1): Wiemann

Mr. Speaker: Your Committee on Fiscal Review, 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 (6): Baringer, Eggleston, Fitzwater, Griesheimer, Richey and Terry

Noes (0)

Absent (2): Walsh (50) and Wiemann

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 289**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Baringer, Eggleston, Fitzwater, Griesheimer, Richey and Terry

Noes (0)

Absent (2): Walsh (50) and Wiemann

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 15** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 476** entitled:

An act to repeal section 324.009, RSMo, and to enact in lieu thereof one new section relating to license reciprocity for military members.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, and Senate Amendment No. 8.

Senate Amendment No. 1

AMEND House Bill No. 476, Page 1, Section Title, Lines 2-3, by striking the words "license reciprocity for military members" and inserting in lieu thereof the following:

"professional registration"; and

Further amend said bill, Page 3, Section 324.009, Line 80, by inserting after all of said line the following:

"339.150. 1. No real estate broker shall knowingly employ or engage any person to perform any service to the broker for which licensure as a real estate broker or a real estate salesperson is required pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860, unless such a person is:

(1) A licensed real estate salesperson or a licensed real estate broker as required by section 339.020; or
(2) For a transaction involving commercial real estate as defined in section 339.710, a person regularly engaged in the real estate brokerage business outside the state of Missouri who has, in such forms as the commission may adopt by rule:

(a) Executed a brokerage agreement with the Missouri real estate broker;
(b) Consented to the jurisdiction of Missouri and the commission;
(c) Consented to disciplinary procedures under section 339.100; and
(d) Appointed the commission as his or her agent for service of process regarding any administrative or legal actions relating to the conduct in Missouri; or

(3) For any other transaction, a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

Any such action shall be unlawful as provided by section 339.100 and shall be grounds for investigation, complaint, proceedings and discipline as provided by section 339.100.

2. No real estate licensee shall pay any part of a fee, commission or other compensation received by the licensee to any person for any service rendered by such person to the licensee in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless such a person is a licensed real estate salesperson regularly associated with such a broker, or a licensed real estate broker, or a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

3. Notwithstanding the provisions of subsections 1 and 2 of this section, any real estate broker who shall refuse to pay any person for services rendered by such person to the broker, with the consent, knowledge and acquiescence of the broker that such person was not licensed as required by section 339.020, in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate for which services a license is required, and who is employed or engaged by such broker to perform such services, shall be liable to such person for the reasonable value of the same or similar services rendered to the broker, regardless of whether or not the person possesses or holds any particular license, permit or certification at the time the service was performed. Any such person may bring a civil action for the reasonable value of his services rendered to a broker notwithstanding the provisions of section 339.160.

4. Notwithstanding provisions of this chapter to the contrary, a broker may pay compensation directly to a business entity owned by a licensee that has been formed for the purpose of receiving compensation earned by such licensee. A business entity that receives compensation from a broker as provided for in this subsection shall not be required to be licensed under this chapter and shall be owned:

(1) Solely by the licensee;

(2) By the licensee together with the licensee's spouse, but only if the spouse and licensee are both licensed and associated with the same broker, or the spouse is not also licensed; or

(3) By the licensee and one or more other licensees, but only if all such owners are licensees which are associated with the same broker.

5. For purposes of subsection 4 of this section, the following terms shall mean:

(1) "Business entity", any corporation, partnership, limited partnership, limited liability company, professional corporation, or association;

(2) "Licensee", any real estate broker-salesperson or real estate salesperson, as such terms are defined under section 339.010."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND House Bill No. 476, Page 3, Section 324.009, Line 80, by inserting after all of said line the following:

"339.100. 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee's designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other 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, or for any offense an essential element of which is fraud, dishonesty or an act of violence, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which:

(a) Is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; or

(b) Includes a name or team name that uses the terms "realty", "brokerage", "company", or any other terms that can be construed to advertise a real estate company other than the licensee or a business entity licensed under this chapter with whom the licensee is associated. The context of the advertisement or solicitation may be considered by the commission when determining whether a licensee has committed a violation of this paragraph;

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND House Bill No. 476, Page 3, Section 324.009, Line 80, by inserting after all of said line the following:

"337.068. 1. If the ~~[board]~~ **committee** finds merit to a complaint by an individual incarcerated or under the care and control of the department of corrections or who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, **or who has been ordered to be evaluated under chapter 552**, and takes further investigative action, no documentation may appear on file or disciplinary action may be taken in regards to the licensee's license unless the provisions of subsection 2 of section 337.035 have been violated. Any case file documentation that does not result in the ~~[board]~~ **committee** filing an action pursuant to subsection 2 of section

337.035 shall be destroyed within three months after the final case disposition by the [board] committee. No notification to any other licensing board in another state or any national registry regarding any investigative action shall be made unless the provisions of subsection 2 of section 337.035 have been violated.

2. Upon written request of the psychologist subject to a complaint, prior to August 28, 1999, by an individual incarcerated or under the care and control of the department of corrections or prior to August 28, 2008, by an individual who has been ordered to be taken into custody, detained, or held under sections 632.480 to 632.513, **or prior to August 28, 2021, by an individual who has been ordered to be evaluated under chapter 552**, that did not result in the [board] committee filing an action pursuant to subsection 2 of section 337.035, the [board] committee and the division of professional registration, shall in a timely fashion:

- (1) Destroy all documentation regarding the complaint;
- (2) Notify any other licensing board in another state or any national registry regarding the [board's] committee's actions if they have been previously notified of the complaint; and
- (3) Send a letter to the licensee that clearly states that the [board] committee found the complaint to be unsubstantiated, that the [board] committee has taken the requested action, and notify the licensee of the provisions of subsection 3 of this section.

3. Any person who has been the subject of an unsubstantiated complaint as provided in subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint in subsequent applications or representations relating to their psychology professions.

338.710. 1. There is hereby created in the Missouri board of pharmacy the "RX Cares for Missouri Program". The goal of the program shall be to promote medication safety and to prevent prescription drug abuse, misuse, and diversion in Missouri.

2. The board, in consultation with the department, shall be authorized to expend, allocate, or award funds appropriated to the board to private or public entities to develop or provide programs or education to promote medication safety or to suppress or prevent prescription drug abuse, misuse, and diversion in the state of Missouri. In no case shall the authorization include, nor the funds be expended for, any state prescription drug monitoring program including, but not limited to, such as are defined in 38 CFR 1.515. Funds disbursed to a state agency under this section may enhance, but shall not supplant, funds otherwise appropriated to such state agency.

3. The board shall be the administrative agency responsible for implementing the program in consultation with the department. The board and the department may enter into interagency agreements between themselves to allow the department to assist in the management or operation of the program. The board may award funds directly to the department to implement, manage, develop, or provide programs or education pursuant to the program.

4. After a full year of program operation, the board shall prepare and submit an evaluation report to the governor and the general assembly describing the operation of the program and the funds allocated. Unless otherwise authorized by the general assembly, the program shall expire on August 28, ~~[2019]~~ **2026**."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND House Bill No. 476, Page 3, Section 324.009, Line 80, by inserting after all of said line the following:

"324.012. 1. This section shall be known and may be cited as the "Fresh Start Act of 2020".

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

- (1) "Criminal conviction", any conviction, finding of guilt, plea of guilty, or plea of nolo contendere;
- (2) "Licensing", any required training, education, or fee to work in a specific occupation, profession, or activity in the state;
- (3) "Licensing authority", an agency, examining board, credentialing board, or other office of the state with the authority to impose occupational fees or licensing requirements on any profession. **For purposes of the provisions of this section other than subsection 7 of this section**, the term "licensing authority" shall not include the state board of education's licensure of teachers pursuant to chapter 168, the Missouri state board of accountant's licensure of accountants pursuant to chapter 326, the board of podiatric medicine's licensure of podiatrists pursuant to chapter 330, the Missouri dental board's licensure of dentists pursuant to chapter 332, the state board of registration for the healing art's licensure of physicians and surgeons pursuant to chapter 334, the Missouri state board of nursing's licensure of nurses pursuant to chapter 335, the board of pharmacy's licensure of pharmacists pursuant to chapter 338, the Missouri real estate commission's licensure of real estate brokers, real estate

salespersons, or real estate broker-salespersons pursuant to sections 339.010 to 339.205, the Missouri veterinary medical board's licensure of veterinarian's pursuant to chapter 340, the Missouri director of finance appointed pursuant to chapter 361, or the peace officer standards and training commission's licensure of peace officers or other law enforcement personnel pursuant to chapter 590;

(4) "Political subdivision", a city, town, village, municipality, or county.

3. Notwithstanding any other provision of law, beginning January 1, 2021, no person shall be disqualified by a state licensing authority from pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime in this state or another state, unless the criminal conviction directly relates to the duties and responsibilities for the licensed occupation as set forth in this section or is violent or sexual in nature.

4. Beginning August 28, 2020, applicants for examination of licensure who have pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this state, any other state, United States, or any other country, notwithstanding whether sentence is imposed, shall be considered by state licensing authorities to have committed a criminal offense that directly relates to the duties and responsibilities of a licensed profession:

(1) Any murder in the first degree, or dangerous felony as defined under section 556.061 excluding an intoxication-related traffic offense or intoxication-related boating offense if the person is found to be a habitual offender or habitual boating offender as such terms are defined in section 577.001;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material;

(5) The offense of delivery of a controlled substance, as provided in section 579.020, may be a disqualifying criminal offense for the following occupations: real estate appraisers and appraisal management companies, licensed pursuant to sections 339.500 to 339.549; and nursing home administrators, licensed pursuant to chapter 344; and

(6) Any offense an essential element of which is fraud may be a disqualifying criminal offense for the following occupations: private investigators, licensed pursuant to sections 324.1100 to 324.1148; accountants, licensed pursuant to chapter 326; architects, licensed pursuant to sections 327.091 to 327.172; engineers, licensed pursuant to sections 327.181 to 327.271; land surveyors, licensed pursuant to sections 327.272 to 327.371; landscape architects, licensed pursuant to sections 327.600 to 327.635; chiropractors, licensed pursuant to chapter 331; embalmers and funeral directors, licensed pursuant to chapter 333; real estate appraisers and appraisal management companies, licensed pursuant to sections 339.500 to 339.549; and nursing home administrators, licensed pursuant to chapter 344.

5. If an individual is charged with any of the crimes set forth in subsection 4 of this section, and is convicted, pleads guilty to, or is found guilty of a lesser-included offense and is sentenced to a period of incarceration, such conviction shall only be considered by state licensing authorities as a criminal offense that directly relates to the duties and responsibilities of a licensed profession for four years, beginning on the date such individual is released from incarceration.

6. (1) ~~[Licensing authorities shall only list criminal convictions that are directly related to the duties and responsibilities for the licensed occupation.]~~

—(2) The licensing authority shall determine whether an applicant with a criminal conviction ~~[listed under subdivision (1) of this subsection]~~ will be denied a license based on the following factors:

- (a) The nature and seriousness of the crime for which the individual was convicted;
- (b) The passage of time since the commission of the crime, including consideration of the factors listed under subdivision ~~[(3)]~~ (2) of this subsection;
- (c) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation; and
- (d) Any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation.

~~[(3)]~~ (2) If an individual has a valid criminal conviction for a criminal offense that could disqualify the individual from receiving a license, the disqualification shall not apply to an individual who has been exonerated for a crime for which he or she has previously been convicted of or incarcerated.

7. An individual with a criminal record may petition a licensing authority at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include details on the individual's criminal record. The licensing authority shall inform the individual of his or her standing within thirty days after the licensing authority has met, but in no event more than four months after receiving the petition from the applicant. The decision shall be binding, unless the individual has subsequent criminal convictions or failed to disclose information in his or her petition. **If the decision is that the individual is disqualified, the individual shall be notified in writing of the grounds and reasons for disqualification.** The licensing authority may charge a fee by rule to recoup its costs as set by rulemaking authority not to exceed twenty-five dollars for each petition.

8. (1) If a licensing authority denies an individual a license solely or in part because of the individual's prior conviction of a crime, the licensing authority shall notify the individual in writing of the following:

- (a) The grounds and reasons for the denial or disqualification;
- (b) That the individual has the right to a hearing as provided by chapter 621 to challenge the licensing authority's decision;
- (c) The earliest date the person may reapply for a license; and
- (d) That evidence of rehabilitation may be considered upon reapplication.

(2) Any written determination by the licensing authority that an applicant's criminal conviction is a specifically listed disqualifying conviction and is directly related to the duties and responsibilities for the licensed occupation shall be documented with written findings for each of the grounds or reasons under paragraph (a) of subdivision (1) of this subsection by clear and convincing evidence sufficient for a reviewing court.

(3) In any administrative hearing or civil litigation authorized under this subsection, the licensing authority shall carry the burden of proof on the question of whether the applicant's criminal conviction directly relates to the occupation for which the license is sought.

9. The provisions of this section shall apply to any profession for which an occupational license is issued in this state, including any new occupational license created by a state licensing authority after August 28, 2020. Notwithstanding any other provision of law, political subdivisions shall be prohibited from creating any new occupational licenses after August 28, 2020. The provisions of this section shall not apply to business licenses, where the terms "occupational licenses" and "business licenses" are used interchangeably in a city or county charter definition."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND House Bill No. 476, Page 1, Section Title, Lines 2-3, by striking "license reciprocity for military members" and inserting in lieu thereof the following:

"professional registration, with a delayed effective date for certain sections"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after said line the following:

"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", includes 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;

~~(b)~~ (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 or his~~ **the individual or the individual's employer;**

~~(c)~~ (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 or his~~ **the individual or 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) **"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, so long as the following requirements are met:**

a. **The restricted use pesticide (RUP) is not a fumigant;**

b. **The RUP does not contain sodium cyanide or sodium fluoroacetate;**

c. **The individual will not apply any RUP using aerial application equipment;**

d. **The individual will not supervise the use of any RUP; and**

e. **The individual will not purchase any RUP;**

~~(d)~~ (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;

(g) **"Noncertified restricted use pesticide (RUP) 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;**

~~(e)~~ (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 or his~~ **the person or 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;

~~[(6)]~~ (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;

~~[(7)]~~ (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;**

~~[(8)]~~ (11) "Environment", includes water, air, land, and all plants and man and other animals living therein, and the interrelationships ~~[which]~~ **that** exist among these;

~~[(9)]~~ (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;

~~[(10)]~~ (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. "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 CFR Section 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 Nematelminthes 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;

~~[(46)]~~ **(23) "Person"**, any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not;

~~[(47)]~~ **(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;

~~[(48)]~~ **(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;

~~[(49)]~~ **(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"**, 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, and 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 ~~[it]~~ **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 or his or her]~~ **the certified noncommercial applicator or 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 must be licensed to work from the same physical location as the pesticide technician; and

(2) The licensed certified commercial applicator must 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 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 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~~ 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. ~~Both the director of the department and of the University of Missouri extension service shall review such costs annually.~~ Such committee shall be provided revenue and expense information for the training program from 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 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 committee shall be composed of five members including:

- (1) The director;
- (2) The director of University of Missouri extension or his or her designee;
- (3) The president of a statewide corn producers organization who actively grows corn or his or her designee;
- (4) The president of a statewide soybean producers organization who actively grows soybeans or his or her designee; and
- (5) The president of the state's largest general farm membership organization or his or her 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, his or her license will 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 then 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 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 CFR section 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, or 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~~ **ensuring** 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 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's** 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;

(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 aid and abet any person to steal or attempt to steal examinations or examination materials, cheat on examinations, or evade 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."; and

Further amend said bill, Page 3, Section 324.009, Line 80, by inserting after all of said line the following:

"Section B. The enactment of section 281.048 and the repeal and reenactment of sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.937, 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 this act shall become effective on January 1, 2024."; and

Further amend the title and enacting clause accordingly.

AMEND House Bill No. 476, Page 3, Section 324.009, Line 80, by inserting after all of said line the following:

"338.010. 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; the prescribing and dispensing of any nicotine replacement therapy product under section 338.665; **the dispensing of HIV postexposure prophylaxis pursuant to section 338.730;** and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. 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, 2007, shall be invalid and void.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall inform the patient that the administration of the vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's [primary] health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

338.730. 1. Notwithstanding any other law to the contrary, a pharmacist may dispense HIV postexposure prophylaxis in accordance with this section. Such prophylaxis shall be dispensed only if the pharmacist follows a written protocol authorized by a licensed physician.

2. For purposes of this section, "postexposure prophylaxis" shall mean any drug approved by the Food and Drug Administration that meets the same clinical eligibility recommendations provided in CDC guidelines.

3. For purposes of this section, "CDC guidelines" shall mean the current HIV guidelines published by the federal Centers for Disease Control and Prevention.

4. The state board of registration for the healing arts and the state board of pharmacy shall jointly promulgate rules and regulations for the administration of this section. Neither board shall separately promulgate rules governing a pharmacist's authority to dispense HIV postexposure prophylaxis under this section.

5. 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."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 8

Amend House Bill No. 476, Page 3, Section 324.009, Line 80, by inserting after all of said line the following:

"324.087. SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate practice of Occupational Therapy with the goal of improving public access to Occupational Therapy services. The Practice of Occupational Therapy occurs in the State where the patient/client is located at the time of the patient/client encounter. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure. This Compact is designed to achieve the following objectives:

- A. Increase public access to Occupational Therapy services by providing for the mutual recognition of other Member State licenses;**
- B. Enhance the States' ability to protect the public's health and safety;**
- C. Encourage the cooperation of Member States in regulating multi-State Occupational Therapy Practice;**
- D. Support spouses of relocating military members;**
- E. Enhance the exchange of licensure, investigative, and disciplinary information between Member States;**
- F. Allow a Remote State to hold a provider of services with a Compact Privilege in that State accountable to that State's practice standards; and**
- G. Facilitate the use of Telehealth technology in order to increase access to Occupational Therapy services.**

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and Section 1211.

B. "Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Board or other authority against an Occupational Therapist or Occupational Therapy Assistant, including actions against an individual's license or Compact Privilege such as censure, revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee's practice.

C. "Alternative Program" means a non-disciplinary monitoring process approved by an Occupational Therapy Licensing Board.

D. "Compact Privilege" means the authorization, which is equivalent to a license, granted by a Remote State to allow a Licensee from another Member State to practice as an Occupational Therapist or practice as an Occupational Therapy Assistant in the Remote State under its laws and rules. The Practice of Occupational Therapy occurs in the Member State where the patient/client is located at the time of the patient/client encounter.

E. "Continuing Competence/Education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

F. "Current Significant Investigative Information" means Investigative Information that a Licensing Board, after an inquiry or investigation that includes notification and an opportunity for the Occupational Therapist or Occupational Therapy Assistant to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

G. "Data System" means a repository of information about Licensees, including but not limited to license status, Investigative Information, Compact Privileges, and Adverse Actions.

H. "Encumbered License" means a license in which an Adverse Action restricts the Practice of Occupational Therapy by the Licensee or said Adverse Action has been reported to the National Practitioners Data Bank (NPDB).

I. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

J. "Home State" means the Member State that is the Licensee's Primary State of Residence.

K. "Impaired Practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

L. "Investigative Information" means information, records, and/or documents received or generated by an Occupational Therapy Licensing Board pursuant to an investigation.

M. "Jurisprudence Requirement" means the assessment of an individual's knowledge of the laws and rules governing the Practice of Occupational Therapy in a State.

N. "Licensee" means an individual who currently holds an authorization from the State to practice as an Occupational Therapist or as an Occupational Therapy Assistant.

O. "Member State" means a State that has enacted the Compact.

P. "Occupational Therapist" means an individual who is licensed by a State to practice 63 Occupational Therapy.

Q. "Occupational Therapy Assistant" means an individual who is licensed by a State to assist in the Practice of Occupational Therapy.

R. "Occupational Therapy," "Occupational Therapy Practice," and the "Practice of Occupational Therapy" mean the care and services provided by an Occupational Therapist or an Occupational Therapy Assistant as set forth in the Member State's statutes and regulations.

S. "Occupational Therapy Compact Commission" or "Commission" means the national administrative body whose membership consists of all States that have enacted the Compact.

T. "Occupational Therapy Licensing Board" or "Licensing Board" means the agency of a State that is authorized to license and regulate Occupational Therapists and Occupational Therapy Assistants.

U. "Primary State of Residence" means the state (also known as the Home State) in which an Occupational Therapist or Occupational Therapy Assistant who is not Active Duty Military declares a primary residence for legal purposes as verified by: driver's license, federal income tax return, lease, deed, mortgage or voter registration or other verifying documentation as further defined by Commission Rules.

V. "Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Compact Privilege.

W. "Rule" means a regulation promulgated by the Commission that has the force of law.

X. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the Practice of Occupational Therapy.

Y. "Single-State License" means an Occupational Therapist or Occupational Therapy Assistant license issued by a Member State that authorizes practice only within the issuing State and does not include a Compact Privilege in any other Member State.

Z. "Telehealth" means the application of telecommunication technology to deliver Occupational Therapy services for assessment, intervention and/or consultation.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To participate in the Compact, a Member State shall:

1. License Occupational Therapists and Occupational Therapy Assistants;
2. Participate fully in the Commission's Data System, including but not limited to using the Commission's unique identifier as defined in Rules of the Commission;
3. Have a mechanism in place for receiving and investigating complaints about Licensees;
4. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee;
5. Implement or utilize procedures for considering the criminal history records of applicants for an initial Compact Privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;
 - a. A Member State shall, within a time frame established by the Commission, require a criminal background check for a Licensee seeking/applying for a Compact Privilege whose Primary State of Residence is that Member State, by receiving the results of the Federal Bureau of Investigation criminal record search, and shall use the results in making licensure decisions.

b. Communication between a Member State, the Commission and among Member States regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State under Public Law 92-544.

6. Comply with the Rules of the Commission;

7. Utilize only a recognized national examination as a requirement for licensure pursuant to the Rules of the Commission; and

8. Have Continuing Competence/Education requirements as a condition for license renewal.

B. A Member State shall grant the Compact Privilege to a Licensee holding a valid unencumbered license in another Member State in accordance with the terms of the Compact and Rules.

C. Member States may charge a fee for granting a Compact Privilege.

D. A Member State shall provide for the State's delegate to attend all Occupational Therapy Compact Commission meetings.

E. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single-State License as provided under the laws of each Member State. However, the Single-State License granted to these individuals shall not be recognized as granting the Compact Privilege in any other Member State.

F. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

SECTION 4. COMPACT PRIVILEGE

A. To exercise the Compact Privilege under the terms and provisions of the Compact, the Licensee shall:

1. Hold a license in the Home State;

2. Have a valid United States Social Security Number or National Practitioner Identification number;

3. Have no encumbrance on any State license;

4. Be eligible for a Compact Privilege in any Member State in accordance with Section 4D, F, G, and H;

5. Have paid all fines and completed all requirements resulting from any Adverse Action against any license or Compact Privilege, and two years have elapsed from the date of such completion;

6. Notify the Commission that the Licensee is seeking the Compact Privilege within a Remote State(s);

7. Pay any applicable fees, including any State fee, for the Compact Privilege;

8. Complete a criminal background check in accordance with Section 3A(5);

a. The Licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check.

9. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Compact Privilege; and

10. Report to the Commission Adverse Action taken by any non-Member State within 30 days from the date the Adverse Action is taken.

B. The Compact Privilege is valid until the expiration date of the Home State license. The Licensee must comply with the requirements of Section 4A to maintain the Compact Privilege in the Remote State.

C. A Licensee providing Occupational Therapy in a Remote State under the Compact Privilege shall function within the laws and regulations of the Remote State.

D. Occupational Therapy Assistants practicing in a Remote State shall be supervised by an Occupational Therapist licensed or holding a Compact Privilege in that Remote State.

E. A Licensee providing Occupational Therapy in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Compact Privilege in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee may be ineligible for a Compact Privilege in any State until the specific time for removal has passed and all fines are paid.

F. If a Home State license is encumbered, the Licensee shall lose the Compact Privilege in any Remote State until the following occur:

1. The Home State license is no longer encumbered; and

2. Two years have elapsed from the date on which the Home State license is no longer encumbered in accordance with Section 4(F)(1).

G. Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Section 4A to obtain a Compact Privilege in any Remote State.

H. If a Licensee's Compact Privilege in any Remote State is removed, the individual may lose the Compact Privilege in any other Remote State until the following occur:

1. The specific period of time for which the Compact Privilege was removed has ended;
2. All fines have been paid and all conditions have been met;
3. Two years have elapsed from the date of completing requirements for 4(H)(1) and (2); and
4. The Compact Privileges are reinstated by the Commission, and the compact Data System is updated to reflect reinstatement.

I. If a Licensee's Compact Privilege in any Remote State is removed due to an erroneous charge, privileges shall be restored through the compact Data System.

J. Once the requirements of Section 4H have been met, the license must meet the requirements in Section 4A to obtain a Compact Privilege in a Remote State.

SECTION 5. OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE

A. An Occupational Therapist or Occupational Therapy Assistant may hold a Home State license, which allows for Compact Privileges in Member States, in only one Member State at a time.

B. If an Occupational Therapist or Occupational Therapy Assistant changes Primary State of Residence by moving between two Member States:

1. The Occupational Therapist or Occupational Therapy Assistant shall file an application for obtaining a new Home State license by virtue of a Compact Privilege, pay all applicable fees, and notify the current and new Home State in accordance with applicable Rules adopted by the Commission.

2. Upon receipt of an application for obtaining a new Home State license by virtue of compact privilege, the new Home State shall verify that the Occupational Therapist or Occupational Therapy Assistant meets the pertinent criteria outlined in Section 4 via the Data System, without need for primary source verification except for:

- a. an FBI fingerprint based criminal background check if not previously performed or updated pursuant to applicable Rules adopted by the Commission in accordance with Public Law 92-544;
- b. other criminal background check as required by the new Home State; and
- c. submission of any requisite Jurisprudence Requirements of the new Home State.

3. The former Home State shall convert the former Home State license into a Compact Privilege once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.

4. Notwithstanding any other provision of this Compact, if the Occupational Therapist or Occupational Therapy Assistant cannot meet the criteria in Section 4, the new Home State shall apply its requirements for issuing a new Single-State License.

5. The Occupational Therapist or the Occupational Therapy Assistant shall pay all applicable fees to the new Home State in order to be issued a new Home State license.

C. If an Occupational Therapist or Occupational Therapy Assistant changes Primary State of Residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single-State License in the new State.

D. Nothing in this compact shall interfere with a Licensee's ability to hold a Single-State License in multiple States; however, for the purposes of this compact, a Licensee shall have only one Home State license.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A. Active Duty Military personnel, or their spouses, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a Home State, the individual shall only change their Home State through application for licensure in the new State or through the process described in Section 5.

SECTION 7. ADVERSE ACTIONS

A. A Home State shall have exclusive power to impose Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's license issued by the Home State.

B. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege within that Member State.

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the State in which the witnesses or evidence are located.

C. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

D. The Home State shall complete any pending investigations of an Occupational Therapist or Occupational Therapy Assistant who changes Primary State of Residence during the course of the investigations. The Home State, where the investigations were initiated, shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the OT Compact Commission Data System. The Occupational Therapy Compact Commission Data System administrator shall promptly notify the new Home State of any Adverse Actions.

E. A Member State, if otherwise permitted by State law, may recover from the affected Occupational Therapist or Occupational Therapy Assistant the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Occupational Therapist or Occupational Therapy Assistant.

F. A Member State may take Adverse Action based on the factual findings of the Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.

G. Joint Investigations

1. In addition to the authority granted to a Member State by its respective State Occupational Therapy laws and regulations or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

H. If an Adverse Action is taken by the Home State against an Occupational Therapist's or Occupational Therapy Assistant's license, the Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege in all other Member States shall be deactivated until all encumbrances have been removed from the State license. All Home State disciplinary orders that impose Adverse Action against an Occupational Therapist's or Occupational Therapy Assistant's license shall include a Statement that the Occupational Therapist's or Occupational Therapy Assistant's Compact Privilege is deactivated in all Member States during the pendency of the order.

I. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State of any Adverse Actions by Remote States.

J. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

SECTION 8. ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION.

A. The Compact Member States hereby create and establish a joint public agency known as the Occupational Therapy Compact Commission:

1. The Commission is an instrumentality of the Compact States.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Board.

2. The delegate shall be either:

a. A current member of the Licensing Board, who is an Occupational Therapist, Occupational Therapy Assistant, or public member; or

b. An administrator of the Licensing Board.

3. Any delegate may be removed or suspended from office as provided by the law of the State from which the delegate is appointed.

4. The Member State board shall fill any vacancy occurring in the Commission within 90 days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

6. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

7. The Commission shall establish by Rule a term of office for delegates.

C. The Commission shall have the following powers and duties:

1. Establish a Code of Ethics for the Commission;

2. Establish the fiscal year of the Commission;

3. Establish bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

6. Promulgate uniform Rules to facilitate and coordinate implementation and administration of this Compact. The Rules shall have the force and effect of law and shall be binding in all Member States;

7. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Occupational Therapy Licensing Board to sue or be sued under applicable law shall not be affected;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

10. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

12. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

14. Establish a budget and make expenditures;

15. Borrow money;

16. Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

17. Provide and receive information from, and cooperate with, law enforcement agencies;

18. Establish and elect an Executive Committee; and

19. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of Occupational Therapy licensure and practice.

D. The Executive Committee

The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Committee shall be composed of nine members:
 - a. Seven voting members who are elected by the Commission from the current membership of the Commission;
 - b. One ex-officio, nonvoting member from a recognized national Occupational Therapy professional association; and
 - c. One ex-officio, nonvoting member from a recognized national Occupational Therapy certification organization.
2. The ex-officio members will be selected by their respective organizations.
3. The Commission may remove any member of the Executive Committee as provided in bylaws.
4. The Executive Committee shall meet at least annually.
5. The Executive Committee shall have the following Duties and responsibilities:
 - a. Recommend to the entire Commission changes to the Rules or bylaws, changes to this Compact legislation, fees paid by Compact Member States such as annual dues, and any Commission Compact fee charged to Licensees for the Compact Privilege;
 - b. Ensure Compact administration services are appropriately provided, contractual or otherwise;
 - c. Prepare and recommend the budget;
 - d. Maintain financial records on behalf of the Commission;
 - e. Monitor Compact compliance of Member States and provide compliance reports to the Commission;
 - f. Establish additional committees as necessary; and
 - g. Perform other duties as provided in Rules or bylaws.
- E. Meetings of the Commission
 1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 10.
 2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:
 - a. Non-compliance of a Member State with its obligations under the Compact;
 - b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
 - c. Current, threatened, or reasonably anticipated litigation;
 - d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
 - e. Accusing any person of a crime or formally censuring any person;
 - f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
 - g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - h. Disclosure of investigative records compiled for law enforcement purposes;
 - i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or
 - j. Matters specifically exempted from disclosure by federal or Member State statute.
 3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.
 4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.
- F. Financing of the Commission
 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.
 2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Member State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the Commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a Rule binding upon all Member States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 9. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and Investigative Information on all licensed individuals in Member States.

B. A Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable (utilizing a unique identifier) as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse Actions against a license or Compact Privilege;
4. Non-confidential information related to Alternative Program participation;
5. Any denial of application for licensure, and the reason(s) for such denial;
6. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission; and
7. Current Significant Investigative Information.

C. Current Significant Investigative Information and other Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

D. The Commission shall promptly notify all Member States of any Adverse Action taken against a Licensee or an individual applying for a license. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

E. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

F. Any information submitted to the Data System that is subsequently required to be expunged by the laws of the Member State contributing the information shall be removed from the Data System.

SECTION 10. RULEMAKING

A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment.

B. The Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force and effect.

C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission.

E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and
2. On the website of each Member State Occupational Therapy Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules.

F. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the Rule will be considered and voted upon;
2. The text of the proposed Rule or amendment and the reason for the proposed Rule;
3. A request for comments on the proposed Rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

H. The Commission shall grant an opportunity for a public hearing before it adopts a Rule or amendment if a hearing is requested by:

1. At least twenty five (25) persons;
2. A State or federal governmental subdivision or agency; or
3. An association or organization having at least twenty five (25) members.

I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed Rule without a public hearing.

L. The Commission shall, by majority vote of all members, take final action on the proposed Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking record and the full text of the Rule.

M. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule without prior notice, opportunity for comment, or hearing, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or Member State funds;
3. Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or
4. Protect public health and safety.

N. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the Rules promulgated hereunder shall have standing as statutory law.
2. All courts shall take judicial notice of the Compact and the Rules in any judicial or administrative proceeding in a Member State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.
3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall:
 - a. Provide written notice to the defaulting State and other Member States of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and
 - b. Provide remedial training and specific technical assistance regarding the default.
2. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Member States, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.
3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and each of the Member States.
4. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.
5. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

6. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.

SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact.

B. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

C. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Occupational Therapy Licensing Board to comply with the investigative and Adverse Action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any Occupational Therapy licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

SECTION 13. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any Member State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. A Licensee providing Occupational Therapy in a Remote State under the Compact Privilege shall function within the laws and regulations of the Remote State.

B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. Any lawful actions of the Commission, including all Rules and bylaws promulgated by the Commission, are binding upon the Member States.

E. All agreements between the Commission and the Member States are binding in accordance with their terms.

F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.

324.200. 1. Sections 324.200 to 324.225 shall be known and may be cited as the "Dietitian Practice Act".

2. As used in sections 324.200 to 324.225, the following terms shall mean:

(1) "Accreditation Council for Education in Nutrition and Dietetics" or "ACEND", the Academy of Nutrition and Dietetics accrediting agency for education programs preparing students for professions as registered dietitians;

(2) "Committee", the state committee of dietitians established in section 324.203;

(3) "Dietetics practice", the application of principles derived from integrating knowledge of food, nutrition, biochemistry, physiology, management, and behavioral and social science to achieve and maintain the health of people by providing nutrition assessment and nutrition care services. The primary function of dietetic practice is the provision of nutrition care services that shall include, but not be limited to:

(a) Assessing the nutrition needs of individuals and groups and determining resources and constraints in the practice setting;

(b) Establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources and constraints;

(c) Providing nutrition counseling or education in health and disease;

(d) Developing, implementing, and managing nutrition care systems;

(e) Evaluating, making changes in, and maintaining appropriate standards of quality and safety in food and in nutrition services;

(f) Engaged in medical nutritional therapy as defined in subdivision (8) of this section;

(4) "Dietitian", one engaged in dietetic practice as defined in subdivision (3) of this section;

(5) "Director", the director of the division of professional registration;

(6) "Division", the division of professional registration;

(7) "Licensed dietitian", a person who is licensed pursuant to the provisions of sections 324.200 to 324.225 to engage in the practice of dietetics or medical nutrition therapy;

(8) "Medical nutrition therapy", ~~nutritional diagnostic, therapy, and counseling services which are furnished by a registered dietitian or registered dietitian nutritionist~~ **the provision of nutrition care services for the treatment or management of a disease or medical condition;**

(9) "Registered dietitian" or "registered dietitian nutritionist", a person who:

(a) Has completed a minimum of a baccalaureate degree granted by a United States regionally accredited college or university or foreign equivalent;

(b) Completed the academic requirements of a didactic program in dietetics, as approved by ACEND;

(c) Successfully completed the registration examination for dietitians; and

(d) Accrued seventy-five hours of approved continuing professional units every five years; as determined by the Committee on Dietetic Registration.

324.206. 1. As long as the person involved does not represent or hold himself or herself out as a dietitian as defined by subdivision (4) of subsection 2 of section 324.200, nothing in sections 324.200 to 324.225 is intended to limit, preclude, or otherwise interfere with:

(1) Self-care by a person or gratuitous care by a friend or family member;

(2) Persons in the military services or working in federal facilities from performing any activities described in sections 324.200 to 324.225 during the course of their assigned duties in the military service or a federal facility;

(3) A licensed health care provider performing any activities described in sections 324.200 to 324.225 that are within the scope of practice of the licensee;

(4) A person pursuing an approved educational program leading to a degree or certificate in dietetics at an accredited or approved educational program as long as such person does not provide dietetic services outside the educational program. Such person shall be designated by a title that clearly indicates the person's status as a student;

(5) Individuals who do not hold themselves out as dietitians marketing or distributing food products including dietary supplements as defined by the Food and Drug Administration or engaging in the explanation and education of customers regarding the use of such products;

(6) Any person furnishing general nutrition information as to the use of food, food materials, or dietary supplements, nor prevent in any way the free dissemination of literature;

(7) A person credentialed in the field of nutrition from providing advice, counseling, or evaluations in matters of food, diet, or nutrition to the extent such acts are within the scope of practice listed by the credentialing body and do not constitute medical nutrition therapy;
provided, however, no such individual may call himself or herself a dietitian unless he or she is licensed under this chapter.

2. A credentialed person not representing or holding himself or herself out as a dietitian, who performs any of the acts or services listed in subsection 1 of this section, shall provide, prior to performing such act or service for another, the following:

(1) The person's name and title;

(2) The person's business address and telephone number;

(3) A statement that the person is not a dietitian licensed by the state of Missouri;

(4) A statement that the information provided or advice given may be considered alternative care by licensed practitioners in the state of Missouri; and

(5) The person's qualifications for providing such information or advice, including educational background, training, and experience.

327.011. As used in this chapter, the following words and terms shall have the meanings indicated:

(1) "Accredited degree program from a school of architecture", a degree from any school or other institution which teaches architecture and whose curricula for the degree in question have been, at the time in question, certified as accredited by the National Architectural Accrediting Board;

(2) "Accredited school of engineering", any school or other institution which teaches engineering and whose curricula on the subjects in question are or have been, at the time in question certified as accredited by the engineering accreditation commission of the accreditation board for engineering and technology or its successor organization;

(3) "Accredited school of landscape architecture", any school or other institution which teaches landscape architecture and whose curricula on the subjects in question are or have been at the times in question certified as accredited by the Landscape Architecture Accreditation Board of the American Society of Landscape Architects;

(4) "Architect", any person authorized pursuant to the provisions of this chapter to practice architecture in Missouri, as the practice of architecture is defined in section 327.091;

(5) "Board", the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects;

(6) "Corporation", any general business corporation, professional corporation or limited liability company;

(7) "Design coordination", the review and coordination of technical submissions prepared by others including, as appropriate and without limitation, architects, professional engineers, professional land surveyors, professional landscape architects, and other consultants;

(8) "Design survey", a survey which includes all activities required to gather information to support the sound conception, planning, design, construction, maintenance, and operation of design projects, but excludes the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system;

(9) "Incidental practice", the performance of other professional services licensed under chapter 327 that are related to a licensee's professional service, but are secondary and substantially less in scope and magnitude when compared to the professional services usually and normally performed by the licensee practicing in their licensed profession. This incidental professional service shall be safely and competently performed by the licensee without jeopardizing the health, safety, and welfare of the public. The licensee shall be qualified by education, training, and experience as determined by the board and in sections 327.091, 327.181, 327.272, and 327.600 and applicable board rules to perform such incidental professional service;

(10) "Licensee", a person licensed to practice any profession regulated under this chapter or a corporation authorized to practice any such profession;

(11) "Partnership", any partnership or limited liability partnership;

(12) "Person", any ~~person~~ **individual**, corporation, firm, partnership, association or other entity **authorized to do business;**

(13) "Professional engineer", any person authorized pursuant to the provisions of this chapter to practice as a professional engineer in Missouri, as the practice of engineering is defined in section 327.181;

(14) "Professional land surveyor", any person authorized pursuant to the provisions of this chapter to practice as a professional land surveyor in Missouri as the practice of land surveying is defined in section 327.272;

(15) "Professional landscape architect", any person authorized pursuant to the provisions of this chapter to practice as a professional landscape architect in Missouri as the practice of landscape architecture is defined in section 327.600;

(16) "Responsible charge", the independent direct control of a licensee's work and personal supervision of such work pertaining to the practice of architecture, engineering, land surveying, or landscape architecture.

327.091. 1. ~~[Any person practices as an architect in Missouri who renders or offers to render or represents himself or herself as willing or able to render service or creative work which requires architectural education, training and experience, including services and work such as consultation, evaluation, planning, aesthetic and structural design, the preparation of drawings, specifications and related documents, and the coordination of services furnished by structural, civil, mechanical and electrical engineers and other consultants as they relate to architectural work in connection with the construction or erection of any private or public building, building structure, building project or integral part or parts of buildings or of any additions or alterations thereto; or who uses the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" that indicate or imply that such person is or holds himself or herself out to be an architect]~~ **The practice of architecture is the rendering of or offering to render services in connection with the design and construction of public and private buildings, structures and shelters, site improvements, in whole or part and including any additions or alterations thereto, as well as to the spaces within and the site surrounding such buildings and structures, which have as their principal purpose human occupancy or habitation. The services referred to include consultation, design surveys, feasibility studies, evaluation, planning, aesthetic and structural design, preliminary design, drawings, specifications, technical submissions, and other instruments of service, the administration of construction contracts, construction observation and inspection, and the coordination of any elements of technical submissions prepared by others, including professional engineers, landscape architects, and other consultants that pertain to the practice of architecture. A person shall be considered to be practicing architecture when such person uses the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" to indicate or imply that such person is or holds himself or herself out to be an architect. Only a person with the required architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri.**

2. Architects shall be in responsible charge of all architectural design of buildings and structures that can affect the health, safety, and welfare of the public within their scope of practice.

327.101. 1. No person shall practice architecture in Missouri as defined in section 327.091 unless and until there is issued to the person a license or a certificate of authority certifying that the person has been duly licensed as an architect or authorized to practice architecture, in Missouri, and unless such license has been renewed as hereinafter specified; ~~provided, however, that nothing in this chapter shall apply to the following persons].~~

2. Notwithstanding the provisions of subsection 1 of this section, the following persons may engage in actions defined as the practice of architecture in section 327.091, provided that such persons shall not use the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" that indicate or imply that such person is or holds himself or herself out to be an architect:

(1) Any person who is an employee of a person holding a currently valid license as an architect or who is an employee of any person holding a currently valid certificate of authority pursuant to this chapter, and who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid license as an architect pursuant to this chapter;

(2) Any person who is a regular full-time employee who performs architectural work for the person's employer if and only if all such work and service so performed is in connection with a facility owned or wholly operated by the employer and which is occupied by the employer of the employee performing such work or service, and if and only if such work and service so performed do not endanger the public health or safety;

(3) Any holder of a currently valid license or certificate of authority as a professional engineer who performs only such architecture as incidental practice and necessary to the completion of professional engineer services lawfully being performed by such licensed professional engineer;

(4) Any person who is a professional landscape architect, city planner or regional planner who performs work consisting only of consultations concerning and preparation of master plans for parks, land areas or communities, or the preparation of plans for and the supervision of the planting and grading or the construction of walks and paving for parks or land areas and such other minor structural features as fences, steps, walls, small decorative pools and other construction not involving structural design or stability and which is usually and customarily included within the area of work of a professional landscape architect or planner;

(5) Any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building described in paragraphs (a), (b), **or (c)** ~~[(d), and (e)]~~ which follow, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect:

(a) A dwelling house; or

(b) A multiple family dwelling house, flat or apartment containing not more than two families; or

(c) ~~[A commercial or industrial building or structure which provides for the employment, assembly, housing, sleeping or eating of not more than nine persons; or~~

~~— (d) Any one structure containing less than two thousand square feet, except as provided in (b) and (c) above, and which is not a part or a portion of a project which contains more than one structure; or~~

~~— (e) A building or structure used exclusively for farm purposes]~~ **Any one building or structure, except for those buildings or structures referenced in subdivision (8) of this subsection, which provides for the employment, assembly, housing, sleeping, or eating of not more than nine persons, contains less than two thousand square feet, and is not part of another building or structure;**

(6) Any person who renders architectural services in connection with the remodeling or repairing of any privately owned multiple family dwelling house, flat or apartment containing three or four families, provided that the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a licensed architect;

(7) Any person or corporation who is offering, but not performing or rendering, architectural services if the person or corporation is licensed to practice architecture in the state or country of residence or principal place of business; **or**

(8) Any person who renders architectural services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agriculture purposes.

327.131. Any person may apply to the board for licensure as an architect who is over the age of twenty-one, has acquired an accredited degree from an accredited degree program from a school of architecture, holds a certified Intern Development Program (IDP) **or Architectural Experience Program (AXP)** record with the National Council of Architectural Registration Boards, and has taken and passed all divisions of the Architect Registration Examination.

327.191. **1.** No person shall practice as a professional engineer in Missouri, as defined in section 327.181 unless and until there is issued to such person a professional license or a certificate of authority certifying that such person has been duly licensed as a professional engineer or authorized to practice engineering in Missouri, and unless such license or certificate has been renewed as provided in section 327.261 ~~[- provided that section 327.181 shall not be construed to prevent the practice of engineering by the following persons].~~

2. Notwithstanding the provisions of subsection 1 of this section, the following persons may engage in actions defined as the practice of professional engineering in section 327.181, provided that such persons shall not use the title "professional engineer" or "consulting engineer" or the word "engineer" alone or preceded by any word indicating or implying that such person is or holds himself or herself out to be a professional engineer, or use any word or words, letters, figures, degrees, titles, or other description indicating or implying that such person is a professional engineer or is willing or able to practice engineering:

(1) Any person who is an employee of a person holding a currently valid license as a professional engineer or who is an employee of a person holding a currently valid certificate of authority pursuant to this chapter, and who performs professional engineering work under the direction and continuing supervision of and is checked by one holding a currently valid license as a professional engineer pursuant to this chapter;

(2) Any person who is a regular full-time employee of a person or any former employee under contract to a person, who performs professional engineering work for such employer if and only if all such work and service so performed is done solely in connection with a facility owned or wholly operated by the employer and occupied or maintained by the employer of the employee performing such work or service, and does not affect the health, safety, and welfare of the public;

(3) Any person engaged in engineering who is a full-time, regular employee of a person engaged in manufacturing operations and which engineering so performed by such person relates to the manufacture, sale or installation of the products of such person, and does not affect the health, safety, and welfare of the public;

(4) Any holder of a currently valid license or certificate of authority as an architect, professional land surveyor, or professional landscape architect who performs only such engineering as incidental practice and necessary to the completion of professional services lawfully being performed by such architect, professional land surveyor, or professional landscape architect;

(5) Any person who renders engineering services in connection with the construction, remodeling, or repairing of any privately owned building described as follows, and who indicates on any drawings, specifications, estimates, reports, or other documents furnished in connection with such services that the person is not a licensed professional engineer:

(a) A dwelling house;

(b) A multiple family dwelling house, flat, or apartment containing no more than two families; or

(c) Any one building or structure, except for those buildings or structures referenced in subdivision (8) of this subsection, which provides for the employment, assembly, housing, sleeping, or eating of not more than nine persons, contains less than two thousand square feet, and is not part of another building or structure;

(6) Any person who renders engineering services in connection with the remodeling or repairing of any privately owned, multiple family dwelling house, flat, or apartment containing three or four families, provided that the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building, and who indicates on any drawings, specifications, estimates, reports, or other documents furnished in connection with such services that the person is not a licensed professional engineer;

(7) Any person or corporation who is offering, but not performing or rendering, professional engineering services if the person or corporation is licensed to practice professional engineering in the state or country of residence or principal place of business;

(8) Any person who renders engineering services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agricultural purposes.

327.241. 1. After it has been determined that an applicant possesses the qualifications entitling the applicant to be examined, each applicant for examination and licensure as a professional engineer in Missouri shall appear before the board or its representatives for examination at the time and place specified.

2. The examination or examinations shall be of such form, content and duration as shall be determined by the board to thoroughly test the qualifications of each applicant to practice as a professional engineer in Missouri.

3. Any applicant to be eligible for a license must make a grade on each examination of at least seventy percent.

4. The engineering examination shall consist of two parts; the first part may be taken by any person after such person has satisfied the educational requirements of section 327.221, or who is in his or her final year of study in an accredited school of engineering; and upon passing part one of the examination and providing proof that such person has satisfied the educational requirements of section 327.221 and upon payment of the required fee, such person shall be an engineer-intern, subject to the other provisions of this chapter.

5. Any engineer-intern, as defined in subsection 4 of this section~~], who has acquired at least four years of satisfactory engineering experience,~~ may take part two of the engineering examination and upon passing it **and having acquired at least four years of satisfactory engineering experience** shall be entitled to receive a license, subject, however, to the other provisions of this chapter.

6. Notwithstanding the provisions of subsections 4 and 5 of this section, the board may, in its discretion, provide by rule that any person who has graduated from and holds an engineering degree from an accredited school of engineering may thereupon be eligible to take both parts of the engineering examination and that upon passing said examination and acquiring four years of satisfactory engineering experience, after graduating and receiving a degree as aforesaid, shall be entitled to receive a license to practice as a professional engineer, subject, however, to the other provisions of this chapter.

7. Any person who has graduated from and has received a degree in engineering from an accredited school of engineering may ~~[then acquire four years of satisfactory engineering experience and thereafter]~~ take both parts of the examination and upon passing **and having acquired four years of satisfactory engineering experience** shall be entitled to receive a license to practice as a professional engineer, subject, however, to the other provisions of this chapter.

~~[8. Any person entitled to be licensed as a professional engineer as provided in subsection 5, 6, or 7 of this section must be so licensed within four years after the date on which he or she was so entitled, and if one is not licensed within the time he or she is so entitled, the engineering division of the board may require him to take and satisfactorily pass such further examination as provided by rule before issuing to him a license.]~~

327.612. Any person who ~~[has attained the age of twenty one years, and]~~ has a degree in landscape architecture from an accredited school of landscape architecture ~~[and], or possesses an education which in the opinion of the board equals or exceeds the education received by a graduate of an accredited school,~~ has acquired at least three years satisfactory landscape architectural experience after acquiring such a degree, **and who has taken and passed all sections of the landscape architectural registration examination administered by the Council of Landscape Architectural Registration Boards** may apply to the board for licensure as a professional landscape architect."; and

Further amend the title and enacting clause accordingly.

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 refuses to recede from its position on **SS#2 SCS HCS HB 271, as amended**, and grants the House a conference thereon.

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 362** entitled:

An act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to the sunshine law.

With Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, and Senate Amendment No. 2.

*Senate Amendment No. 1
to
Senate Amendment No. 1*

AMEND Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 362, Page 4, Section 610.026, Line 94, by inserting at the end of said line the following:

"If the same or a substantially similar request for public records is made within six months after the expiration of the thirty day period, then the public governmental body may request payment of the same fees made for the original request that has expired in addition to any allowable fees necessary to fulfill the subsequent request."

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 362, Page 1, Section Title, Lines 2-3, by striking "the sunshine law" and inserting in lieu thereof the following:

"government transparency"; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said line the following:

**"29.420. 1. This section shall be known as the "Government Lending Transparency Act".
2. As used in this section, the following terms mean:**

(1) "Administering agency", a department, office, board, commission, bureau, institution, or any other agency of the state charged by statute, regulation, or order with administering a credit support program or lending program;

(2) "Credit support program", any state program that guarantees or provides credit enhancements, such as state support for interest or principal payments, to the debt of private parties or municipalities, under which the state would be required to provide moneys if the borrower failed to pay;

(3) "Lending program", any state program that offers moneys to private parties or municipalities that come with the expectation of repayment.

3. Each administering agency shall report annually to the state auditor by August thirtieth the following information:

(1) The name and statutory authority for each lending program and credit support program administered by the agency;

(2) For the immediately preceding fiscal year, the total dollar amount of all lending for each lending program administered by the agency and the total amount of debt supported by each credit support program administered by the agency; and

(3) For the immediately preceding fiscal year, the reasonable estimates of the costs of likely defaults for each lending program and credit support program administered by the agency, using private sector accounting standards to evaluate the likelihood and costs of defaults.

4. The state auditor shall make an annual report compiling the data received from the administering agencies under this section, and shall submit the report to the general assembly annually by December fifteenth.

5. Intentional or knowing failure to comply with any reporting requirement contained in this section shall be punishable by a fine of up to two thousand dollars."; and

Further amend said bill, Page 7, Section 610.021, Line 201, by inserting after all of said line the following:

"610.026. 1. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:

(1) Fees for copying public records, except those records restricted under section 32.091, shall not exceed ten cents per page for a paper copy not larger than nine by fourteen inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester;

(2) Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.

2. Payment of such copying fees may be requested prior to the making of copies. **A request for public records to a public governmental body shall be considered withdrawn if the requester fails to remit all fees within thirty days of a request for payment of the fees by the public governmental body, prior to the making of copies.**

3. Except as otherwise provided by law, each public governmental body of the state shall remit all moneys received by or for it from fees charged pursuant to this section to the director of revenue for deposit to the general revenue fund of the state.

4. Except as otherwise provided by law, each public governmental body of a political subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant to sections 610.010 to 610.028 to the appropriate fiscal officer of such political subdivision for deposit to the governmental body's accounts.

5. The term "tax, license or fees" as used in Section 22 of Article X of the Constitution of the State of Missouri does not include copying charges and related fees that do not exceed the level necessary to pay or to continue to pay the costs for providing a service, program, or activity which was in existence on November 4, 1980, or which was approved by a vote of the people subsequent to November 4, 1980."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 362, Page 1, Section Title, Line 3, by striking "sunshine law" and inserting in lieu thereof the following:

"public access to records"; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said line the following:

"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.

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.**

5. In any such action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination was supported by evidence of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys and those persons providing testimony on behalf of the parties.

6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County. The case may be assigned to the family court division where such a division has been established. The request for a judicial review shall be made within sixty days of notification of the decision of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

7. In any such action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested.

479.162. Notwithstanding any provision of law, supreme court rule, or court operating rule, in a proceeding for a municipal ordinance violation or any other proceeding before a municipal court if the charge carries the possibility of fifteen days or more in jail or confinement, a defendant shall not be charged any fee for obtaining a police report, a probable cause statement, or any video relevant to the traffic stop or arrest. Such police report, probable cause statement, or video shall be provided by the prosecutor upon written request by the defendant for discovery."; and

Further amend the title and enacting clause accordingly.

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 **SCS HCS HB 18** entitled:

An act to appropriate money for the several departments and offices of state government and the several divisions and programs thereof: for the purchase of equipment, planning, expenses, and capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; grants, refunds, distributions, planning, expenses, and land improvements; 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 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 19** entitled:

An act to appropriate money for the several departments and offices of state government, and the several divisions and programs thereof, for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal 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 **SCS HCS HB 13** entitled:

An act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the 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 adopted **HCS for SCS SB 49, as amended**, and has taken up and passed **HCS SCS SB 49, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS for SS SB 176, as amended**, and has taken up and passed **HCS SS SB 176, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS for SS SCS SB 71, as amended**, and has taken up and passed **HCS SS SCS SB 71, as amended**.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

SCS HCS HB 362, as amended - Fiscal Review
HB 476, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, and Senate Amendment No. 8 - Fiscal Review

SIGNING OF SENATE BILL

All other business of the House was suspended while **SB 189** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

SCS HCS HB 15: Representatives Smith (163), Deaton, Richey, Merideth, and Unsicker

THIRD READING OF SENATE BILLS - INFORMAL

Representative Ruth moved that **HCS SCS SB 520** be committed to the Committee on Legislative Review.

Which motion was adopted.

THIRD READING OF HOUSE BILLS

HCS HB 1358, relating to contagious diseases, was taken up by Representative Baker.

On motion of Representative Baker, **HCS HB 1358** was read the third time and passed by the following vote:

AYES: 117

Anderson	Andrews	Atchison	Aune	Bailey
Baker	Bangert	Baringer	Basye	Billington
Black 137	Boggs	Bromley	Brown 16	Brown 70
Buchheit-Courtway	Burger	Busick	Butz	Christofanelli
Coleman 32	Coleman 97	Cook	Copeland	Cupps
Davidson	Davis	Deaton	Derges	Dinkins
Dogan	Eggleston	Ellebracht	Evans	Falkner
Fishel	Francis	Gregory 51	Gregory 96	Grier
Griesheimer	Griffith	Gunby	Haden	Haffner

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Haley	Hannegan	Hardwick	Henderson	Hicks
Hill	Houx	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 6
Lovasco	Mayhew	McCreery	McGaugh	McGill
Murphy	Nurrenbern	O'Donnell	Owen	Patterson
Perkins	Phifer	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Pouche	Proudie	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Roden	Rogers	Rone	Ruth	Sander
Sassmann	Schroer	Schwadron	Seitz	Sharp 36
Sharpe 4	Shaul	Shields	Simmons	Smith 155
Smith 163	Stacy	Stephens 128	Taylor 139	Taylor 48
Thomas	Thompson	Toalson Reisch	Trent	Van Schoiack
Veit	Wallingford	Walsh 50	West	Wiemann
Wright	Mr. Speaker			

NOES: 023

Adams	Barnes	Bland Manlove	Brown 27	Burnett
Burton	Collins	Gray	Johnson	Lewis 25
Mackey	Merideth	Mosley	Person	Quade
Rowland	Smith 45	Stevens 46	Terry	Turnbaugh
Unsicker	Walsh Moore 93	Young		

PRESENT: 009

Appelbaum	Clemens	Doll	Fogle	Ingle
Sauls	Smith 67	Weber	Windham	

ABSENT WITH LEAVE: 013

Aldridge	Black 7	Bosley	Chipman	DeGroot
Fitzwater	Hovis	McDaniel	Morse	Pietzman
Price IV	Schnelting	Tate		

VACANCIES: 001

Speaker Vescovo declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 114

Andrews	Atchison	Aune	Bailey	Baker
Basye	Billington	Black 137	Black 7	Boggs
Bromley	Brown 16	Brown 70	Buchheit-Courtway	Burger
Busick	Christofanelli	Coleman 32	Coleman 97	Cook
Copeland	Cupps	Davidson	Davis	Deaton
DeGroot	Derges	Dinkins	Dogan	Eggleston
Ellebracht	Evans	Falkner	Fishel	Fitzwater
Francis	Gregory 51	Gregory 96	Grier	Griesheimer
Griffith	Haden	Haffner	Haley	Hannegan
Hardwick	Henderson	Hicks	Hill	Houx
Hudson	Hurlbert	Kalberloh	Kelley 127	Kelly 141
Kidd	Knight	Lewis 6	Lovasco	Mayhew
McCreery	McGaugh	McGill	Murphy	Nurrenbern
O'Donnell	Owen	Patterson	Perkins	Pike

Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Proudie	Railsback	Reedy	Richey	Riggs
Riley	Roberts	Roden	Rogers	Rone
Ruth	Sander	Sassmann	Schroer	Schwadron
Seitz	Sharp 36	Sharpe 4	Shaul	Shields
Simmons	Smith 155	Smith 163	Stacy	Stephens 128
Taylor 139	Taylor 48	Thomas	Thompson	Toalson Reisch
Trent	Van Schoiack	Veit	Wallingford	Walsh 50
West	Wiemann	Wright	Mr. Speaker	

NOES: 038

Adams	Anderson	Appelbaum	Bangert	Baringer
Barnes	Bland Manlove	Brown 27	Burnett	Burton
Butz	Clemens	Collins	Doll	Gray
Gunby	Ingle	Johnson	Lewis 25	Mackey
Merideth	Mosley	Person	Phifer	Price IV
Quade	Rowland	Sauls	Smith 45	Smith 67
Stevens 46	Terry	Turnbaugh	Unsicker	Walsh Moore 93
Weber	Windham	Young		

PRESENT: 001

Fogle

ABSENT WITH LEAVE: 009

Aldridge	Bosley	Chipman	Hovis	McDaniel
Morse	Pietzman	Schnelting	Tate	

VACANCIES: 001

HOUSE BILLS WITH SENATE AMENDMENTS

SS#2 SCS HB 273, as amended, relating to professional registration, was taken up by Representative Hannegan.

Representative Hannegan moved that the House refuse to adopt **SS#2 SCS HB 273, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

THIRD READING OF SENATE BILLS - INFORMAL

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

On motion of Representative Hill, **HCS SS SB 6** was adopted.

On motion of Representative Hill, **HCS SS SB 6** was read the third time and passed by the following vote:

AYES: 128

Andrews	Atchison	Bailey	Baker	Bangert
Baringer	Basye	Billington	Black 137	Black 7
Bland Manlove	Boggs	Bosley	Bromley	Brown 16
Brown 27	Brown 70	Buchheit-Courtway	Burger	Burnett
Busick	Butz	Chipman	Christofanelli	Clemens
Coleman 32	Coleman 97	Cook	Copeland	Cupps
Davidson	Davis	Deaton	DeGroot	Derges
Dinkins	Dogan	Eggleston	Ellebracht	Evans
Falkner	Fishel	Fitzwater	Francis	Gregory 51
Gregory 96	Grier	Griesheimer	Griffith	Gunby
Haden	Haffner	Haley	Hannegan	Hardwick
Henderson	Hicks	Hill	Houx	Hovis
Hudson	Hurlbert	Ingle	Kalberloh	Kelley 127
Kelly 141	Kidd	Knight	Lewis 6	Lovasco
Mackey	Mayhew	McCreery	McGaugh	McGill
Murphy	Nurrenbern	O'Donnell	Owen	Patterson
Perkins	Phifer	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Pouche	Railsback	Reedy
Richey	Riggs	Riley	Roberts	Roden
Rowland	Ruth	Sander	Sassmann	Sauls
Schroer	Schwadron	Seitz	Sharp 36	Sharpe 4
Shaul	Shields	Simmons	Smith 155	Smith 163
Stacy	Tate	Taylor 139	Taylor 48	Thomas
Thompson	Toalson Reisch	Trent	Unsicker	Van Schoiack
Veit	Wallingford	Walsh 50	West	Wiemann
Wright	Young	Mr. Speaker		

NOES: 027

Adams	Aldridge	Anderson	Aune	Barnes
Burton	Collins	Doll	Fogle	Gray
Johnson	Lewis 25	McDaniel	Merideth	Mosley
Person	Price IV	Proudie	Rogers	Smith 45
Smith 67	Stevens 46	Terry	Turnbaugh	Walsh Moore 93
Weber	Windham			

PRESENT: 000

ABSENT WITH LEAVE: 007

Appelbaum	Morse	Pietzman	Quade	Rone
Schnelting	Stephens 128			

VACANCIES: 001

Speaker Vescovo declared the bill passed.

THIRD READING OF SENATE CONCURRENT RESOLUTIONS

SCR 2, relating to the issuance of refunds for sales and use tax assessments, was taken up by Representative Murphy.

Representative Bland Manlove raised a point of order that a member was in violation of Rule 84.

The Speaker directed members to direct their comments to the dais.

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

House Amendment No. 1

AMEND Senate Concurrent Resolution No. 2, Page 1, Line 11, by deleting the number "2018" and inserting in lieu thereof the number "2017"; and

Further amend said resolution and page, Lines 12-13, by deleting all of said lines and inserting in lieu thereof the following:

"wedding venues, volleyball leagues, and campgrounds to remit sales tax assessments for sales tax not collected for league fees or the rental of venue space; and"

Further amend said resolution and page, Line 24, by inserting after the word "to" the words "eliminate assessments for sales and use tax assessments and"; and

Further amend said resolution and page, Line 27, by deleting the number "2015" and inserting in lieu thereof the number "2019"; and

Further amend said resolution, Page 2, Lines 3-4, by deleting all of said lines and inserting in lieu thereof the following:

"Revenue to eliminate assessments and issue refunds to businesses and individuals that offered wedding venues, volleyball leagues, and campgrounds that paid sales and use tax"; and

Further amend said resolution and page, Line 6, by deleting the number "2018" and inserting in lieu thereof the number "2017"; and

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

SCR 2, with House Amendment No. 1, pending, was laid over.

THIRD READING OF HOUSE BILLS

HB 1008, relating to financial transactions, was taken up by Representative Hardwick.

On motion of Representative Hardwick, **HB 1008** was read the third time and passed by the following vote:

AYES: 141

Adams	Aldridge	Anderson	Andrews	Atchison
Aune	Bailey	Baker	Bangert	Baringer
Barnes	Basye	Billington	Black 137	Black 7
Boggs	Bromley	Brown 16	Brown 27	Brown 70
Buchheit-Courtway	Burger	Burnett	Burton	Busick
Butz	Chipman	Christofanelli	Coleman 32	Coleman 97
Collins	Cook	Copeland	Cupps	Davidson
Davis	Deaton	DeGroot	Derges	Dinkins

Dogan	Doll	Eggleston	Ellebracht	Evans
Falkner	Fishel	Fitzwater	Fogle	Francis
Gray	Gregory 51	Gregory 96	Grier	Griesheimer
Gunby	Haden	Haffner	Haley	Hannegan
Hardwick	Hill	Houx	Hovis	Hudson
Hurlbert	Johnson	Kalberloh	Kelley 127	Kelly 141
Kidd	Knight	Lewis 6	Lovasco	Mackey
Mayhew	McCreery	McGaugh	McGill	Mosley
Murphy	Nurrenbern	O'Donnell	Owen	Perkins
Person	Phifer	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Pouche	Price IV	Proudie
Quade	Railsback	Reedy	Richey	Riggs
Riley	Roberts	Roden	Rogers	Rone
Ruth	Sander	Sassmann	Sauls	Schroer
Schwadron	Seitz	Sharp 36	Sharpe 4	Shaul
Shields	Simmons	Smith 155	Smith 163	Smith 45
Stacy	Stephens 128	Tate	Taylor 139	Taylor 48
Terry	Thomas	Thompson	Trent	Turnbaugh
Van Schoiack	Veit	Wallingford	Walsh 50	Walsh Moore 93
Weber	West	Wiemann	Wright	Young
Mr. Speaker				

NOES: 000

PRESENT: 010

Appelbaum	Bland Manlove	Bosley	Clemens	Ingle
Lewis 25	Merideth	Stevens 46	Unsicker	Windham

ABSENT WITH LEAVE: 011

Griffith	Henderson	Hicks	McDaniel	Morse
Patterson	Pietzman	Rowland	Schnelting	Smith 67
Toalson Reisch				

VACANCIES: 001

Speaker Vescovo declared the bill passed.

HB 764, relating to newspapers, was taken up by Representative Andrews.

On motion of Representative Andrews, **HB 764** was read the third time and passed by the following vote:

AYES: 152

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Baker	Bangert	Baringer
Barnes	Basye	Billington	Black 137	Black 7
Bland Manlove	Boggs	Bosley	Bromley	Brown 16
Brown 27	Brown 70	Buchheit-Courtway	Burger	Burnett
Busick	Butz	Chipman	Clemens	Coleman 32
Coleman 97	Collins	Cook	Copeland	Cupps
Davidson	Davis	Deaton	DeGroot	Derges
Dinkins	Dogan	Doll	Eggleston	Ellebracht
Evans	Falkner	Fishel	Fitzwater	Fogle
Francis	Gray	Gregory 51	Gregory 96	Grier

Griesheimer	Gunby	Haden	Haffner	Haley
Hannegan	Hardwick	Henderson	Hicks	Hill
Houx	Hovis	Hudson	Hurlbert	Ingle
Johnson	Kalberloh	Kelley 127	Kelly 141	Kidd
Knight	Lewis 25	Lewis 6	Lovasco	Mackey
Mayhew	McCreery	McGaugh	McGill	Merideth
Mosley	Murphy	Nurrenbern	O'Donnell	Owen
Patterson	Perkins	Person	Phifer	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Price IV	Proudie	Quade	Railsback	Reedy
Richey	Riggs	Riley	Roberts	Roden
Rogers	Rone	Ruth	Sander	Sassmann
Sauls	Schroer	Schwadron	Seitz	Sharp 36
Sharpe 4	Shaul	Shields	Simmons	Smith 155
Smith 163	Smith 45	Smith 67	Stacy	Stephens 128
Stevens 46	Taylor 139	Taylor 48	Terry	Thomas
Thompson	Toalson Reisch	Trent	Turnbaugh	Unsicker
Van Schojack	Veit	Wallingford	Walsh 50	Walsh Moore 93
Weber	West	Wiemann	Windham	Wright
Young	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bailey	Burton	Christofanelli	Griffith	McDaniel
Morse	Pietzman	Rowland	Schnelting	Tate

VACANCIES: 001

Speaker Vescovo declared the bill passed.

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HB 574, as amended, relating to the inspection of grounds or facilities used for certain agricultural purposes, was taken up by Representative Haden.

Representative Chipman assumed the Chair.

On motion of Representative Haden, **SS HCS HB 574, as amended**, was adopted by the following vote:

AYES: 102

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Brown 16
Brown 27	Buchheit-Courtway	Burger	Busick	Chipman
Christofanelli	Coleman 32	Coleman 97	Cook	Copeland
Cupps	Davis	Deaton	DeGroot	Derges
Dinkins	Dogan	Eggleston	Evans	Falkner
Fishel	Fitzwater	Francis	Gregory 51	Gregory 96
Grier	Griesheimer	Griffith	Haden	Haffner
Haley	Hannegan	Henderson	Hicks	Hill

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Houx	Hovis	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Knight	Lewis 6	Lovasco
Mayhew	McDaniel	McGaugh	McGirt	Murphy
O'Donnell	Owen	Perkins	Pike	Plocher
Pollitt 52	Porter	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Roden	Rone
Ruth	Sander	Sassmann	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Simmons	Smith 155
Smith 163	Stacy	Stephens 128	Taylor 139	Taylor 48
Thomas	Thompson	Toalson Reisch	Trent	Van Schoiack
Veit	Wallingford	Walsh 50	West	Wiemann
Wright	Mr. Speaker			

NOES: 046

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Burnett	Burton	Butz	Clemens	Collins
Doll	Ellebracht	Fogle	Gray	Gunby
Ingle	Johnson	Lewis 25	Mackey	McCreery
Merideth	Mosley	Nurrenbern	Person	Phifer
Price IV	Quade	Rogers	Rowland	Sauls
Sharp 36	Smith 45	Smith 67	Stevens 46	Terry
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Windham
Young				

PRESENT: 000

ABSENT WITH LEAVE: 014

Bailey	Brown 70	Davidson	Hardwick	Kidd
Morse	Patterson	Pietzman	Pollock 123	Pouche
Proudie	Schnelting	Schroer	Tate	

VACANCIES: 001

On motion of Representative Haden, **SS HCS HB 574, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 101

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Brown 16
Brown 27	Buchheit-Courtway	Burger	Busick	Chipman
Christofanelli	Coleman 32	Coleman 97	Cook	Copeland
Cupps	Davis	Deaton	DeGroot	Derges
Dinkins	Dogan	Eggleston	Evans	Falkner
Fishel	Fitzwater	Francis	Gregory 51	Gregory 96
Grier	Griesheimer	Griffith	Haden	Haffner
Haley	Hannegan	Henderson	Hicks	Hill
Houx	Hovis	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Lewis 6	Lovasco	Mayhew
McDaniel	McGaugh	McGirt	Murphy	O'Donnell
Owen	Perkins	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Roden	Rone
Ruth	Sander	Sassmann	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Simmons	Smith 155

Smith 163	Stephens 128	Taylor 139	Taylor 48	Thomas
Thompson	Toalson Reisch	Trent	Van Schoiack	Veit
Wallingford	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 046

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Burnett	Burton	Butz	Clemens	Collins
Doll	Ellebracht	Fogle	Gray	Gunby
Ingle	Johnson	Lewis 25	Mackey	McCreery
Merideth	Mosley	Nurrenbern	Person	Phifer
Price IV	Quade	Rogers	Rowland	Sauls
Sharp 36	Smith 45	Smith 67	Stevens 46	Terry
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Windham
Young				

PRESENT: 000

ABSENT WITH LEAVE: 015

Bailey	Brown 70	Davidson	Hardwick	Kidd
Knight	Morse	Patterson	Pietzman	Pouche
Proudie	Schnelting	Schroer	Stacy	Tate

VACANCIES: 001

Representative Chipman declared the bill passed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 2**.

Senators: Hegeman, Hough, Eigel, Arthur, Washington

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 3**.

Senators: Hegeman, Hough, Hoskins, Arthur, May

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 4**.

Senators: Hegeman, Hough, Riddle, Arthur, Razer

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 5**.

Senators: Hegeman, Hough, Hoskins, Arthur, Williams

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 6**.

Senators: Hegeman, Hough, Crawford, Arthur, Washington

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 7**.

Senators: Hegeman, Hough, Cierpiot, Arthur, Washington

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 8**.

Senators: Hegeman, Hough, Luetkemeyer, Arthur, May

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 9**.

Senators: Hegeman, Hough, Eslinger, Arthur, Washington

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 10**.

Senators: Hegeman, Hough, Hoskins, Arthur, Washington

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 11**.

Senators: Hegeman, Hough, Luetkemeyer, Arthur, May

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 12**.

Senators: Hegeman, Hough, Brown, Rizzo, Arthur

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 15**.

Senators: Hegeman, Hough, Crawford, Arthur, Williams

On motion of Representative Plocher, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Vescovo.

Representative Plocher suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 037

Atchison	Barnes	Basye	Brown 16	Brown 27
Busick	Butz	Coleman 97	Cook	Copeland
Cupps	Davis	Evans	Haffner	Hannegan
Hardwick	Hill	Kelley 127	Kelly 141	Lewis 6
Lovasco	McGirl	Murphy	Owen	Pollock 123
Richey	Riggs	Rone	Sassmann	Seitz
Shields	Taylor 139	Thompson	Veit	Walsh 50
West	Wright			

NOES: 001

Rowland

PRESENT: 086

Andrews	Appelbaum	Aune	Baker	Billington
Black 137	Black 7	Bromley	Buchheit-Courtway	Burger
Chipman	Christofanelli	Coleman 32	Collins	Davidson
Deaton	DeGroot	Dinkins	Dogan	Doll
Eggleston	Ellebracht	Falkner	Fishel	Fogle
Francis	Gregory 51	Gregory 96	Griesheimer	Griffith
Gunby	Haden	Haley	Henderson	Houx
Hovis	Hudson	Hurlbert	Johnson	Kalberloh
Kidd	Knight	Mayhew	McCreery	McDaniel
McGaugh	Mosley	Nurrenbern	O'Donnell	Perkins
Pike	Plocher	Pollitt 52	Porter	Pouche
Quade	Railsback	Reedy	Riley	Roberts
Ruth	Sander	Schroer	Schwadron	Sharp 36
Sharpe 4	Shaul	Smith 155	Smith 163	Smith 45
Stacy	Stephens 128	Stevens 46	Taylor 48	Thomas
Toalson Reisch	Trent	Turnbaugh	Unsicker	Van Schoiack
Wallingford	Walsh Moore 93	Weber	Wiemann	Young
Mr. Speaker				

ABSENT WITH LEAVE: 038

Adams	Aldridge	Anderson	Bailey	Bangert
Baringer	Bland Manlove	Boggs	Bosley	Brown 70
Burnett	Burton	Clemens	Derges	Fitzwater
Gray	Grier	Hicks	Ingle	Lewis 25
Mackey	Merideth	Morse	Patterson	Person
Phifer	Pietzman	Price IV	Proudie	Roden
Rogers	Sauls	Schnelting	Simmons	Smith 67
Tate	Terry	Windham		

VACANCIES: 001

THIRD READING OF SENATE BILLS - INFORMAL

HCS SS#2 SB 26, relating to public safety, was taken up by Representative Schroer.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 9, Section 590.502, Line 175, by inserting after said line the following:

"14. Nothing in this section shall apply to any investigation or other action by the director regarding a license issued by the director under this chapter."; and

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

Representative Hannegan 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 Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 5, by deleting said line and inserting in lieu thereof the following:

"regarding a license issued by the director under this chapter.

15. A law enforcement agency that has substantially similar or greater procedures shall be deemed in compliance with this section."; and"; and

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

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

Representative Christofanelli offered **House Amendment No. 2 to House Amendment No. 1**.

House Amendment No. 2
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting immediately after the phrase "Senate Bill No. 26," on said line the following:

"Page 1, Section A, Line 3, by inserting after all of said section and line the following:

"56.380. It is unlawful for the circuit attorneys or the assistant circuit attorneys of the courts of this state having jurisdiction of criminals within cities in this state having a population of seven hundred thousand inhabitants or more to contract for, directly or indirectly, or to accept, receive or take any fee, reward, promise or undertaking, or gift or valuable thing of any kind whatsoever, except the salary of his office prescribed by law, for aiding, advising, promoting or procuring any indictment, true bill or legal process of any kind whatsoever against any person or party, or for aiding, promoting, counseling or procuring the detection, discovery, apprehension, prosecution or conviction of any person upon any charge whatsoever, or for aiding, advising or counseling of or concerning, or for procuring, promoting or effecting the discovery or recovery, by any means whatever, of any valuable thing which is secreted or detained from the possession of the owner or lawful custodian thereof. Any officer who is convicted of the violation of any of the provisions of this section shall be punished by imprisonment by the state department of corrections ~~[and human resources]~~ for not more than seven years and in addition shall forfeit his office.

56.455. In addition to his other duties, the circuit attorney of the City of St. Louis shall make a detailed report of all information in his possession pertaining to each person committed to the state penitentiary by the circuit court of the City of St. Louis to the director of the state department of corrections ~~[and human resources]~~ and to the state ~~[board of probation and]~~ parole **board**. The report shall include such information as may be requested by such director or board and shall include a summary of such evidence as to the prior convictions of the convict, his mental condition, education and other personal background information which is available to the circuit attorney as well as the date of the crime for which the convict was sentenced, whether he was tried or pleaded guilty, and such facts as are available as to the aggravating or mitigating circumstances of the crime. The circuit attorney may include in the report his recommendation as to whether the convict should be kept in a maximum security institution. The report shall be transmitted within twenty days after the date of the conviction or at such other time as is prescribed by the director of the department of corrections ~~[and human resources]~~ or ~~[board of probation and]~~ parole **board**."; and

Further amend said bill, Page 2, Section 84.400, Line 14, by inserting after all of said section and line the following:

"105.950. 1. Until June 30, 2000, the commissioner of administration and the directors of the departments of revenue, social services, agriculture, economic development, corrections, labor and industrial relations, natural resources, and public safety shall continue to receive the salaries they received on August 27, 1999, subject to annual adjustments as provided in section 105.005.

2. On and after July 1, 2000, the salary of the directors of the above departments shall be set by the governor within the limits of the salary ranges established pursuant to this section and the appropriation for that purpose. Salary ranges for department directors and members of the ~~[board of probation and]~~ parole **board** shall be set by the personnel advisory board after considering the results of a study periodically performed or administered by the office of administration. Such salary ranges shall be published yearly in an appendix to the revised statutes of Missouri.

3. Each of the above salaries shall be increased by any salary adjustment provided pursuant to the provisions of section 105.005.

149.071. Any person who shall, without the authorization of the director of revenue, make or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, restore, or process any stamp, impression, copy, facsimile, or other evidence for the purpose of indicating the payment of the tax levied by this chapter, or who shall knowingly or by a deceptive act use or pass, or tender as true, or affix, impress, or imprint, by use of any device, rubber stamp or by any other means, or any package containing cigarettes, any unauthorized, false, altered, forged, counterfeit or previously used stamp, impressions, copies, facsimiles or other evidence of cigarette tax payment, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections ~~[and human resources]~~ for a term of not less than two years nor more than five years.

149.076. 1. No manufacturer, wholesaler or retailer shall fail or refuse to make any return required by the director, or refuse to permit the director or his duly authorized representatives to examine records, papers, files and equipment pertaining to the person's business made taxable by this chapter. No person shall make an incomplete, false or fraudulent return under this chapter, or attempt to do anything to evade full disclosure of the facts or to avoid the payment in whole or in part of the tax or interest due.

2. Any person who files a false report or application or makes a false entry in any record relating to the purchase and sale of cigarettes shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections ~~[and human resources]~~ for a term of not less than two years nor more than five years.

214.392. 1. The division shall:

(1) Recommend prosecution for violations of the provisions of sections 214.270 to 214.410 to the appropriate prosecuting, circuit attorney or to the attorney general;

(2) Employ, within limits of the funds appropriated, such employees as are necessary to carry out the provisions of sections 214.270 to 214.410;

(3) Be allowed to convey full authority to each city or county governing body the use of inmates controlled by the department of corrections and the ~~[board of probation and]~~ parole **board** to care for abandoned cemeteries located within the boundaries of each city or county;

(4) Exercise all budgeting, purchasing, reporting and other related management functions;

(5) Be authorized, within the limits of the funds appropriated, to conduct investigations, examinations, or audits to determine compliance with sections 214.270 to 214.410;

(6) The division may promulgate rules necessary to implement the provisions of sections 214.270 to 214.516, including but not limited to:

(a) Rules setting the amount of fees authorized pursuant to sections 214.270 to 214.516. The fees shall be set at a level to produce revenue that shall not substantially exceed the cost and expense of administering sections 214.270 to 214.516. All moneys received by the division pursuant to sections 214.270 to 214.516 shall be collected by the director who shall transmit such moneys to the department of revenue for deposit in the state treasury to the credit of the endowed care cemetery audit fund created in section 193.265;

(b) Rules to administer the inspection and audit provisions of the endowed care cemetery law;

(c) Rules for the establishment and maintenance of the cemetery registry pursuant to section 214.283.

2. 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.

217.010. As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;

(2) "Board", the ~~[board of probation and]~~ parole **board**;

(3) "Chief administrative officer", the institutional head of any correctional facility or his designee;

(4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;

(5) "Department", the department of corrections of the state of Missouri;

(6) "Director", the director of the department of corrections or his designee;

(7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;

(8) "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;

(9) "Division director", the director of a division of the department or his designee;

(10) "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;

(11) "Nonviolent offender", any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, involuntary manslaughter in the first or second degree, kidnapping, kidnapping in the first degree, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, robbery in the first degree or assault in the first degree;

(12) "Offender", a person under supervision or an inmate in the custody of the department;

(13) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the ~~[board]~~ **division of probation and parole**;

(14) "Volunteer", any person who, of his own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.

217.030. The director shall appoint the directors of the divisions of the department~~], except the chairman of the parole board who shall be appointed by the governor]~~. Division directors shall serve at the pleasure of the director~~], except the chairman of the parole board who shall serve in the capacity of chairman at the pleasure of the governor]~~. The director of the department shall be the appointing authority under chapter 36 to employ such administrative, technical and other personnel who may be assigned to the department generally rather than to any of the department divisions or facilities and whose employment is necessary for the performance of the powers and duties of the department.

217.250. Whenever any offender is afflicted with a disease which is terminal, or is advanced in age to the extent that the offender is in need of long-term nursing home care, or when confinement will necessarily greatly endanger or shorten the offender's life, the correctional center's physician shall certify such facts to the chief medical administrator, stating the nature of the disease. The chief medical administrator with the approval of the director will then forward the certificate to the ~~[board of probation and]~~ parole **board** who in their discretion may grant a medical parole or at their discretion may recommend to the governor the granting or denial of a commutation.

217.270. All correctional employees shall:

(1) Grant to members of the state ~~[board of probation and]~~ parole **board** or its properly accredited representatives access at all reasonable times to any offender;

(2) Furnish to the board the reports that the board requires concerning the conduct and character of any offender in their custody; and

(3) Furnish any other facts deemed pertinent by the board in the determination of whether an offender shall be paroled.

217.362. 1. The department of corrections shall design and implement an intensive long-term program for the treatment of chronic nonviolent offenders with serious substance abuse addictions who have not pleaded guilty to or been convicted of a dangerous felony as defined in section 556.061.

2. Prior to sentencing, any judge considering an offender for this program shall notify the department. The potential candidate for the program shall be screened by the department to determine eligibility. The department shall, by regulation, establish eligibility criteria and inform the court of such criteria. The department shall notify the court as to the offender's eligibility and the availability of space in the program. Notwithstanding any other provision of law to the contrary, except as provided for in section 558.019, if an offender is eligible and there is adequate space, the court may sentence a person to the program which shall consist of institutional drug or alcohol treatment for a period of at least twelve and no more than twenty-four months, as well as a term of incarceration. The department shall determine the nature, intensity, duration, and completion criteria of the education, treatment, and aftercare portions of any program services provided. Execution of the offender's term of incarceration shall be suspended pending completion of said program. Allocation of space in the program may be distributed by the department in proportion to drug arrest patterns in the state. If the court is advised that an offender is not eligible or that there is no space available, the court shall consider other authorized dispositions.

3. Upon successful completion of the program, the ~~[board]~~ **division** of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. If the court determines that probation is not appropriate the court may order the execution of the offender's sentence.

4. If it is determined by the department that the offender has not successfully completed the program, or that the offender is not cooperatively participating in the program, the offender shall be removed from the program and the court shall be advised. Failure of an offender to complete the program shall cause the offender to serve the sentence prescribed by the court and void the right to be considered for probation on this sentence.

5. An offender's first incarceration in a department of corrections program pursuant to this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term pursuant to the provisions of section 558.019.

217.364. 1. The department of corrections shall establish by regulation the "Offenders Under Treatment Program". The program shall include institutional placement of certain offenders, as outlined in subsection 3 of this section, under the supervision and control of the department of corrections. The department shall establish rules determining how, when and where an offender shall be admitted into or removed from the program.

2. As used in this section, the term "offenders under treatment program" means a one-hundred-eighty-day institutional correctional program for the monitoring, control and treatment of certain substance abuse offenders and certain nonviolent offenders followed by placement on parole with continued supervision.

3. The following offenders may participate in the program as determined by the department:

(1) Any nonviolent offender who has not previously been remanded to the department and who has been found guilty of violating the provisions of chapter 195 or 579 or whose substance abuse was a precipitating or contributing factor in the commission of his offense; or

(2) Any nonviolent offender who has pled guilty or been found guilty of a crime which did not involve the use of a weapon, and who has not previously been remanded to the department.

4. This program shall be used as an intermediate sanction by the department. The program may include education, treatment and rehabilitation programs. If an offender successfully completes the institutional phase of the program, the department shall notify the ~~board of probation and~~ parole **board** within thirty days of completion. Upon notification from the department that the offender has successfully completed the program, the ~~board of probation and~~ parole **board** may at its discretion release the offender on parole as authorized in subsection 1 of section 217.690.

5. The availability of space in the institutional program shall be determined by the department of corrections.

6. If the offender fails to complete the program, the offender shall be taken out of the program and shall serve the remainder of his sentence with the department.

7. Time spent in the program shall count as time served on the sentence.

217.455. The request provided for in section 217.450 shall be delivered to the director, who shall forthwith:

(1) Certify the term of commitment under which the offender is being held, the time already served, the time remaining to be served on the sentence, the time of parole eligibility of the offender, and any decisions of the state ~~board of probation and~~ parole **board** relating to the offender; and

(2) Send by registered or certified mail, return receipt requested, one copy of the request and certificate to the court and one copy to the prosecuting attorney to whom it is addressed.

217.541. 1. The department shall by rule establish a program of house arrest. The director or his designee may extend the limits of confinement of offenders serving sentences for class D or E felonies who have one year or less remaining prior to release on parole, conditional release, or discharge to participate in the house arrest program.

2. The offender referred to the house arrest program shall remain in the custody of the department and shall be subject to rules and regulations of the department pertaining to offenders of the department until released on parole or conditional release by the state ~~board of probation and~~ parole **board**.

3. The department shall require the offender to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the offender.

4. An offender released to house arrest shall be authorized to leave his place of residence only for the purpose and time necessary to participate in the program and activities authorized in subsection 3 of this section.

5. The ~~board~~ **division** of probation and parole shall supervise every offender released to the house arrest program and shall verify compliance with the requirements of this section and such other rules and regulations that the department shall promulgate and may do so by remote electronic surveillance. If any probation/parole officer has probable cause to believe that an offender under house arrest has violated a condition of the house arrest agreement, the probation/parole officer may issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility to which the offender is brought shall be sufficient legal authority for detaining the offender. An offender arrested under this section shall remain in custody or incarcerated without consideration of bail. The director or his designee, upon recommendation of the probation and parole officer, may direct the return of any offender from house arrest to a correctional facility of the department for reclassification.

6. Each offender who is released to house arrest shall pay a percentage of his wages, established by department rules, to a maximum of the per capita cost of the house arrest program. The money received from the offender shall be deposited in the inmate fund and shall be expended to support the house arrest program.

217.650. As used in sections 217.650 to 217.810, unless the context clearly indicates otherwise, the following terms mean:

- (1) ~~["Board", the state board of probation and parole;~~
- ~~—— (2) "Chairman", chairman of the board of probation and~~ **"Chair", the chair of the parole board, who shall be appointed by the governor;**
- ~~[(3)] (2)~~ **"Diversionary program", a program designed to utilize alternatives to incarceration undertaken under the supervision of the [board] division of probation and parole after commitment of an offense and prior to arraignment;**
- ~~[(4)] (3)~~ **"Parole", the release of an offender to the community by the court or the state [board of probation and] parole board prior to the expiration of his term, subject to conditions imposed by the court or the parole board and to its supervision by the division of probation and parole;**
- (4) "Parole board", the state board of parole;**
- (5) "Prerelease program", a program relating to an offender's preparation for, or orientation to, supervision by the ~~[board]~~ **division of probation and parole** immediately prior to or immediately after assignment of the offender to the ~~[board]~~ **division of probation and parole** for supervision;
- (6) "Pretrial program", a program relating to the investigation or supervision of persons referred or assigned to the ~~[board]~~ **division of probation and parole** prior to their conviction;
- (7) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the ~~[board]~~ **division of probation and parole;**
- (8) "Recognizance program", a program relating to the release of an individual from detention who is under arrest for an offense for which he may be released as provided in section 544.455.

217.655. 1. The parole board shall be responsible for determining whether a person confined in the department shall be paroled or released conditionally as provided by section 558.011. The **parole** board shall receive administrative support from the division of probation and parole. The division of probation and parole shall provide supervision to all persons referred by the circuit courts of the state as provided by sections 217.750 and 217.760. The **parole** board shall exercise independence in making decisions about individual cases, but operate cooperatively within the department and with other agencies, officials, courts, and stakeholders to achieve systemic improvement including the requirements of this section.

2. The **parole** board shall adopt parole guidelines to:

- (1) Preserve finite prison capacity for the most serious and violent offenders;
- (2) Release supervision-manageable cases consistent with section 217.690;
- (3) Use finite resources guided by validated risk and needs assessments;
- (4) Support a seamless reentry process;
- (5) Set appropriate conditions of supervision; and
- (6) Develop effective strategies for responding to violation behaviors.

3. The **parole** board shall collect, analyze, and apply data in carrying out its responsibilities to achieve its mission and end goals. The **parole** board shall establish agency performance and outcome measures that are directly responsive to statutory responsibilities and consistent with agency goals for release decisions, supervision, revocation, recidivism, and caseloads.

4. The **parole** board shall publish parole data, including grant rates, revocation and recidivism rates, length of time served, and successful supervision completions, and other performance metrics.

5. The **chair of the board shall employ such employees as necessary to carry out the chair's responsibilities, shall serve as the appointing authority over such employees, and shall provide for appropriate training to members and staff, including communication skills.**

6. The division of probation and parole shall provide such programs as necessary to carry out its responsibilities consistent with its goals and statutory obligations.

217.665. 1. Beginning August 28, 1996, the parole board shall consist of seven members appointed by the governor by and with the advice and consent of the senate.

2. Beginning August 28, 1996, members of the board shall be persons of recognized integrity and honor, known to possess education and ability in decision making through career experience and other qualifications for the successful performance of their official duties. Not more than four members of the board shall be of the same political party.

3. At the expiration of the term of each member and of each succeeding member, the governor shall appoint a successor who shall hold office for a term of six years and until his successor has been appointed and qualified. Members may be appointed to succeed themselves.

4. Vacancies occurring in the office of any member shall be filled by appointment by the governor for the unexpired term.

5. The governor shall designate one member of the board as ~~chairman~~ **chair** and one member as vice ~~chairman~~ **chair**. The ~~chairman~~ **chair** shall establish the duties and responsibilities of the members of the board and supervise their performance and may require reports from any member as to his or her conduct and exercise of duties. In the event of the ~~chairman's~~ **chair's** removal, death, resignation, or inability to serve, the vice ~~chairman~~ **chair** shall act as ~~chairman~~ **chair** upon written order of the governor or ~~chairman~~ **chair**.

6. Members of the board shall devote full time to the duties of their office and before taking office shall subscribe to an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri. The oath shall be signed in the office of the secretary of state.

7. The annual compensation for each member of the board whose term commenced before August 28, 1999, shall be forty-five thousand dollars plus any salary adjustment, including prior salary adjustments, provided pursuant to section 105.005. Salaries for board members whose terms commence after August 27, 1999, shall be set as provided in section 105.950; provided, however, that the compensation of a board member shall not be increased during the member's term of office, except as provided in section 105.005. In addition to compensation provided by law, the members shall be entitled to reimbursement for necessary travel and other expenses incurred pursuant to section 33.090.

8. Any person who served as a member of the board of probation and parole prior to July 1, 2000, shall be made, constituted, appointed and employed by the board of trustees of the state employees' retirement system as a special consultant on the problems of retirement, aging and other state matters. As compensation for such services, such consultant shall not be denied use of any unused sick leave, or the ability to receive credit for unused sick leave pursuant to chapter 104, provided such sick leave was maintained by the board of probation and parole in the regular course of business prior to July 1, 2000, but only to the extent of such sick leave records are consistent with the rules promulgated pursuant to section 36.350. Nothing in this section shall authorize the use of any other form of leave that may have been maintained by the board prior to July 1, 2000.

217.690. 1. All releases or paroles shall issue upon order of the **parole** board, duly adopted.

2. Before ordering the parole of any offender, the **parole** board shall conduct a validated risk and needs assessment and evaluate the case under the rules governing parole that are promulgated by the **parole** board. The **parole** board shall then have the offender appear before a hearing panel and shall conduct a personal interview with him, unless waived by the offender, or if the guidelines indicate the offender may be paroled without need for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a victim requests a hearing. The appearance or presence may occur by means of a videoconference at the discretion of the **parole** board. A parole may be ordered for the best interest of society when there is a reasonable probability, based on the risk assessment and indicators of release readiness, that the person can be supervised under parole supervision and successfully reintegrated into the community, not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. Every offender while on parole shall remain in the legal custody of the department but shall be subject to the orders of the **parole** board.

3. The division of probation and parole has discretionary authority to require the payment of a fee, not to exceed sixty dollars per month, from every offender placed under division supervision on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee collections services. All fees collected shall be deposited in the inmate fund established in section 217.430. Fees collected may be used to pay the costs of contracted collections services. The fees collected may otherwise be used to provide community corrections and intervention services for offenders. Such services include substance abuse assessment and treatment, mental health assessment and treatment, electronic monitoring services, residential facilities services, employment placement services, and other offender community corrections or intervention services designated by the division of probation and parole to assist offenders to successfully complete probation, parole, or conditional release. The ~~board~~ **division of probation and parole** shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

4. The **parole** board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall recite the conditions of such parole.

5. When considering parole for an offender with consecutive sentences, the minimum term for eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for each of the consecutive sentences, except the minimum term for parole eligibility shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

6. Any offender under a sentence for first degree murder who has been denied release on parole after a parole hearing shall not be eligible for another parole hearing until at least three years from the month of the parole denial; however, this subsection shall not prevent a release pursuant to subsection 4 of section 558.011.

7. A victim who has requested an opportunity to be heard shall receive notice that the **parole** board is conducting an assessment of the offender's risk and readiness for release and that the victim's input will be particularly helpful when it pertains to safety concerns and specific protective measures that may be beneficial to the victim should the offender be granted release.

8. Parole hearings shall, at a minimum, contain the following procedures:

(1) The victim or person representing the victim who attends a hearing may be accompanied by one other person;

(2) The victim or person representing the victim who attends a hearing shall have the option of giving testimony in the presence of the inmate or to the hearing panel without the inmate being present;

(3) The victim or person representing the victim may call or write the parole board rather than attend the hearing;

(4) The victim or person representing the victim may have a personal meeting with a **parole** board member at the **parole** board's central office;

(5) The judge, prosecuting attorney or circuit attorney and a representative of the local law enforcement agency investigating the crime shall be allowed to attend the hearing or provide information to the hearing panel in regard to the parole consideration; and

(6) The **parole** board shall evaluate information listed in the juvenile sex offender registry pursuant to section 211.425, provided the offender is between the ages of seventeen and twenty-one, as it impacts the safety of the community.

9. The **parole** board shall notify any person of the results of a parole eligibility hearing if the person indicates to the **parole** board a desire to be notified.

10. The **parole** board may, at its discretion, require any offender seeking parole to meet certain conditions during the term of that parole so long as said conditions are not illegal or impossible for the offender to perform. These conditions may include an amount of restitution to the state for the cost of that offender's incarceration.

11. Special parole conditions shall be responsive to the assessed risk and needs of the offender or the need for extraordinary supervision, such as electronic monitoring. The **parole** board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload conditions upon release, and to require the modification and reduction of conditions based on the person's continuing stability in the community. **Parole** board rules shall permit parole conditions to be modified by parole officers with review and approval by supervisors.

12. Nothing contained in this section shall be construed to require the release of an offender on parole nor to reduce the sentence of an offender heretofore committed.

13. Beginning January 1, 2001, the **parole** board shall not order a parole unless the offender has obtained a high school diploma or its equivalent, or unless the **parole** board is satisfied that the offender, while committed to the custody of the department, has made an honest good-faith effort to obtain a high school diploma or its equivalent; provided that the director may waive this requirement by certifying in writing to the **parole** board that the offender has actively participated in mandatory education programs or is academically unable to obtain a high school diploma or its equivalent.

14. 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, 2005, shall be invalid and void.

217.692. 1. Notwithstanding any other provision of law to the contrary, any offender incarcerated in a correctional institution serving any sentence of life with no parole for fifty years or life without parole, whose plea of guilt was entered or whose trial commenced prior to December 31, 1990, and who:

- (1) Pleaded guilty to or was found guilty of a homicide of a spouse or domestic partner;
- (2) Has no prior violent felony convictions;
- (3) No longer has a cognizable legal claim or legal recourse; and
- (4) Has a history of being a victim of continual and substantial physical or sexual domestic violence that was not presented as an affirmative defense at trial or sentencing and such history can be corroborated with evidence of facts or circumstances which existed at the time of the alleged physical or sexual domestic violence of the offender, including but not limited to witness statements, hospital records, social services records, and law enforcement records;

shall be eligible for parole after having served fifteen years of such sentence when the **parole** board determines by using the guidelines established by this section that there is a strong and reasonable probability that the person will not thereafter violate the law.

2. The ~~[board of probation and]~~ **parole board** shall give a thorough review of the case history and prison record of any offender described in subsection 1 of this section. At the end of the **parole** board's review, the **parole** board shall provide the offender with a copy of a statement of reasons for its parole decision.

3. Any offender released under the provisions of this section shall be under the supervision of the ~~[parole-board]~~ **division of probation and parole** for an amount of time to be determined by the **parole** board.

4. The parole board shall consider, but not be limited to the following criteria when making its parole decision:

- (1) Length of time served;
- (2) Prison record and self-rehabilitation efforts;
- (3) Whether the history of the case included corroborative material of physical, sexual, mental, or emotional abuse of the offender, including but not limited to witness statements, hospital records, social service records, and law enforcement records;
- (4) If an offer of a plea bargain was made and if so, why the offender rejected or accepted the offer;
- (5) Any victim information outlined in subsection 8 of section 217.690 and section 595.209;
- (6) The offender's continued claim of innocence;
- (7) The age and maturity of the offender at the time of the **parole** board's decision;
- (8) The age and maturity of the offender at the time of the crime and any contributing influence affecting the offender's judgment;
- (9) The presence of a workable parole plan; and
- (10) Community and family support.

5. Nothing in this section shall limit the review of any offender's case who is eligible for parole prior to fifteen years, nor shall it limit in any way the parole board's power to grant parole prior to fifteen years.

6. Nothing in this section shall limit the review of any offender's case who has applied for executive clemency, nor shall it limit in any way the governor's power to grant clemency.

7. It shall be the responsibility of the offender to petition the **parole** board for a hearing under this section.

8. A person commits the crime of perjury if he or she, with the purpose to deceive, knowingly makes a false witness statement to the **parole** board. Perjury under this section shall be a class D felony.

9. In cases where witness statements alleging physical or sexual domestic violence are in conflict as to whether such violence occurred or was continual and substantial in nature, the history of such alleged violence shall be established by other corroborative evidence in addition to witness statements, as provided by subsection 1 of this section. A contradictory statement of the victim shall not be deemed a conflicting statement for purposes of this section.

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

- (1) "Chief law enforcement official", the county sheriff, chief of police or other public official responsible for enforcement of criminal laws within a county or city not within a county;
- (2) "County" includes a city not within a county;
- (3) "Offender", a person in the custody of the department or under the supervision of the ~~[board]~~ **division of probation and parole**.

2. Each offender to be released from custody of the department who will be under the supervision of the ~~[board]~~ **division of probation and parole**, except an offender transferred to another state pursuant to the interstate corrections compact, shall shortly before release be required to: complete a registration form indicating his intended address upon release, employer, parent's address, and such other information as may be required; submit to photographs; submit to fingerprints; or undergo other identification procedures including but not limited to hair samples or other identification indicia. All data and indicia of identification shall be compiled in duplicate, with one set to be retained by the department, and one set for the chief law enforcement official of the county of intended residence.

3. Any offender subject to the provisions of this section who changes his county of residence shall, in addition to notifying the ~~[board]~~ **division** of probation and parole, notify and register with the chief law enforcement official of the county of residence within seven days after he changes his residence to that county.

4. Failure by an offender to register with the chief law enforcement official upon a change in the county of his residence shall be cause for revocation of the parole of the person except for good cause shown.

5. The department, the ~~[board]~~ **division of probation and parole**, and the chief law enforcement official shall cause the information collected on the initial registration and any subsequent changes in residence or registration to be recorded with the highway patrol criminal information system.

6. The director of the department of public safety shall design and distribute the registration forms required by this section and shall provide any administrative assistance needed to facilitate the provisions of this section.

217.710. 1. Probation and parole officers, supervisors and members of the ~~[board of probation and]~~ **parole board**, who are certified pursuant to the requirements of subsection 2 of this section shall have the authority to carry their firearms at all times. The department of corrections shall promulgate policies and operating regulations which govern the use of firearms by probation and parole officers, supervisors and members of the **parole board** when carrying out the provisions of sections 217.650 to 217.810. Mere possession of a firearm shall not constitute an employment activity for the purpose of calculating compensatory time or overtime.

2. The department shall determine the content of the required firearms safety training and provide firearms certification and recertification training for probation and parole officers, supervisors and members of the ~~[board of probation and]~~ **parole board**. A minimum of sixteen hours of firearms safety training shall be required. In no event shall firearms certification or recertification training for probation and parole officers and supervisors exceed the training required for officers of the state highway patrol.

3. The department shall determine the type of firearm to be carried by the officers, supervisors and members of the ~~[board of probation and]~~ **parole board**.

4. Any officer, supervisor or member of the ~~[board of probation and]~~ **parole board** that chooses to carry a firearm in the performance of such officer's, supervisor's or member's duties shall purchase the firearm and holster.

5. The department shall furnish such ammunition as is necessary for the performance of the officer's, supervisor's and member's duties.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536 including but not limited to, section 536.028, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however nothing in section 571.030 or this section shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to August 28, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in section 571.030 or this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

217.735. 1. Notwithstanding any other provision of law to the contrary, the division of probation and parole shall supervise an offender for the duration of his or her natural life when the offender has been found guilty of an offense under:

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August 28, 2006; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years old and the offender is a prior sex offender as defined in subsection 2 of this section.

2. For the purpose of this section, a prior sex offender is a person who has previously pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim, or violating subdivision (2) of subsection 1 of section 568.045.

3. Subsection 1 of this section applies to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, or upon serving their full sentence without early release. Supervision of an offender who was released after serving his or her full sentence will be considered as supervision on parole.

4. A mandatory condition of lifetime supervision of an offender under this section is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

5. In appropriate cases as determined by a risk assessment, the **parole** board may terminate the supervision of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

6. In accordance with section 217.040, the ~~[board]~~ **division of probation and parole** may adopt rules relating to supervision and electronic monitoring of offenders under this section.

217.829. 1. The department shall develop a form which shall be used by the department to obtain information from all offenders regarding their assets.

2. The form shall be submitted to each offender as of the date the form is developed and to every offender who thereafter is sentenced to imprisonment under the jurisdiction of the department. The form may be resubmitted to an offender by the department for purposes of obtaining current information regarding assets of the offender.

3. Every offender shall complete the form or provide for completion of the form and the offender shall swear or affirm under oath that to the best of his or her knowledge the information provided is complete and accurate. Any person who shall knowingly provide false information on said form to state officials or employees shall be guilty of the crime of making a false affidavit as provided by section 575.050.

4. Failure by an offender to fully, adequately and correctly complete the form may be considered by the ~~[board of probation and]~~ **parole board** for purposes of a parole determination, and in determining an offender's parole release date or eligibility and shall constitute sufficient grounds for denial of parole.

5. Prior to release of any offender from imprisonment, and again prior to release from the jurisdiction of the department, the department shall request from the offender an assignment of ten percent of any wages, salary, benefits or payments from any source. Such an assignment shall be valid for the longer period of five years from the date of its execution, or five years from the date that the offender is released from the jurisdiction of the department or any of its divisions or agencies. The assignment shall secure payment of the total cost of care of the offender executing the assignment. The restrictions on the maximum amount of earnings subject to garnishment contained in section 525.030 shall apply to earnings subject to assignments executed pursuant to this subsection.

549.500. All documents prepared or obtained in the discharge of official duties by any member or employee of the ~~[board of probation and]~~ **parole board or employee of the division of probation and parole** shall be privileged and shall not be disclosed directly or indirectly to anyone other than members of the **parole** board and other authorized employees of the department pursuant to section 217.075. The **parole** board may at its discretion permit the inspection of the report or parts thereof by the offender or his attorney or other persons having a proper interest therein."; and

Further amend said bill, Page 2, Section 557.045, Line 15, by inserting after all of said section and line the following:

"557.051. 1. A person who has been found guilty of an offense under chapter 566, or any sex offense involving a child under chapter 568 or 573, and who is granted a suspended imposition or execution of sentence or placed under the supervision of the ~~[board]~~ **division of probation and parole** shall be required to participate in and successfully complete a program of treatment, education and rehabilitation designed for perpetrators of sexual offenses. Persons required to attend a program under this section shall be required to follow all directives of the treatment program provider, and may be charged a reasonable fee to cover the costs of such program.

2. A person who provides assessment services or who makes a report, finding, or recommendation for any offender to attend any counseling or program of treatment, education or rehabilitation as a condition or requirement of probation following a finding of guilt for an offense under chapter 566, or any sex offense involving a child under chapter 568 or 573, shall not be related within the third degree of consanguinity or affinity to any person who has a financial interest, whether direct or indirect, in the counseling or program of treatment, education or rehabilitation or any financial interest, whether direct or indirect, in any private entity which provides the counseling or program of treatment, education or rehabilitation. A person who violates this subsection shall thereafter:

(1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation;

(2) Be prohibited from providing assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state ~~[board]~~ **division** of probation and parole or any office thereof; and

(3) Be prohibited from having any financial interest, whether direct or indirect, in any private entity which provides assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the ~~[state-board]~~ **division** of probation and parole or any office thereof.

3. The provisions of subsection 2 of this section shall not apply when the department of corrections has identified only one qualified service provider within reasonably accessible distance from the offender or when the only providers available within a reasonable distance are related within the third degree of consanguinity or affinity to any person who has a financial interest in the service provider.

558.011. 1. The authorized terms of imprisonment, including both prison and conditional release terms, are:

(1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;

(2) For a class B felony, a term of years not less than five years and not to exceed fifteen years;

(3) For a class C felony, a term of years not less than three years and not to exceed ten years;

(4) For a class D felony, a term of years not to exceed seven years;

(5) For a class E felony, a term of years not to exceed four years;

(6) For a class A misdemeanor, a term not to exceed one year;

(7) For a class B misdemeanor, a term not to exceed six months;

(8) For a class C misdemeanor, a term not to exceed fifteen days.

2. In cases of class D and E felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class D or E felony, it shall commit the person to the custody of the department of corrections.

3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036, or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.

4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036 shall be:

(a) One-third for terms of nine years or less;

(b) Three years for terms between nine and fifteen years;

(c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term.

The prison term may be extended by the ~~[board of probation and]~~ parole **board** pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of an offender by the ~~[board of probation and]~~ parole **board**, subject to conditions of release that the **parole board** deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the ~~[state-board]~~ **division** of probation and parole. The conditions of release shall include avoidance by the offender of any other offense, federal or state, and other conditions that the **parole board** in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the ~~[board of probation and]~~ parole **board**. The director of any division of the department of corrections except the ~~[board]~~ **division** of probation and parole may file with the ~~[board of probation and]~~ parole **board** a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the ~~[board of probation and]~~ parole **board** shall convene a hearing on the petition. The offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the violation

occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the **parole** board and for the **parole** board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a **parole** board decision has not been reached, the offender shall be released conditionally. The decision of the **parole** board shall be final.

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except in the case of multiple sentences of imprisonment imposed for any offense committed during or at the same time as, or multiple offenses of, the following felonies:

- (1) Rape in the first degree, forcible rape, or rape;
- (2) Statutory rape in the first degree;
- (3) Sodomy in the first degree, forcible sodomy, or sodomy;
- (4) Statutory sodomy in the first degree; or
- (5) An attempt to commit any of the felonies listed in this subsection. In such case, the sentence of

imprisonment imposed for any felony listed in this subsection or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. The sentences imposed for any other offense may run concurrently.

2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his conditional release term, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation, parole or conditional release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his sentence within the department of corrections of the state of Missouri, except that a personal hearing before the ~~board of probation and~~ **parole board** shall not be required for parole consideration.

558.031. 1. A sentence of imprisonment shall commence when a person convicted of an offense in this state is received into the custody of the department of corrections or other place of confinement where the offender is sentenced. Such person shall receive credit toward the service of a sentence of imprisonment for all time in prison, jail or custody after the offense occurred and before the commencement of the sentence, when the time in custody was related to that offense, except:

- (1) Such credit shall only be applied once when sentences are consecutive;
- (2) Such credit shall only be applied if the person convicted was in custody in the state of Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and
- (3) As provided in section 559.100.

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

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

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

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

558.046. The sentencing court may, upon petition, reduce any term of sentence or probation pronounced by the court or a term of conditional release or parole pronounced by the ~~state board of probation and~~ **parole board** if the court determines that:

- (1) The convicted person was:
 - (a) Convicted of an offense that did not involve violence or the threat of violence; and
 - (b) Convicted of an offense that involved alcohol or illegal drugs; and
- (2) Since the commission of such offense, the convicted person has successfully completed a detoxification and rehabilitation program; and
- (3) The convicted person is not:
 - (a) A prior offender, a persistent offender, a dangerous offender or a persistent misdemeanor offender as defined by section 558.016; or
 - (b) A persistent sexual offender as defined in section 566.125; or
 - (c) A prior offender, a persistent offender or a class X offender as defined in section 558.019.

559.026. Except in infraction cases, when probation is granted, the court, in addition to conditions imposed pursuant to section 559.021, may require as a condition of probation that the offender submit to a period of detention up to forty-eight hours after the determination by a probation or parole officer that the offender violated a condition of continued probation or parole in an appropriate institution at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court shall designate, or the ~~[board]~~ **division** of probation and parole shall direct. Any person placed on probation in a county of the first class or second class or in any city with a population of five hundred thousand or more and detained as herein provided shall be subject to all provisions of section 221.170, even though he was not convicted and sentenced to a jail or workhouse.

(1) In misdemeanor cases, the period of detention under this section shall not exceed the shorter of thirty days or the maximum term of imprisonment authorized for the misdemeanor by chapter 558.

(2) In felony cases, the period of detention under this section shall not exceed one hundred twenty days.

(3) If probation is revoked and a term of imprisonment is served by reason thereof, the time spent in a jail, half-way house, honor center, workhouse or other institution as a detention condition of probation shall be credited against the prison or jail term served for the offense in connection with which the detention condition was imposed.

559.105. 1. Any person who has been found guilty of or has pled guilty to an offense may be ordered by the court to make restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this section shall include, but not be limited to a victim's reasonable expenses to participate in the prosecution of the crime.

2. No person ordered by the court to pay restitution pursuant to this section shall be released from probation until such restitution is complete. If full restitution is not made within the original term of probation, the court shall order the maximum term of probation allowed for such offense.

3. Any person eligible to be released on parole shall be required, as a condition of parole, to make restitution pursuant to this section. The ~~[board of probation and]~~ parole **board** shall not release any person from any term of parole for such offense until the person has completed such restitution, or until the maximum term of parole for such offense has been served.

4. The court may set an amount of restitution to be paid by the defendant. Said amount may be taken from the inmate's account at the department of corrections while the defendant is incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution is unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or parole by the prosecuting attorney or circuit attorney under section 559.100. The prosecuting attorney or circuit attorney may refer any failure to make such restitution as a condition of conditional release or parole to the parole board for enforcement.

559.106. 1. Notwithstanding any statutory provision to the contrary, when a court grants probation to an offender who has been found guilty of an offense in:

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, ~~[566.212, 566.213]~~ **566.210, 566.211**, 568.020, ~~[568.080, or 568.090]~~ **573.200, or 573.205**, based on an act committed on or after August 28, 2006; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years of age and the offender is a prior sex offender as defined in subsection 2 of this section;

the court shall order that the offender be supervised by the ~~[board]~~ **division** of probation and parole for the duration of his or her natural life.

2. For the purpose of this section, a prior sex offender is a person who has previously been found guilty of an offense contained in chapter 566, or violating section 568.020, when the person had sexual intercourse or deviate sexual intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045.

3. When probation for the duration of the offender's natural life has been ordered, a mandatory condition of such probation is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

4. In appropriate cases as determined by a risk assessment, the court may terminate the probation of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this subsection or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate one hundred twenty-day program in which to place the offender, which may include placement in the shock incarceration program or institutional treatment program. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a program under this subsection, the ~~board~~ **division** of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal. The department shall report on the offender's participation in the program and may provide recommendations for terms and conditions of an offender's probation. The court shall then have the power to grant probation or order the execution of the offender's sentence.

4. If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions. If the department of corrections one hundred twenty-day program under subsection 3 of this section is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C, class D, or class E nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section 566.125, the court shall request the department of corrections to conduct a sexual offender assessment if the defendant has been found guilty of sexual abuse when classified as a class B felony. Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration under this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; or an offender who has been found to be a predatory sexual offender pursuant to section 566.125; or any offense in which there exists a statutory prohibition against either probation or parole.

559.125. 1. The clerk of the court shall keep in a permanent file all applications for probation or parole by the court, and shall keep in such manner as may be prescribed by the court complete and full records of all presentence investigations requested, probations or paroles granted, revoked or terminated and all discharges from probations or paroles. All court orders relating to any presentence investigation requested and probation or parole granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like manner, and, if the defendant subject to any such order is subject to an investigation or is under the supervision of the ~~[state board]~~ **division** of probation and parole, a copy of the order shall be sent to the ~~[board]~~ **division of probation and parole**. In any county where a parole board ceases to exist, the clerk of the court shall preserve the records of that **parole** board.

2. Information and data obtained by a probation or parole officer shall be privileged information and shall not be receivable in any court. Such information shall not be disclosed directly or indirectly to anyone other than the members of a parole board and the judge entitled to receive reports, except the court, **the division of probation and parole**, or the **parole** board may in its discretion permit the inspection of the report, or parts of such report, by the defendant, or offender or his or her attorney, or other person having a proper interest therein.

3. The provisions of subsection 2 of this section notwithstanding, the presentence investigation report shall be made available to the state and all information and data obtained in connection with preparation of the presentence investigation report may be made available to the state at the discretion of the court upon a showing that the receipt of the information and data is in the best interest of the state.

559.600. 1. In cases where the ~~[board]~~ **division** of probation and parole is not required under section 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities or other court-approved entity to provide such services. The court-approved entity, including private or other entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, C, and D misdemeanor offenses, specifically including persons placed on probation for violations of section 577.023. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the ~~[board]~~ **division** of probation and parole, or the court, from supervising misdemeanor offenders in a circuit where the judges have entered into a contract with a probation entity.

2. In all cases, the entity providing such private probation service shall utilize the cutoff concentrations utilized by the department of corrections with regard to drug and alcohol screening for clients assigned to such entity. A drug test is positive if drug presence is at or above the cutoff concentration or negative if no drug is detected or if drug presence is below the cutoff concentration.

3. In all cases, the entity providing such private probation service shall not require the clients assigned to such entity to travel in excess of fifty miles in order to attend their regular probation meetings.

559.602. A private entity seeking to provide probation supervision and rehabilitation services to misdemeanor offenders shall make timely written application to the judges in a circuit. When approved by the judges of a circuit, the application, the judicial order of approval and the contract shall be forwarded to the ~~[board]~~ **division** of probation and parole. The contract shall contain the responsibilities of the private entity, including the offenses for which persons will be supervised. The ~~[board]~~ **division** may then withdraw supervision of misdemeanor offenders which are to be supervised by the court-approved private entity in that circuit.

559.607. 1. Judges of the municipal division in any circuit, acting through a chief or presiding judge, either may contract with a private or public entity or may employ any qualified person to serve as the city's probation officer to provide probation and rehabilitation services for persons placed on probation for violation of any ordinance of the city, specifically including the offense of operating or being in physical control of a motor vehicle while under the influence of intoxicating liquor or narcotic drugs. The contracting city shall not be required to pay for any part of the cost of probation and rehabilitation services authorized under sections 559.600 to 559.615.

Persons found guilty or pleading guilty to ordinance violations and placed on probation by municipal or city court judges shall contribute a service fee to the court in the amount set forth in section 559.604 to pay the cost of their probation supervision provided by a probation officer employed by the court or by a contract probation officer as provided for in section 559.604.

2. When approved by municipal court judges in the municipal division, the application, judicial order of approval, and the contract shall be forwarded to and filed with the ~~board~~ **division** of probation and parole. The court-approved private or public entity or probation officer employed by the court shall then function as the probation office for the city, pursuant to the terms of the contract or conditions of employment and the terms of probation ordered by the judge. Any city in this state which presently does not have probation services available for persons convicted of its ordinance violations, or that contracts out those services with a private entity, may, under the procedures authorized in sections 559.600 to 559.615, contract with and continue to contract with a private entity or employ any qualified person and contract with the municipal division to provide such probation supervision and rehabilitation services.

566.145. 1. A person commits the offense of sexual conduct with a prisoner or offender if he or she:

(1) Is an employee of, or assigned to work in, any jail, prison or correctional facility and engages in sexual conduct with a prisoner or an offender who is confined in a jail, prison, or correctional facility; or

(2) Is a probation and parole officer and engages in sexual conduct with an offender who is under the direct supervision of the officer.

2. For the purposes of this section the following terms shall mean:

(1) "Offender", includes any person in the custody of a prison or correctional facility and any person who is under the supervision of the ~~state board~~ **division** of probation and parole;

(2) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or after disposition of a charge.

3. The offense of sexual conduct with a prisoner or offender is a class E felony.

4. Consent of a prisoner or offender is not a defense.

571.030. 1. A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under section 571.107; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or

(11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section 579.015.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are

reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and who carry the identification defined in subsection 13 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the ~~board of probation and parole board~~;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

8. A person who commits the ~~crime~~ offense of unlawful use of weapons under:

(1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E felony;
 (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B misdemeanor, except when a concealed weapon is carried onto any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of section 571.107 shall apply;

(3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

(4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm."; and

Further amend said bill, Page 4, Section 574.085, Line 22, by inserting after all of said section and line the following:

"575.205. 1. A person commits the offense of tampering with electronic monitoring equipment if he or she intentionally removes, alters, tampers with, damages, or destroys electronic monitoring equipment which a court, **division of probation and parole**, or the ~~board of probation and~~ parole **board** has required such person to wear.

2. This section does not apply to the owner of the equipment or an agent of the owner who is performing ordinary maintenance or repairs on the equipment.

3. The offense of tampering with electronic monitoring equipment is a class D felony.

575.206. 1. A person commits the offense of violating a condition of lifetime supervision if he or she knowingly violates a condition of probation, parole, or conditional release when such condition was imposed by an order of a court under section 559.106 or an order of the ~~board of probation and~~ parole **board** under section 217.735.

2. The offense of violating a condition of lifetime supervision is a class D felony.

589.042. The court or the ~~board of probation and~~ parole **board** shall have the authority to require a person who is required to register as a sexual offender under sections 589.400 to 589.425 to give his or her assigned probation or parole officer access to his or her personal home computer as a condition of probation or parole in order to monitor and prevent such offender from obtaining and keeping child pornography or from committing an offense under chapter 566. Such access shall allow the probation or parole officer to view the internet use history, computer hardware, and computer software of any computer, including a laptop computer, that the offender owns."; and

Further amend said bill,"; and

Further amend said amendment, Page 1, Line 5, by deleting said line and inserting in lieu thereof the following:

"regarding a license issued by the director under this chapter.

650.055. 1. Every individual who:

- (1) Is found guilty of a felony or any offense under chapter 566; or
- (2) Is seventeen years of age or older and arrested for burglary in the first degree under section 569.160, or burglary in the second degree under section 569.170, or a felony offense under chapter 565, 566, 567, 568, or 573; or
- (3) Has been determined to be a sexually violent predator pursuant to sections 632.480 to 632.513; or
- (4) Is an individual required to register as a sexual offender under sections 589.400 to 589.425;

shall have a fingerprint and blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis.

2. Any individual subject to DNA collection and profiling analysis under this section shall provide a DNA sample:

- (1) Upon booking at a county jail or detention facility; or
- (2) Upon entering or before release from the department of corrections reception and diagnostic centers; or
- (3) Upon entering or before release from a county jail or detention facility, state correctional facility, or any other detention facility or institution, whether operated by a private, local, or state agency, or any mental health facility if committed as a sexually violent predator pursuant to sections 632.480 to 632.513; or

(4) When the state accepts a person from another state under any interstate compact, or under any other reciprocal agreement with any county, state, or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was found guilty of a felony offense in any other jurisdiction; or

(5) If such individual is under the jurisdiction of the department of corrections. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, and on parole, as also defined in section 217.650; or

(6) At the time of registering as a sex offender under sections 589.400 to 589.425.

3. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody or jurisdiction over individuals included in subsection 1 of this section which shall not be set aside or reversed is hereby made mandatory. The ~~board~~ **division** of probation or parole shall recommend that an individual on probation or parole who refuses to provide a DNA sample have his or her probation or parole revoked. In the event that a person's DNA sample is not adequate for any reason, the person shall provide another sample for analysis.

4. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database records and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA databank system.

5. Unauthorized use or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

6. Implementation of sections 650.050 to 650.100 shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA databank system.

7. All DNA records and biological materials retained in the DNA profiling system are considered closed records pursuant to chapter 610. All records containing any information held or maintained by any person or by any agency, department, or political subdivision of the state concerning an individual's DNA profile shall be strictly confidential and shall not be disclosed, except to:

(1) Peace officers, as defined in section 590.010, and other employees of law enforcement agencies who need to obtain such records to perform their public duties;

(2) The attorney general or any assistant attorneys general acting on his or her behalf, as defined in chapter 27;

(3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, and their employees who need to obtain such records to perform their public duties;

(4) The individual whose DNA sample has been collected, or his or her attorney; or

(5) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court judges, and their employees who need to obtain such records to perform their public duties.

8. Any person who obtains records pursuant to the provisions of this section shall use such records only for investigative and prosecutorial purposes, including but not limited to use at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes, including identification of human remains. Such records shall be considered strictly confidential and shall only be released as authorized by this section.

9. (1) An individual may request expungement of his or her DNA sample and DNA profile through the court issuing the reversal or dismissal, or through the court granting an expungement of all official records under section 568.040. A certified copy of the court order establishing that such conviction has been reversed, guilty plea has been set aside, or expungement has been granted under section 568.040 shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of the court order, the laboratory will determine that the requesting individual has no other qualifying offense as a result of any separate plea or conviction and no other qualifying arrest prior to expungement.

(2) A person whose DNA record or DNA profile has been included in the state DNA database in accordance with this section and sections 650.050, 650.052, and 650.100 may request expungement on the grounds that the conviction has been reversed, the guilty plea on which the authority for including that person's DNA record or DNA profile was based has been set aside, or an expungement of all official records has been granted by the court under section 568.040.

(3) Upon receipt of a written request for expungement, a certified copy of the final court order reversing the conviction, setting aside the plea, or granting an expungement of all official records under section 568.040, and any other information necessary to ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and identifiable information in the state DNA database pertaining to the person and destroy the DNA sample of the person, unless the Missouri state highway patrol determines that the person is otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court order, the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA sample and DNA profile, or the basis for its determination that the person is otherwise obligated to submit a DNA sample.

(4) The Missouri state highway patrol is not required to destroy any item of physical evidence obtained from a DNA sample if evidence relating to another person would thereby be destroyed.

(5) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from the database shall not be excluded or suppressed from evidence, nor shall any conviction be invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging DNA records.

10. When a DNA sample is taken from an individual pursuant to subdivision (2) of subsection 1 of this section and the prosecutor declines prosecution and notifies the arresting agency of that decision, the arresting agency shall notify the Missouri state highway patrol crime laboratory within ninety days of receiving such notification. Within thirty days of being notified by the arresting agency that the prosecutor has declined prosecution, the Missouri state highway patrol crime laboratory shall determine whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken and retained. If the individual has no other qualifying offenses or arrests, the crime laboratory shall expunge all DNA records in the database taken at the arrest for which the prosecution was declined pertaining to the person and destroy the DNA sample of such person.

11. When a DNA sample is taken of an arrestee for any offense listed under subsection 1 of this section and charges are filed:

(1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol crime laboratory that such charges have been withdrawn;

(2) If the case is dismissed, the court shall notify the state highway patrol crime laboratory of such dismissal;

(3) If the court finds at the preliminary hearing that there is no probable cause that the defendant committed the offense, the court shall notify the state highway patrol crime laboratory of such finding;

(4) If the defendant is found not guilty, the court shall notify the state highway patrol crime laboratory of such verdict.

If the state highway patrol crime laboratory receives notice under this subsection, such crime laboratory shall determine, within thirty days, whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken. If the individual has no other qualifying arrests or offenses, the crime laboratory shall expunge all DNA records in the database pertaining to such person and destroy the person's DNA sample.

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

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

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

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

(4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's innocence of the crime for which the person is in custody.

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

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

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

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

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

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

~~[217.660. 1. The chairman of the board of probation and parole shall be the director of the division.~~

~~2. In addition to the compensation as a member of the board, any chairman whose term of office began before August 28, 1999, shall receive three thousand eight hundred seventy-five dollars per year for duties as chairman-]; and"; and~~

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

On motion of Representative Christofanelli, **House Amendment No. 2 to House Amendment No. 1** was adopted.

Representative Mackey offered **House Amendment No. 3 to House Amendment No. 1**.

House Amendment No. 3
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the number "26," the following:

"Page 5, Section 590.502, Line 27, by inserting after the word **"complaint"** the following:

"or, in the case of investigations alleging internal discrimination or harassment, a general written synopsis with the complainant's name redacted,"; and

Further amend said bill,"; and

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

On motion of Representative Mackey, **House Amendment No. 3 to House Amendment No. 1** was adopted.

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

House Amendment No. 4
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 5, by deleting said line and inserting in lieu thereof the following:

"regarding a license issued by the director under this chapter.

590.1065. 1. The provisions of this section shall be known and may be cited as the "Law Enforcement Accountability Act".

2. A peace officer shall intervene to prevent or stop another peace officer from using physical force that exceeds the degree of force permitted under this chapter in pursuance of the other peace officer's law enforcement duties in carrying out an arrest of any person, placing any person under detention, taking any person into custody, booking any person, or in the process of crowd or riot control without regard to chain of command.

3. A peace officer who intervenes as required under subsection 1 of this section shall report the intervention to his or her immediate supervisor. At a minimum, the report required under this subsection shall include:

- (1) The date, time, and place of the occurrence;**
- (2) The identity, if known and description of the participants; and**
- (3) A description of the intervention actions taken.**

Such report shall be made in writing within ten days of the occurrence of the use of such force and shall be appended to all other reports of the incident.

4. A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening as required under subsection 1 of this section, reporting unconstitutional conduct, or failing to follow what the peace officer reasonably believes is an unconstitutional directive.

5. When an internal investigation finds that a peace officer failed to intervene or prevent the use of unlawful physical force under this section, such finding shall be presented to the prosecuting attorney for a determination as to whether charges should be filed. However, nothing in this subsection prohibits the prosecuting attorney from charging a peace officer with failure to intervene before the conclusion of any internal investigation.

6. In addition to any criminal liability and penalty, when an internal investigation finds that a peace officer failed to intervene or prevent the use of unlawful physical force under this section in an incident resulting in serious bodily injury or death to any person, the peace officer's employer shall subject the peace officer to discipline, up to and including termination, to the extent permitted under applicable constitutional and statutory law, and the POST Commission shall revoke the peace officer's certification under chapter 590 upon receipt of notice of the peace officer's discipline. Such revocation may only be overturned if the peace officer is exonerated by a court.

7. In a case in which the prosecution charges a peace officer with offenses related to and based on the use of excessive force but does not file charges against any other peace officer or officers who were at the scene during the use of force, the prosecuting attorney shall prepare a written report explaining his or her basis for the decision not to charge any other peace officer with criminal conduct and shall disclose the report to the public; except that if disclosure of the report would substantially interfere with or jeopardize an ongoing criminal investigation, the prosecuting attorney may delay public disclosure for up to forty-five days. The prosecuting attorney shall post the written report on its website or, if it does not have a website, make it publicly available upon request.

8. The offense of failing to intervene to prevent the use of unlawful force under this section is considered an act of complicity and the penalty for such act shall be equal to the penalty imposed against the peace officer who committed the original wrongdoing for which the peace officer failed to intervene. Nothing in this subsection shall prohibit or discourage prosecution of any other criminal offense related to failure to intervene, including a higher charge, if supported by the evidence."; and"; 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: 100

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Christofanelli
Coleman 32	Coleman 97	Cook	Copeland	Cupps
Davis	Deaton	DeGroot	Dinkins	Dogan
Eggleston	Falkner	Fishel	Fitzwater	Francis
Gregory 51	Gregory 96	Grier	Griesheimer	Griffith
Haden	Haffner	Haley	Hannegan	Hardwick
Henderson	Hill	Hovis	Hudson	Hurlbert
Kalberloh	Kelley 127	Kelly 141	Kidd	Knight
Lewis 6	Lovasco	Mayhew	McGaugh	McGirl
Murphy	O'Donnell	Owen	Perkins	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Price IV	Railsback	Reedy	Richey	Riggs
Riley	Roberts	Roden	Rone	Ruth
Sander	Sassmann	Schroer	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Simmons	Smith 155
Smith 163	Stacy	Taylor 48	Thomas	Thompson
Toalson Reisch	Trent	Van Schoiack	Veit	Wallingford
Walsh 50	West	Wiemann	Wright	Mr. Speaker

NOES: 044

Adams	Aldridge	Anderson	Appelbaum	Aune
Barnes	Bland Manlove	Bosley	Brown 27	Brown 70
Burnett	Burton	Butz	Clemens	Collins
Doll	Ellebracht	Fogle	Gunby	Ingle

Johnson	Lewis 25	Mackey	McCreery	Merideth
Mosley	Nurrenbern	Person	Phifer	Proudie
Quade	Rogers	Rowland	Sauls	Smith 45
Smith 67	Stevens 46	Terry	Turnbaugh	Unsicker
Walsh Moore 93	Weber	Windham	Young	

PRESENT: 000

ABSENT WITH LEAVE: 018

Bangert	Baringer	Chipman	Davidson	Derges
Evans	Gray	Hicks	Houx	McDaniel
Morse	Patterson	Pietzman	Schnelting	Sharp 36
Stephens 128	Tate	Taylor 139		

VACANCIES: 001

Representative Bosley moved that **House Amendment No. 4 to House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Christofanelli
Coleman 32	Coleman 97	Copeland	Cupps	Davidson
Davis	Deaton	DeGroot	Dinkins	Dogan
Eggleston	Evans	Falkner	Fishel	Fitzwater
Francis	Gregory 51	Gregory 96	Grier	Griesheimer
Griffith	Haden	Haffner	Haley	Hannegan
Hardwick	Henderson	Hicks	Hill	Hovis
Hudson	Hurlbert	Kalberloh	Kelley 127	Kelly 141
Kidd	Knight	Lewis 6	Lovasco	Mayhew
McGaugh	McGill	Murphy	O'Donnell	Owen
Perkins	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Pouche	Railsback	Reedy	Richey
Riggs	Riley	Roden	Ruth	Sander
Sassmann	Schroer	Schwadron	Seitz	Sharpe 4
Shaul	Shields	Simmons	Smith 155	Stacy
Stephens 128	Taylor 48	Thomas	Thompson	Toalson Reisch
Trent	Van Schoiack	Veit	Wallingford	Walsh 50
West	Wiemann	Wright	Mr. Speaker	

NOES: 043

Adams	Anderson	Appelbaum	Aune	Bland Manlove
Bosley	Brown 27	Brown 70	Burnett	Burton
Butz	Clemens	Collins	Doll	Ellebracht

Fogle	Gray	Gunby	Ingle	Johnson
Lewis 25	Mackey	McCreery	Merideth	Mosley
Nurrenbern	Person	Proudie	Quade	Rogers
Rowland	Sauls	Sharp 36	Smith 45	Smith 67
Stevens 46	Terry	Turnbaugh	Unsicker	Walsh Moore 93
Weber	Windham	Young		

PRESENT: 000

ABSENT WITH LEAVE: 020

Aldridge	Bangert	Baringer	Barnes	Chipman
Cook	Derges	Houx	McDaniel	Morse
Patterson	Phifer	Pietzman	Price IV	Roberts
Rone	Schnelting	Smith 163	Tate	Taylor 139

VACANCIES: 001

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 557.045, Line 15, by inserting after said section and line the following:

- "565.093. 1. As used in this section, the following terms and phrases mean:**
- (1) "Harassment", verbal or nonverbal behavior by a person that would cause a reasonable person to be placed in fear of receiving bodily harm;**
 - (2) "Recreation athletic contest official", any referee, umpire, coach, instructor, administrator, staff person, or recreation employee of any public or quasi-public recreation program;**
 - (3) "School athletic contest official", any referee, umpire, coach, instructor, administrator, staff person, or school or school board employee of any public or private elementary or secondary school.**
- 2. A person commits the offense of harassment of a school or recreation athletic contest official if the harassment occurs under the following circumstances:**
- (1) While the school or recreation athletic contest official is actively engaged in the conducting, supervising, refereeing, or officiating of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest; or**
 - (2) In the immediate vicinity of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest and is based on the official's performance in the conducting, supervising, refereeing, or officiating of a school-sanctioned interscholastic athletic contest or a sanctioned recreation athletic contest.**
- 3. A person who commits the offense of harassment of a school or recreation athletic contest official shall be fined no more than five hundred dollars, imprisoned for no more than ninety days, or both.**
- 4. In addition to any other penalty imposed, the court shall order the person:**
- (1) To perform forty hours of court-approved community service work; and**
 - (2) To participate in a court-approved counseling program that may include anger management, abusive behavior intervention groups, or any other type of counseling deemed appropriate by the court. Any costs associated with the counseling program shall be paid by such person.**
- 5. Participation in the community service and counseling program required under subsection 4 of this section shall not be suspended.**

569.154. 1. A person commits the offense of entry or remaining on site of a school or recreation athletic contest if such person, without authority, goes into or upon or remains in or upon, or attempts to go into or upon or remain in or upon, any immovable property or other site or location that belongs to another and that is used for any school or recreation athletic contest, including any area in the immediate vicinity of the site or location of the school or recreation athletic contest, after having been forbidden to do so, either orally or in writing, by any owner, lessee, or custodian of the property or by any other authorized person.

2. A person who violates subsection 1 of this section shall be fined no more than five hundred dollars, imprisoned for no more than six months, or both."; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 4, Section 590.502, Lines 2-3, by deleting the phrase "**an agency or department**" and inserting in lieu thereof the phrase "**a law enforcement agency**"; and

Further amend said bill, page, and section, Line 4, by deleting said line and inserting in lieu thereof the words "**issued by such agency**"; and

Further amend said bill, page, and section, Line 14, by deleting the word "**sworn**" and inserting in lieu thereof the word "**commissioned**"; and

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

Representative Gregory (51) 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 Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the number "26," the following:

"Page 2, Section 67.030, Line 20, by inserting after the word "**agency**" the phrase "**except for those created under section 162.215**"; and

Further amend said bill,"; 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 to House Amendment No. 3** was adopted.

Representative Perkins 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 Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 9, by inserting after all of said line the following:

"Further amend said bill and section, Page 7, Line 97, by inserting after the first occurrence of the word "by" the words "**lawful subpoena or**"; and"; and

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

On motion of Representative Perkins, **House Amendment No. 2 to House Amendment No. 3** was adopted.

On motion of Representative Porter, **House Amendment No. 3, as amended**, was adopted.

Representative Sharp (36) offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

"217.690. 1. All releases or paroles shall issue upon order of the board, duly adopted.

2. Before ordering the parole of any offender, the board shall conduct a validated risk and needs assessment and evaluate the case under the rules governing parole that are promulgated by the board. The board shall then have the offender appear before a hearing panel and shall conduct a personal interview with him, unless waived by the offender, or if the guidelines indicate the offender may be paroled without need for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a victim requests a hearing. The appearance or presence may occur by means of a videoconference at the discretion of the board. A parole may be ordered for the best interest of society when there is a reasonable probability, based on the risk assessment and indicators of release readiness, that the person can be supervised under parole supervision and successfully reintegrated into the community, not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. Every offender while on parole shall remain in the legal custody of the department but shall be subject to the orders of the board.

3. The division of probation and parole has discretionary authority to require the payment of a fee, not to exceed sixty dollars per month, from every offender placed under division supervision on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee collections services. All fees collected shall be deposited in the inmate fund established in section 217.430. Fees collected may be used to pay the costs of contracted collections services. The fees collected may otherwise be used to provide community corrections and intervention services for offenders. Such services include substance abuse assessment and treatment, mental health assessment and treatment, electronic monitoring services, residential facilities services, employment placement services, and other offender community corrections or intervention services designated by the division of probation and parole to assist offenders to successfully complete probation, parole, or conditional release. The board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

4. The board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall recite the conditions of such parole.

5. When considering parole for an offender with consecutive sentences, the minimum term for eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for each of the consecutive sentences, except the minimum term for parole eligibility shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

6. Any offender sentenced to a term of imprisonment amounting to fifteen years or more or multiple terms of imprisonment that, taken together, amount to fifteen or more years who was under eighteen years of age at the time of the commission of the offense or offenses may be eligible for parole after serving fifteen years of incarceration, regardless of whether the case is final for the purposes of appeal, and may be eligible for reconsideration hearings in accordance with regulations promulgated by the parole board.

7. The provisions of subsection 6 shall not apply to an offender found guilty of murder in the first degree or capital murder who was under eighteen years of age when the offender committed the offense or offenses who may be found ineligible for parole or whose parole eligibility may be controlled by section 558.047 or 565.033.

8. Any offender under a sentence for first degree murder who has been denied release on parole after a parole hearing shall not be eligible for another parole hearing until at least three years from the month of the parole denial; however, this subsection shall not prevent a release pursuant to subsection 4 of section 558.011.

~~[7-]~~ 9. A victim who has requested an opportunity to be heard shall receive notice that the **parole** board is conducting an assessment of the offender's risk and readiness for release and that the victim's input will be particularly helpful when it pertains to safety concerns and specific protective measures that may be beneficial to the victim should the offender be granted release.

~~[8-]~~ 10. Parole hearings shall, at a minimum, contain the following procedures:

(1) The victim or person representing the victim who attends a hearing may be accompanied by one other person;

(2) The victim or person representing the victim who attends a hearing shall have the option of giving testimony in the presence of the inmate or to the hearing panel without the inmate being present;

(3) The victim or person representing the victim may call or write the parole board rather than attend the hearing;

(4) The victim or person representing the victim may have a personal meeting with a **parole** board member at the **parole** board's central office;

(5) The judge, prosecuting attorney or circuit attorney and a representative of the local law enforcement agency investigating the crime shall be allowed to attend the hearing or provide information to the hearing panel in regard to the parole consideration; and

(6) The **parole** board shall evaluate information listed in the juvenile sex offender registry pursuant to section 211.425, provided the offender is between the ages of seventeen and twenty-one, as it impacts the safety of the community.

~~[9-]~~ 11. The **parole** board shall notify any person of the results of a parole eligibility hearing if the person indicates to the **parole** board a desire to be notified.

~~[10-]~~ 12. The **parole** board may, at its discretion, require any offender seeking parole to meet certain conditions during the term of that parole so long as said conditions are not illegal or impossible for the offender to perform. These conditions may include an amount of restitution to the state for the cost of that offender's incarceration.

~~[11-]~~ 13. Special parole conditions shall be responsive to the assessed risk and needs of the offender or the need for extraordinary supervision, such as electronic monitoring. The **parole** board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload conditions upon release, and to require the modification and reduction of conditions based on the person's continuing stability in the community. **Parole** board rules shall permit parole conditions to be modified by parole officers with review and approval by supervisors.

~~[12-]~~ 14. Nothing contained in this section shall be construed to require the release of an offender on parole nor to reduce the sentence of an offender heretofore committed.

~~[13-]~~ 15. Beginning January 1, 2001, the **parole** board shall not order a parole unless the offender has obtained a high school diploma or its equivalent, or unless the **parole** board is satisfied that the offender, while committed to the custody of the department, has made an honest good-faith effort to obtain a high school diploma or its equivalent; provided that the director may waive this requirement by certifying in writing to the **parole** board that the offender has actively participated in mandatory education programs or is academically unable to obtain a high school diploma or its equivalent.

[14-] 16. 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, 2005, shall be invalid and void.

217.692. 1. Notwithstanding any other provision of law to the contrary, any offender incarcerated in a correctional institution serving any sentence of life with no parole for fifty years or life without parole, whose plea of guilt was entered or whose trial commenced prior to December 31, 1990, and who:

- (1) Pleaded guilty to or was found guilty of a homicide of a spouse or domestic partner;
- (2) Has no prior violent felony convictions;
- (3) No longer has a cognizable legal claim or legal recourse; and
- (4) Has a history of being a victim of continual and substantial physical or sexual domestic violence that was not presented as an affirmative defense at trial or sentencing and such history can be corroborated with evidence of facts or circumstances which existed at the time of the alleged physical or sexual domestic violence of the offender, including but not limited to witness statements, hospital records, social services records, and law enforcement records;

shall be eligible for parole after having served fifteen years of such sentence when the board determines by using the guidelines established by this section that there is a strong and reasonable probability that the person will not thereafter violate the law.

2. The board of probation and parole shall give a thorough review of the case history and prison record of any offender described in subsection 1 of this section. At the end of the board's review, the board shall provide the offender with a copy of a statement of reasons for its parole decision.

3. Any offender released under the provisions of this section shall be under the supervision of the parole board for an amount of time to be determined by the board.

4. The parole board shall consider, but not be limited to the following criteria when making its parole decision:

- (1) Length of time served;
- (2) Prison record and self-rehabilitation efforts;
- (3) Whether the history of the case included corroborative material of physical, sexual, mental, or emotional abuse of the offender, including but not limited to witness statements, hospital records, social service records, and law enforcement records;
- (4) If an offer of a plea bargain was made and if so, why the offender rejected or accepted the offer;
- (5) Any victim information outlined in subsection [8] 10. of section 217.690 and section 595.209;
- (6) The offender's continued claim of innocence;
- (7) The age and maturity of the offender at the time of the board's decision;
- (8) The age and maturity of the offender at the time of the crime and any contributing influence affecting the offender's judgment;
- (9) The presence of a workable parole plan; and
- (10) Community and family support.

5. Nothing in this section shall limit the review of any offender's case who is eligible for parole prior to fifteen years, nor shall it limit in any way the parole board's power to grant parole prior to fifteen years.

6. Nothing in this section shall limit the review of any offender's case who has applied for executive clemency, nor shall it limit in any way the governor's power to grant clemency.

7. It shall be the responsibility of the offender to petition the board for a hearing under this section.

8. A person commits the crime of perjury if he or she, with the purpose to deceive, knowingly makes a false witness statement to the board. Perjury under this section shall be a class D felony.

9. In cases where witness statements alleging physical or sexual domestic violence are in conflict as to whether such violence occurred or was continual and substantial in nature, the history of such alleged violence shall be established by other corroborative evidence in addition to witness statements, as provided by subsection 1 of this section. A contradictory statement of the victim shall not be deemed a conflicting statement for purposes of this section."; and

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

On motion of Representative Sharp (36), **House Amendment No. 4** was adopted.

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 557.045, Line 15, by inserting after said section and line the following:

"566.145. 1. A person commits the offense of sexual conduct **in the course of public duty if the person engages in sexual conduct:**

(1) With a **detainee, a prisoner, or an offender** ~~if he or she~~ **and the person:**

~~[(4)]~~ (a) Is an employee of, or assigned to work in, any jail, prison or correctional facility and engages in sexual conduct with a prisoner or an offender who is confined in a jail, prison, or correctional facility; ~~or~~
——— (2) (b) Is a probation and parole officer and engages in sexual conduct with an offender who is under the direct supervision of the officer; **or**

(c) **Is a law enforcement officer and engages in sexual conduct with a detainee or prisoner who is in the custody of such officer; or**

(2) **With someone who is not a detainee, a prisoner, or an offender and the person is:**

(a) **A probation and parole officer, a police officer, or an employee of, or assigned to work in, any jail, prison, or correctional facility;**

(b) **On duty; and**

(c) **The offense was committed by means of coercion as defined in section 566.200.**

2. For the purposes of this section the following terms shall mean:

(1) **"Detainee", a person deprived of liberty and kept under involuntary restraint, confinement, or custody;**

(2) **"Offender", includes any person in the custody of a prison or correctional facility and any person who is under the supervision of the state board of probation and parole;**

~~[(2)]~~ (3) **"Prisoner", includes any person who is in the custody of a jail, whether pretrial or after disposition of a charge.**

3. The offense of sexual conduct ~~[with a prisoner or offender]~~ **in the course of public duty** is a class E felony.

4. Consent of a **detainee, a prisoner** ~~[or]~~ **, an offender, or any other person** is not a defense."; and

Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after said section and line the following:

"590.805. 1. A law enforcement officer shall not knowingly use a respiratory choke-hold unless the use is in defense of the officer or another from serious physical injury or death.

2. A respiratory choke-hold includes the use of any body part or object to attempt to control or disable by applying pressure to a person's neck with the purpose of controlling or restricting such person's breathing."; and

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

Representative Cook 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 Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 4, by deleting said line and inserting in lieu thereof the following:

""565.052. 1. A person commits the offense of assault in the second degree if he or she:

(1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to another person under the influence of sudden passion arising out of adequate cause; or

(2) Attempts to cause or knowingly causes physical injury to another person by means of a deadly weapon or dangerous instrument; or

(3) Recklessly causes serious physical injury to another person; or

(4) Recklessly causes physical injury to another person by means of discharge of a firearm.

2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

3. The offense of assault in the second degree is a class D felony, unless the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002, in which case it is a class B felony.

4. A person convicted of the offense of assault in the second degree shall serve eighty-five percent of his or her sentence if the victim was a "special victim" as defined in paragraph (a), (b), (c), or (g) of subdivision (14) of section 565.002.

566.145. 1. A person commits the offense of sexual conduct **in the course of public duty if**"; and

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

House Amendment No. 1 to House Amendment No. 5 was withdrawn.

Representative Taylor (139) assumed the Chair.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 094

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Boggs	Bromley	Brown 16
Buchheit-Courtway	Burger	Busick	Christofanelli	Coleman 32
Coleman 97	Cook	Copeland	Cupps	Davidson
Davis	Deaton	DeGroot	Derges	Dinkins
Dogan	Eggleston	Evans	Falkner	Fishel
Gregory 51	Gregory 96	Grier	Griesheimer	Griffith
Haden	Haffner	Haley	Hannegan	Hardwick
Hicks	Hill	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Lewis 6	Lovasco	Mayhew
McGaugh	McGill	Murphy	Perkins	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Railsback	Reedy	Richey	Riggs	Riley
Roberts	Roden	Rone	Ruth	Sander
Schroer	Schwadron	Seitz	Sharpe 4	Shaul
Shields	Simmons	Smith 155	Smith 163	Stacy
Stephens 128	Taylor 139	Taylor 48	Thomas	Thompson
Toalson Reisch	Trent	Van Schoiack	Veit	Wallingford
Walsh 50	West	Wright	Mr. Speaker	

NOES: 048

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Clemens	Collins	Doll	Ellebracht	Fogle
Gray	Gunby	Johnson	Lewis 25	Mackey

McCreery	Merideth	Mosley	Nurrenbern	Person
Phifer	Price IV	Proudie	Quade	Rogers
Rowland	Sauls	Sharp 36	Smith 45	Smith 67
Stevens 46	Terry	Turnbaugh	Unsicker	Walsh Moore 93
Weber	Windham	Young		

PRESENT: 000

ABSENT WITH LEAVE: 020

Black 7	Chipman	Fitzwater	Francis	Henderson
Houx	Hovis	Ingle	Kidd	Knight
McDaniel	Morse	O'Donnell	Owen	Patterson
Pietzman	Sassmann	Schnelting	Tate	Wiemann

VACANCIES: 001

On motion of Representative Dogan, **House Amendment No. 5** was adopted by the following vote, the ayes and notes having been demanded by Representative Dogan:

AYES: 111

Adams	Anderson	Andrews	Appelbaum	Atchison
Aune	Bangert	Baringer	Barnes	Bland Manlove
Bosley	Bromley	Brown 16	Brown 27	Brown 70
Buchheit-Courtway	Burnett	Burton	Butz	Chipman
Christofanelli	Clemens	Collins	Copeland	Cupps
Davidson	Davis	Deaton	DeGroot	Dinkins
Dogan	Doll	Eggleston	Ellebracht	Evans
Fishel	Fogle	Gray	Gregory 51	Gregory 96
Grier	Griesheimer	Griffith	Gunby	Haley
Hannegan	Hicks	Hovis	Hurlbert	Ingle
Johnson	Kelly 141	Kidd	Lewis 25	Lewis 6
Lovasco	Mackey	McCreery	McGaugh	McGill
Merideth	Mosley	Nurrenbern	Patterson	Person
Phifer	Pike	Plocher	Pollitt 52	Porter
Pouche	Price IV	Quade	Railsback	Reedy
Richey	Riggs	Riley	Roberts	Rogers
Rone	Rowland	Ruth	Sander	Sauls
Schroer	Schwadron	Sharp 36	Sharpe 4	Shaul
Shields	Smith 155	Smith 163	Smith 45	Smith 67
Stacy	Stephens 128	Stevens 46	Taylor 139	Taylor 48
Thomas	Trent	Turnbaugh	Unsicker	Veit
Walsh Moore 93	Weber	Windham	Wright	Young
Mr. Speaker				

NOES: 034

Bailey	Baker	Basye	Billington	Black 137
Boggs	Burger	Busick	Coleman 32	Cook
Derges	Falkner	Haden	Haffner	Hardwick
Hill	Hudson	Kalberloh	Kelley 127	Mayhew
Murphy	Perkins	Pollock 123	Roden	Seitz
Simmons	Terry	Thompson	Toalson Reich	Van Schoiack
Wallingford	Walsh 50	West	Wiemann	

PRESENT: 000

ABSENT WITH LEAVE: 017

Aldridge	Black 7	Coleman 97	Fitzwater	Francis
Henderson	Houx	Knight	McDaniel	Morse
O'Donnell	Owen	Pietzman	Proudie	Sassmann
Schnelting	Tate			

VACANCIES: 001

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

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

"84.575. 1. The board of police commissioners established by section 84.350 shall not require, as a condition of employment, that any currently employed or prospective law enforcement officer or other employee reside within any jurisdictional limit. If the board of police commissioners has a residency rule or requirement for law enforcement officers or other employees that is in effect on or before August 28, 2021, the residency rule or requirement shall not apply and shall not be enforced.

2. The board of police commissioners may impose a residency rule or requirement on law enforcement officers or other employees, but the rule or requirement shall be no more restrictive than requiring such personnel to reside within thirty miles from the nearest city limit and within the boundaries of the state of Missouri.

311.620. 1. No person shall be appointed as agent, assistant, deputy or inspector under the provisions of the liquor control law who shall have been convicted of or against whom any indictment may be pending for any offense; nor shall any person be appointed as such agent, assistant, deputy or inspector who is not of good character or who is not a citizen of the United States, and who is not ~~[or has not been]~~ a resident taxpaying citizen of the state ~~[for a period of three years previous to his]~~ **at the time of his or her** appointment; or who is not able to read and write the English language or who does not possess ordinary physical strength and who is not able to pass such physical and mental examination as the ~~[majority of a board, consisting of the governor, lieutenant-governor, attorney general, and the]~~ supervisor of ~~[liquor]~~ **alcohol and tobacco** control may prescribe.

2. No agent, assistant, deputy or inspector so appointed shall hold any other commission or office, elective or appointive, or accept any other employment compensation while he **or she** is an employee of the ~~[department]~~ **division of [liquor] alcohol and tobacco** control, except with the written permission of the supervisor of ~~[liquor]~~ **alcohol and tobacco** control. No agent, assistant, deputy or inspector of the ~~[department]~~ **division of [liquor] alcohol and tobacco** control shall accept any reward or gift other than his **or her** regular salary and expenses as provided in this chapter. No agent, assistant, deputy or inspector of the ~~[department]~~ **division of [liquor] alcohol and tobacco** control shall perform any police duty connected with the conduct of any election, nor at any time or in any manner electioneer for or against any party ticket, or any candidate for nomination or office on any party ticket, nor for or against any proposition of any kind or nature to be voted upon at any election.

3. The agents, assistants, deputies and inspectors appointed under the provisions of section 311.610 shall before entering upon the discharge of their duties, each take and subscribe an oath to support the Constitution and laws of the United States and the State of Missouri and to faithfully demean themselves in office in the form prescribed by Section 11, Article VII of the Constitution of this State, and they shall each give bond to be approved by the supervisor of ~~[liquor]~~ **alcohol and tobacco** control for faithful performance of the duties of their respective offices and to safely keep and account for all moneys and property received by them. This bond shall be in the sum of five thousand dollars, and the cost of furnishing all such bonds shall be paid by the state.

4. Any agent, assistant, deputy or inspector of the ~~[department]~~ **division of [liquor] alcohol and tobacco** control who shall violate the provisions of this chapter shall be immediately discharged."; and

Further amend said bill, Page 4, Section 574.085, Line 22, by inserting after said section and line the following:

"590.055. Every law enforcement agency in the state shall provide ethical use of force training and diversity training. The department of public safety shall determine appropriate training objectives and curriculum and shall provide the funding for such training to law enforcement agencies or to training providers. Such trainings shall be completed by every commissioned peace officer."; and

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

Representative DeGroot 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 Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Line 18, by inserting after all of said line the following:

"Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after all of said section and line the following:

"590.1265. 1. The provisions of this section shall be known and may be cited as the "Police Use of Force Transparency Act of 2021".

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

(1) "Law enforcement agency", the same meaning as defined in section 590.1040;

(2) "Peace officer", the same meaning as defined in section 590.010;

(3) "Use-of-force incident", an incident in which:

(a) A fatality occurs that is connected to a use of force by a peace officer;

(b) Serious bodily injury occurs that is connected to a use of force by a peace officer; or

(c) In the absence of death or serious bodily injury, a peace officer discharges a firearm at, or in the direction of, a person.

3. Each law enforcement agency shall, at least annually, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation.

4. Each law enforcement agency shall additionally report the data submitted under subsection 3 of this section to the department of public safety. Law enforcement agencies shall not include personally identifying information of individual peace officers in their reports.

5. The department of public safety shall, no later than June 30, 2022, develop standards and procedures governing the collection and reporting of use-of-force data under this section. The standards and procedures shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the Federal Bureau of Investigation.

6. The department of public safety shall publish the data reported by law enforcement agencies under subsection 4 of this section, including statewide aggregate data and agency-specific data, in a publicly available report. Such data shall be deemed a public record consistent with the provisions and exemptions contained in chapter 610.

7. The department of public safety shall undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than January 1, 2025. The report shall be updated periodically thereafter, but not less than once every five years."; and"; and

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

On motion of Representative DeGroot, **House Amendment No. 1 to House Amendment No. 6** was adopted.

Representative Hicks offered **House Amendment No. 2 to House Amendment No. 6.**

House Amendment No. 2
to
House Amendment No. 6

AMEND House Amendment No. 6 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the number "26," the following:

"Page 1, Section A, Line 3, by inserting after said section and line the following:

"27.010. The attorney general for the state of Missouri shall be elected at each general election at which a governor and other state officers are elected, and his term shall begin at 12:00 noon on the second Monday in January next succeeding his election, and shall continue for four years, or until his successor is elected and qualified. The attorney general shall **not be required to** reside at the seat of government ~~and~~ **but shall** keep his office in the supreme court building[-] and receive an annual salary of sixty-five thousand dollars plus any salary adjustment provided pursuant to section 105.005, payable out of the state treasury. The salary shall constitute the total compensation for all duties to be performed by him and there shall be no further payments made to or accepted by him for the performance of any duty now required of him under any existing law. The attorney general shall devote his full time to his office, and, except in the performance of his official duties, shall not engage in the practice of law."; and

Further amend said bill and page, Section 67.030, Line 14, by inserting after said section and line the following:

"79.235. 1. Notwithstanding any law to the contrary and for any city of the fourth classification with no more than two thousand inhabitants, if a statute or ordinance authorizes the mayor of a city of the fourth classification to appoint a member of a board or commission, any requirement that the appointed person be a resident of the city shall be deemed satisfied if the person owns real property or a business in the city, regardless of whether the position to which the appointment is made is considered an officer of the city under section 79.250.

2. Notwithstanding any law to the contrary and for any city of the fourth classification with no more than two thousand inhabitants, if a statute or ordinance authorizes a mayor to appoint a member of a board that manages a municipal utility of the city, any requirement that the appointed person be a resident of the city shall be deemed satisfied if all of the following conditions are met:

- (1) The board has no authority to set utility rates or to issue bonds;**
- (2) The person resides within five miles of the city limits;**
- (3) The person owns real property or a business in the city;**
- (4) The person or the person's business is a customer of a public utility, as described under section 91.450, managed by the board; and**
- (5) The person has no pecuniary interest in, and is not a board member of, any utility company that offers the same type of service as a utility managed by the board."; and**

Further amend said bill,"; and

Further amend said amendment and page, Line 13, by inserting after said line the following:

"285.575. 1. This section shall be known and may be cited as the "Whistleblower's Protection Act".

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

(1) "Because" or "because of", as it relates to the adverse decision or action, the person's status as a protected person was the motivating factor;

(2) "Employer", an entity that has six or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year. "Employer" shall not include the state of Missouri or its agencies, instrumentalities, or political subdivisions, including but not limited to any public institution of higher education, a corporation wholly owned by the state of Missouri, an individual employed by an employer, or corporations and associations owned or operated by religious or sectarian organizations; **except that, "employer" shall include law enforcement agencies;**

(3) "Proper authorities", a governmental or law enforcement agency, an officer of an employee's employer, the employee's supervisor employed by the employer, or the employee's human resources representative employed by the employer;

(4) "Protected person", an employee of an employer who has reported to the proper authorities an unlawful act of his or her employer; an employee of an employer who reports to his or her employer serious misconduct of the employer that violates a clear mandate of public policy as articulated in a constitutional provision, statute, or regulation promulgated under statute; or an employee of an employer who has refused to carry out a directive issued by his or her employer that if completed would be a violation of the law[~~—An employee of an employer is not a protected person if:~~

~~—— (a) The employee is a supervisory, managerial, or executive employee or an officer of his or her employer and the unlawful act or serious misconduct reported concerns matters upon which the employee is employed to report or provide professional opinion; or~~

~~—— (b) The proper authority or person to whom the employee makes his or her report is the person whom the employee claims to have committed the unlawful act or violation of a clear mandate of public policy];~~

(5) "The motivating factor", the employee's protected classification actually played a role in the adverse decision or action and had a determinative influence on the adverse decision or action.

3. This section is intended to codify the existing common law exceptions to the at-will employment doctrine and to limit their future expansion by the courts. This section, in addition to chapter 213 and chapter 287, shall provide the exclusive remedy for any and all claims of unlawful employment practices.

4. It shall be an unlawful employment practice for an employer to discharge an individual defined as a protected person in this section because of that person's status as a protected person.

5. A protected person aggrieved by a violation of this section shall have a private right of action for actual damages for violations of this section but not for punitive damages. [~~However, if a private right of action for damages exists under another statutory or regulatory scheme, whether under state or federal law, no private right of action shall exist under this statute.~~]

6. Any party to any action initiated under this section may demand a trial by jury.

7. A protected person aggrieved by a violation of this section shall have a private right of action that may be filed in a court of competent jurisdiction. The only remedies available in such an action shall be:

(1) Back pay;

(2) Reimbursement of medical bills directly related to a violation of this section; and

(3) Additionally, if a protected person proves, by clear and convincing evidence, that the conduct of the employer was outrageous because of the employer's evil motive or reckless indifference to the rights of others, then, such person may receive double the amount awarded under subdivisions (1) and (2) of this subsection, as liquidated damages. In applying this subdivision, the provisions of section 510.263 shall be applied as though liquidated damages were punitive damages and as though the amounts referenced in subdivisions (1) and (2) of this subsection were compensatory damages.

8. The court, in addition to the damages set forth in subsection 7 of this section, may award the prevailing party court costs and reasonable attorney fees; except that a prevailing respondent may be awarded reasonable attorney fees only upon a showing that the case was without foundation."; and

Further amend said amendment, Page 2, Line 18, by inserting after said line the following:

"Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after said section and line the following:

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

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

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

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

On motion of Representative Hicks, **House Amendment No. 2 to House Amendment No. 6** was adopted.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Andrews	Atchison	Baker	Basye	Billington
Black 137	Boggs	Bromley	Brown 16	Buchheit-Courtway
Burger	Busick	Christofanelli	Coleman 32	Coleman 97
Cook	Copeland	Davidson	Davis	Deaton
DeGroot	Derges	Dinkins	Dogan	Eggleston
Evans	Falkner	Fishel	Fitzwater	Gregory 51
Gregory 96	Grier	Griesheimer	Griffith	Haden
Haffner	Haley	Hannegan	Hardwick	Hicks
Hill	Hovis	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Lewis 6	Lovasco	Mayhew
McGaugh	McGirl	Murphy	Owen	Patterson
Perkins	Pike	Plocher	Pollock 123	Porter
Pouche	Proudie	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Roden	Rone
Ruth	Sander	Sassmann	Schroer	Schwadron
Seitz	Sharpe 4	Shaul	Shields	Smith 155
Stacy	Stephens 128	Taylor 139	Taylor 48	Thomas
Thompson	Toalson Reisch	Trent	Van Schoiack	Veit
Wallingford	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 045

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bland Manlove	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Collins	Doll	Ellebracht	Fogle	Gray
Gunby	Ingle	Johnson	McCreery	Merideth
Mosley	Nurrenbern	Person	Phifer	Price IV
Quade	Rogers	Rowland	Sauls	Sharp 36
Smith 45	Smith 67	Stevens 46	Terry	Turnbaugh
Unsicker	Walsh Moore 93	Weber	Windham	Young

PRESENT: 000

ABSENT WITH LEAVE: 021

Aldridge	Bailey	Black 7	Chipman	Cupps
Francis	Henderson	Houx	Kidd	Knight
Lewis 25	Mackey	McDaniel	Morse	O'Donnell
Pietzman	Pollitt 52	Schnelting	Simmons	Smith 163
Tate				

VACANCIES: 001

On motion of Representative Richey, **House Amendment No. 6, as amended**, was adopted.

Representative Walsh (50) offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

"304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer, ~~or~~ coroner, **medical examiner, or forensic investigator of the county medical examiner's office**, or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation

where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550;

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; or

(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor.

307.175. 1. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022 while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies.

2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or display fixed, flashing, or rotating red or red and blue lights:

(a) Emergency vehicles, as defined in section 304.022, when responding to an emergency;

(b) Vehicles operated as described in subsection 1 of this section;

(c) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the red or red and blue lights shall be displayed on vehicles or equipment described in this paragraph only between dusk and dawn, when such vehicles or equipment are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs. No more than two vehicles or pieces of equipment in a work zone may display fixed, flashing, or rotating lights under this subdivision;

(d) Vehicles and equipment owned, leased, or operated by a coroner, medical examiner, or forensic investigator of the county medical examiner's office or a similar entity, when responding to a crime scene, motor vehicle accident, workplace accident, or any location at which the services of such professionals have been requested by a law enforcement officer.

(2) The following vehicles and equipment may use or display fixed, flashing, or rotating amber or amber and white lights:

(a) Vehicles and equipment owned or leased by the state highways and transportation commission and operated by an authorized employee of the department of transportation;

(b) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs;

(c) Vehicles and equipment operated by a utility worker performing work for the utility, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, a utility worker is present, and such work zone is designated by a sign or signs. As used in this paragraph, the term "utility worker" means any employee while in performance of his or her job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned.

3. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, rescue squad, or the state highways and transportation commission and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor."; and

Further amend said bill, Page 4, Section 574.085, Line 22, by inserting after said section and line the following:

"574.110. 1. A person commits the offense of using a laser pointer if such person knowingly directs a light from a laser pointer at a uniformed safety officer, including a peace officer as defined under section 590.010, security guard, firefighter, emergency medical worker, or other uniformed municipal, state, or federal officer.

2. As used in this section, "laser pointer" means a device that emits a visible light amplified by the stimulated emission of radiation.

3. The offense of using a laser pointer is a class A misdemeanor."; and

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

Representative Ruth 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 Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the word "Page" the following:

"1, Section A, Line 3, by inserting after all of said section and line the following:

"43.253. 1. Notwithstanding any other provision of law to the contrary, a minimum fee of five dollars may be charged by the Missouri state highway patrol for any records request where there are allowable fees of less than five dollars under this chapter or chapter 610. Such five-dollar fee shall be in place of any allowable fee of less than five dollars.

2. The superintendent of the Missouri state highway patrol may increase the minimum fee described in this section by no more than one dollar every other year, beginning August 28, 2022; however, the minimum fee described in this section shall not exceed ten dollars.

3. A request for public records under this chapter or chapter 610 shall be considered withdrawn if the requester fails to remit all fees within thirty days of a request for payment of the fees by the Missouri state highway patrol."; and

Further amend said bill, Page"; and

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

On motion of Representative Ruth, **House Amendment No. 1 to House Amendment No. 7** was adopted.

Representative Schwadron offered **House Amendment No. 2 to House Amendment No. 7**.

*House Amendment No. 2
to
House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 3, Line 21, by inserting after all of said line the following:

"Further amend said bill and page, Section 557.045, Line 15, by inserting after all of said section and line the following:

"570.212. 1. As used in this section, "mail" means a letter, postal card, package, bag, or other sealed article that:

(1) Is delivered by a common carrier or delivery service and not yet received by the addressee; or

(2) Has been left to be collected for delivery by a common carrier or delivery service.

2. A person commits the offense of mail theft if the person purposefully appropriates mail from another person's mailbox or premises without consent of the addressee and with intent to deprive such addressee of the mail.

3. The offense of mail theft is a class A misdemeanor for a first offense and a class E felony for any second or subsequent offense."; and"; and

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

On motion of Representative Schwadron, **House Amendment No. 2 to House Amendment No. 7** was adopted.

On motion of Representative Walsh (50), **House Amendment No. 7, as amended**, was adopted.

Representative Copeland offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 4, Section 574.085, Line 22, by inserting after said section and line the following:

"590.030. 1. The POST commission shall establish minimum standards for the basic training of peace officers. Such standards may vary for each class of license established pursuant to subsection 2 of section 590.020.

2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license. Such general education requirements shall require completion of a high school program of education under chapter 167 or obtainment of a General Educational Development (GED) certificate.

3. The director shall provide for the licensure, with or without additional basic training, of peace officers possessing credentials by other states or jurisdictions, including federal and military law enforcement officers.

4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met.

5. As conditions of licensure, all licensed peace officers shall:

(1) Obtain continuing law enforcement education pursuant to rules to be promulgated by the POST commission; ~~and~~

(2) Maintain a current address of record on file with the director; **and**

(3) Submit to being fingerprinted on or before January 1, 2022, and at any time a peace officer is commissioned with a different law enforcement agency, for the purposes of a criminal history background check and enrollment in the state and federal Rap Back programs, pursuant to section 43.540. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the officer's commissioning law enforcement agency at the time of enrollment and Rap Back enrollment shall be for the purpose of the requirements of subsection 3 of section 590.070 and subsection 2 of section 590.118. An officer shall take all necessary steps to maintain enrollment in Rap Back for as long as the officer is commissioned with a law enforcement agency.

6. A peace officer license shall automatically expire if the licensee fails to hold a commission as a peace officer for a period of five consecutive years, provided that the POST commission shall provide for the relicensure of such persons and may require retraining as a condition of eligibility for relicensure, and provided that the director may provide for the continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement commission requiring a peace officer license but not meeting the definition of a peace officer pursuant to this chapter.

7. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022, and continue to remain enrolled. The law enforcement agency shall take all necessary steps to maintain officer enrollment for all officers commissioned with that agency in the Rap Back programs. An officer shall submit to being fingerprinted at any law enforcement agency upon commissioning and for as long as the officer is commissioned with that agency."; and

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

Representative West offered **House Amendment No. 1 to House Amendment No. 8.**

*House Amendment No. 1
to
House Amendment No. 8*

AMEND House Amendment No. 8 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after "Bill No. 26," the following:

"Page 1, Section 67.030, Line 14, by inserting after all of said line the following:

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

(1) "Minimum standards", adequate and material provision of each of the items listed in subsection 2 of this section;

(2) "Municipality", any city, town, or village located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(3) "Peace officer", any peace officer as defined in section 590.010 who is licensed under chapter 590.

2. Every municipality shall meet the following minimum standards within three years of August 28, 2015, by providing the following municipal services, financial services, and reports, except that the provision of subdivision (6) of this subsection shall be completed within ~~six~~ **two years of August 28, 2021:**

(1) A balanced annual budget listing anticipated revenues and expenditures, as required in section 67.010;

(2) An annual audit by a certified public accountant of the finances of the municipality that includes a report on the internal controls utilized by the municipality to prevent misuse of public funds. The municipality also shall include its current procedures that show compliance with or reasonable exceptions to the recommended internal controls;

(3) A cash management and accounting system that accounts for all revenues and expenditures;

(4) Adequate levels of insurance to minimize risk to include:

(a) General liability coverage;

- (b) If applicable, liability coverage with endorsements to cover emergency medical personnel and paramedics;
 - (c) If applicable, police professional liability coverage;
 - (d) Workers compensation benefits for injured employees under the provisions of chapter 287; and
 - (e) Bonds for local officials as required by section 77.390, 79.260, 80.250, or local charter;
 - (5) Access to a complete set of ordinances adopted by the governing body available to the public within ten business days of a written request. An online version of the regulations or code shall satisfy this requirement for those ordinances that are codified;
 - (6) If a municipality has a police department or contracts with another police department for public safety services, a police department accredited or certified by the Commission on Accreditation for Law Enforcement Agencies or the Missouri Police Chiefs Association or a contract for police service with a police department accredited or certified by such entities;
 - (7) Written policies regarding the safe operation of emergency vehicles, including a policy on police pursuit;
 - (8) Written policies regarding the use of force by peace officers;
 - (9) Written general orders for a municipal police department unless contracting with another municipality or county for police services;
 - (10) Written policies for collecting and reporting all crime and police stop data for the municipality as required by law. Such policies shall be forwarded to the attorney general's office;
 - (11) Construction code review by existing staff, directly or by contract with a public or private agency. The provisions of this subdivision shall not require the municipality to adopt an updated construction code; and
 - (12) Information published annually on the website of the municipality indicating how the municipality met the standards in this subsection. If there is no municipal website, the information shall be submitted to the county for publication on its website, if it has a website.
3. If any resident of a municipality has belief or knowledge that such municipality has failed to ensure that the standards listed in subsection 2 of this section are regularly provided and are likely to continue to be provided, he or she may make an affidavit before any person authorized to administer oaths setting forth the facts alleging the failure to meet the required standards and file the affidavit with the attorney general. It shall be the duty of the attorney general, if, in his or her opinion, the facts stated in the affidavit justify, to declare whether the municipality is operating below minimum standards, and if it is, the municipality shall have sixty days to rectify the deficiencies in services noted by the attorney general. If after sixty days the municipality is still deemed by the attorney general to have failed to rectify sufficient minimum standards to be in compliance with those specified by subsection 2 of this section, the attorney general may file suit in the circuit court of the county. If the court finds that the municipality is not in compliance with the minimum standards specified in subsection 2 of this section, the circuit court of the county shall order the following remedies:
- (1) Appointment of an administrative authority for the municipality including, but not limited to, another political subdivision, the state, or a qualified private party to administer all revenues under the name of the municipality or its agents and all funds collected on behalf of the municipality. If the court orders an administrative authority to administer the revenues under this subdivision, it may send an order to the director of revenue or other party charged with distributing tax revenue, as identified by the attorney general, to distribute such revenues and funds to the administrative authority who shall use such revenues and existing funds to provide the services required under a plan approved by the court. The court shall enter an order directing all financial and other institutions holding funds of the municipality, as identified by the attorney general, to honor the directives of the administrative authority;
 - (2) If the court finds that the minimum standards specified in subsection 2 of this section still are not established at the end of ninety days from the time the court finds that the municipality is not in compliance with the minimum standards specified in subsection 2 of this section, the court may either enter an order disincorporating the municipality or order placed on the ballot the question of whether to disincorporate the municipality as provided in subdivisions (1), (2), (4), and (5) of subsection 3 of section 479.368. The court also shall place the question of disincorporation on the ballot as provided by subdivisions (1), (2), (4), and (5) of subsection 3 of section 479.368 if at least twenty percent of the registered voters residing in the subject municipality or forty percent of the number of voters who voted in the last municipal election, whichever is lesser, submit a petition to the court while the matter is pending, seeking disincorporation. The question shall be submitted to the voters in substantially the following form:

The city/town/village of _____ has failed to meet minimum standards of governance as required by law. Shall the city/town/village of _____ be dissolved?

☐ YES ☐ NO

If electors vote to disincorporate, the court shall determine the date upon which the disincorporation shall occur, taking into consideration a logical transition.

4. The court shall have ongoing jurisdiction to enforce its orders and carry out the remedies in subsection 3 of this section."; and

Further amend said bill,"; and

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

On motion of Representative West, **House Amendment No. 1 to House Amendment No. 8** was adopted.

Representative Mayhew offered **House Amendment No. 2 to House Amendment No. 8.**

House Amendment No. 2

to

House Amendment No. 8

AMEND House Amendment No. 8 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the number "26," the following:

"Page 1, Section A, Line 3, by inserting after said section and line the following:

"43.503. 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to 43.651.

2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506 shall furnish without undue delay, to the central repository, fingerprints, photograph, and if available, any other unique biometric identification collected, charges, appropriate charge codes, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied or approved by the highway patrol or electronically in a format and manner approved by the highway patrol and in compliance with the standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its successor program. All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other law enforcement agencies for the purpose of furnishing without undue delay such fingerprints, photograph, and if available, any other unique biometric identification collected, charges, appropriate charge codes, and descriptions to the central repository upon its behalf. **All such agencies shall also notify the central repository of any firearm reported stolen and the serial number of the firearm.**

3. In instances where an individual less than seventeen years of age and not currently certified as an adult is taken into custody for an offense which would be a felony if committed by an adult, the arresting officer shall take fingerprints for the central repository. These fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol or transmitted electronically in a format and manner approved by the highway patrol and in compliance with the standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its successor program. The fingerprint cards shall be so constructed that the name of the juvenile should not be made available to the central repository. The individual's name and the unique number associated with the fingerprints and other pertinent information shall be provided to the court of jurisdiction by the agency taking the juvenile into custody. The juvenile's fingerprints and other information shall be forwarded to the central repository

and the courts without undue delay. The fingerprint information from the card shall be captured and stored in the automated fingerprint identification system operated by the central repository. In the event the fingerprints are found to match other tenprints or unsolved latent prints, the central repository shall notify the submitting agency who shall notify the court of jurisdiction as per local agreement. Under section 211.031, in instances where a juvenile over fifteen and one-half years of age is alleged to have violated a state or municipal traffic ordinance or regulation, which does not constitute a felony, and the juvenile court does not have jurisdiction, the juvenile shall not be fingerprinted unless certified as an adult.

4. Upon certification of the individual as an adult, the certifying court shall order a law enforcement agency to immediately fingerprint and photograph the individual and certification papers will be forwarded to the appropriate law enforcement agency with the order for fingerprinting. The law enforcement agency shall submit such fingerprints, photograph, and certification papers to the central repository within fifteen days and shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county and to the clerk of the court ordering the subject fingerprinted. If the juvenile is acquitted of the crime and is no longer certified as an adult, the prosecuting attorney shall notify within fifteen days the central repository of the change of status of the juvenile. Records of a child who has been fingerprinted and photographed after being taken into custody shall be closed records as provided under section 610.100 if a petition has not been filed within thirty days of the date that the child was taken into custody; and if a petition for the child has not been filed within one year of the date the child was taken into custody, any records relating to the child concerning the alleged offense may be expunged under the procedures in sections 610.122 to 610.126.

5. The prosecuting attorney of each county or the circuit attorney of a city not within a county or the municipal prosecuting attorney shall notify the central repository on standard forms supplied by the highway patrol or in a manner approved by the highway patrol of his or her decision to not file a criminal charge on any charge referred to such prosecuting attorney or circuit attorney for criminal charges. All records forwarded to the central repository and the courts by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall include the state offense cycle number of the offense, the charge code for the offense, and the originating agency identifier number of the reporting prosecutor, using such numbers as assigned by the highway patrol.

6. The clerk of the courts of each county or city not within a county or municipal court clerk shall furnish the central repository, on standard forms supplied by the highway patrol or in a manner approved by the highway patrol, with a record of all charges filed, including all those added subsequent to the filing of a criminal court case, amended charges, and all final dispositions of cases for which the central repository has a record of an arrest or a record of fingerprints reported pursuant to sections 43.500 to 43.506. Such information shall include, for each charge:

- (1) All judgments of not guilty, acquittals on the ground of mental disease or defect excluding responsibility, judgments or pleas of guilty including the sentence, if any, or probation, if any, pronounced by the court, nolle pros, discharges, releases and dismissals in the trial court;
- (2) Court orders filed with the clerk of the courts which reverse a reported conviction or vacate or modify a sentence;
- (3) Judgments terminating or revoking a sentence to probation, supervision or conditional release and any resentencing after such revocation; and
- (4) The offense cycle number of the offense, and the originating agency identifier number of the sentencing court, using such numbers as assigned by the highway patrol.

7. The clerk of the courts of each county or city not within a county shall furnish, to the department of corrections or department of mental health, court judgment and sentence documents and the state offense cycle number and the charge code of the offense which resulted in the commitment or assignment of an offender to the jurisdiction of the department of corrections or the department of mental health if the person is committed pursuant to chapter 552. This information shall be reported to the department of corrections or the department of mental health at the time of commitment or assignment. If the offender was already in the custody of the department of corrections or the department of mental health at the time of such subsequent conviction, the clerk shall furnish notice of such subsequent conviction to the appropriate department by certified mail, return receipt requested, or in a manner and format mutually agreed to, within fifteen days of such disposition.

8. Information and fingerprints, photograph and if available, any other unique biometric identification collected, forwarded to the central repository, normally obtained from a person at the time of the arrest, may be obtained at any time the subject is in the criminal justice system or committed to the department of mental health. A law enforcement agency or the department of corrections may fingerprint, photograph, and capture any other unique biometric identification of the person unless collecting other unique biometric identification of the person is not financially feasible for the law enforcement agency, and obtain the necessary information at any time the subject is

in custody. If at the time of any court appearance, the defendant has not been fingerprinted and photographed for an offense in which a fingerprint and photograph is required by statute to be collected, maintained, or disseminated by the central repository, the court shall order a law enforcement agency or court marshal to fingerprint and photograph immediately the defendant. The order for fingerprints shall contain the offense, charge code, date of offense, and any other information necessary to complete the fingerprint card. The law enforcement agency or court marshal shall submit such fingerprints, photograph, and if available, any other unique biometric identification collected, to the central repository without undue delay and within thirty days and shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county and to the court clerk of the court ordering the subject fingerprinted.

9. The department of corrections and the department of mental health shall furnish the central repository with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency, legal name change, or discharge of an individual who has been sentenced to that department's custody for any offenses which are mandated by law to be collected, maintained or disseminated by the central repository. All records forwarded to the central repository by the department as required by sections 43.500 to 43.651 shall include the offense cycle number of the offense, and the originating agency identifier number of the department using such numbers as assigned by the highway patrol.

43.665. The highway patrol shall, subject to appropriation, maintain a web page that shall be open to the public and shall include a stolen firearm search capability. The stolen firearm search shall make it possible for any person using the internet to search for the serial number of a firearm and determine whether the firearm has been reported stolen. The highway patrol shall not be required to provide any other information regarding a stolen firearm."; and

Further amend said bill,"; and

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

On motion of Representative Mayhew, **House Amendment No. 2 to House Amendment No. 8** was adopted.

On motion of Representative Copeland, **House Amendment No. 8, as amended**, was adopted.

Representative Windham offered **House Amendment No. 9.**

House Amendment No. 9

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

"304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer of a government agency where that agency's real property is concerned, may authorize a towing company to remove to a place of safety:

(1) Any abandoned property on the right-of-way of:

(a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours, or immediately if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(b) Any interstate highway or freeway outside of an urbanized area, left unattended for twenty-four hours, or after four hours if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(c) Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or

(d) Any state highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than twenty-four hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(2) Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal;

(3) Any abandoned property which has been abandoned under section 577.080;

(4) Any abandoned property which has been reported as stolen or taken without consent of the owner;

(5) Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer takes the person into custody and where such person is unable to arrange for the property's [timely] removal **within forty-eight hours of such person's arrest;**

(6) Any abandoned property which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations;

(7) Any abandoned property left unattended in violation of a state law or local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard;

(8) Any abandoned property illegally left standing on the waters of this state as defined in section 306.010 where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten hours or is floating loose on the water; or

(9) Any abandoned property for which the person operating such property or vehicle eludes arrest for an alleged offense for which the officer would have taken the offender into custody.

2. The department of transportation or any law enforcement officer within the officer's jurisdiction may immediately remove any abandoned, unattended, wrecked, burned or partially dismantled property, spilled cargo or other personal property from the right-of-way of any interstate highway, freeway, or state highway if the abandoned property, cargo or personal property is creating a traffic hazard because of its position in relation to the interstate highway, freeway, or state highway. In the event the property creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, the department's authority under this subsection shall be limited to authorizing a towing company to remove the commercial motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or the owner's designated representative shall have a reasonable opportunity to contact a towing company of choice. The provisions of this subsection shall not apply to vehicles transporting any material which has been designated as hazardous under Section 5103(a) of Title 49, U.S.C.

3. Any law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved from the immediate vicinity shall complete a crime inquiry and inspection report. Any state or federal government agency other than a law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved away from the immediate vicinity in which it was abandoned shall report the towing to the state highway patrol or water patrol within two hours of the tow along with a crime inquiry and inspection report as required in this section. Any local government agency, other than a law enforcement agency, authorizing a tow pursuant to this section where property is towed away from the immediate vicinity shall report the tow to the local law enforcement agency within two hours along with a crime inquiry and inspection report.

4. Neither the law enforcement officer, government agency official nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section or by ordinance of a county or municipality licensing and regulating the sale of abandoned property by the municipality, other than damages occasioned by negligence or by willful or wanton acts or omissions.

5. The owner of abandoned property removed as provided in this section or in section 304.157 shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in section 304.158.

6. Upon the towing of any abandoned property pursuant to this section or under authority of a law enforcement officer or local government agency pursuant to section 304.157, the law enforcement agency that authorized such towing or was properly notified by another government agency of such towing shall promptly make an inquiry with the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. If the abandoned property is not claimed

within ten working days of the towing, the tower who has online access to the department of revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the department of revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of subsection 3 of section 304.156. If the tower does not have online access, the law enforcement agency shall submit a crime inquiry and inspection report to the director of revenue. A towing company that does not have online access to the department's records and that is in possession of abandoned property after ten working days shall report such fact to the law enforcement agency with which the crime inquiry and inspection report was filed. The crime inquiry and inspection report shall be designed by the director of revenue and shall include the following:

- (1) The year, model, make and property identification number of the property and the owner and any lienholders, if known;
- (2) A description of any damage to the property noted by the officer authorizing the tow;
- (3) The license plate or registration number and the state of issuance, if available;
- (4) The storage location of the towed property;
- (5) The name, telephone number and address of the towing company;
- (6) The date, place and reason for the towing of the abandoned property;
- (7) The date of the inquiry of the national crime information center, any statewide Missouri law enforcement computer system and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the law enforcement agency making the inquiry;

- (8) The signature and printed name of the officer authorizing the tow;
- (9) The name of the towing company, the signature and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the department's records; and
- (10) Any additional information the director of revenue deems appropriate.

7. One copy of the crime inquiry and inspection report shall remain with the agency which authorized the tow. One copy shall be provided to and retained by the storage facility and one copy shall be retained by the towing facility in an accessible format in the business records for a period of three years from the date of the tow or removal.

8. The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

9. Any person who removes abandoned property at the direction of a law enforcement officer or an officer of a government agency where that agency's real property is concerned as provided in this section shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid security interest of record. Any personal property within the abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the abandoned property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the property shall be strictly liable for the condition and safe return of the personal property. Such lien shall be enforced in the manner provided under section 304.156.

10. Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain information regarding the authorization to tow, copies of all correspondence with the department of revenue concerning the abandoned property, including copies of any online records of the towing company accessed and information concerning the final disposition of the possession of the abandoned property.

11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the local law enforcement agency where the repossession occurred within two hours of the repossession and shall further provide the local law enforcement agency with any additional information the agency deems appropriate. The local law enforcement agency shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

12. Notwithstanding the provisions of section 301.227, any towing company who has complied with the notification provisions in section 304.156 including notice that any property remaining unredeemed after thirty days may be sold as scrap property may then dispose of such property as provided in this subsection. Such sale shall only occur if at least thirty days has passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in section 304.156. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of revenue within two weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three years that shall be available for inspection by law enforcement and authorized department of revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in section 301.227. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in section 301.227 on vehicles purchased on a bill of sale pursuant to this section."; and

Further amend said bill, Page 4, Section 574.085, Line 22, by inserting after said section and line the following:

"590.120. 1. There is hereby established within the department of public safety a "Peace Officer Standards and Training Commission" which shall be composed of eleven members, including a voting public member, appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of public safety. No more than two members of the POST commission shall reside in the same congressional district as any other at the time of their appointments but this provision shall not apply to the public member. Three members of the POST commission shall be police chiefs, three members shall be sheriffs, one member shall represent a state law enforcement agency covered by the provisions of this chapter, two members shall be peace officers at or below the rank of sergeant employed by a political subdivision, and one member shall be a chief executive officer of a certified training academy. The public member shall be at the time of appointment a registered voter; a person who is not and never has been a member of any profession certified or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession certified or regulated under this chapter. Each member of the POST commission shall have been at the time of his appointment a citizen of the United States and a resident of this state for a period of at least one year, and members who are peace officers shall be qualified as established by this chapter. No member of the POST commission serving a full term of three years may be reappointed to the POST commission until at least one year after the expiration of his most recent term.

2. Three of the original members of the POST commission shall be appointed for terms of one year, three of the original members shall be appointed for terms of two years, and three of the original members shall be appointed for terms of three years. Thereafter the terms of the members of the POST commission shall be for three years or until their successors are appointed. The director may remove any member of the POST commission for misconduct or neglect of office. Any member of the POST commission may be removed for cause by the director but such member shall first be presented with a written statement of the reasons thereof, and shall have a hearing before the POST commission if the member so requests. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term. No two members of the POST commission shall be employees of the same law enforcement agency.

3. Annually the director shall appoint one of the members as chairperson. The POST commission shall meet at least twice each year as determined by the director or a majority of the members to perform its duties. A majority of the members of the POST commission shall constitute a quorum.

4. No member of the POST commission shall receive any compensation for the performance of his official duties.

5. The director shall employ staff as the director deems necessary including, but not limited to, no fewer than one POST investigator for each administrative hearing commissioner.

6. The POST commission shall guide and advise the director concerning duties pursuant to this chapter."; and

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

Representative Windham moved that **House Amendment No. 9** be adopted.

Which motion was defeated.

Representative Roberts offered **House Amendment No. 10**.

House Amendment No. 10

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 5, Section 590.502, Line 20, by deleting the phrase "**under investigation or is subjected to**" and inserting in lieu thereof the phrase "**under administrative investigation or is subjected to administrative**"; and

Further amend said bill and section, Page 6, Line 71, by inserting after the word "**complaint**" the phrase "**or from the date the agency became aware of the alleged conduct upon which the allegation rests**"; and

Further amend said bill and section, Page 7, Line 108, by inserting immediately after the number "**(2)**" the following:

"The right of the law enforcement officer or his or her attorney to conduct discovery prior to the hearing. Depositions may be taken in the same manner and under the same conditions as provided for in the Missouri civil rules of civil procedure for civil cases in the circuit court. Subpoenas may be issued by the board conducting the hearing or by the circuit court or the office of the clerk for the county where the agency has its principal place of business;

(3)"; and

Further amend said bill and section, Pages 7-8, by renumbering subsequent subdivisions accordingly; and

Further amend said bill and section, Page 8, Lines 123-126, by deleting said lines from the bill; and

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

On motion of Representative Roberts, **House Amendment No. 10** was adopted.

Representative Van Schoiack offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, 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

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. 11.**

*House Amendment No. 1
to
House Amendment No. 11*

AMEND House Amendment No. 11 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 12, by inserting after all of said line the following:

"Further amend said bill, Page 2, Section 557.045, Line 15, by inserting after said section and line the following:

"571.101. 1. All applicants for concealed carry permits issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle. A concealed carry permit shall be valid from the date of issuance or renewal until five years from the last day of the month in which the permit was issued or renewed. The concealed carry permit is valid throughout this state. Although the permit is considered valid in the state, a person who fails to renew his or her permit within five years from the date of issuance or renewal shall not be eligible for an exception to a National Instant Criminal Background Check under federal regulations currently codified under 27 CFR 478.102(d), relating to the transfer, sale, or delivery of firearms from licensed dealers. A concealed carry endorsement issued prior to August 28, 2013, shall continue from the date of issuance or renewal until three years from the last day of the month in which the endorsement was issued or renewed to authorize the carrying of a concealed firearm on or about the applicant's person or within a vehicle in the same manner as a concealed carry permit issued under subsection 7 of this section on or after August 28, 2013.

2. A concealed carry permit issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least ~~nineteen~~ **eighteen** years of age, is a citizen or permanent resident of the United States and either:

(a) Has assumed residency in this state; or

(b) Is a member of the **United States** Armed Forces stationed in Missouri~~;~~ or the spouse of such member of the military;

~~(2) [Is at least nineteen years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:~~

~~—— (a) Has assumed residency in this state;~~

~~—— (b) Is a member of the Armed Forces stationed in Missouri; or~~

~~—— (c) The spouse of such member of the military stationed in Missouri and nineteen years of age;~~

~~(3)]~~ Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

~~[(4)]~~ **(3)** Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit;

~~[(5)]~~ **(4)** Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

~~[(6)]~~ **(5)** Has not been discharged under dishonorable conditions from the United States Armed Forces;

~~[(7)]~~ (6) Has not engaged in a pattern of behavior, documented in public or closed records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

~~[(8)]~~ (7) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

~~[(9)]~~ (8) Submits a completed application for a permit as described in subsection 3 of this section;

~~[(10)]~~ (9) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

~~[(11)]~~ (10) Is not the respondent of a valid full order of protection which is still in effect; **and**

~~[(12)]~~ (11) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C. Section 922(g).

3. The application for a concealed carry permit issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, date and place of birth, and, if the applicant is not a United States citizen, the applicant's country of citizenship and any alien or admission number issued by the Federal Bureau of Customs and Immigration Enforcement or any successor agency;

(2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen or permanent resident of the United States;

(3) An affirmation that the applicant is at least ~~nineteen~~ **eighteen** years of age ~~or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces~~;

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a permit;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect;

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri; and

(12) A government-issued photo identification. This photograph shall not be included on the permit and shall only be used to verify the person's identity for permit renewal, or for the issuance of a new permit due to change of address, or for a lost or destroyed permit.

4. An application for a concealed carry permit shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a concealed carry permit must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable permit fee as provided by subsection 11 or 12 of this section.

5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a concealed carry permit, the applicant shall be fingerprinted. No other biometric data shall be collected from the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal Background Check System within three working days after submission of the properly completed application for a concealed carry permit. If no disqualifying record is identified by these checks at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check, the sheriff shall examine the results and, if no disqualifying information is identified, shall issue a concealed carry permit within three working days.

(2) In the event the report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's license or a valid military identification, shall permit the applicant to exercise the same rights in accordance with the same conditions as pertain to a concealed carry permit issued under this section, provided that it shall not serve as an alternative to a national instant criminal background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours of receipt of any report that identifies a disqualifying record, and shall notify the concealed carry permit system established under subsection 5 of section 650.350. The revocation of a provisional permit issued under this section shall be proscribed in a manner consistent to the denial and review of an application under subsection 6 of this section.

6. The sheriff may refuse to approve an application for a concealed carry permit if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a concealed carry permit to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the concealed carry permit in the presence of the sheriff or his or her designee.

8. The concealed carry permit shall specify only the following information:

(1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder;

(2) The signature of the sheriff issuing the permit;

(3) The date of issuance; and

(4) The expiration date.

The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches long and shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a concealed carry permit system county code and shall be stored in sequential number.

9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a provisional permit and his or her action thereon. Any record of an application that is incomplete or denied for any reason shall be kept for a period not to exceed one year. Any record of an application that was approved shall be kept for a period of one year after the expiration and nonrenewal of the permit.

(2) The sheriff shall report the issuance of a concealed carry permit or provisional permit to the concealed carry permit system. All information on any such permit that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013, shall not be public information and shall be considered personal protected information. Information retained in the concealed carry permit system under this subsection shall not be distributed to any federal, state, or private entities and shall only be made available for a single entry query of an individual in the event the individual is a subject of interest in an active criminal investigation or is arrested for a crime. A sheriff may access the concealed carry permit system for administrative purposes to issue a permit, verify the accuracy of permit holder information, change the name or address of a permit holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a certified death certificate for the permit holder. Any person who violates the provisions of this subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

10. Information regarding any holder of a concealed carry permit, or a concealed carry endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data shall be distributed to any federal, state, or private entity, except to MoSMART or a designee thereof. Any state agency that has retained any documents or records, including fingerprint records provided by an applicant for a concealed carry endorsement prior to August 28, 2013, shall destroy such documents or records, upon successful issuance of a permit.

11. For processing an application for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund. This fee shall include the cost to reimburse the Missouri state highway patrol for the costs of fingerprinting and criminal background checks. An additional fee shall be added to each credit card, debit card, or other electronic transaction equal to the charge paid by the state or the applicant for the use of the credit card, debit card, or other electronic payment method by the applicant.

12. For processing a renewal for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

13. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

14. For the purposes of this chapter, "concealed carry permit" shall include any concealed carry endorsement issued by the department of revenue before January 1, 2014, and any concealed carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013.

571.107. 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No concealed carry permit issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under Section 17, Article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry permit or endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit or endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a

school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

~~(14) [Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;~~

~~—(15)~~ Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;

~~[(16)]~~ (15) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

~~[(17)]~~ (16) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if applicable, endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for a concealed carry permit for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate of qualification for a concealed carry endorsement. If the person holds an endorsement, the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify

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the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing."; and"; and

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

Representative Kelly (141) moved the previous question.

Which motion was adopted by the following vote:

AYES: 088

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Brown 16
Buchheit-Courtway	Burger	Busick	Chipman	Coleman 97
Cook	Cupps	Davidson	Davis	DeGroot
Derges	Dinkins	Eggleston	Evans	Falkner
Fishel	Fitzwater	Gregory 96	Grier	Griesheimer
Griffith	Haden	Haffner	Haley	Hannegan
Hardwick	Henderson	Hicks	Hovis	Hudson
Hurlbert	Kalberloh	Kelley 127	Kelly 141	Lewis 6
Lovasco	Mayhew	McGaugh	McGill	Murphy
O'Donnell	Owen	Perkins	Pike	Plocher
Pollock 123	Porter	Pouche	Railsback	Reedy
Richey	Riggs	Riley	Roberts	Roden
Rone	Sassmann	Schroer	Schwadron	Seitz
Sharpe 4	Shaul	Smith 155	Stacy	Taylor 139
Taylor 48	Thomas	Thompson	Toalson Reisch	Trent
Van Schojack	Veit	Wallingford	Walsh 50	West
Wiemann	Wright	Mr. Speaker		

NOES: 041

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bosley	Brown 27	Brown 70
Burnett	Burton	Butz	Clemens	Collins
Doll	Ellebracht	Fogle	Gray	Gunby
Johnson	Lewis 25	Mackey	McCreery	Merideth
Mosley	Person	Phifer	Quade	Sauls
Sharp 36	Smith 45	Smith 67	Stevens 46	Terry
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Windham
Young				

PRESENT: 000

ABSENT WITH LEAVE: 033

Aldridge	Bailey	Bland Manlove	Christofanelli	Coleman 32
Copeland	Deaton	Dogan	Francis	Gregory 51
Hill	Houx	Ingle	Kidd	Knight
McDaniel	Morse	Nurrenbern	Patterson	Pietzman
Pollitt 52	Price IV	Proudie	Rogers	Rowland
Ruth	Sander	Schnelting	Shields	Simmons
Smith 163	Stephens 128	Tate		

VACANCIES: 001

On motion of Representative Baker, **House Amendment No. 1 to House Amendment No. 11** was adopted.

Representative Roberts offered **House Amendment No. 2 to House Amendment No. 11**.

*House Amendment No. 2
to
House Amendment No. 11*

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 557.045, Line 15, by inserting after said section and line the following:

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

(1) "Internet or network site", any identifiable site on the internet or on a network including, but not limited to:

(a) A website or other similar site on the world wide web;

(b) A site that is identifiable through a uniform resource locator;

(c) A site on a network that is owned, operated, administered, or controlled by a provider of internet service;

(d) An electronic bulletin board;

(e) A list server;

(f) A newsgroup; or

(g) A chat room;

(2) "Merchant", an owner or operator, and the agent, consignee, employee, lessee, or officer of an owner or operator, of any merchant's premises.

2. A person commits the offense of organized retail theft if he or she, while alone or with any other person or persons, commits a series of thefts of retail merchandise against one or more merchants either on the premises of a merchant or through the use of an internet or network site in this state with the intent to:

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade, or barter the merchandise for value in any manner including, but not limited to, through the use of an internet or network site.

3. The offense of organized retail theft is a class C felony if the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this state during a period of one hundred twenty days is no less than one thousand five hundred dollars and no more than ten thousand dollars.

4. The offense of organized retail theft is a class B felony if the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this state during a period of one hundred twenty days is ten thousand dollars or more.

5. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

6. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this state during a period of one hundred twenty days:

(1) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services that are obtained; and

(2) The amounts involved in all thefts committed by all participants in the organized retail theft shall be aggregated.

7. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this state in which any theft committed by any participant in the organized retail theft was committed regardless of whether the defendant was ever physically present in such jurisdiction."; and

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

House Amendment No. 2 to House Amendment No. 11 was withdrawn.

Representative Riggs offered **House Amendment No. 3 to House Amendment No. 11.**

House Amendment No. 3
to
House Amendment No. 11

AMEND House Amendment No. 11 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the phrase "Senate Bill No. 26," the following:

"Page 1, Section 67.030, Line 14, by inserting after all of said section and line the following:

- "67.301. 1. Notwithstanding any provision to the contrary, no city, county, town, village, or political subdivision shall adopt or enforce any ordinance, order, or regulation that:**
- (1) Requires a permit for the installation or use of a battery-charged fence in addition to an alarm system permit issued by such city, county, town, village, or political subdivision;**
 - (2) Imposes installation or operational requirements for the battery-charged fence that do not comply with either:**
 - (a) The standards set by the International Electrotechnical Commission, as published June 29, 2018; or**
 - (b) The requirements of the definition of a "battery-charged fence" under subsection 2 of this section; or**
 - (3) Prohibits the installation or use of a battery-charged fence.**
 - 2. As used in this section, the following terms mean:**
 - (1) "Alarm system", an alarm system for which a permit may be issued by a political subdivision;**
 - (2) "Battery-charged fence", a fence that:**
 - (a) Interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to a burglary;**
 - (b) Is located on property that is not designated by a city, county, town, village, or political subdivision for residential use;**
 - (c) Has an energizer that is powered by a commercial storage battery that is no more than twelve volts of direct current and that periodically delivers voltage impulses to the fence;**
 - (d) Produces an electric charge that does not exceed energizer characteristics set for electric fence energizers by the International Electrotechnical Commission, as published in the Commission's standard on June 29, 2018;**
 - (e) Is completely surrounded by a nonelectric perimeter fence or wall that is no less than five feet in height;**
 - (f) Is no more than ten feet in height or, if part of a nonelectric fence or wall, no more than two feet higher than the nonelectric fence or wall, whichever is higher; and**
 - (g) Is marked with conspicuous warning signs that are located on the battery-charged fence at intervals no more than sixty feet apart and that read "WARNING: ELECTRIC FENCE".**
 - 3. Upon installation of a battery-charged fence, an installer shall deliver written notice to the chief administrator of the city, county, town, village, or political subdivision that:**
 - (1) States that the battery-charged fence was installed;**
 - (2) States the street address of the battery-charged fence; and**
 - (3) Includes a certification that the battery-charged fence satisfies the definition of a "battery-charged fence" under subsection 2 of this section and the standards for electric fence energizers set by the International Electrotechnical Commission, as published in the Commission's standard on June 29, 2018.";**
- and

Further amend said bill,"; and

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

On motion of Representative Riggs, **House Amendment No. 3 to House Amendment No. 11** was adopted.

On motion of Representative Van Schoiack, **House Amendment No. 11, as amended**, was adopted.

Representative Roberts offered **House Amendment No. 12**.

House Amendment No. 12

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 557.045, Line 15, by inserting after said section and line the following:

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

(1) "Internet or network site", any identifiable site on the internet or on a network including, but not limited to:

- (a) A website or other similar site on the world wide web;**
- (b) A site that is identifiable through a uniform resource locator;**
- (c) A site on a network that is owned, operated, administered, or controlled by a provider of internet service;**

(d) An electronic bulletin board;

(e) A list server;

(f) A newsgroup; or

(g) A chat room;

(2) "Merchant", an owner or operator, and the agent, consignee, employee, lessee, or officer of an owner or operator, of any merchant's premises.

2. A person commits the offense of organized retail theft if he or she, while alone or with any other person or persons, commits a series of thefts of retail merchandise against one or more merchants either on the premises of a merchant or through the use of an internet or network site in this state with the intent to:

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade, or barter the merchandise for value in any manner including, but not limited to, through the use of an internet or network site.

3. The offense of organized retail theft is a class C felony if the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this state during a period of one hundred twenty days is no less than one thousand five hundred dollars and no more than ten thousand dollars.

4. The offense of organized retail theft is a class B felony if the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this state during a period of one hundred twenty days is ten thousand dollars or more.

5. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

6. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this state during a period of one hundred twenty days:

(1) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services that are obtained; and

(2) The amounts involved in all thefts committed by all participants in the organized retail theft shall be aggregated.

7. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this state in which any theft committed by any participant in the organized retail theft was committed regardless of whether the defendant was ever physically present in such jurisdiction."; and

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

On motion of Representative Roberts, **House Amendment No. 12** was adopted.

Representative Haffner offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 4, Section 574.085, Line 22, by inserting after said section and line the following:

"575.150. 1. A person commits the offense of resisting or interfering with arrest, detention, or stop if he or she knows or reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the officer from effecting the arrest, stop or detention, he or she:

(1) Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or

(2) Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

2. This section applies to:

(1) Arrests, stops, or detentions, with or without warrants;

(2) Arrests, stops, or detentions, for any offense, infraction, or ordinance violation; and

(3) Arrests for warrants issued by a court or a probation and parole officer.

3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing him or her. **Nothing in this section shall be construed to require the state to prove in a prosecution against a defendant that the defendant knew why he or she was being stopped, detained, or arrested.**

4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law enforcement officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest.

5. The offense of resisting or interfering with an arrest is a class E felony for an arrest for a:

(1) Felony;

(2) Warrant issued for failure to appear on a felony case; or

(3) Warrant issued for a probation violation on a felony case.

The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of subsection 1 of this section is a class A misdemeanor, unless the person fleeing creates a substantial risk of serious physical injury or death to any person, in which case it is a class E felony.

575.151. 1. A person commits the offense of resisting arrest by fleeing in or on a motor vehicle if he or she resists an arrest, a stop, or a detention by fleeing in or on a motor vehicle from a law enforcement officer and, during the course of fleeing, drives at a speed or in a manner that demonstrates a disregard for the safety of any person or property, including that of the pursuing officer or other occupants of the fleeing vehicle.

2. A person commits the offense of aggravated resisting arrest by fleeing in or on a motor vehicle if he or she resists an arrest, a stop, or a detention by fleeing in or on a motor vehicle from a law enforcement officer and, during the course of fleeing, drives at a speed or in a manner that demonstrates a disregard for the safety of any person or property, including that of the pursuing officer or other occupants of the fleeing vehicle, and that results in serious bodily injury or death to another person, including any officer.

3. Nothing in this section shall be construed to require the state to prove in a prosecution against a defendant that the defendant knew why he or she was being stopped, detained, or arrested.

4. The offense of resisting arrest by fleeing in or on a motor vehicle is a class E felony, unless the person has been previously convicted under subsection 3 of this section, in which case it is a class D felony. The offense of aggravated resisting arrest by fleeing in or on a motor vehicle is a class D felony, unless the person has been previously convicted under subsection 2 of this section, in which case it is a class C felony.";
and

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

On motion of Representative Haffner, **House Amendment No. 13** was adopted.

Representative Veit offered **House Amendment No. 14**.

House Amendment No. 14

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after all of said section and line the following:

"210.143. 1. The children's division; law enforcement, including the state technical assistance team; or prosecuting attorney may petition the circuit court for an order directing an exempt-from-licensure residential care facility, as those terms are defined under section 210.1253, that is the subject of an investigation of child abuse or neglect to present the child at a place and time designated by the court to a children's division worker for an assessment of the child's health, safety, and well-being.

2. The court shall enter an order under this section if:

(1) The court determines that there is reasonable suspicion to suspect that the child has been abused or neglected and the residential care facility does not voluntarily provide access to the child;

(2) The assessment is reasonably necessary for the completion of an investigation or the collection of evidence; and

(3) Doing so is in the best interest of the child.

3. If the court enters an order to produce the child under this section, the court may expand the order to produce other children in the care of the residential care facility upon a reasonable suspicion that such children may have been abused or neglected.

4. The petition and order may be made on an ex parte basis if it is reasonable to believe that providing notice may place the child at risk for further abuse or neglect, if it is reasonable to believe that providing notice may cause the child to be removed from the state of Missouri or the jurisdiction of the court, or if it is reasonable to believe that evidence relevant to the investigation will be unavailable if the ex parte order is not entered.

5. Any person served with a subpoena, petition, or order under this section shall not be required to file an answer, but may file a motion for a protective order or other appropriate relief. The motion shall be filed at or before the time for production or disclosure set out in the subpoena or order. The motion shall be in writing, but it may be informal and no particular form shall be required. The clerk shall serve a copy of the motion on the director of the children's division and any agency who applied for the order. The court shall expedite a hearing on the motion and shall issue its decision no later than one business day after the date the motion is filed. The court may review the motion in camera and stay implementation of the order once for up to three days. The in camera review shall be conducted on the record, but steps shall be taken to protect the identity of the child. Any information that may reveal the identity of a hotline reporter shall not be disclosed to anyone in any proceeding under this subsection unless otherwise allowed by law.

6. The petition for an order under this section shall be filed in the juvenile or family court that has judicial custody of the child under section 211.031 or in the circuit court of the county:

(1) Where the child resides;

(2) Where the child may be found;

(3) Where the residential care facility is located;

(4) Where the alleged perpetrator of the child abuse or neglect resides or may be found;

(5) Where the subject of the subpoena may be located or found; or

(6) Of Cole if none of the other venue provisions of this subsection apply.

7. The court shall expedite all proceedings under this section so as to ensure the safety of the child, the preservation of relevant evidence, that child abuse and neglect investigations may be completed within statutory time frames, and that due process is provided to the parties involved.

8. Any person who knowingly violates this section shall be guilty of a class A misdemeanor.

9. The time frames for the children's division to complete its investigation and notify the alleged perpetrator of its decision set forth in sections 210.145, 210.152, and 210.183 shall be tolled from the date that the division files a petition for a subpoena until the information is produced in full, until such subpoena is withdrawn, or until a court of competent jurisdiction quashes such subpoena.

210.493. 1. Officers, managers, contractors, volunteers with access to children, employees, and other support staff of licensed residential care facilities and licensed child placing agencies in accordance with sections 210.481 to 210.536; owners of such residential care facilities who will have access to the facilities; and owners of such child placing agencies who will have access to children shall submit fingerprints and any information that the department requires to complete the background checks, as specified in regulations established by the department, to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks.

2. Officers, managers, contractors, volunteers with access to children, employees, and other support staff of residential care facilities subject to the notification requirements under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides at or on the property of such residential care facility; any person who has unsupervised contact with a resident of the residential care facility; and owners of such residential care facilities who will have access to the facilities shall submit fingerprints and any information that the department requires to complete the background checks, as specified in regulations established by the department, to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks.

3. A background check shall include:

- (1) A Federal Bureau of Investigation fingerprint check;
- (2) A search of the National Crime Information Center's National Sex Offender Registry; and
- (3) A search of the following registries, repositories, or databases in Missouri, the state where the applicant resides, and each state where such applicant resided during the preceding five years:
 - (a) The state criminal registry or repository, with the use of fingerprints being required in the state where the applicant resides and optional in other states;
 - (b) The state sex offender registry or repository;
 - (c) The state family care safety registry; and
 - (d) The state-based child abuse and neglect registry and database.

4. For the purposes this section and notwithstanding any other provision of law, "department" means the department of social services.

5. The department shall be responsible for background checks as part of a residential care facility or child placing agency application for licensure, renewal of licensure, or for license monitoring.

6. The department shall be responsible for background checks for residential care facilities subject to the notification requirements of sections 210.1250 to 210.1286.

7. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the department.

8. Fingerprints submitted to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks under this section shall be valid for a period of five years.

9. The department shall provide the results of the background check to the applicant in a statement that indicates whether the applicant is eligible or ineligible for employment or presence at the licensed residential care facility or licensed child placing agency. The department shall not reveal to the residential care facility or the child placing agency any disqualifying offense or other related information regarding the applicant. The applicant shall have the opportunity to appeal an ineligible finding.

10. The department shall provide the results of the background check to the applicant in a statement that indicates whether the applicant is eligible or ineligible for employment or presence at the residential care facility subject to the notification requirements of sections 210.1250 to 210.1286. The department shall not reveal to the residential care facility any disqualifying offense or other related information regarding the applicant. The applicant shall have the opportunity to appeal an ineligible finding.

11. An applicant shall be ineligible if the applicant:

- (1) Refuses to consent to the background check as required by this section;
- (2) Knowingly makes a materially false statement in connection with the background check as required by this section;
- (3) Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry;

(4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183 or any other finding of child abuse or neglect based on any other state's registry or database; or

(5) Has pled guilty or nolo contendere to or been found guilty of:

- (a) Any felony for an offense against the person as defined in chapter 565;
- (b) Any other offense against the person involving the endangerment of a child as prescribed by law;
- (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;
- (d) Any misdemeanor or felony for an offense against the family as defined in chapter 568;
- (e) Burglary in the first degree as defined in section 569.160;
- (f) Any misdemeanor or felony for robbery as defined in chapter 570;
- (g) Any misdemeanor or felony for pornography or related offense as defined in chapter 573;
- (h) Any felony for arson as defined in chapter 569;
- (i) Any felony for armed criminal action as defined in section 571.015, unlawful use of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in section 571.070, or the unlawful possession of an explosive as defined in section 571.072;
- (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or 574.125;
- (k) A felony drug-related offense committed during the preceding five years; or
- (l) Any similar offense in any federal, state, or other court of similar jurisdiction of which the department has knowledge.

12. Any person aggrieved by a decision of the department shall have the right to seek an administrative review. The review shall be filed with the department within fourteen days from the mailing of the notice of ineligibility. Any decision not timely appealed shall be final.

13. Any required fees shall be paid by the individual applicant, facility, or agency.

14. The department is authorized to promulgate rules, including emergency 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 the effective date of this section, shall be invalid and void.

210.1250. Sections 210.1250 to 210.1286 shall be known and may be cited as the "Residential Care Facility Notification Act".

210.1253. As used in sections 210.1250 to 210.1286, unless the context clearly provides otherwise, the following terms mean:

- (1) "Child", a person who is under eighteen years of age;
- (2) "Department", the department of social services, or the children's division within the department of social services, as determined by the department;
- (3) "Director", a person who is responsible for the operation of the residential care facility;
- (4) "Exempt-from-licensure" or "license-exempt", a residential care facility that is not required to be licensed under section 210.516;
- (5) "Person", an individual, partnership, organization, association, or corporation;
- (6) "Residential care facility", any place, facility, or home operated by any person who receives children who are not related to the operator and whose parent or guardian is not a resident of the same facility and that provides such children with supervision, care, lodging, and maintenance for twenty-four hours a day, with or without transfer of custody.

210.1256. 1. The department shall be the notification agency for all license-exempt residential care facilities, and the department shall fulfill the duties and responsibilities of the provisions of sections 210.1250 to 210.1286.

2. A residential care facility shall allow parents or guardians of children in the residential care facility unencumbered access to the children in the residential care facility without requiring prior notification to the residential care facility.

3. A residential care facility shall provide for adequate food, clothing, shelter, medical care, and other care necessary to provide for the child's physical, mental, or emotional health or development.

210.1259. 1. The director of any residential care facility shall provide the required notification in accordance with sections 210.1250 to 210.1286 before such operator shall accept any children.

2. All residential care facilities operating on the effective date of sections 210.1250 to 210.1286 shall register accordingly within three months after the effective date of sections 210.1250 to 210.1286.

3. The provisions of sections 210.1250 to 210.1286 shall not apply to any residential care facility that is already licensed so long as the license, registration, or monitoring under which such facility already operates requires of that facility all requirements provided under sections 210.1250 to 210.1286.

210.1262. The notification shall be filed by the director or his or her designee of the residential care facility to the department on forms provided by the department and shall contain the following information:

- (1)** Name, street address, mailing address, and phone number of the residential care facility;
- (2)** Name of the director, owner, operator, all staff members, volunteers, and any individual eighteen years of age or older who resides at or on the property of the residential care facility;
- (3)** Name and description of the agency or organization operating the residential care facility, including a statement as to whether the agency or organization is incorporated;
- (4)** Name and address of the sponsoring organization of the residential care facility, if applicable;
- (5)** School or schools attended by the children served by the residential care facility;
- (6)** Fire and safety inspection certificate;
- (7)** Local health department inspection certificate; and
- (8)** Proof that medical records are maintained for each child.

210.1263. Officers, managers, contractors, volunteers with access to children, employees, and other support staff of residential care facilities subject to the notification requirements under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides at or on the property of such residential care facility; any person who has unsupervised contact with a resident of such residential care facility; and owners of such residential care facilities who will have access to the facilities shall undergo background checks under section 210.493.

210.1264. Upon request by the department or a law enforcement officer acting within the scope of his or her employment, any license-exempt residential care facility subject to the notification requirements of sections 210.1250 to 210.1286 shall provide a full census and demographic information of children at the residential care facility, including parental or other guardian contact information and a full list of officers, managers, contractors, volunteers with access to children, employees, and other support staff of the residential care facility; any person eighteen years of age or older who resides at or on the property of the residential care facility; and any person who has unsupervised contact with a resident of the residential care facility.

210.1265. The residential care facility shall comply with all fire, safety, health, and sanitation inspections as may be required by state law or local ordinance.

210.1268. When the department is advised or has reason to believe that any residential care facility is operating without proper notification in accordance with sections 210.1250 to 210.1286, it shall give the director of the residential care facility written notice by certified mail that such person shall file notification in accordance with sections 210.1250 to 210.1286 within thirty days after receipt of such notice, or the department may request a court injunction as provided under section 210.1271.

210.1271. 1. Notwithstanding any other remedy, the department, the prosecuting attorney of the county where the facility is located, or the attorney general may seek injunctive relief to cease the operation of the residential care facility and provide for the appropriate removal of the children from the residential care facility and placement in the custody of the parent or legal guardian or any other appropriate individual or entity in the discretion of the court, or refer the matter to the juvenile officer of the appropriate county for appropriate proceedings under chapter 211. Such action shall be brought in the circuit court of the county in which such residential care facility is located and shall be initiated only for the following violations:

- (1)** Providing supervision, care, lodging, or maintenance for any children in such facility without filing notification in accordance with sections 210.1250 to 210.1286;
- (2)** Failing to satisfactorily comply with all fire, safety, health, and sanitation inspections as may be required by state law or local ordinance and required under section 210.252;
- (3)** Failing to comply with background checks as required by section 210.493; or
- (4)** An immediate health, safety, or welfare concern for the children at the residential care facility.

2. The department may notify the attorney general of any case in which the department makes a referral to a juvenile officer for removal of a child from a residential care facility. The notification shall include any violations under subsection 1 of this section.

3. If the court refers the matter to a juvenile officer, the court may also enter an order placing a child in the emergency, temporary protective custody of the children's division within the department, as provided under this section, for a period of time not to exceed five days. Such placement shall occur only if the children's division certifies to the court that the children's division has a suitable, temporary placement for the child and the court makes specific, written findings that:

- (1) It is contrary to the welfare of the child to remain in the residential care facility;
- (2) That the parent or legal guardian is unable or unwilling to take physical custody of the child within that time; and
- (3) There is no other temporary, suitable placement for the child.

If the parent or legal guardian of the child does not make suitable arrangements for the custody and disposition of the child within five days of placement within the children's division, the child shall fall under the original and exclusive jurisdiction of the juvenile court under subdivision (1) or (2) of subsection 1 of section 211.031 and the juvenile officer shall file a petition with the juvenile court for further proceedings. Under no circumstances shall the children's division be required to retain care and custody of the child for more than five days without an order from the juvenile court.

4. The provisions of sections 452.700 to 452.930 shall apply and the court shall follow the procedures specified under section 452.755 for children who are placed at a residential care facility and who are from another state or country or are under the jurisdiction or authority of a court from another state.

210.1274. Nothing in the statutes of Missouri shall give any governmental agency jurisdiction or authority to regulate or attempt to regulate, control, or influence the form, manner, or content of the religious curriculum, program, or ministry of a school or of a facility sponsored by a church or religious organization.

210.1280. The department shall maintain a list of all residential care facilities in compliance with sections 210.1250 to 210.1286, and the list shall be provided upon request. The list shall also include information regarding how a person may obtain information about the nature and disposition of any substantiated child abuse or neglect reports at or related to the residential care facility, as provided in section 210.150.

210.1283. A person is guilty of a class B misdemeanor if such person subject to background check requirements knowingly fails to complete a background check, as described under sections 210.493 and 210.1263.

210.1286. The department shall promulgate rules and regulations necessary for the implementation of sections 210.1250 to 210.1286. 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 sections 210.1250 to 210.1286 shall be invalid and void."; and

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

Representative Eggleston offered **House Amendment No. 1 to House Amendment No. 14.**

*House Amendment No. 1
to
House Amendment No. 14*

AMEND House Amendment No. 14 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

""301.227. 1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser shall forward to the director of revenue within ten days the certificate of ownership or salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On vehicles purchased during a year that is no more than six years

after the manufacturer's model year designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title. On vehicles purchased during a year that is more than six years after the manufacturer's model year designation for such vehicle, then application for a salvage title shall be optional on the part of the purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217 to 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of the date sold for destruction and the name of the purchaser clearly shown on the face of the certificate.

2. Whenever a vehicle is classified as junk, as defined in section 301.010, the purchaser may forward to the director of revenue a properly completed application for a junking certificate as well as the salvage certificate of title or certificate of ownership and the director shall issue a negotiable junking certificate to the purchaser of the vehicle. The director may also issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or more prior to the current model year who has a bill of sale for said vehicle but does not possess a certificate of ownership, provided no claim of theft has been made on the vehicle and the highway patrol has by letter stated the vehicle is not listed as stolen after checking the registration number through its nationwide computer system. Such junking certificate may be granted within thirty days of the submission of a request. A junking certificate shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap, or junk.

3. For any vehicle issued a junking certificate or such similar document or classification pursuant to the laws of another state, regardless of whether such designation has been subsequently changed by law in any other state, the department shall only issue a junking certificate, and a salvage certificate of title or original certificate of ownership shall not thereafter be issued for such vehicle, **unless the vehicle has been inspected by the highway patrol and passes such inspection in which case it shall receive a salvage certificate of title.** Notwithstanding the provisions of this subsection, if the vehicle has not previously been classified as a junk vehicle, the applicant making the original junking certification application shall, within ninety days, be allowed to rescind his application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of ownership or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts.

6. The scrap metal operator shall keep a record, for three years, of the seller's name and address, the salvage business license number of the licensee, date of purchase, and any vehicle or parts identification numbers open for inspection as provided in section 301.225.

7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title on the back thereof.

8. Notwithstanding the provisions of subsection 1 of this section, an insurance company which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage certificate of title without the payment of any fee upon proper application within thirty days after settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to section 301.010, then the insurance company may have the vehicle inspected by the Missouri state highway patrol, or other law enforcement agency authorized by the director of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the return of any previously issued negotiable salvage certificate, the director shall issue an original title with no salvage or prior salvage designation. Upon the issuance of an original title the director shall remove any indication of the negotiable salvage title previously issued to the insurance company from the department's electronic records.

9. Notwithstanding subsection 4 of this section or any other provision of the law to the contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from a motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may purchase or acquire such motor vehicle or parts without receiving the original certificate of ownership, salvage certificate of title, or junking certificate from the seller of the vehicle or parts, provided the scrap metal operator verifies with the department of revenue, via the department's online record access, that the motor vehicle is not subject to any recorded security interest or lien and the scrap metal operator complies with the requirements of this subsection. In lieu of forwarding certificates of title or ownership

for such motor vehicles as required by subsection 5 of this section, the scrap metal operator shall forward a copy of the seller's state identification card along with a bill of sale to the department of revenue. The bill of sale form shall be designed by the director and such form shall include, but not be limited to, a certification that the motor vehicle is at least ten model years old, is inoperable, is not subject to any recorded security interest or lien, and a certification by the seller that the seller has the legal authority to sell or otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt of the information required by this subsection, the department of revenue shall cancel any certificate of title or ownership and registration for the motor vehicle. If the motor vehicle is inoperable and at least twenty model years old, then the scrap metal operator shall not be required to verify with the department of revenue whether the motor vehicle is subject to any recorded security interests or liens. As used in this subsection, the term "inoperable" means a motor vehicle that is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically inoperative condition and the vehicle's highest and best use is for scrap purposes. The director of the department of revenue is directed to promulgate rules and regulations to implement and administer the provisions of this section, including but not limited to, the development of a uniform bill of sale. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

210.143. 1. The children's division; law enforcement, including the state technical"; and

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

Representative Walsh Moore (93) raised a point of order that **House Amendment No. 1 to House Amendment No. 14** is not germane.

Representative Taylor (139) requested a parliamentary ruling.

House Amendment No. 1 to House Amendment No. 14 was withdrawn.

Representative Falkner offered **House Amendment No. 2 to House Amendment No. 14**.

*House Amendment No. 2
to
House Amendment No. 14*

AMEND House Amendment No. 14 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 5, by deleting the phrase "**or prosecuting attorney**" and inserting in lieu thereof the phrase "**prosecuting attorney; or circuit attorney**"; and

Further amend said amendment, Page 4, Line 33, by inserting after the word "**children**" the words "**of the parents or guardians**"; and

Further amend said amendment, Page 5, Line 35, by inserting after the word "**attorney**" the phrase "**or circuit attorney**"; and

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

On motion of Representative Falkner, **House Amendment No. 2 to House Amendment No. 14** was adopted.

Representative Evans offered **House Amendment No. 3 to House Amendment No. 14.**

House Amendment No. 3
to
House Amendment No. 14

AMEND House Amendment No. 14 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 6, Line 43, by deleting said line and inserting in lieu thereof the following:

"to 210.1286 shall be invalid and void.

211.012. For purposes of this chapter, section 221.044, and the original jurisdiction of the juvenile court, a person shall not be considered a child if, at the time the alleged offense or violation was committed, the person was considered an adult according to then-existing law.

211.181. 1. When a child is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child;

(6) The department of social services, in conjunction with the department of mental health, shall apply to the United States Department of Health and Human Services for such federal waivers as required to provide services for such children, including the acquisition of community-based services waivers.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he or

she is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.

Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require; provided that, no child who has been adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-related offense which if committed by an adult would be considered a felony offense pursuant to chapter 566, including but not limited to rape, forcible sodomy, child molestation, and sexual abuse, and in which the victim was a child, shall be placed in any residence within one thousand feet of the residence of the abused child of that offense until the abused child reaches the age of eighteen, and provided further that the provisions of this subdivision regarding placement within one thousand feet of the abused child shall not apply when the abusing child and the abused child are siblings or children living in the same home;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by his or her offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his or her attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's ~~[eighteenth]~~ **nineteenth** birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate program or placement pursuant to subsection 3 of section 219.021. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.

211.435. 1. ~~[There is hereby created in the state treasury the]~~ **A "Juvenile Justice Preservation Fund"[-which] is hereby established in each county's circuit court for the purpose of implementing and maintaining the expansion of juvenile court jurisdiction to eighteen years of age. The fund shall consist of moneys collected under subsection 2 of this section and sections 488.315 and 558.003, any gifts, bequests, and donations, and any other moneys appropriated by the general assembly. [The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be distributed to the judicial circuits of the state based upon the increased workload created by sections 211.021 to 211.425 solely for the administration of the juvenile justice system. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The provisions of this subsection shall expire on August 28, 2024.]**

2. For all traffic violations of any county ordinance or any violation of traffic laws of this state, including an infraction, in which a person has pled guilty, there shall be assessed as costs a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. The surcharge collected under this section shall be ~~[paid into the state treasury to the credit of the]~~ **payable to the county circuit court juvenile justice preservation fund created in this section. [The provisions of this subsection shall expire if the provisions of subsection 1 of this section expire.] Funds held by the state treasurer in the state juvenile justice preservation fund shall be payable and revert to the circuit court's juvenile justice preservation fund in the county of origination.**

3. Expenditures from the county circuit court juvenile justice preservation fund shall be made at the discretion of the juvenile office for the circuit court and shall be used for the sole purpose of implementing and maintaining the expansion of juvenile court jurisdiction.

4. No moneys deposited in the juvenile justice preservation fund shall be expended for capital improvements.

5. To further promote the best interests of the children of the state of Missouri, moneys in the juvenile justice preservation fund shall not be used to replace or reduce the responsibilities of either the counties or the state to provide funding for existing and new juvenile treatment services as provided in this chapter and chapter 210 or funding as otherwise required by law.

485.060. **1. Each court reporter for a circuit judge shall receive an annual salary of twenty-six thousand nine hundred dollars beginning January 1, 1985, until December 31, 1985, and beginning January 1, 1986, an annual salary of thirty thousand dollars.**

2. Such annual salary shall be modified by any salary adjustment provided by section 476.405[5].

3. Beginning January 1, 2022, the annual salary, as modified under section 476.405, shall be adjusted upon meeting the minimum number of cumulative years of service as a court reporter with a circuit court of this state by the following schedule:

(1) For each court reporter with zero to five years of service: the annual salary shall be increased only by any salary adjustment provided by section 476.405;

(2) For each court reporter with six to ten years of service: the annual salary shall be increased by five and one-quarter percent;

(3) For each court reporter with eleven to fifteen years of service: the annual salary shall be increased by eight and one-quarter percent;

(4) For each court reporter with sixteen to twenty years of service: the annual salary shall be increased by eight and one-half percent; or

(5) For each court reporter with twenty-one or more years of service: the annual salary shall be increased by eight and three-quarters percent.

A court reporter may receive multiple adjustments under this subsection as his or her cumulative years of service increase, but only one percentage listed in subdivisions (1) to (5) of this subsection shall apply to the annual salary at a time.

4. Salaries shall be payable in equal monthly installments on the certification of the judge of the court or division in whose court the reporter is employed. [When] If paid by the state, the salaries of such court reporters shall be paid in semimonthly or monthly installments, as designated by the commissioner of administration."; and

Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after all of said line the following:

~~"[211.438. Expanding services from seventeen years of age to eighteen years of age is a new service and shall not be effective until an appropriation sufficient to fund the expanded service is provided therefor.]~~

~~[211.439. The repeal and reenactment of sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044 shall become effective on January 1, 2021.]~~

Section B. Because immediate action is necessary to expand services from seventeen years of age to eighteen years of age, the enactment of section 211.012, the repeal and reenactment of sections 211.181 and 211.435, and the repeal of sections 211.438 and 211.439 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 211.012, the repeal and reenactment of sections 211.181 and 211.435, and the repeal of sections 211.438 and 211.439 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 Evans, **House Amendment No. 3 to House Amendment No. 14** was adopted.

Representative Windham offered **House Amendment No. 4 to House Amendment No. 14**.

*House Amendment No. 4
to
House Amendment No. 14*

AMEND House Amendment No. 14 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 6, Line 43, by deleting said line and inserting in lieu thereof the following:

"to 210.1286 shall be invalid and void.

304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer of a government agency where that agency's real property is concerned, may authorize a towing company to remove to a place of safety:

- (1) Any abandoned property on the right-of-way of:
 - (a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours, or immediately if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;
 - (b) Any interstate highway or freeway outside of an urbanized area, left unattended for twenty-four hours, or after four hours if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;
 - (c) Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or
 - (d) Any state highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than twenty-four hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;
- (2) Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal;
- (3) Any abandoned property which has been abandoned under section 577.080;
- (4) Any abandoned property which has been reported as stolen or taken without consent of the owner;
- (5) Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer takes the person into custody and where such person is unable to arrange for the property's ~~timely~~ removal **within forty-eight hours of such person's arrest;**
- (6) Any abandoned property which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations;
- (7) Any abandoned property left unattended in violation of a state law or local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard;
- (8) Any abandoned property illegally left standing on the waters of this state as defined in section 306.010 where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten hours or is floating loose on the water; or
- (9) Any abandoned property for which the person operating such property or vehicle eludes arrest for an alleged offense for which the officer would have taken the offender into custody.

2. The department of transportation or any law enforcement officer within the officer's jurisdiction may immediately remove any abandoned, unattended, wrecked, burned or partially dismantled property, spilled cargo or other personal property from the right-of-way of any interstate highway, freeway, or state highway if the abandoned property, cargo or personal property is creating a traffic hazard because of its position in relation to the interstate highway, freeway, or state highway. In the event the property creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, the department's authority under this subsection shall be limited to authorizing a towing company to remove the commercial motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or the owner's designated representative shall have a reasonable opportunity to contact a towing company of choice. The provisions of this subsection shall not apply to vehicles transporting any material which has been designated as hazardous under Section 5103(a) of Title 49, U.S.C.

3. Any law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved from the immediate vicinity shall complete a crime inquiry and inspection report. Any state or federal government agency other than a law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved away from the immediate vicinity in which it was abandoned shall report the towing to the state highway patrol or water patrol within two hours of the tow along with a crime inquiry and inspection report as required in this section. Any local government agency, other than a law enforcement agency, authorizing a tow pursuant to this section where property is towed away from the immediate vicinity shall report the tow to the local law enforcement agency within two hours along with a crime inquiry and inspection report.

4. Neither the law enforcement officer, government agency official nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section or by ordinance of a county or municipality licensing and regulating the sale of abandoned property by the municipality, other than damages occasioned by negligence or by willful or wanton acts or omissions.

5. The owner of abandoned property removed as provided in this section or in section 304.157 shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in section 304.158.

6. Upon the towing of any abandoned property pursuant to this section or under authority of a law enforcement officer or local government agency pursuant to section 304.157, the law enforcement agency that authorized such towing or was properly notified by another government agency of such towing shall promptly make an inquiry with the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. If the abandoned property is not claimed within ten working days of the towing, the tower who has online access to the department of revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the department of revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of subsection 3 of section 304.156. If the tower does not have online access, the law enforcement agency shall submit a crime inquiry and inspection report to the director of revenue. A towing company that does not have online access to the department's records and that is in possession of abandoned property after ten working days shall report such fact to the law enforcement agency with which the crime inquiry and inspection report was filed. The crime inquiry and inspection report shall be designed by the director of revenue and shall include the following:

- (1) The year, model, make and property identification number of the property and the owner and any lienholders, if known;
- (2) A description of any damage to the property noted by the officer authorizing the tow;
- (3) The license plate or registration number and the state of issuance, if available;
- (4) The storage location of the towed property;
- (5) The name, telephone number and address of the towing company;
- (6) The date, place and reason for the towing of the abandoned property;
- (7) The date of the inquiry of the national crime information center, any statewide Missouri law enforcement computer system and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the law enforcement agency making the inquiry;
- (8) The signature and printed name of the officer authorizing the tow;

(9) The name of the towing company, the signature and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the department's records; and

(10) Any additional information the director of revenue deems appropriate.

7. One copy of the crime inquiry and inspection report shall remain with the agency which authorized the tow. One copy shall be provided to and retained by the storage facility and one copy shall be retained by the towing facility in an accessible format in the business records for a period of three years from the date of the tow or removal.

8. The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

9. Any person who removes abandoned property at the direction of a law enforcement officer or an officer of a government agency where that agency's real property is concerned as provided in this section shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid security interest of record. Any personal property within the abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the abandoned property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the property shall be strictly liable for the condition and safe return of the personal property. Such lien shall be enforced in the manner provided under section 304.156.

10. Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain information regarding the authorization to tow, copies of all correspondence with the department of revenue concerning the abandoned property, including copies of any online records of the towing company accessed and information concerning the final disposition of the possession of the abandoned property.

11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the local law enforcement agency where the repossession occurred within two hours of the repossession and shall further provide the local law enforcement agency with any additional information the agency deems appropriate. The local law enforcement agency shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

12. Notwithstanding the provisions of section 301.227, any towing company who has complied with the notification provisions in section 304.156 including notice that any property remaining unredeemed after thirty days may be sold as scrap property may then dispose of such property as provided in this subsection. Such sale shall only occur if at least thirty days has passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in section 304.156. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of revenue within two weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three years that shall be available for inspection by law enforcement and authorized department of revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in section 301.227. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in section 301.227 on vehicles purchased on a bill of sale pursuant to this section."; and

Further amend said bill, Page 4, Section 574.085, Line 22, by inserting after said section and line the following:

"590.120. 1. There is hereby established within the department of public safety a "Peace Officer Standards and Training Commission" which shall be composed of eleven members, including a voting public member, appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of public safety. No more than two members of the POST commission shall reside in the same congressional district as any other at the time of their appointments but this provision shall not apply to the public member. Three members of the POST commission shall be police chiefs, three members shall be sheriffs, one member shall represent a state law enforcement agency covered by the provisions of this chapter, two members shall be peace officers at or below the rank of sergeant employed by a political subdivision, and one member shall be a chief executive officer of a certified training academy. The public member shall be at the time of appointment a registered voter; a person who is not and never has been a member of any profession certified or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession certified or regulated under this chapter. Each member of the POST commission shall have been at the time of his appointment a citizen of the United States and a resident of this state for a period of at least one year, and members who are peace officers shall be qualified as established by this chapter. No member of the POST commission serving a full term of three years may be reappointed to the POST commission until at least one year after the expiration of his most recent term.

2. Three of the original members of the POST commission shall be appointed for terms of one year, three of the original members shall be appointed for terms of two years, and three of the original members shall be appointed for terms of three years. Thereafter the terms of the members of the POST commission shall be for three years or until their successors are appointed. The director may remove any member of the POST commission for misconduct or neglect of office. Any member of the POST commission may be removed for cause by the director but such member shall first be presented with a written statement of the reasons thereof, and shall have a hearing before the POST commission if the member so requests. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term. No two members of the POST commission shall be employees of the same law enforcement agency.

3. Annually the director shall appoint one of the members as chairperson. The POST commission shall meet at least twice each year as determined by the director or a majority of the members to perform its duties. A majority of the members of the POST commission shall constitute a quorum.

4. No member of the POST commission shall receive any compensation for the performance of his official duties.

5. **The director shall employ staff as the director deems necessary including, but not limited to, no fewer than one POST investigator for each administrative hearing commissioner.**

6. The POST commission shall guide and advise the director concerning duties pursuant to this chapter."; and

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

On motion of Representative Windham, **House Amendment No. 4 to House Amendment No. 14** was adopted.

Representative Hicks offered **House Amendment No. 5 to House Amendment No. 14.**

*House Amendment No. 5
to
House Amendment No. 14*

AMEND House Amendment No. 14 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Line 43, by deleting said line and inserting in lieu thereof the following:

"to 210.1286 shall be invalid and void.

285.043. No employee of a political subdivision of this state shall be required, as a condition of employment, to reside within a specified jurisdiction. This section shall not apply to and shall be superseded by:

- (1) Any residency requirement under chapter 84; and
 (2) Any requirement for an elected official."; and"; and

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

On motion of Representative Hicks, **House Amendment No. 5 to House Amendment No. 14** was adopted.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Cook
Copeland	Davidson	Davis	Deaton	Derges
Dinkins	Eggleston	Evans	Falkner	Fishel
Fitzwater	Gregory 51	Gregory 96	Grier	Griesheimer
Griffith	Haden	Haffner	Haley	Hannegan
Hardwick	Hicks	Hill	Hovis	Hudson
Hurlbert	Kalberloh	Kelley 127	Kelly 141	Knight
Lewis 6	Mayhew	Murphy	Owen	Perkins
Pike	Plocher	Pollitt 52	Pollock 123	Porter
Railsback	Reedy	Richey	Riggs	Riley
Roberts	Roden	Ruth	Sassmann	Schwadron
Seitz	Sharpe 4	Shaul	Shields	Simmons
Smith 155	Stacy	Taylor 139	Taylor 48	Thomas
Thompson	Toalson Reisch	Trent	Van Schoiack	Veit
Wallingford	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 044

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bland Manlove	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Collins	Doll	Ellebracht	Fogle	Gray
Ingle	Johnson	Lewis 25	Mackey	McCreery
Merideth	Mosley	Person	Phifer	Price IV
Proudie	Quade	Rogers	Rowland	Sauls
Smith 45	Smith 67	Stevens 46	Terry	Turnbaugh
Unsicker	Walsh Moore 93	Weber	Young	

PRESENT: 000

ABSENT WITH LEAVE: 032

Aldridge	Chipman	Christofanelli	Coleman 32	Coleman 97
Cupps	DeGroot	Dogan	Francis	Gunby
Henderson	Houx	Kidd	Lovasco	McDaniel
McGaugh	McGill	Morse	Nurrenbern	O'Donnell
Patterson	Pietzman	Pouche	Rone	Sander
Schnelting	Schroer	Sharp 36	Smith 163	Stephens 128
Tate	Windham			

VACANCIES: 001

On motion of Representative Veit, **House Amendment No. 14, as amended**, was adopted.

Representative Hill offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 3, Section 557.045, Line 26, by inserting after said section and line the following:

"565.058. 1. Any special victim as defined under section 565.002 shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue.

2. Any special victim as defined under section 565.002 may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if said petition alleges that he or she would be endangered by such disclosure."; and

Further amend said bill, Page 4, Section 574.085, Line 22, by inserting after said section and line the following:

"574.203. 1. Except as otherwise protected by state or federal law, a person, excluding any person who is developmentally disabled as defined in section 630.005, commits the offense of interference with a health care facility if the person willfully or recklessly interferes with a health care facility or employee of a health care facility by:

- (1) Causing a peace disturbance while inside a health care facility;**
- (2) Refusing an order to vacate a health care facility when requested to by any employee of the health care facility;**
- (3) Threatening to inflict injury on the patients or employees, or damage to the property of a health care facility.**

2. Hospital policies shall address incidents of workplace violence against employees, including protecting an employee from retaliation when such employee complies with hospital policies in seeking assistance or intervention from local emergency services or law enforcement when a violent incident occurs.

3. The offense of interference with a health care facility is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense.

4. As used in this section, "health care facility" means a hospital that provides health care services directly to patients.

574.204. 1. Except as otherwise protected by state or federal law, a person commits the offense of interference with an ambulance service if the person acts alone or in concert with others to willfully or recklessly interfere with access to or from an ambulance or willfully or recklessly disrupt any ambulance service by threatening to inflict injury on any person providing ambulance services or damage the ambulance.

2. The offense of interference with an ambulance service is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense.

3. As used in this section, "ambulance service" means a person or entity that provides emergency or nonemergency ambulance transportation and services, or both."; and

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

Representative Bosley offered **House Amendment No. 1 to House Amendment No. 15**.

House Amendment No. 1

to

House Amendment No. 15

AMEND House Amendment No. 15 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 1, by inserting after the number "26," the following:

"Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

"506.450. 1. A peace officer, as defined under section 590.010, who, under color of law, deprives any individual of his or her constitutional rights shall be liable to such individual for legal or equitable relief or any other appropriate relief.

2. (1) Statutory immunities and statutory limitations on liability, damages, or attorney fees shall not apply to claims brought under this section.

(2) Qualified immunity shall not be a defense to liability under this section.

3. In any action brought under this section, a court shall award reasonable attorney fees and costs to a prevailing plaintiff. In actions for injunctive relief, a court shall deem a plaintiff to have prevailed if the plaintiff's suit was a substantial factor or significant catalyst in obtaining the results sought by the litigation. If a judgment is entered in favor of a defendant, the court may award reasonable costs and attorney fees to the defendant for defending any claims the court finds frivolous.

4. Notwithstanding any other provision of law, a peace officer's employer shall indemnify its peace officers for any liability incurred by the peace officer and for any judgment or settlement entered against the peace officer for claims arising under this section; except that, if the peace officer was shown by clear and convincing evidence to be acting outside the scope of his or her employment or to not be acting under color of law, the peace officer shall be personally liable and shall not be indemnified by the peace officer's employer for more than five percent of the judgment or settlement or twenty-five thousand dollars, whichever is less. Notwithstanding any provision of this section, if the peace officer's portion of the judgment is uncollectable from the peace officer, the peace officer's employer or insurance shall satisfy the full amount of the judgment or settlement. A public entity is not required to indemnify a peace officer if the peace officer was convicted of a criminal violation for the conduct from which the claim arises.

5. A civil action under this section shall be commenced within two years after the cause of action accrues. "; and

Further amend said bill,"; 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: 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	Eggleston
Falkner	Fishel	Fitzwater	Gregory 96	Grier
Griesheimer	Griffith	Haden	Haffner	Haley
Hannegan	Hardwick	Hicks	Hill	Hovis
Hudson	Hurlbert	Kalberloh	Kelley 127	Kelly 141
Lewis 6	Lovasco	Mayhew	Murphy	Owen
Perkins	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Pouche	Proudie	Railsback	Richey
Riggs	Riley	Roberts	Roden	Rone
Ruth	Sassmann	Schwadron	Seitz	Sharpe 4
Shaul	Shields	Simmons	Smith 155	Stacy
Taylor 139	Taylor 48	Thomas	Thompson	Toalson Reisch
Trent	Van Schoiack	Veit	Wallingford	Walsh 50
West	Wiemann	Wright	Mr. Speaker	

NOES: 034

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Bosley	Brown 27	Burnett	Butz
Collins	Doll	Ellebracht	Fogle	Gray
Johnson	Lewis 25	McCreery	Merideth	Mosley
Person	Quade	Rogers	Rowland	Sauls
Sharp 36	Smith 45	Stevens 46	Terry	Turnbaugh
Unsicker	Walsh Moore 93	Weber	Young	

PRESENT: 001

Smith 67

ABSENT WITH LEAVE: 038

Aldridge	Barnes	Bland Manlove	Brown 70	Burton
Christofanelli	Clemens	Coleman 32	DeGroot	Dogan
Evans	Francis	Gregory 51	Gunby	Henderson
Houx	Ingle	Kidd	Knight	Mackey
McDaniel	McGaugh	McGill	Morse	Nurrenbern
O'Donnell	Patterson	Phifer	Pietzman	Price IV
Reedy	Sander	Schnelting	Schroer	Smith 163
Stephens 128	Tate	Windham		

VACANCIES: 001

Representative Bosley moved that **House Amendment No. 1 to House Amendment No. 15** be adopted.

Which motion was defeated.

On motion of Representative Hill, **House Amendment No. 15** was adopted.

Representative Trent offered **House Amendment No. 16**.

House Amendment No. 16

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Section 67.030, Line 14, by inserting after said section and line the following:

"67.494. 1. The general assembly hereby occupies and preempts the entire field of legislation regarding in any way the regulation of physical security measures around private property to the complete exclusion of any order, ordinance, policy, or regulation by any village; town; city, including any home rule city; or county in this state. Any existing or future order, ordinance, policy, or regulation in this field is or shall be null and void.

2. Nothing in this section shall prohibit a village, town, city, or county from regulating:

- (1) The aesthetics of physical security measures;**
- (2) Access to the public right-of-way, a sidewalk, or utility easement;**
- (3) The structural soundness of physical security measures; or**
- (4) Changes to the drainage of a property.**

3. Physical security measures shall have a means to enter the property so that law enforcement and first responders are able to access the property in 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. 16.**

*House Amendment No. 1
to
House Amendment No. 16*

AMEND House Amendment No. 16 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 15, by inserting after all of said line the following:

"Further amend said bill, Page 2, Section 557.045, Line 15, by inserting after all said section and line the following:

"571.020. 1. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:

- (1) An explosive weapon;
- (2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
- (3) A gas gun;
- (4) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

- (5) ~~Knuckles; or~~
——— (6) Any of the following in violation of federal law:
 - (a) A machine gun;
 - (b) A short-barreled rifle or shotgun;
 - (c) A firearm silencer; or
 - (d) A switchblade knife.

2. A person does not commit an offense pursuant to this section if his or her conduct involved any of the items in subdivisions (1) to ~~[(5)]~~ (4) of subsection 1, the item was possessed in conformity with any applicable federal law, and the conduct:

- (1) Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency, or a penal institution; or
- (2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this ~~section~~ **subsection**; or
- (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
- (4) Was incident to displaying the weapon in a public museum or exhibition; or
- (5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

3. An offense pursuant to subdivision (1), (2), (3) or ~~[(6)]~~ (5) of subsection 1 of this section is a class D felony; a crime pursuant to subdivision (4) ~~[or (5)]~~ of subsection 1 of this section is a class A misdemeanor.

571.107. 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No concealed carry permit issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms **or knuckles** into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under Section 17, Article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry permit or endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit or endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm **or knuckles** in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if applicable, endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for a concealed carry permit for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate of qualification for a concealed carry endorsement. If the person holds an endorsement, the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and

take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing."; 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. 16** was adopted.

Representative Adams offered **House Amendment No. 2 to House Amendment No. 16**.

*House Amendment No. 2
to
House Amendment No. 16*

AMEND House Amendment No. 16 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 1, Line 15, by inserting after the word "**emergency**." the following:

"4. The state of Missouri shall provide all citizens which were born in this state with a handgun.";
and

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

Representative Kelly (141) moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Andrews	Atchison	Basye	Billington	Black 137
Black 7	Boggs	Bosley	Bromley	Brown 16
Buchheit-Courtway	Burger	Busick	Coleman 97	Cook
Copeland	Cupps	Davidson	Deaton	Derges
Dinkins	Dogan	Eggleston	Evans	Falkner
Fishel	Fitzwater	Gregory 96	Grier	Griesheimer
Griffith	Haden	Haffner	Haley	Hannegan
Hardwick	Hicks	Hill	Hovis	Hudson
Hurlbert	Kalberloh	Kelley 127	Kelly 141	Lewis 6
Mayhew	Owen	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Railsback	Reedy	Riggs
Riley	Roberts	Roden	Rone	Ruth
Sassmann	Schroer	Schwadron	Seitz	Sharpe 4
Shaul	Shields	Simmons	Smith 155	Smith 163
Stacy	Taylor 139	Thomas	Thompson	Toalson Reisch
Trent	Van Schoiack	Veit	Wallingford	Walsh 50
West	Wiemann	Wright	Mr. Speaker	

NOES: 044

Adams	Anderson	Appelbaum	Aune	Baker
Bangert	Barnes	Brown 27	Brown 70	Burnett
Burton	Butz	Clemens	Collins	Davis
Doll	Ellebracht	Fogle	Gray	Gunby

Ingle	Johnson	Lewis 25	McCreery	Merideth
Mosley	Murphy	Nurrenbern	Person	Phifer
Proudie	Quade	Rogers	Sauls	Sharp 36
Smith 45	Smith 67	Taylor 48	Terry	Turnbaugh
Unsicker	Walsh Moore 93	Weber	Young	

PRESENT: 000

ABSENT WITH LEAVE: 034

Aldridge	Bailey	Baringer	Bland Manlove	Chipman
Christofanelli	Coleman 32	DeGroot	Francis	Gregory 51
Henderson	Houx	Kidd	Knight	Lovasco
Mackey	McDaniel	McGaugh	McGill	Morse
O'Donnell	Patterson	Perkins	Pietzman	Pouche
Price IV	Richey	Rowland	Sander	Schnelting
Stephens 128	Stevens 46	Tate	Windham	

VACANCIES: 001

House Amendment No. 2 to House Amendment No. 16 was withdrawn.

Representative Van Schoiack raised a point of order that a member was in violation of Rule 84.

The Chair directed members to direct their comments to the dais.

On motion of Representative Trent, **House Amendment No. 16, as amended**, was adopted.

Representative Haffner offered **House Amendment No. 17**.

House Amendment No. 17

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

"302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court ~~will~~ **may** order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court ~~shall~~ **may** notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. The filing of financial responsibility with the ~~bureau of safety-responsibility~~ department of revenue~~]~~ shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this ~~section~~ **subsection**.

2. The provisions of subsection 1 of this section shall not apply to minor traffic violations as defined in section 479.350; however, minor traffic violations shall be subject to subsection 3 of this section.

3. If a Missouri resident charged with a minor traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on two return dates, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall, within ten days of the failure to comply, inform the defendant by ordinary mail at the last address shown on the court records that the court may order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court may notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. The filing of financial responsibility with the department of revenue shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this subsection.

4. Where a defendant is charged exclusively with minor traffic violations, as such term is defined in section 479.350, any suspension under this section shall be accompanied by issuance from the director of revenue of limited driving privileges for all purposes identified under subdivision (2) of subsection 3 of section 302.309, unless the director finds the defendant is ineligible for such privileges under the provisions of section 302.309."; 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: 090

Andrews	Atchison	Bailey	Baker	Basye
Black 137	Bromley	Brown 16	Buchheit-Courtway	Burger
Busick	Chipman	Christofanelli	Coleman 32	Coleman 97
Cook	Copeland	Cupps	Davidson	Davis
Deaton	Derges	Dogan	Eggleston	Evans
Falkner	Fishel	Fitzwater	Gregory 51	Gregory 96
Grier	Griesheimer	Griffith	Haden	Haffner
Haley	Hannegan	Hardwick	Henderson	Hovis
Hudson	Hurlbert	Kalberloh	Kelley 127	Kelly 141
Kidd	Lewis 6	Lovasco	Mayhew	Murphy
O'Donnell	Owen	Perkins	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Price IV
Proudie	Reedy	Riggs	Riley	Roberts
Roden	Rone	Sassmann	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Simmons	Smith 155
Stacy	Taylor 139	Taylor 48	Thomas	Thompson
Toalson Reisch	Trent	Van Schoiack	Veit	Wallingford
Walsh 50	West	Wiemann	Wright	Mr. Speaker

NOES: 040

Adams	Aldridge	Anderson	Appelbaum	Aune
Baringer	Barnes	Bland Manlove	Bosley	Brown 70
Burnett	Burton	Butz	Collins	Doll
Ellebracht	Fogle	Gray	Gunby	Ingle
Johnson	Lewis 25	McCreery	Merideth	Mosley
Nurrenbern	Person	Phifer	Quade	Rogers
Sauls	Sharp 36	Smith 45	Stevens 46	Terry
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Young

PRESENT: 001

Smith 67

ABSENT WITH LEAVE: 031

Bangert	Billington	Black 7	Boggs	Brown 27
Clemens	DeGroot	Dinkins	Francis	Hicks
Hill	Houx	Knight	Mackey	McDaniel
McGaugh	McGill	Morse	Patterson	Pietzman
Railsback	Richey	Rowland	Ruth	Sander
Schnelting	Schroer	Smith 163	Stephens 128	Tate
Windham				

VACANCIES: 001

On motion of Representative Haffner, **House Amendment No. 17** was adopted.

Representative Seitz offered **House Amendment No. 18**.

House Amendment No. 18

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

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

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

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

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

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

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

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

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

9. Posttraumatic stress disorder (PTSD) is recognized as an occupational disease for purposes of this chapter when diagnosed in a first responder, as that term is defined under section 67.145."; and

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

Representative Schwadron offered **House Amendment No. 1 to House Amendment No. 18.**

*House Amendment No. 1
to
House Amendment No. 18*

AMEND House Amendment No. 18 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Line 15, by inserting after all of said line the following:

"Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after all of said line and section the following:

"610.140. 1. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any offenses, violations, or infractions for an order to expunge records of such arrest, plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may apply to have one or more offenses, violations, or infractions expunged if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the offenses, violations, and infractions he or she is seeking to have expunged in the petition and so long as all such offenses, violations, and infractions are not excluded under subsection 2 of this section. If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.

2. The following offenses, violations, and infractions shall not be eligible for expungement under this section:

- (1) Any class A felony offense;
- (2) Any dangerous felony as that term is defined in section 556.061;
- (3) Any offense that requires registration as a sex offender;

- (4) Any felony offense where death is an element of the offense;
 - (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;
 - (6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.160, 570.025, 570.090, 570.180, 570.223, 570.224, 570.310, 571.020, 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;
 - (7) Any offense eligible for expungement under section 577.054 or 610.130;
 - (8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;
 - (9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section;
 - (10) Any violation of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state; and
 - (11) Any offense of section 571.030, except any offense under subdivision (1) of subsection 1 of section 571.030 where the person was convicted or found guilty prior to January 1, 2017.
3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses, violations, and infractions listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.
4. The petition shall include the following information:
 - (1) The petitioner's:
 - (a) Full name;
 - (b) Sex;
 - (c) Race;
 - (d) Driver's license number, if applicable; and
 - (e) Current address;
 - (2) Each offense, violation, or infraction for which the petitioner is requesting expungement;
 - (3) The approximate date the petitioner was charged for each offense, violation, or infraction; and
 - (4) The name of the county where the petitioner was charged for each offense, violation, or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the name of the municipality for each offense, violation, or infraction; and
 - (5) The case number and name of the court for each offense.
 5. The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service, the court may set a hearing on the matter and shall give reasonable notice of the hearing to each entity named in the petition. At any hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, violations, or infractions listed in the petition for expungement:
 - (1) At the time the petition is filed, it has been at least seven years if the offense is a felony, or at least three years if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;
 - (2) The person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense, violation, or infraction in subdivision (1) of this subsection;

- (3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;
- (4) The person does not have charges pending;
- (5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and
- (6) The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

7. If the court determines that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, violations, or infractions listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, infraction, or violation ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

8. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. **For purposes of 18 U.S.C. 921(a)(3)(B)(ii), an order of expungement granted pursuant to this section shall be considered a complete removal of all effects of the expunged conviction.** Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

- (1) A license, certificate, or permit issued by this state to practice such individual's profession;
- (2) Any license issued under chapter 313 or permit issued under chapter 571;
- (3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;
- (4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;
- (5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or

(6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that the petitioner has not met the criteria for any of the offenses, violations, or infractions listed in the petition for expungement or the petitioner has knowingly provided false information in the petition, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

12. A person may be granted more than one expungement under this section provided that during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are granted to the person shall not exceed the following limits:

- (1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and
- (2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: "I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief."

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law."; and"; and

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

On motion of Representative Schwadron, **House Amendment No. 1 to House Amendment No. 18** was adopted.

On motion of Representative Seitz, **House Amendment No. 18, as amended**, was adopted.

Representative Rone offered **House Amendment No. 19**.

House Amendment No. 19

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after all of said section and line the following:

"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)~~ (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)~~ (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;

~~(g)~~ (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~~;

~~(i)~~ (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;

~~(j)~~ (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;

~~[(6)]~~ (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;

~~[(7)]~~ (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;**

~~[(8)]~~ (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;

~~[(9)]~~ (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;

~~[(10)]~~ (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 Nematelminthes 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 ~~[it]~~ **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 ~~[#]~~ **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. ~~[4-]~~ 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."; and

Further amend said bill, Page 9, Section 590.502, Line 175, 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 July 1, 2024."; and

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

Representative Shaul offered **House Amendment No. 1 to House Amendment No. 19.**

*House Amendment No. 1
to
House Amendment No. 19*

AMEND House Amendment No. 19 to House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 17, Line 22, by deleting said line and inserting in lieu thereof the following:

"281.115 or regulations issued thereunder, shall nevertheless be unlawful.

313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) "Adjusted gross receipts", the gross receipts from licensed gambling games and devices less winnings paid to wagerers;

(2) "Applicant", any person applying for a license authorized under the provisions of sections 313.800 to 313.850;

(3) "Bank", the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) "Capital, cultural, and special law enforcement purpose expenditures" shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse-mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;

(5) "Cheat", to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;

(6) "Commission", the Missouri gaming commission;

(7) "Credit instrument", a written check, negotiable instrument, automatic bank draft or other authorization from a qualified person to an excursion gambling boat licensee or any of its affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of credit extended by the licensee to such person from the qualified person's banking account in an amount determined under section 313.817 on or after a date certain of not more than thirty days from the date the credit was extended, and includes any such writing taken in consolidation, redemption or payment of a previous credit instrument, but does not include any interest-bearing installment loan or other extension of credit secured by collateral;

(8) "Dock", the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(9) "Excursion gambling boat", a boat, ferry ~~or~~ , other floating facility, **or any nonfloating facility** licensed by the commission on which gambling games are allowed;

(10) "Fiscal year" ~~[shall for the purposes of subsections 3 and 4 of section 313.820 mean]~~, the fiscal year of a home dock city or county;

(11) "Floating facility", any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;

(12) "Gambling excursion", the time during which gambling games may be operated on an excursion gambling boat whether docked or during a cruise;

(13) "Gambling game" includes, but is not limited to, games of skill or games of chance on an excursion gambling boat but does not include gambling on sporting events; provided such games of chance are approved by amendment to the Missouri Constitution;

(14) "Games of chance", any gambling game in which the player's expected return is not favorably increased by ~~[his or her]~~ **the player's** reason, foresight, dexterity, sagacity, design, information or strategy;

(15) "Games of skill", any gambling game in which there is an opportunity for the player to use ~~[his or her]~~ **the player's** reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player's expected return; including, but not limited to, the gambling games known as "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai gow poker", "Texas hold'em", "double down stud", and any video representation of such games;

(16) "Gross receipts", the total sums wagered by patrons of licensed gambling games;

(17) "Holder of occupational license", a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;

(18) "Licensee", any person licensed under sections 313.800 to 313.850;

(19) "Mississippi River" and "Missouri River", the water, bed and banks of those rivers, including any space filled **wholly or partially** by the water of those rivers ~~[for docking purposes]~~ in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(20) **"Nonfloating facility", any structure within one thousand feet of the Missouri or Mississippi River that contains at least two thousand gallons of water beneath or inside the facility either by an enclosed space containing such water or in rigid or semirigid storage containers or structures;**

(21) "Supplier", a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. (1) In addition to the games of skill defined in this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant's or licensee's home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing ~~[his or her]~~ **the petitioner's** case by a preponderance of evidence including:

~~[(1)]~~ (a) Is it in the best interest of gaming to allow the game; and

~~[(2)]~~ (b) Is the gambling game a game of chance or a game of skill?

(2) All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.805. The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

(1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;

(2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. Notwithstanding the provisions of chapter 311 to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions, provided that the commission shall not establish any regulations or policies that limit the amount of wagers, losses, or buy-in amounts;

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a licensee within this state to determine compliance with sections 313.800 to 313.850;

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645;

(7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat or adjacent facilities;

(8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

(9) To require all licensees to file all financial reports required by rules and regulations of the commission;

(10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;

(11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;

(12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;

(13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to physical or electronic tokens, electronic cards, or chips which only can be used on the excursion gambling boat;

(14) To require excursion gambling boat licensees to develop a system, approved by the commission, that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving identifying information for the first time. Such system shall be submitted to the commission by October 1, 2000, and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from patrons who have elected to have marketing blocked under the provisions of this section only for the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit the commission from accessing identifying information for the purposes of enforcing section 313.004 and sections 313.800 to 313.850;

(15) To determine which of the authorized gambling games will be permitted on any licensed excursion gambling boat;

(16) ~~[Excursion gambling boats shall cruise, unless the commission finds that the best interest of Missouri and the safety of the public indicate the need for continuous docking of the excursion gambling boat in any city or county authorized pursuant to subsection 10 of section 313.812.]~~ The commission shall base its decision to ~~[allow continuously docked]~~ **license** excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. ~~[In addition,]~~ The commission shall consider economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for ~~[continuous docking]~~ **boats** that are similarly situated with respect to the criteria set forth in this section;

(17) The commission shall render a finding concerning ~~[the possibility of continuous docking, as described in subdivision (15) of this section,]~~ **the transition from a boat, barge, or floating facility to a nonfloating facility** within thirty days after a hearing on any request from an applicant or licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;

(18) To require any applicant for a license or renewal of a license to operate an excursion gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to achieve maximum employment of African-Americans and other minorities and maximum participation in the procurement of contractual purchases of goods and services. This provision shall be administered in accordance with all federal and state employment laws, including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal, the licensee will report on the effectiveness of the plan. The commission shall include the licensee's reported information in its annual report to the joint committee on gaming and wagering;

(19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

313.812. 1. **(1)** The commission may issue licenses pursuant to subsection 1 of section 313.807 when it is satisfied that the applicant has complied with all rules and regulations, including an update of all information provided to the commission in the licensee's initial application. The commission shall decide the number, location and type of excursion gambling boat in a city or county under subsection 10 of this section. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boat will operate ~~[and]~~ **or dock**, including the docking of an excursion gambling boat which is continuously docked, and other information the commission deems appropriate. The commission shall have the ultimate responsibility of deciding the number, location, and type of excursion gambling boats licensed in a city or county; however, any city or county which has complied with the provisions of subsection 10 of this section shall submit to the commission a plan outlining the following:

- ~~[(1)]~~ **(a)** The recommended number of licensed excursion gambling boats operating in such city or county;
- ~~[(2)]~~ **(b)** The recommended licensee or licensees operating in such city or county;
- ~~[(3)]~~ **(c)** The community's economic development or impact and affirmative action plan concerning minorities' and women's ownership, contracting and employment for the waterfront development;
- ~~[(4)]~~ **(d)** The city or county proposed sharing of revenue with any other municipality;
- ~~[(5)]~~ **(e)** Any other information such city or county deems necessary; and
- ~~[(6)]~~ **(f)** Any other information the commission may determine is necessary.

(2) The commission shall provide for due dates for receiving such plan from the city or county.

2. A license to operate an excursion gambling boat shall only be granted to an applicant upon the express conditions that:

(1) The applicant shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed under this section or of the system of wagering described in section 313.817. This section does not prohibit a management contract with a person licensed by the commission; and

(2) The applicant shall not in any manner permit a person other than the licensee and the management licensee to have a share, percentage, or proportion of the money received for admissions to the excursion gambling boat.

3. The commission shall require, as a condition of granting a license, that an applicant operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of Missouri's or the home dock city's or county's riverboat history.

4. The commission shall encourage through its rules and regulations the use of Missouri resources, goods and services in the operation of any excursion gambling boat.

5. The excursion gambling boat shall provide for nongaming areas, food service and a Missouri theme gift shop. The amount of space used for gaming shall be determined in accordance with all rules and regulations of the commission and, **if applicable**, the United States Coast Guard safety regulations.

6. A license to operate gambling games or to operate an excursion gambling boat shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated financial responsibility sufficient to meet adequately the requirements of the proposed enterprise.

7. Each applicant shall establish by clear and convincing evidence its fitness to be licensed. Without limitation, the commission may deny a license based solely on the fact that there is evidence that any of the following apply:

- (1) The applicant has been suspended from operating an excursion gambling boat or a game of chance or gambling operation in another jurisdiction by a board or commission of that jurisdiction;
- (2) The applicant is not the true owner of the enterprise proposed;
- (3) The applicant is not the sole owner, and other persons have ownership in the enterprise, which fact has not been disclosed;
- (4) The applicant is a corporation that is not publicly traded and ten percent or more of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is to be issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license;
- (5) The applicant has knowingly made a false statement of a material fact to the commission; or
- (6) The applicant has failed to meet a valid, bona fide monetary obligation in connection with an excursion gambling boat.

8. A license shall not be granted if the applicant has not established the applicant's good repute and moral character or if the applicant has pled guilty to, or has been convicted of, a felony. No licensee shall employ or contract with any person who has pled guilty to, or has been convicted of, a felony to perform any duties directly connected with the licensee's privileges under a license granted pursuant to this section, except that employees performing nongaming related occupations as determined by the commission shall be exempt from the requirements of this subsection.

9. Except as provided in section 313.817, a licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed, other than a credit instrument, ~~must~~ **shall** be deposited within twenty-four hours. Except for any credit instrument, the commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

10. **(1)** Gambling excursions including the operation of gambling games on an excursion gambling boat which is not continuously docked shall be allowed only on the Mississippi River and the Missouri River. No license to conduct gambling games on an excursion gambling boat in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition.

(2) The question shall be submitted in substantially the following form:

Shall the City (County) of _____ allow the licensing of excursion gambling boats or floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

☐ YES ☐ NO

(3) If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may license excursion gambling boats in that city or county and such boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not license such excursion gambling boats in such city or county unless and until the question is again submitted to and approved by a majority of the qualified voters of the city or county at a later election. Excursion gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point on the Mississippi River or the Missouri River during an excursion. Those cities and counties which have approved by election pursuant to this subsection, except those cities or counties which have subsequently rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are exempt from any local election requirement of this section as such previous election shall have the same effect as if held after May 20, 1994.

11. If a docking fee is charged by a city or a county, a licensee operating an excursion gambling boat shall pay the docking fee prior to the start of the excursion season.

12. Any licensee shall not be delinquent in the payment of property taxes or other taxes or fees or in the payment of any other contractual obligation or debt due or owed to the state or a political subdivision of the state.

13. An excursion gambling boat licensed by the state shall meet all of the requirements of chapter 306 and is subject to an inspection of its sanitary facilities to protect the environment and water quality by the commission or its designee before a license to operate an excursion gambling boat is issued by the commission. Licensed excursion gambling boats shall also be subject to such inspections during the period of the license as may be deemed necessary by the commission. The cost of such inspections shall be paid by the licensee.

14. A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by ~~himself~~ **such person** or ~~his~~ **such person's** agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline:

- (1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;
- (2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;
- (3) Receiving goods or services from a person or business entity who does not hold a supplier's license but who is required to hold such license by the provisions of sections 313.800 to 313.850 or the rules and regulations of the commission;
- (4) Being suspended or ruled ineligible or having a license revoked or suspended in any state of gaming jurisdiction;
- (5) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gaming;
- (6) Employing in any gambling games' operation or any excursion gambling boat operation, any person known to have been found guilty of cheating or using any improper device in connection with any gambling game;
- (7) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to sections 313.800 to 313.850;
- (8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation;
- (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850."; and"; and

Further amend said amendment and page, Line 30, by deleting the word "July" and inserting in lieu thereof the word "January"; and

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

On motion of Representative Shaul, **House Amendment No. 1 to House Amendment No. 19** was adopted.

On motion of Representative Rone, **House Amendment No. 19, as amended**, was adopted.

Representative Wallingford offered **House Amendment No. 20**.

House Amendment No. 20

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after said section and line the following:

"190.307. 1. No public agency or public safety agency, nor any officer, agent or employee of any public agency, shall be liable for any civil damages as a result of any act or omission except willful and wanton misconduct or gross negligence, in connection with developing, adopting, operating or implementing any plan or system required by sections 190.300 to 190.340.

2. No person who gives emergency instructions through a system established pursuant to sections 190.300 to 190.340 to persons rendering services in an emergency at another location, nor any persons following such instructions in rendering such services, shall be liable for any civil damages as a result of issuing or following the instructions, unless issuing or following the instructions constitutes willful and wanton misconduct, or gross negligence.

3. Nothing in this section shall be deemed to abrogate any immunity that would exist in the absence of this section including, but not limited to, sovereign immunity, official immunity, or the public duty doctrine."; and

Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after all of said section and line the following:

"650.335. 1. **(1)** Any county or any home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants, when the prepaid wireless emergency telephone service charge is collected in the county or city, may submit an application for loan funds or other financial assistance to the board for the purpose of financing all or a portion of the costs incurred in implementing a 911 communications service project. **If a county has an elected emergency services board, the elected emergency service board shall be eligible for loan funds or other financial assistance under this section.**

(2) The application shall be accompanied by a technical assistance report. The application and the technical assistance report shall be in such form and contain such information, financial or otherwise, as prescribed by the board.

(3) This section shall not preclude any applicant or borrower from joining in a cooperative project with any other political subdivision or with any state or federal agency or entity in a 911 communications service project, provided that all other requirements of this section have been met.

2. Applications may be approved for loans only in those instances where the applicant has furnished the board information satisfactory to assure that the project cost will be recovered during the repayment period of the loan. In no case shall a loan be made to an applicant unless the approval of the governing body of the applicant to the loan agreement is obtained and a written certification of such approval is provided, where applicable. Repayment periods are to be determined by the board.

3. The board shall approve or disapprove all applications for loans which are sent by certified or registered mail or hand delivered and received by the board upon a schedule as determined by the board.

4. Each applicant to whom a loan has been made under this section shall repay such loan, with interest. The rate of interest shall be the rate required by the board. The number, amounts, and timing of the payments shall be as determined by the board.

5. Any applicant who receives a loan under this section shall annually budget an amount which is at least sufficient to make the payments required under this section.

6. Repayment of principal and interest on loans shall be credited to the Missouri 911 service trust fund established under section 190.420.

7. If a loan recipient fails to remit a payment to the board in accordance with this section within sixty days of the due date of such payment, the board shall notify the director of the department of revenue to deduct such payment amount from first, the prepaid wireless emergency telephone service charge remitted to the county or city under section 190.460; and if insufficient to affect repayment of the loan, next, the regular apportionment of local sales tax distributions to that county or city. Such amount shall then immediately be deposited in the Missouri 911 service trust fund and credited to the loan recipient.

8. All applicants having received loans under this section shall remit the payments required by subsection 4 of this section to the board or such other entity as may be directed by the board. The board or such other entity shall immediately deposit such payments in the Missouri 911 service trust fund.

9. Loans made under this section shall be used only for the purposes specified in an approved application or loan agreement. In the event the board determines that loan funds have been expended for purposes other than those specified in an approved application or loan agreement or any event of default of the loan agreement occurs without resolution, the board shall take appropriate actions to obtain the return of the full amount of the loan and all moneys duly owed or other available remedies.

10. Upon failure of a borrower to remit repayment to the board within sixty days of the date a payment is due, the board may initiate collection or other appropriate action through the provisions outlined in subsection 7 of this section, if applicable.

11. If the borrower is an entity not covered under the collection procedures established in this section, the board, with the advice and consent of the attorney general, may initiate collection procedures or other appropriate action pursuant to applicable law.

12. The board may, at its discretion, audit the expenditure of any loan, grant, or expenditure made or the computation of any payments made.

13. The board shall not approve any application made under this section if the applicant has failed to return the board's annual survey of public safety answering points as required by the board under section 650.330."; and

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

On motion of Representative Wallingford, **House Amendment No. 20** was adopted.

Representative Toalson Reisch offered **House Amendment No. 21**.

House Amendment No. 21

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section 84.400, Line 14, by inserting after all of said section and line the following:

"217.689. Notwithstanding any law to the contrary, any offender sentenced prior to January 1, 2017, under subsection 2 or 3 of section 195.295 or under section 195.296 shall be eligible for parole after having served ten years of such sentence if the board determines that there is a strong and reasonable probability that the offender will not thereafter violate the law. This section shall not apply to any offender who is also serving a sentence for an offense under a section other than section 195.295 or 195.296.

311.060. 1. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village; and, except as otherwise provided under subsection 7 of this section, no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked unless five years have passed since the revocation as provided under subsection 6 of this section, or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state.

2. (1) No person, partnership or corporation shall be qualified for a license under this law if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of the stock of such corporation, or other financial interest therein, or ten percent or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law except as otherwise provided under subsections 6 and 7 of this section, or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the United States, or shall not be a person of good moral character.

(2) No license issued under this chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor. ~~[Each employer shall report the identity of any employee convicted of a felony to the division of liquor control.]~~ The division of liquor control shall promulgate rules to enforce the provisions of this subdivision.

(3) No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent by weight, except to a resident corporation as defined in this section.

3. A "resident corporation" is defined to be a corporation incorporated under the laws of this state, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying citizens of the county and municipality in which they reside and who shall have been bona fide residents of the state for a period of three years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of this law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight, or owned or controlled, directly or indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight.

4. The term "financial interest" as used in this chapter is defined to mean all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

5. The supervisor shall by regulation require all applicants for licenses to file written statements, under oath, containing the information reasonably required to administer this section. Statements by applicants for licenses as wholesalers and retailers shall set out, with other information required, full information concerning the residence of all persons financially interested in the business to be licensed as required by regulation. All material changes in the information filed shall be promptly reported to the supervisor.

6. Any person whose license or permit issued under this chapter has been revoked shall be automatically eligible to work as an employee of an establishment holding a license or permit under this chapter five years after the date of the revocation.

7. Any person whose license or permit issued under this chapter has been revoked shall be eligible to apply and be qualified for a new license or permit five years after the date of the revocation. The person may be issued a new license or permit at the discretion of the division of alcohol and tobacco control. If the division denies the request for a new permit or license, the person may not submit a new application for five years from the date of the denial. If the application is approved, the person shall pay all fees required by law for the license or permit. Any person whose request for a new license or permit is denied may seek a determination by the administrative hearing commission as provided under section 311.691.

311.660. 1. The supervisor of liquor control shall have the authority to suspend or revoke for cause all such licenses; and to make the following regulations, without limiting the generality of provisions empowering the supervisor of liquor control as in this chapter set forth as to the following matters, acts and things:

(1) Fix and determine the nature, form and capacity of all packages used for containing intoxicating liquor of any kind, to be kept or sold under this law;

(2) Prescribe an official seal and label and determine the manner in which such seal or label shall be attached to every package of intoxicating liquor so sold under this law; this includes prescribing different official seals or different labels for the different classes, varieties or brands of intoxicating liquor;

(3) Prescribe all forms, applications and licenses and such other forms as are necessary to carry out the provisions of this chapter, except that when a licensee substantially complies with all requirements for the renewal of a license by the date on which the application for renewal is due, such licensee shall be permitted at least an additional ten days from the date notice is sent that the application is deficient, in which to complete the application;

(4) Prescribe the terms and conditions of the licenses issued and granted under this law;

(5) Prescribe the nature of the proof to be furnished and conditions to be observed in the issuance of duplicate licenses, in lieu of those lost or destroyed;

(6) Establish rules and regulations for the conduct of the business carried on by each specific licensee under the license, and such rules and regulations if not obeyed by every licensee shall be grounds for the revocation or suspension of the license;

(7) The right to examine books, records and papers of each licensee and to hear and determine complaints against any licensee;

(8) To issue subpoenas and all necessary processes and require the production of papers, to administer oaths and to take testimony;

(9) Prescribe all forms of labels to be affixed to all packages containing intoxicating liquor of any kind; and

(10) To make such other rules and regulations as are necessary and feasible for carrying out the provisions of this chapter, as are not inconsistent with this law.

2. Notwithstanding subsection 1 of this section, the supervisor of liquor control shall not prohibit persons from participating in the sale of intoxicating liquor within the scope of their employment solely on the basis of being found guilty of any felony offense, except for prohibitions set forth in sections 311.191 and 311.193.

313.220. 1. The commission shall promulgate such rules and regulations governing the establishment and operation of a state lottery as it deems necessary and desirable to fully implement the mandate of the people expressed in the approval of the lottery amendment to Article III of the Missouri Constitution. Such rules and regulations shall be designed so that a lottery may be initiated at the earliest feasible and practicable time. 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.

2. The commission shall have the authority to require a fingerprint background check on any person seeking employment or employed by the commission, any person seeking contract with or contracted to the commission and any person seeking license from or licensed by the commission. The background check shall include a check of the Missouri criminal records repository and when the commission deems it necessary to perform a nationwide criminal history check, a check of the Federal Bureau of Investigation's criminal records file. Fingerprints shall be submitted to the Missouri criminal records repository as required. Notwithstanding the provisions of section 610.120, the commission shall have access to closed criminal history information when fingerprints are submitted. **The commission shall not prohibit a person from participating in the sale of lottery tickets solely on the basis of the person being found guilty of any criminal offense; except that, the person shall not be eligible to be a licensed lottery game retailer under subsection 2 of section 313.260."**; and

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

On motion of Representative Toalson Reisch, **House Amendment No. 21** was adopted.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Bromley	Brown 16
Buchheit-Courtway	Burger	Busick	Coleman 32	Coleman 97
Cook	Copeland	Cupps	Davidson	Davis
Deaton	DeGroot	Derges	Dinkins	Dogan
Eggleston	Evans	Falkner	Fishel	Fitzwater
Francis	Gregory 51	Gregory 96	Grier	Griesheimer
Griffith	Haden	Haffner	Haley	Hannegan
Hardwick	Henderson	Hicks	Hill	Houx
Hovis	Hudson	Hurlbert	Kalberloh	Kelley 127
Kelly 141	Lewis 6	Lovasco	Mayhew	Murphy
Owen	Patterson	Perkins	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Price IV
Proudie	Reedy	Riggs	Riley	Roberts
Rone	Ruth	Sassmann	Schroer	Schwadron

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Seitz	Sharpe 4	Shaul	Shields	Simmons
Smith 155	Stacy	Taylor 139	Taylor 48	Thomas
Thompson	Toalson Reisch	Trent	Van Schoiack	Veit
Wallingford	Walsh 50	West	Wiemann	Wright

NOES: 044

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bland Manlove	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Collins	Doll	Ellebracht	Fogle	Gray
Gunby	Johnson	Lewis 25	Mackey	McCreery
Merideth	Mosley	Nurrenbern	Person	Phifer
Quade	Rogers	Sauls	Sharp 36	Smith 45
Smith 67	Stevens 46	Terry	Turnbaugh	Unsicker
Walsh Moore 93	Weber	Windham	Young	

PRESENT: 000

ABSENT WITH LEAVE: 022

Aldridge	Boggs	Chipman	Christofanelli	Ingle
Kidd	Knight	McDaniel	McGaugh	McGill
Morse	O'Donnell	Pietzman	Railsback	Richey
Roden	Rowland	Sander	Schnelting	Smith 163
Stephens 128	Tate			

VACANCIES: 001

On motion of Representative Schroer, **HCS SS#2 SB 26, as amended**, was adopted.

On motion of Representative Schroer, **HCS SS#2 SB 26, as amended**, was read the third time and passed by the following vote:

AYES: 098

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Bromley	Brown 16
Buchheit-Courtway	Burger	Busick	Chipman	Christofanelli
Coleman 32	Coleman 97	Cook	Copeland	Cupps
Davidson	Deaton	DeGroot	Derges	Dinkins
Dogan	Eggleston	Evans	Falkner	Fishel
Fitzwater	Francis	Gregory 51	Gregory 96	Grier
Griesheimer	Griffith	Haden	Haffner	Haley
Hannegan	Henderson	Hicks	Hill	Houx
Hovis	Hudson	Hurlbert	Kalberloh	Kelley 127
Kelly 141	Kidd	Knight	Lewis 6	Mayhew
McGaugh	Murphy	Owen	Patterson	Perkins
Pike	Plocher	Pollitt 52	Pollock 123	Porter
Pouche	Reedy	Richey	Riggs	Riley
Roberts	Rone	Ruth	Sassmann	Schroer
Schwadron	Seitz	Sharpe 4	Shaul	Simmons
Smith 155	Smith 163	Stacy	Stephens 128	Taylor 139
Taylor 48	Thomas	Thompson	Toalson Reisch	Trent
Van Schoiack	Veit	Wallingford	Walsh 50	West
Wiemann	Wright	Mr. Speaker		

NOES: 050

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Bland Manlove	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Collins	Davis	Doll	Fogle	Gray
Gunby	Hardwick	Ingle	Johnson	Lewis 25
Lovasco	Mackey	McCreery	Merideth	Mosley
Nurrenbern	Person	Phifer	Price IV	Proudie
Quade	Rogers	Rowland	Sauls	Sharp 36
Smith 45	Smith 67	Stevens 46	Terry	Turnbaugh
Unsicker	Walsh Moore 93	Weber	Windham	Young

PRESENT: 000

ABSENT WITH LEAVE: 014

Barnes	Boggs	Ellebracht	McDaniel	McGill
Morse	O'Donnell	Pietzman	Railsback	Roden
Sander	Schnelting	Shields	Tate	

VACANCIES: 001

Representative Taylor (139) declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 111

Andrews	Atchison	Bailey	Baker	Bangert
Baringer	Basye	Billington	Black 137	Black 7
Bromley	Brown 16	Brown 70	Buchheit-Courtway	Burger
Busick	Butz	Chipman	Christofanelli	Clemens
Coleman 32	Coleman 97	Cook	Copeland	Cupps
Davidson	Davis	Deaton	DeGroot	Derges
Dinkins	Dogan	Eggleston	Evans	Falkner
Fishel	Fitzwater	Francis	Gregory 51	Gregory 96
Grier	Griesheimer	Griffith	Haden	Haffner
Haley	Hannegan	Hardwick	Henderson	Hicks
Hill	Houx	Hovis	Hudson	Hurlbert
Ingle	Kalberloh	Kelley 127	Kelly 141	Kidd
Knight	Lewis 6	Lovasco	Mayhew	McCreery
McGaugh	Murphy	Nurrenbern	Owen	Patterson
Perkins	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Pouche	Reedy	Richey	Riggs
Riley	Roberts	Rogers	Rone	Ruth
Sassmann	Sauls	Schroer	Schwadron	Seitz
Sharpe 4	Shaul	Simmons	Smith 155	Smith 163
Stacy	Stephens 128	Taylor 139	Taylor 48	Thomas
Thompson	Toalson Reisch	Trent	Van Schoiack	Veit
Wallingford	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 013

Adams	Aune	Bland Manlove	Brown 27	Doll
Gunby	Lewis 25	Mackey	Person	Phifer
Rowland	Terry	Walsh Moore 93		

PRESENT: 021

Aldridge	Anderson	Appelbaum	Bosley	Burton
Collins	Fogle	Johnson	Merideth	Mosley
Proudie	Quade	Sharp 36	Smith 45	Smith 67
Stevens 46	Turnbaugh	Unsicker	Weber	Windham
Young				

ABSENT WITH LEAVE: 017

Barnes	Boggs	Burnett	Ellebracht	Gray
McDaniel	McGill	Morse	O'Donnell	Pietzman
Price IV	Railsback	Roden	Sander	Schnelting
Shields	Tate			

VACANCIES: 001

Speaker Vescovo resumed the Chair.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees are allowed to exceed the differences on **SS#2 SCS HCS HB 271, section 394.020**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS#2 SCS HB 273, as amended**, and grants the House a conference thereon.

Further, that the Senate conferees be allowed to exceed the differences on section 436.263.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS for SS SB 6** and has taken up and passed **HCS SS SB 6**.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

SS#2 SCS HB 273, as amended: Representatives Hannegan, Knight, Christofanelli, Brown (27), and Lewis (25)

COMMITTEE REPORTS

Committee on Conservation and Natural Resources, Chairman Mayhew reporting:

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **SCR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (10): Basye, Cupps, Dinkins, Haden, Haley, Mayhew, Pollock (123), Rone, Sassmann and Taylor (48)

Noes (6): Bangert, Brown (70), Burton, Lewis (25), Turnbaugh and Walsh Moore (93)

Absent (5): Grier, Hill, Knight, McDaniel and Pietzman

Committee on Downsizing State Government, Chairman Baker reporting:

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **SS SCS SB 27**, 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 (7): Bailey, Baker, Lovasco, Owen, Railsback, Sander and Van Schoiack

Noes (4): Bangert, Gray, Person and Unsicker

Absent (3): Perkins, Schnelting and Taylor (139)

Committee on Elementary and Secondary Education, Chairman Basye reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **SB 323**, 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, Brown (70), Christofanelli, Haffner, Hicks, Hill, Patterson, Pollitt (52), Sharp (36), Stacy and Toalson Reisch

Noes (2): Nurrenbern and Terry

Absent (6): Bangert, Black (7), DeGroot, Dogan, Grier and Mackey

Committee on Emerging Issues, Chairman Griesheimer reporting:

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **SB 36**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (11): Aune, Fitzwater, Fogle, Gregory (51), Griesheimer, Haffner, Hicks, McCreery, Mosley, Patterson and Sauls

Noes (1): Taylor (139)

Absent (2): Cupps and Richey

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **SS SB 45**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

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Ayes (13): Aune, Fitzwater, Fogle, Gregory (51), Griesheimer, Haffner, Hicks, McCreery, Mosley, Patterson, Richey, Sauls and Taylor (139)

Noes (0)

Absent (1): Cupps

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **SCS SB 272**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (13): Aune, Fitzwater, Fogle, Gregory (51), Griesheimer, Haffner, Hicks, McCreery, Mosley, Patterson, Richey, Sauls and Taylor (139)

Noes (0)

Absent (1): Cupps

Committee on General Laws, Chairman Trent reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **SB 78**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (12): Boggs, Brown (16), Davidson, Hurlbert, Pollitt (52), Riley, Rogers, Ruth, Schwadron, Sharp (36), Trent and Weber

Noes (0)

Absent (4): Ingle, Merideth, Schnelting and Schroer

Mr. Speaker: Your Committee on General Laws, to which was referred **SCS SB 119**, 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 (9): Boggs, Brown (16), Davidson, Hurlbert, Pollitt (52), Riley, Ruth, Schwadron and Trent

Noes (3): Rogers, Sharp (36) and Weber

Absent (4): Ingle, Merideth, Schnelting and Schroer

Mr. Speaker: Your Committee on General Laws, to which was referred **SS SCS SB 126**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (11): Brown (16), Davidson, Hurlbert, Pollitt (52), Riley, Rogers, Ruth, Schwadron, Sharp (36), Trent and Weber

Noes (1): Boggs

Absent (4): Ingle, Merideth, Schnelting and Schroer

Mr. Speaker: Your Committee on General Laws, to which was referred **SS SB 283**, 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 (8): Brown (16), Davidson, Hurlbert, Pollitt (52), Riley, Ruth, Schwadron and Trent

Noes (4): Boggs, Rogers, Sharp (36) and Weber

Absent (4): Ingle, Merideth, Schnelting and Schroer

Committee on Fiscal Review, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 476, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, and Senate Amendment No. 8**, 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)

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 HJR 35**.

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 697** entitled:

An act to repeal sections 67.2800, 67.2810, and 67.2815, RSMo, and to enact in lieu thereof eight new sections relating to property assessment contracts for energy efficiency.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 697, Pages 9-10, Section 67.2815, Lines 104-126, by striking all of said lines; and

Further amend said bill, Section 67.2817, Page 13, Line 63, by striking all of said line and inserting in lieu thereof the following:

"of the true value in money, as determined by the assessor pursuant to chapter 137, plus ten percent of such amount, of the benefitted property prior to the"; and

Further amend Line 70 by inserting immediately after "upon" the following:

", if such product exists"; and

Further amend said bill and section, Pages 15-16, Lines 129-142, by striking all of said lines; and

Further amend said bill, Section 67.2818, Page 16, Lines 13-16, by striking all of said lines and inserting in lieu thereof the following:

"true value in money, as determined by the assessor pursuant to chapter 137, plus ten percent of such amount."; and

Further amend Lines 22-25 by striking all of said lines and inserting in lieu thereof the following:

"true value in money, as determined by the assessor pursuant to chapter 137, plus ten percent of such amount."

In which the concurrence of the House is respectfully requested.

REFERRAL OF HOUSE BILLS

The following House Bill was referred to the Committee indicated:

SS SCS HCS HB 697, as amended - Fiscal Review

REFERRAL OF SENATE BILLS

The following Senate Bill was referred to the Committee indicated:

SB 231 - General Laws

ADJOURNMENT

On motion of Representative Plocher, the House adjourned until 10:00 a.m., Wednesday, May 5, 2021.

COMMITTEE HEARINGS

BUDGET

Wednesday, May 5, 2021, 8:15 AM, House Hearing Room 3.

Executive session will be held: HB 1356

Executive session may be held on any matter referred to the committee.

CONFERENCE COMMITTEE ON BUDGET

Wednesday, May 5, 2021, 8:30 AM, Joint Hearing Room (117).

Executive session may be held on any matter referred to the committee.

Conference Committee on Budget for SS SCS HCS HB 2, SS SCS HCS HB 3, SS SCS HCS HB 4, SCS HCS HB 5, SCS HCS HB 6, SCS HCS HB 7, SCS HCS HB 8, SCS HCS HB 9, SS SCS HCS HB 10, SS SCS HCS HB 11, SCS HCS HB 12, and SCS HCS HB 15.

CONFERENCE COMMITTEE ON BUDGET

Thursday, May 6, 2021, 8:30 AM, Joint Hearing Room (117).

Executive session may be held on any matter referred to the committee.

Conference Committee on Budget for SS SCS HCS HB 2, SS SCS HCS HB 3, SS SCS HCS HB 4, SCS HCS HB 5, SCS HCS HB 6, SCS HCS HB 7, SCS HCS HB 8, SCS HCS HB 9, SS SCS HCS HB 10, SS SCS HCS HB 11, SCS HCS HB 12, and SCS HCS HB 15.

DOWNSIZING STATE GOVERNMENT

Wednesday, May 5, 2021, 12:00 PM or upon morning recess (whichever is later), House Hearing Room 5.

Public hearing will be held: HB 241, HR 288

Executive session may be held on any matter referred to the committee.

ELECTIONS AND ELECTED OFFICIALS

Wednesday, May 5, 2021, 12:00 PM or upon morning recess (whichever is later), House Hearing Room 6.

Executive session will be held: HB 26

Executive session may be held on any matter referred to the committee.

EMERGING ISSUES

Wednesday, May 5, 2021, 12:00 PM or upon morning recess (whichever is later), House Hearing Room 7.

Executive session will be held: SS SB 46, SB 38, SCS SB 40

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, May 5, 2021, 9:45 AM, House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, May 6, 2021, 9:45 AM, House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Friday, May 7, 2021, 9:45 AM, House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Wednesday, May 5, 2021, 12:00 PM or upon morning recess (whichever is later), House Hearing Room 1.

Public hearing will be held: SCR 4, SB 231

Executive session will be held: HB 781

Executive session may be held on any matter referred to the committee.

Removed SB 119.

AMENDED

GENERAL LAWS

Thursday, May 6, 2021, 9:00 AM, House Hearing Room 1.

Executive session will be held: SCR 4, SB 231

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Thursday, May 6, 2021, 1:15 PM, SCR 1.

Executive session may be held on any matter referred to the committee.

Approval of minutes and discussion of transcription of minutes.

A portion of this meeting may be closed for personnel matters pursuant to Section 610.021(3), RSMo.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Monday, May 10, 2021, 11:30 AM, Joint Hearing Room (117).

Executive session may be held on any matter referred to the committee.

Revenue bond approval.

Some portions of the meeting may be closed pursuant to Section 610.021.

JUDICIARY

Wednesday, May 5, 2021, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 6.

Executive session will be held: SCR 6

Executive session may be held on any matter referred to the committee.

LEGISLATIVE REVIEW

Wednesday, May 5, 2021, 12:00 PM or upon morning recess (whichever is later), House Hearing Room 3.

Executive session will be held: HCS SCS SB 520

Executive session may be held on any matter referred to the committee.

RULES - ADMINISTRATIVE OVERSIGHT

Wednesday, May 5, 2021, 1:45 PM, House Hearing Room 3.

Executive session will be held: HCS SS SCS SB 27, SB 36, HCS SS SB 44, SS SB 45, SS SCS SB 57, HCS SCS SB 91, SCS SB 272, HCS SS SB 327, HCS SB 377, HCS SCS SB 457

Executive session may be held on any matter referred to the committee.

Added listed legislation.

AMENDED

RULES - ADMINISTRATIVE OVERSIGHT

Thursday, May 6, 2021, 1:45 PM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

RULES - ADMINISTRATIVE OVERSIGHT

Friday, May 7, 2021, 1:45 PM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

RULES - LEGISLATIVE OVERSIGHT

Wednesday, May 5, 2021, 5:15 PM or upon adjournment (whichever is later), House Hearing Room 3.

Executive session will be held: HCS SB 5, HCS SB 9, SS SB 63, HCS SCS SB 119

Executive session may be held on any matter referred to the committee.

Added HCS SCS SB 119.

AMENDED

RULES - LEGISLATIVE OVERSIGHT

Thursday, May 6, 2021, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

RULES - LEGISLATIVE OVERSIGHT

Friday, May 7, 2021, 12:00 PM or upon adjournment (whichever is later), House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, May 5, 2021, 9:00 AM, House Hearing Room 6.

Executive session will be held: SS#2 SCS SB 202

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-FIFTH DAY, WEDNESDAY, MAY 5, 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 - INFORMAL

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 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

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
HCS HB 1046 - Dinkins
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)
HCS HB 1295 - Andrews
HCS HB 601 - Rone
HB 1032 - Busick
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
HB 771 - Andrews

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 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
HCS HB 946 - Hill
HS HCS HB 876 - Dogan
HB 1010 - Boggs

HOUSE BILLS FOR THIRD READING - INFORMAL

HB 652, (Fiscal Review 4/29/21) - Stevens (46)
HCS HBs 647 & 841 - Pollitt (52)
HCS HB 32, E.C. - Walsh (50)
HB 259 - Evans

SENATE BILLS FOR THIRD READING

HCS SS SCS SB 43, E.C. - Kelley (127)
HCS SS SCS SBs 53 & 60, E.C. - Roberts
HCS SB 72 - Smith (155)
SS SCS SB 120, E.C. - Bromley
HCS SS SB 141 - Black (137)
HCS SS SCS SB 152, (Fiscal Review 5/3/21), E.C. - Christofanelli
HCS SS SCS SB 289 - Copeland
HCS SB 303 - Henderson
HCS SB 330 - Shields
HCS SS SB 333 - Baker
HCS SCS SB 403, E.C. - Patterson

SENATE BILLS FOR THIRD READING - INFORMAL

SS SB 22 - Grier
HCS SS SCS SBs 153 & 97 - Eggleston
HCS SB 226 - Christofanelli
HCS SB 365 - Murphy
HCS SCS SB 520, (Legislative Review 5/4/21) - Ruth

SENATE CONCURRENT RESOLUTIONS FOR THIRD READING

SCR 2, with HA 1, pending - Murphy

HOUSE BILLS WITH SENATE AMENDMENTS

SS HB 345, (Fiscal Review 4/14/21) - DeGroot
HB 476, with SA 1, SA 2, SA 3, SA 4, SA 5, SA 6, and SA 8 - Grier
SCS HCS HB 362, as amended, (Fiscal Review 5/4/21) - DeGroot
SCS HCS HB 18 - Smith (163)
SS SCS HCS HB 19 - Smith (163)
SCS HCS HB 13 - Smith (163)
SS SCS HCS HB 697, as amended, (Fiscal Review 5/4/21) - DeGroot

BILLS IN CONFERENCE

SS SCS HCS HB 2 - Smith (163)
SS SCS HCS HB 3 - Smith (163)
SS SCS HCS HB 4 - Smith (163)
SCS HCS HB 5 - Smith (163)
SCS HCS HB 6 - Smith (163)
SCS HCS HB 7 - Smith (163)
SCS HCS HB 8 - Smith (163)
SCS HCS HB 9 - Smith (163)
SS SCS HCS HB 10 - Smith (163)
SS SCS HCS HB 11 - Smith (163)
SCS HCS HB 12 - Smith (163)
SB 37, with HA 1, HA 2, HA 3, HA 4, HA 5, and HA 6 - Knight
SCS HCS HB 15 - Smith (163)
SS#2 SCS HCS HB 271, as amended (Senate exceeded differences), E.C. - Wiemann
SS#2 SCS HB 273, as amended (Senate exceeded differences) - Hannegan

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)