

# JOURNAL OF THE HOUSE

Second Regular Session, 101st GENERAL ASSEMBLY

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SEVENTIETH DAY, THURSDAY, MAY 12, 2022

The House met pursuant to adjournment.

Representative Eggleston in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicki, Chaplain.

*The God of peace be with you all. (Romans 15:33)*

Eternal God, our Shepherd, before whom we bow in adoration and to whom we lift our spirits in prayer, come into our hearts that we be motivated by Your grace and moved by Your love. May we open our hearts, deepen our devotion and increase our faith in You and in our state. By working together with You, may we hasten the passage of solid and good legislation for our citizens and the promotion of political cooperation in this chamber and in our Senate.

Renew a proper, a good, and a wise attitude within us, O Creator, that we may go forward to greater achievements under Your leadership, supported by Your strength and sustained by Your power. May peace and joy come to reign in every heart here in the People's House.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Tamauree Moore.

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

AYES: 132

Anderson	Andrews	Appelbaum	Atchison	Baker
Baringer	Barnes	Basye	Billington	Black 137
Black 7	Boggs	Bromley	Brown 16	Brown 27
Brown 70	Buchheit-Courtway	Burger	Burton	Busick
Butz	Clemens	Coleman 32	Coleman 97	Collins
Cook	Cupps	Davidson	Davis	Deaton
DeGroot	Derges	Dinkins	Dogan	Eggleston
Ellebracht	Evans	Falkner	Fishel	Fitzwater
Fogle	Francis	Gray	Gregory 51	Gregory 96
Griffith	Gunby	Haden	Haffner	Haley
Hardwick	Henderson	Hicks	Houx	Hudson
Hurlbert	Johnson	Kalberloh	Kelley 127	Kelly 141
Kidd	Knight	Lewis 6	Lovasco	Mackey
Mayhew	McCreery	McDaniel	McGaugh	McGirl
Morse	Murphy	Nurrenbern	O'Donnell	Owen

Patterson	Perkins	Person	Phifer	Pietzman
Pike	Plocher	Pollitt 52	Pollock 123	Porter
Pouche	Proudie	Quade	Railsback	Reedy
Richey	Riggs	Riley	Roberts	Roden
Sander	Sassmann	Sauls	Schnelting	Schroer
Schwadron	Seitz	Sharp 36	Shaul	Shields
Simmons	Smith 155	Smith 163	Smith 45	Smith 67
Stacy	Stephens 128	Tate	Taylor 139	Taylor 48
Terry	Thomas	Thompson	Toalson Reisch	Trent
Turnbaugh	Unsicker	Van Schoiack	Veit	Walsh 50
Walsh Moore 93	Weber	West	Wiemann	Wright
Young	Mr. Speaker			

NOES: 002

Adams                      Bland Manlove

PRESENT: 001

Copeland

ABSENT WITH LEAVE: 021

Aldridge	Aune	Bailey	Bangert	Bosley
Burnett	Chipman	Christofanelli	Doll	Grier
Hovis	Ingle	Lewis 25	Merideth	Mosley
Price IV	Rogers	Rone	Sharpe 4	Stevens 46
Windham				

VACANCIES: 007

Speaker Vescovo assumed the Chair.

### **SIGNING OF HOUSE BILLS**

All other business of the House was suspended while **CCS SCS HCS HB 3015** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been signed in open session of the Senate, **CCS SCS HCS HB 3015** was delivered to the Governor by the Chief Clerk of the House.

Representative Pietzman assumed the Chair.

Representative Taylor (139) assumed the Chair.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 1662** entitled:

An act to repeal sections 442.403, 442.404, and 478.240, RSMo, and to enact in lieu thereof eleven new sections relating to restrictions on real property, with an effective date for a certain section.

With Senate Amendment No. 1 and Senate Amendment No. 2.

*Senate Amendment No. 1*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1662, Page 3, Section 67.137, Line, by striking all of said section from the bill; and

Further amend said bill, Page 11, Section 476.095, by striking all of said section from the bill; and

Further amend said bill, Pages 11-13, Section 478.240, by striking all of said section from the bill; and

Further amend said bill, Page 13, Section 535.067, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1662, Page 1, Section A, Line 5, by inserting after all of said line the following:

“59.310. 1. The county recorder of deeds may refuse any document presented for recording that does not meet the following requirements:

(1) The document shall consist of one or more individual pages printed only on one side and not permanently bound nor in a continuous form. The document shall not have any attachment stapled or otherwise affixed to any page except as necessary to comply with statutory requirements, provided that a document may be stapled together for presentation for recording; a label that is firmly attached with a bar code or return address may be accepted for recording;

(2) The size of print or type shall not be smaller than eight-point type and shall be in black or dark ink. Should any document presented for recording contain type smaller than eight-point type, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;

(3) The document must be of sufficient legibility to produce a clear and legible reproduction thereof. Should any document not be of sufficient legibility to produce a clear and legible reproduction, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;

(4) The document shall be on white ~~paper~~ or light-colored **paper** of not less than twenty-pound weight without watermarks or other visible inclusions, except for plats and surveys, which may be on materials such as Mylar or velum. All text within the document shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable;

(5) All signatures on a document shall be in black or dark ink, such that such signatures shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable, and shall have the corresponding name typed, printed or stamped underneath said signature. The typing or printing of any name or the applying of an embossed or inked stamp shall not cover or otherwise materially interfere with any part of the document except where provided for by law;

(6) The documents shall have a top margin of at least three inches of vertical space from left to right, to be reserved for the recorder of deeds' certification and use. All other margins on the document shall be a minimum of three-fourths of one inch on all sides. Nonessential information such as form numbers, page numbers or customer notations may be placed in the margin. A document may be recorded if a minor portion of a seal or incidental writing extends beyond the margins. The recorder of deeds will not incur any liability for not showing any seal or information that extends beyond the margins of the permanent archival record.

2. Every document containing any of the items listed in this subsection that is presented for recording, except plats and surveys, shall have such information on the first page below the three-inch horizontal margin:

(1) The title of the document;

(2) The date of the document;

- (3) All grantors' names **and marital status**;
- (4) All grantees' names;
- (5) Any statutory addresses;
- (6) The legal description of the property; and
- (7) Reference book and pages for statutory requirements, if applicable.

If there is not sufficient room on the first page for all of the information required by this subsection, the page reference within the document where the information is set out shall be stated on the first page.

3. From January 1, 2002, documents which do not meet the requirements set forth in this section may be recorded for an additional fee of twenty-five dollars, which shall be deposited in the recorders' fund established pursuant to subsection 1 of section 59.319.

4. Documents which are exempt from format requirements and which the recorder of deeds may record include the following:

- (1) Documents which were signed prior to January 1, 2002;
- (2) Military separation papers;
- (3) Documents executed outside the United States;
- (4) Certified copies of documents, including birth and death certificates;
- (5) Any document where one of the original parties is deceased or otherwise incapacitated; and
- (6) Judgments or other documents formatted to meet court requirements.

5. Any document rejected by a recorder of deeds shall be returned to the preparer or presenter accompanied by an explanation of the reason it could not be recorded.

6. Recorders of deeds shall be allowed fees for their services as follows:

- (1) For recording every deed or instrument: five dollars for the first page and three dollars for each page thereafter except for plats and surveys;
- (2) For copying or reproducing any recorded instrument, except surveys and plats: a fee not to exceed two dollars for the first page and one dollar for each page thereafter;
- (3) For every certificate and seal, except when recording an instrument: one dollar;
- (4) For recording a plat or survey of a subdivision, outlets or condominiums: twenty-five dollars for each sheet of drawings or calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height. For recording a survey of one or more tracts: five dollars for each sheet of drawings or calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height. Any plat or survey larger than eighteen inches by twenty-four inches shall be counted as an additional sheet for each additional eighteen inches by twenty-four inches, or fraction thereof, plus five dollars per page of other material;
- (5) For copying a plat or survey of one or more tracts: a fee not to exceed five dollars for each sheet of drawings and calculations not larger than twenty-four inches in width and eighteen inches in height and one dollar for each page of other material;
- (6) For a document which releases or assigns more than one item: five dollars for each item beyond one released or assigned in addition to any other charges which may apply;
- (7) For every certified copy of a marriage license or application for a marriage license: two dollars;
- (8) For duplicate copies of the records in a medium other than paper, the recorder of deeds shall set a reasonable fee not to exceed the costs associated with document search and duplication; and
- (9) For all other use of equipment, personnel services and office facilities, the recorder of deeds may set a reasonable fee.”; and

Further amend said bill, Page 5, Section 89.500, Line 28, by inserting after all of said line the following:

“92.720. 1. If any of the lands or town lots contained in the back tax book or list of delinquent lands or lots remain unredeemed on the first day of January, the collector may file suit in the circuit court against such lands or lots to enforce the lien of the state and city as herein provided in sections 92.700 to 92.920.

2. The collector shall note opposite such tract in the back tax book the fact that suit has been commenced.

3. The collector shall compile lists of all state, city, school and other tax bills collectible by him which are delinquent according to his records and he shall assign a serial number to each parcel of real estate in each list and if suit has been filed in the circuit court of the city on any delinquent tax bill included in any list, the collector shall give the court docket number of each suit.

4. The sheriff may appoint the collector and the collector's deputies as deputy sheriffs, and when so appointed they may serve all process in matters pertaining to sections 92.700 to 92.920 with like effect as the sheriff himself might do.

5. No action for recovery of taxes against real estate shall be commenced, had or maintained, unless action therefor shall be commenced within five years after delinquency.

**6. For any improved parcel identified by a city operating under sections 92.700 to 92.920 as being vacant, the collector shall, within no more than two years after delinquency, file suit in the circuit court against such lands or lots to enforce the lien of the state and the city as provided in sections 92.700 to 92.920. Failure of the collector to bring suit within the time frame prescribed herein shall not constitute a defense or bar an action for the collection of taxes as otherwise provided by this section.**

92.740. 1. A suit for the foreclosure of the tax liens herein provided for shall be instituted by filing in the appropriate office of the circuit clerk and with the land reutilization authority a petition, which petition shall contain a caption, a copy of the list prepared by the collector, and a prayer. Such petition without further allegation shall be deemed to be sufficient.

2. The caption shall be in the following form:

In the Circuit Court of            Missouri,  
In the Matter of  
Foreclosure of Liens for Delinquent Land Taxes  
By Action in Rem.  
Collector of Revenue of            , Missouri, Plaintiff

-vs-

Parcels of Land Encumbered with Delinquent Tax Liens, Defendants

3. The petition shall conclude with a prayer that all tax liens upon such real estate be foreclosed; that the court determine the amounts and priorities of all tax bills, together with interest, penalties, costs, and attorney's fees; that the court order such real estate to be sold by the sheriff at public sale as provided by sections 92.700 to 92.920 and that thereafter a report of such sale be made by the sheriff to the court for further proceedings under the provisions of sections 92.700 to 92.920.

4. The petition when so filed shall have the same force and effect with respect to each parcel of real estate therein described as a separate suit instituted to foreclose the tax lien or liens against any one of said parcels of real estate.

**5. For each petition filed, the collector shall make available to the public a list detailing each parcel included in the suit.**

92.750. 1. **Except as otherwise provided in subsection 4 of this section,** any person having any right, title, or interest in, or lien upon, any parcel of real estate described in such petition may redeem such parcel of real estate by paying to the collector all of the sums mentioned therein, including principal, interest, penalties, attorney's fees and costs then due, at any time prior to the time of the foreclosure sale of such real estate by the sheriff.

2. In the event of failure to redeem prior to the time of the foreclosure sale by the sheriff, such person shall be barred and forever foreclosed of all his right, title and interest in and to the parcels of real estate described in such petition.

3. Upon redemption, as permitted by this section, the person redeeming shall be entitled to a certificate of redemption from the collector describing the property in the same manner as it is described in such petition, and the collector shall thereupon note on his records the word "redeemed" and the date of such payment opposite the description of such parcel of real estate.

**4. For any improved nonhomestead parcel, any person having any right, title, or interest in, or lien upon, any parcel of real estate described in the petition may redeem such parcel of real estate at any time prior to the time of the foreclosure sale of such real estate by the sheriff by paying to the collector all of the sums due as of the date of redemption mentioned therein, including principal, interest, penalties, attorney's fees, and costs then due including, but not limited to, all debts owed to the city, exclusive of any debts owed to any statutorily created sewer district, that are known to the collector and that may be collected pursuant to section 67.451, such as amounts for water, forestry, nuisance abatement, special tax bills, and vacant building assessments.**

92.760. 1. The collector shall also cause to be prepared and mailed in an envelope with postage prepaid, within thirty days after the filing of such petition, a brief notice of the filing of the suit, to the persons named in the petition as ~~[being the owners]~~ **having an interest in the parcel**, according to the records of the assessor for, **or otherwise known to the collector**, the respective parcels of real estate described in the petition. The notices shall be sent to the addresses ~~[of such persons upon the records of the assessor]~~ **most likely to apprise the parties of the proceedings as provided**, and in the event that any name or address does not appear on the records of the assessor, with respect to any parcel of real estate, the collector shall so state in an affidavit, giving the serial number of each parcel of real estate affected. Such affidavit shall be filed in the suit with the circuit clerk not later than sixty days after the date of the first publication of the notice of foreclosure. The failure of the collector to mail the notice as provided in this section shall invalidate any proceedings brought pursuant to the provisions of sections 92.700 to 92.920. The failure of the collector to file the affidavit as provided in this section shall not affect the validity of any proceedings brought pursuant to the provisions of sections 92.700 to 92.920.

2. Such notice shall be substantially as follows:

To the person to whom this notice is addressed:

According to ~~[the]~~ **available** records ~~[in the assessor's office]~~, you ~~[are the record owner as to]~~ **have a legal interest in** one or more parcels of real estate described in a certain petition bearing cause No. \_\_\_\_\_ (fill in number of case) filed in the Circuit Court of \_\_\_\_\_, Missouri, at \_\_\_\_\_ (fill in city), on \_\_\_\_\_, 20 \_\_\_\_\_, wherein a foreclosure of the lien of various delinquent tax bills is sought and a court order asked for the purpose of selling such real estate at a public sale for payment of all delinquent tax bills, together with interest, penalties, attorney's fees and costs. Publication of notice of such foreclosure was commenced on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, in \_\_\_\_\_ (here insert name of city), Missouri.

THE COLLECTOR OF THE CITY OF \_\_\_\_\_ (Insert name of city) HAS FILED A LAWSUIT AGAINST YOUR PROPERTY. THE LAWSUIT SAYS THAT YOU ARE BEHIND ON YOUR PROPERTY TAXES. YOU COULD LOSE YOUR PROPERTY IF YOU DON'T DO ANYTHING ABOUT THIS.

YOU HAVE A RIGHT TO ENTER INTO AN AGREEMENT WITH THE COLLECTOR TO BRING YOUR TAXES UP TO DATE. YOU MAY CONTACT THE COLLECTOR BY CALLING \_\_\_\_\_ (Insert telephone number of collector). IF YOU DO NOT UNDERSTAND THIS NOTICE, OR YOU DO NOT KNOW WHAT TO DO, YOU MAY CALL THIS OFFICE FOR FURTHER EXPLANATION OR SEE A LAWYER RIGHT AWAY.

Unless all delinquent taxes be paid upon the parcels of real estate described in such petition and such real estate redeemed prior to the time of the foreclosure sale of such real estate by the sheriff, the owner or any person claiming any right, title or interest in or to, or lien upon, any such parcels of real estate shall be forever barred and foreclosed of all right, title and interest and equity of redemption in and to such parcels of real estate; except that any such persons shall have the right to file an answer in said suit on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, in the office of the Circuit Clerk and a copy thereof to the Collector, setting forth in detail the nature and amount of the interest and any defense or objection to the foreclosure. Dated \_\_\_\_\_

\_\_\_\_\_  
Collector of Revenue

\_\_\_\_\_, Missouri

(Name of City)

Address \_\_\_\_\_

92.765. Affidavits of publication of notice of foreclosure, and of posting, mailing, or other acts required by the provisions of sections 92.700 to 92.920 shall be filed in the office of the circuit clerk prior to the trial, and when so filed shall constitute part of the evidentiary documents in the foreclosure suit. Such affidavits shall be prima facie evidence of the performance of acts therein described, and may be so used in the trial of the suit, unless challenged by verified answer duly filed in the suit. **The collector shall file with the court an affidavit of compliance with notice requirements of sections 92.700 to 92.920 prior to any sheriff's sale. The affidavit shall include the identities of all parties to whom notice was attempted and by what means. In the case of mailed notice returned undeliverable, the collector's affidavit shall certify that additional notice was attempted and by what means. The expense of complying with this section shall be taxed and collected as other costs in the suit.**

92.770. 1. The collector may employ such attorneys as he deems necessary to collect such taxes and to prosecute suits for taxes.

2. Such attorneys shall receive as total compensation a sum, not to exceed six percent of the amount of taxes actually collected and paid into the treasury, and an additional sum not to exceed two dollars for each suit filed when publication is not necessary and not to exceed five dollars where publication is necessary, as may be agreed upon in writing and approved by the collector, before such services are rendered.

3. The ~~attorney~~ **attorney's** fees shall be taxed as costs in the suit and collected as other costs.

92.775. 1. Upon the trial of the cause upon the question of foreclosure, the tax bill shall be prima facie proof that the tax described in the tax bill has been validly assessed at the time indicated by the tax bill and that the tax is unpaid. Any person alleging any jurisdictional defect or invalidity in the tax bill or in the sale thereof must particularly specify in his answer the defect or basis of invalidity, and must, upon trial, affirmatively establish such defense.

2. After the court has first determined the validity of the tax liens of all tax bills affecting parcels of real estate described in the petition, the priorities of the respective tax bills and the amounts due thereon, including principal, interest, penalties, attorney's fees, and costs, the court shall thereupon enter judgment of foreclosure of such liens and fix the time and place of the foreclosure sale. The petition shall be dismissed as to any parcel of real estate redeemed prior to the time fixed for the sheriff's foreclosure sale as provided in sections 92.700 to 92.920. If the parcel of real estate auctioned off at sheriff's foreclosure sale is sold for a sum sufficient to fully pay the principal amount of all tax bills included in the judgment, together with interest, penalties, attorney's fees and costs, and for no more, and such sale is confirmed by the court, then all other proceedings as to such parcels of real estate shall be finally dismissed as to all parties and interests other than tax bill owners or holders; provided, however, that any parties seeking relief other than an interest in or lien upon the real estate may continue with said suit to a final adjudication of such other issues; provided, further, an appeal may be had as to any claim attacking the validity of the tax bill or bills or the priorities as to payment of proceeds of foreclosure sale. If the parcel of real estate auctioned off at sheriff's foreclosure sale is sold for a sum greater than the total amount necessary to pay the principal amount of all tax bills included in the judgment, together with interest, penalties, attorney's fees and costs, and such sale is confirmed by the court, and no appeal is taken by any person claiming any right, title or interest in or to or lien upon said parcel of real estate or by any person or taxing authority owning or holding or claiming any right, title or interest in or to any tax bills within the time fixed by law for the filing of notice of appeal, the court shall thereupon order the sheriff to make distribution to the owners or holders of the respective tax bills included in the judgment of the amounts found to be due and in the order of priorities. Thereafter all proceedings in the suit shall be ordered by the court to be dismissed as to such persons or taxing authorities owning, holding or claiming any right, title or interest in any such tax bill or bills so paid, and the case shall proceed as to any parties claiming any right, title, or interest in or lien upon the parcel of real estate affected by such tax bill or bills as to their respective claims to such surplus funds then remaining in the hands of the sheriff. **The receipt of such surplus funds shall constitute a bar to any claim of right, title, or interest in, or lien upon, said parcel of real estate, by the fund recipient.**

3. Whenever an answer is filed to the petition, as herein provided, a severance of the action as to all parcels of real estate affected by such answer shall be granted, and the issues raised by the petition and such answer shall be tried separate and apart from the other issues in the suit, but the granting of such severance shall not delay the trial or other disposition of any other issue in the case. A separate appeal may be taken from any other issue in the case. A separate appeal may be taken from any action of the court affecting any right, title or interest in or to, or lien upon, such real estate, other than issues of law and fact affecting the amount or validity of the lien of tax bills, but the proceeding to foreclose the lien of any tax bills shall not be stayed by such appeal. The trial shall be conducted by the court without the aid of a jury and the suit shall be in equity. This action shall take precedence over and shall be triable before any other action in equity affecting the title to such real estate, upon motion of any interested party.

92.810. 1. After the judgment of foreclosure has been entered, or, after a motion for a new trial has been overruled, or, if an appeal be taken from such judgment and the judgment has been affirmed, after the sheriff shall have been notified by any party to the suit that such judgment has been affirmed on appeal and that the mandate of the appellate court is on file with the circuit clerk, there shall be a waiting period of six months before any advertisement of sheriff's sale shall be published.

2. If any such parcel of real estate be not redeemed, or if no written contract providing for redemption be made within six months after the date of the judgment of foreclosure, if no motion for rehearing be filed, and, if filed, within six months after such motion may have been overruled, or, if an appeal be taken from such judgment and the judgment be affirmed, within six months after the sheriff shall have been notified by any party to the suit that such judgment has been affirmed on appeal and that the mandate of the appellate court is on file with the circuit clerk, the sheriff shall, after giving the ~~notice~~ **notices** required by ~~subsection 3~~ **subsections 4 and 5** of this section, commence to advertise the real estate described in the judgment and shall fix the date of sale within thirty days after the date of the first publication of the notice of sheriff's sale as herein provided, and shall at such sale proceed to sell the real estate.

3. **No later than one hundred twenty days prior to the sheriff's sale, the collector shall obtain a title abstract or report on any unredeemed parcels. Such title abstract or report shall be obtained from a licensed title company or attorney and subject to a public and competitive bidding process administered by the collector and conducted triennially. The title report shall include all conveyances, liens, and charges against the real estate, and the names and mailing addresses of any interested parties and lienholders. The charges of said abstract or report shall be taxed as costs and shall be paid as other costs in the case.**

4. **No later than twenty days prior to the sheriff's sale, the collector shall send notice of the sale to the lienholders and interested parties, as disclosed upon the title abstract or report of the real estate for which tax bills thereon are delinquent. The notice shall provide the date, time, and place of the sale. The notice shall also state that the parcel may be redeemed prior to the sale as specified in section 92.750 or by entering into an agreement with the collector to pay the taxes included in the foreclosure suit under section 92.740. The notice required by this subsection shall be mailed in an envelope with postage prepaid. The cost of the mailing and notice as required by this subsection shall be included as costs in the case.**

5. No later than ~~twenty~~ **forty** days prior to the sheriff's sale, the ~~sheriff~~ **collector** shall send notice of the sale to the ~~owner or owners,~~ **parties having interest in the parcel** as disclosed upon the records of the assessor, **or otherwise known to the collector**, of the real estate for which tax bills thereon are delinquent. ~~[The search of the records of the assessor must be made not more than forty days prior to the sending of this notice]~~ **The notice shall be sent to the addresses most likely to apprise the parties of the proceedings as provided.** The notice shall provide the date, time and place of the sale. The notice shall also state that ~~[the property owner]~~ **an interested party** may avoid the sale by redeeming such parcel of real estate prior to the sale as specified in section 92.750 or, **if applicable**, by entering into an agreement with the collector to pay the taxes included in the foreclosure suit under section 92.740. The notice required by this subsection shall be mailed in an envelope with postage prepaid. The cost of ~~[the title search,]~~ mailing and notice as required by this subsection shall be included as costs ~~[at the sale of the real estate]~~ **in the case.**

6. **No later than twenty days prior to the sheriff's sale, the sheriff shall enter upon the parcel subject to foreclosure of these tax liens and post a written informational notice in a conspicuous location, attached to a structure, and intended to be visible by the nearest public right-of-way. This notice shall describe the property; shall advise that it is the subject of delinquent land tax collection proceedings brought pursuant to sections 92.700 to 92.920 and that it may be sold for the payment of delinquent taxes at a sale to be held at a certain time, date, and place; and shall contain the serial number and the phone number and address of the collector, as well as a statement of the prohibition against removal unless the parcel has been redeemed. The notice shall be not less than eight inches by ten inches and shall be laminated or otherwise sufficiently weatherproofed to withstand normal exposure to rain, snow, and other conditions. The sheriff shall document, by time-stamped photograph, compliance with this section, make said documentation generally available upon request, and provide verification by affidavit of compliance with this section. The cost of notice as required by this subsection shall be included as costs in the case.**

7. In addition to the other notice requirements of this section, no later than twenty days prior to the sheriff's sale, the sheriff shall attempt in-person notice that shall describe the property; that shall advise that it is the subject of delinquent land tax collection proceedings brought pursuant to sections 92.700 to 92.920 and that it may be sold for the payment of delinquent taxes at a sale to be held a certain time, date, and place; and that shall contain the serial number and phone number and address of the collector. In-person notice may be provided to any person found at the property. The sheriff shall note the date and time of attempted

**notice and the name, description, or other identifying information regarding the person to whom notice was attempted. The sheriff shall document compliance with this section, make said documentation generally available upon request, and provide verification by affidavit of compliance with this section. The cost of notice as required by this subsection shall be included as costs in the case.**

[4-] 8. Notwithstanding the provisions of this section to the contrary, any residential property which has not been redeemed by the end of the waiting period required by this section which has been determined to be of substandard quality or condition under the standards established by the residential renovation loan commission pursuant to sections 67.970 to 67.983 may, upon the request of the residential renovation loan commission, be transferred to the residential renovation loan commission for the purpose of renovation of the property. Any such property transferred pursuant to this subsection shall be renovated and sold by the residential renovation loan commission in the manner prescribed in sections 67.970 to 67.983. The residential renovation loan commission shall reimburse the land reutilization authority for all expenses directly incurred in relation to such property under sections 92.700 to 92.920 prior to the transfer.

92.815. 1. During such waiting period and at any time prior to the time of foreclosure sale by the sheriff, any interested party may redeem any parcel of real estate as provided by sections 92.700 to 92.920; except that during such time and at any time prior to the time of foreclosure sale by the sheriff, the collector shall enter into a written redemption contract with the owner of any real estate occupied as a homestead and who has not previously defaulted upon any such written redemption contract, provided that in no instance shall such installments exceed twelve in number or extend more than twenty-four months next after any agreement for such installment payments shall have been entered into; provided further, that upon good cause being shown by the owner of any parcel of real estate occupied as a homestead, or in the case of improved real estate with a total assessed valuation of not more than five thousand dollars, owned by an individual, the income from such property being a major factor in the total income of such individual, or by anyone on his behalf, the court may, in its discretion, fix the time and terms of payment in such contract to permit all of such installments to be paid within not longer than forty-eight months after any order or agreement as to installment payments shall have been made. **The collector shall not enter into a redemption contract with respect to any improved parcel not occupied as a homestead.**

2. So long as such installments be paid according to the terms of the contract, the six months' waiting period shall be extended, but if any installment be not paid when due, the extension of the waiting period shall be ended and the real estate shall immediately be advertised for sale or included in the next notice of sheriff's foreclosure sale. Notice shall also be sent to the redemption contract ~~payer~~ payer as specified in subsection [3] 4 of section 92.810.

**3. On an annual basis, the collector shall make publicly available the number of parcels under redemption contract under this section.**

92.817. 1. **The court shall stay the sale of any parcel to be sold under execution of a tax foreclosure judgment obtained under this chapter, which is the subject of an action filed under sections 447.620 to 447.640, provided that the party that has brought such an action has, upon an order of the court, paid into the circuit court the principal amount of all land taxes then due and owing under the tax foreclosure judgment, exclusive of penalties and interest, prior to the date of any proposed sale under execution.**

2. **Upon the granting by the court of temporary possession of any property under section 447.632, upon order, the circuit court shall direct payment to the collector of all principal land taxes theretofore paid to the circuit court. In addition, in any order granting a final judgment or deed under section 447.625 or 447.640, the court shall also order the permanent extinguishment of penalties and interest arising from actions to collect delinquent land taxes due on the parcel against the grantee of said deed, and all successors in interest; excepting however, any defendant in such action.**

3. **If an owner of the parcel moves the court for restoration of possession under section 447.638, the owner shall pay into the circuit court all land tax amounts currently due and owing on the property, including all statutory penalties, interest, attorney's fees, and court costs retroactive to the date of accrual. Upon an order granting the restoration of possession to an owner under section 447.638, the court shall order that the funds paid to the court under subsection 2 of this section be returned to the payer, and that the funds paid to the court under this subsection be paid out to the collector.**

4. **If the party that brought the action under sections 447.620 to 447.640 dismisses its action prior to gaining temporary possession of the property, it shall recover any amounts paid into the circuit court prior to that date for principal land taxes.**

92.825. 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 92.700 to 92.920, and provided that such sale need not occur during the term of court or while the court is in session.

2. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject only to the tax lien thereon, if any, of the United States of America.

3. The collector shall advance from current tax collections the sums necessary to pay for the publication of all advertisements required by the provisions of sections 92.700 to 92.920 and shall be allowed credit therefor in his accounts with the taxing authorities on a pro rata basis. He shall give credit in such accounts for all such advances recovered by him. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs herein enumerated, including the costs of publication, shall constitute any lien upon the real estate after such sale.

4. **No person shall be eligible to bid at the time of the sheriff's sale unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the collector or sheriff that the person is not the owner of any parcel of real estate in the city that is subject to delinquent property taxes, unpaid special tax bills, or vacant building fees. A prospective bidder shall be prohibited from participating in the delinquent land tax sale if he or she has previously bid at a sheriff's sale and failed to pay bid amounts, confirm the sale, or sign a sheriff's deed. The collector or sheriff may require prospective bidders to submit an affidavit attesting to the requirements of this section and is expressly authorized to permanently preclude any prospective bidder from participating in the sale for failure to comply with this section. Notwithstanding the provisions of this section, any taxing authority or land reutilization authority shall be eligible to bid at any sale conducted under this section without making such a demonstration.** The purchaser at a sale conducted by the sheriff shall pay cash immediately at the end of bidding of each parcel on the day of the sale in an amount including all taxes then due and owing, **which may be in an amount in excess of or less than the judgment amount, and other costs, exclusive of any amounts for debts owed to any statutorily created sewer district** [~~as otherwise provided by law~~].

92.835. 1. The title to any real estate which shall vest in the land reutilization authority under the provisions of sections 92.700 to 92.920 shall be held by the land reutilization authority of the city in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure.

2. The title to any real estate which shall vest in any purchaser, upon confirmation of such sale by the court, shall be an absolute estate in fee simple, subject to rights-of-way thereon of public utilities on which tax has been otherwise paid, and subject to any tax lien thereon of the United States of America, if any, and all persons, including the state of Missouri, **any taxing authority or tax district as defined herein, judgment creditors, lienholders,** minors, incapacitated and disabled persons, and nonresidents who may have had any right, title, interest, claim, or equity of redemption in or to, or lien upon, such lands shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of redemption, and the court shall order immediate possession of such real estate be given to such purchaser]; ~~provided, however, that such title shall also be subject to the liens of any tax bills which may have attached to such parcel of real estate prior to the time of the filing of the petition affecting such parcel of real estate not then delinquent, or which may have attached after the filing of the petition and prior to sheriff's sale and not included in any answer to such petition, but~~. If such parcel of real estate is sold to the land reutilization authority the title thereto shall be free of any [~~such~~] liens to the extent of the interest of any taxing authority in such real estate; provided further, that such title shall not be subject to the lien of special tax bills [~~which has attached to the parcel of real estate prior to January 1, 1972, but the lien of such special tax bills shall attach to the proceeds of the sheriff's sale or to the proceeds of the ultimate sale of such parcel by the land reutilization authority~~].

92.840. 1. **Within six months** after the sheriff sells any parcel of real estate, the court shall, upon its own motion or upon motion of any interested party, set the cause down for hearing to confirm **or set aside** the foreclosure sale of the real estate, even though such parcels are not all of the parcels of real estate described in the notice of sheriff's foreclosure sale. Notice of the hearing shall be sent by any interested party, or the court, moving to confirm the foreclosure sale, to each person who [~~received~~] **was sent** notice of sale as specified in [~~subsection 3~~] **subsections 4 and 5** of section 92.810 **and to any other necessary parties as required by prevailing notions of due process.** At the time of such hearing, the sheriff shall make report of the sale, and the court shall hear evidence of the value of the property offered on behalf of any interested party to the suit, and shall immediately determine

whether an adequate consideration has been paid for each such parcel. **Any parcel deemed to have been purchased by the land reutilization authority pursuant to section 92.830 shall not require any inquiry as to value. The court's judgment shall include a specific finding that adequate notice was provided to all necessary parties pursuant to prevailing notions of due process and sections 92.700 to 92.920, reciting the notice efforts of the collector, sheriff, and tax sale purchaser. Nothing in this section shall be interpreted to preclude a successful tax sale purchaser from asserting a claim to quiet title to the bid upon parcel pursuant to section 527.150.**

2. For this purpose, the court shall have power to summon any city official or any private person to testify as to the reasonable value of the property, and if the court finds that adequate consideration has been paid, he shall confirm the sale and order the sheriff to issue a deed with restriction as provided herein to the purchaser subject to the application of an occupancy permit for all parcels as provided in subsection ~~[5]~~ 7 of this section. If the court finds that the consideration paid is inadequate, the purchaser may increase his bid to such amount as the court may deem to be adequate, whereupon the court may confirm the sale. If, however, the purchaser declines to increase his bid and make such additional payment, then the sale shall be disapproved, the lien of the judgment continued, and such parcel of real estate shall be again advertised and offered for sale by the sheriff to the highest bidder at public auction for cash at any subsequent sheriff's foreclosure sale.

3. If the sale is confirmed, the court shall order the proceeds of the sale applied in the following order:

(1) To the payment of the costs of the publication of the notice of foreclosure and of the sheriff's foreclosure sale;

(2) To the payment of all **of the collector and sheriff's** costs including appraiser's fee and attorney's fees;

(3) To the payment of all tax bills adjudged to be due in the order of their priority, including principal, interest and penalties thereon. If, after such payment, there is any sum remaining of the proceeds of the sheriff's foreclosure sale, the court shall thereupon try and determine the other issues in the suit in accordance with section 92.775. If any answering parties have specially appealed as provided in section 92.845, the court shall retain the custody of such funds pending disposition of such appeal, and upon disposition of such appeal shall make such distribution. If there are not sufficient proceeds of the sale to pay all claims in any class described, the court shall order the same to be paid pro rata in accordance with the priorities.

4. If there are any funds remaining of the proceeds after the sheriff's sale and after the distribution of such funds as set out in this section and no person entitled to any such funds, whether or not a party to the suit, shall, within two years after such sale, appear and claim the funds, ~~[they]~~ **ten percent shall be distributed to the St. Louis Affordable Housing Trust Fund or equivalent of such city operating under sections 92.700 to 92.920 for purposes that promote the reduction and prevention of vacant properties, blight remediation, and cleanup and maintenance of vacant property, with the remainder to be distributed** to the appropriate taxing authorities.

5. **Any city operating under the provisions of sections 92.700 to 92.920, by ordinance, may elect to allocate a portion of its share of the proceeds of the sheriff's sale towards a fund for the purpose of defending against claims challenging the sufficiency of notice provisions under this section.**

6. For the purpose of this section, the term "occupancy permit" shall mean the certificate of ~~[use and]~~ **inspection or occupancy permit for residential or commercial structures** as provided for in the revised municipal code of any city not within a county, which now has or may hereafter have a population in excess of three hundred thousand inhabitants.

~~[6-]~~ 7. If there is a building or structure on the parcel, the purchaser shall apply for an occupancy permit from the city or appropriate governmental agency within ten days after the confirmation hearing. Any purchaser who is a public corporation acting in a governmental capacity shall not be required to acquire the occupancy permit. When a parcel, acquired at a sheriff sale, containing a building is sold from a public corporation acting in a governmental capacity, the subsequent purchaser shall be required to apply for the occupancy permit. Failure to apply for such occupancy permit within ten days after confirmation shall result in the sale and confirmation being immediately set aside by the motion of any interested party and that parcel shall again be advertised and offered for sale by the sheriff to the highest bidder at public auction for cash at any subsequent sheriff foreclosure sale.

~~[7-]~~ 8. The sheriff shall include a deed restriction in the sheriff's deed, issued after confirmation and after the application of an occupancy permit for any parcel containing a building or structure. The deed restriction shall state that the purchasers at the sheriff's sale who had the property confirmed and who applied for an occupancy permit shall obtain an occupancy permit for the building or structure from the appropriate governmental agency prior to any subsequent transfer or sale of this property. This deed restriction shall **not** exist as a lien against such real estate ~~[while the purchasers hold same in the amount of five thousand dollars]~~. The purchasers of the property at the sheriff

sale who had the property confirmed and applied for the occupancy permit shall agree that in the event of their failure to obtain an occupancy permit prior to any subsequent transfer of the property, they shall pay to the sheriff the sum of five thousand dollars as fixed, liquidated and ascertained damages without proof of loss or damages. **These damages shall not constitute a lien on property, and** the sheriff shall have the discretionary power to file a lawsuit against such purchaser for collection of these liquidated damages. These liquidated damages shall be distributed on a prorated basis to the appropriate taxing authority after the sheriff deducts all costs, expenses and ~~attorney~~ **attorney's** fees for such lawsuits. The sheriff may employ attorneys as he deems necessary to collect liquidated damages.

**9. If any sale is not confirmed within six months after the sale, any set-aside of the sale may, at the discretion of the court or collector, include a penalty of twenty-five percent of the bid amount over and above the opening bid amount, and such penalty shall be directed to the affordable housing trust fund or the equivalent, if any, of a city operating under sections 92.700 to 92.920.**

**10. Any interested party, other than the sheriff's sale purchaser, who moves the court to set aside a sheriff's sale after the issuance of a sheriff's deed made under the provisions of sections 92.700 to 92.920 shall be required to pay into the court the redemption amount otherwise necessary under section 92.750 prior to the court hearing any such motion to set aside. The court may hear any motion to confirm brought under the terms of this section if the redemption amount is not paid by the interested party moving the court to set aside the sale.**

92.852. Any sheriff's deed given pursuant to the municipal land reutilization law shall be subject to a recording fee for the costs of recording the deed that shall be assessed and collected from the purchaser of the property at the same time the proceeds from the sale are collected. All such deeds shall be recorded at the office of the recorder of deeds within two months after the ~~sheriff's deed is given~~ **court confirms the sale, if no proceeding to set aside the confirmation judgment is before the court.**

92.855. Each sheriff's deed given pursuant to the provisions of the municipal land reutilization law shall be ~~presumptive~~ **prima facie** evidence that the suit and all proceedings therein and all proceedings prior thereto from and including assessment of the lands affected thereby and all notices required by law were regular and in accordance with all provisions of the law relating thereto. ~~[After two years from the date of the recording of such sheriff's deed, the presumption shall be conclusive, unless at the time that this section takes effect the two-year period since the recording of such sheriff's deed has expired, or less than six months of such period of two years remains unexpired, in which latter case the presumption shall become conclusive six months after September 28, 1971. No suit to set aside or to attack the validity of any such sheriff's deed shall be commenced or maintained unless the suit is filed prior to the time that the presumption becomes conclusive, as aforesaid.]~~”; and

Further amend said bill, Page 6, Section 260.295, Line 8, by inserting after all of said line the following:

“442.130. **1.** All deeds or other conveyances of lands, or of any estate or interest therein, shall be subscribed by the party granting the same, or by his lawful agent, and shall be acknowledged or proved and certified in the manner herein prescribed.

**2. All written instruments conveying real estate or any interest in real estate shall state whether any natural person acting as grantors, mortgagors, or other parties executing the instrument are married or unmarried.”; 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 **SS SCS HB 1738** entitled:

An act to repeal sections 9.010, 9.339, 10.095, 227.785, and 227.787, RSMo, and to enact in lieu thereof fifty-one new sections relating to state designations.

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. 7.

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1738, Page 12, Section 8, Line 4, by inserting after all of said line the following:

**“Section 9. The month of September is hereby designated as "Hydrocephalus Awareness Month" in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities so that Missourians can become more familiar with hydrocephalus and the individuals dedicated to finding its cure.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1738, Page 2, Section 9.275, Line 6, by inserting after all of said line the following:

**“9.280. July second of each year shall be known and designated as "Mormon War Remembrance Day" in honor and recognition of the ten thousand members of the Mormon church who were subjected to injustice and undue suffering through Executive Order 44 by Governor Lilburn Boggs and the Mormon War in 1838.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1738, Page 12, Section 8, Line 4, by inserting after all of said line the following:

**“Section 9. The month of June of each year is hereby designated as "Scoliosis Awareness Month". The citizens of this state are encouraged to engage in appropriate events and activities to encourage screening for and increase awareness of scoliosis.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1738, Page 12, Section 8, Line 4, by inserting after all of said line the following:

**“Section 9. April fifteenth of every year is hereby designated as "Dangers of Inflation Awareness Day" in Missouri. The citizens of this state are encouraged to be mindful of the dangers of monetary inflation and the detrimental effects of monetary inflation on our economy.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1738, Page 1, Section 9.010, Line 11, by inserting after all of said line the following:

**“9.142. January thirty-first of every year is hereby designated as "Constitution Day" in Missouri. Citizens of this state are encouraged to participate in appropriate events and activities in recognition of the enduring brilliance of our founding charter that established a system of checks and balances designed to preserve liberty, promote prosperity, and ensure the security of our beloved country.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1738, Page 12, Section 8, Line 4, by inserting after all of said line the following:

**“Section 9. March twenty-sixth of each year is hereby designated as "Epilepsy Awareness Day". The citizens of this state are encouraged to participate in appropriate activities and events to increase awareness of epilepsy and its related symptoms.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 1738, Page 6, Section 9.362, Line 6, by inserting after all of said line the following:

**“9.366. The month of March is hereby designated as "Problem Gambling Awareness Month" in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities to increase public awareness of problem gambling and the availability of prevention, treatment, and recovery services.”; 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 **HB 2365** entitled:

An act to repeal section 161.217, RSMo, and to enact in lieu thereof one new section relating to the early learning quality assurance report program.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND House Bill No. 2365, Page 2, Section 161.217, Line 27, by striking the opening bracket "[" from said line; and

Further amend Line 28, by striking "new"; and

Further amend Line 29, by striking "three" and inserting in lieu thereof "**six**"; and

Further amend said line, by striking "2019" and inserting in lieu thereof the following:

**"2022"; and**

Further amend Line 35, by striking the closing bracket "]" from said line.

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 President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS SCS SB 724, as amended**.

Senators: Hegeman, Crawford, Eslinger, Roberts, May

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SCS SB 834, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**SS HCS HB 1662, as amended** - Fiscal Review  
**SS SCS HB 1738, as amended** - Fiscal Review  
**HB 2365, with Senate Amendment No. 1** - Fiscal Review

### COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS#2 SB 761**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (5): Chipman, Eggleston, Fitzwater, Richey and Walsh (50)

Noes (2): Baringer and Fogle

Absent (0)

### THIRD READING OF SENATE BILLS - INFORMAL

**HCS SB 718**, relating to higher education, was taken up by Representative Shields.

On motion of Representative Shields, the title of **HCS SB 718** was agreed to.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 718, Page 1, Section 9.170, Line 6, by inserting after all of said section and line the following:

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

(1) "Community-based faculty preceptor", a physician or physician assistant who is licensed in Missouri and provides preceptorships to Missouri medical students or physician assistant students without direct compensation for the work of precepting;

(2) "Department", the Missouri department of health and senior services;

(3) "Division", the division of professional registration of the department of commerce and insurance;

(4) "Federally Qualified Health Center (FQHC)", a reimbursement designation from the Bureau of Primary Health Care and the Centers for Medicare and Medicaid services of the United States Department of Health and Human Services;

(5) "Medical student", an individual enrolled in a Missouri medical college approved and accredited as reputable by the American Medical Association or the Liaison Committee on Medical Education or enrolled in a Missouri osteopathic college approved and accredited as reputable by the Commission on Osteopathic College Accreditation;

(6) "Medical student core preceptorship" or "physician assistant student core preceptorship", a preceptorship for a medical student or physician assistant student that provides a minimum of one hundred twenty hours of community-based instruction in family medicine, internal medicine, pediatrics, psychiatry, or obstetrics and gynecology under the guidance of a community-based faculty preceptor. A community-based faculty preceptor may add together the amounts of preceptorship instruction time separately provided to multiple students in determining whether he or she has reached the minimum hours required under this subdivision, but the total preceptorship instruction time provided shall equal at least one hundred twenty hours in order for such preceptor to be eligible for the tax credit authorized under this section;

(7) "Physician assistant student", an individual participating in a Missouri physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its successor organization;

(8) "Taxpayer", any individual, firm, partner in a firm, corporation, or shareholder in an S corporation doing business in this state and subject to the state income tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

2. (1) Beginning January 1, 2023, any community-based faculty preceptor who serves as the community-based faculty preceptor for a medical student core preceptorship or a physician assistant student core preceptorship shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, in an amount equal to one thousand dollars for each preceptorship, up to a maximum of three thousand dollars per tax year, if he or she completes up to three preceptorship rotations during the tax year and did not receive any direct compensation for the preceptorships.

(2) To receive the credit allowed by this section, a community-based faculty preceptor shall claim such credit on his or her return for the tax year in which he or she completes the preceptorship rotations and shall submit supporting documentation as prescribed by the division and the department.

(3) In no event shall the total amount of a tax credit authorized under this section exceed a taxpayer's income tax liability for the tax year for which such credit is claimed. No tax credit authorized under this section shall be allowed a taxpayer against his or her tax liability for any prior or succeeding tax year.

(4) No more than two hundred preceptorship tax credits shall be authorized under this section for any one calendar year. The tax credits shall be awarded on a first-come, first-served basis. The division and the department shall jointly promulgate rules for determining the manner in which taxpayers who have obtained certification under this section are able to claim the tax credit. The cumulative amount of tax credits awarded under this section shall not exceed two hundred thousand dollars per year.

(5) Notwithstanding the provisions of subdivision (4) of this subsection, the department is authorized to exceed the two hundred thousand dollars per year tax credit program cap in any amount not to exceed the amount of funds remaining in the medical preceptor fund, as established under subsection 3 of this section, as of the end of the most recent tax year, after any required transfers to the general revenue fund have taken place in accordance with the provisions of subsection 3 of this section.

3. (1) Funding for the tax credit program authorized under this section shall be generated by the division from a license fee increase of seven dollars per license for physicians and surgeons and from a license fee increase of three dollars per license for physician assistants. The license fee increases shall take effect beginning January 1, 2023, based on the underlying license fee rates prevailing on that date. The underlying license fee rates shall be determined under section 334.090 and all other applicable provisions of chapter 334.

(2) (a) There is hereby created in the state treasury the "Medical Preceptor Fund", which shall consist of moneys collected under this subsection. 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 used solely by the division for the administration of the tax credit program authorized under this section. 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 medical preceptor fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(b) Notwithstanding any provision of this chapter or any other provision of law to the contrary, all revenue from the license fee increases described under subdivision (1) of this subsection shall be deposited in the medical preceptor fund. After the end of every tax year, an amount equal to the total dollar amount of all tax credits claimed under this section shall be transferred from the medical preceptor fund to the state's general revenue fund established under section 33.543. Any excess moneys in the medical preceptor fund shall remain in the fund and shall not be transferred to the general revenue fund.

4. (1) The department shall administer the tax credit program authorized under this section. Each taxpayer claiming a tax credit under this section shall file an application with the department verifying the number of hours of instruction and the amount of the tax credit claimed. The hours claimed on the application shall be verified by the college or university department head or the program director on the application. The certification by the department affirming the taxpayer's eligibility for the tax credit provided to the taxpayer shall be filed with the taxpayer's income tax return.

(2) No amount of any tax credit allowed under this section shall be refundable. No tax credit allowed under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive the tax credit authorized under this section if such taxpayer employs persons who are not authorized to work in the United States under federal law.

5. The department of commerce and insurance and the department of health and senior services shall jointly promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void."; and

Further amend said bill, Pages 5-6, Section 167.903, Lines 1-33, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 25, Section 513.430, Line 96, by deleting the word "before" and inserting in lieu thereof the word "after"; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 718, Page 11, Section 170.036, Line 13, by deleting the word "Six" and inserting in lieu thereof the word "Nine"; and

Further amend said bill, page, and section, Line 19, by deleting the word "and"; and

Further amend said bill, page, and section, Line 21, by deleting all of the said line and inserting in lieu thereof the following:

"computer science teachers;

(g) An association of school board members;

(h) An association of elementary school principals; and

(i) An association of secondary school principals.

(7) A representative from a Missouri institution of higher education, to be appointed by the commissioner of higher education; and

**(8) A representative from a Missouri private, nonprofit institution of higher education, to be appointed by the commissioner of higher education.";** and

Further amend said bill, page, and section, Lines 37 to 42, by deleting all of the said lines and inserting in lieu thereof the following:

**"(4) Within one year of the task force forming, a plan for schools serving any student in grades kindergarten through eighth grade to provide instruction in the basics of computer science and computation thinking in an integrated or standalone format beginning in the 2024-25 school year without creating learning loss in the existing curriculum;**

**(5) A plan for ensuring teachers are well-prepared to begin teaching computer science, including defining high quality professional learning for in-service teachers and strategies for pre-service teacher preparation;"**; and

Further amend said bill and section, Page 12, Line 61, by deleting the words "**one month**" and inserting in lieu thereof the words "**three months**"; and

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

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

Representative Gregory (51) offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 718, Page 12, Section 170.036, Line 65, by inserting after all of said section and line the following:

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

(1) "Postsecondary educational institution", any campus of a public or private institution of higher education in this state that is subject to the coordinating board for higher education under section 173.005;

(2) "Student athlete", an individual who participates or has participated in an intercollegiate sport for a postsecondary educational institution. Student athlete shall not be construed to apply to an individual's participation in a college intramural sport or in a professional sport outside of intercollegiate athletics;

(3) "Third party", any individual or entity, including any athlete agent, other than a postsecondary educational institution, athletic conference, or athletic association.

2. (1) No postsecondary educational institution shall uphold any rule, requirement, standard, or other limitation that prevents a student of that institution from fully participating in intercollegiate athletics without penalty and earning compensation as a result of the use of the student's name, image, likeness rights, or athletic reputation. A student athlete earning compensation from the use of a student's name, image, likeness rights, or athletic reputation shall not affect such student athlete's grant-in-aid or stipend eligibility, amount, duration, or renewal.

(2) No postsecondary educational institution shall interfere with or prevent a student from fully participating in intercollegiate athletics or obtaining professional representation in relation to contracts or legal matters, including, but not limited to, representation provided by athlete agents, financial advisors, or legal representation provided by attorneys.

3. A grant-in-aid or stipend from the postsecondary educational institution in which a student is enrolled shall not be construed to be compensation for use of the student's name, image, likeness rights, or athletic reputation for purposes of this section, and no grant-in-aid or stipend shall be revoked or reduced as a result of a student earning compensation under this section.

4. (1) No student athlete shall enter into an apparel, equipment, or beverage contract providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic reputation if the contract requires the athlete to display a sponsor's apparel, equipment, or beverage or otherwise advertise for the sponsor during official team activities if such provisions are in conflict with a provision of the postsecondary institution's current licenses or contracts.

(2) (a) Except with the prior written consent of the student athlete's postsecondary educational institution, a student athlete shall not enter into a contract for compensation for the use of such student athlete's name, image, likeness rights, or athletic reputation, if such institution determines that a term of the contract conflicts with a term of a contract to which such institution is a party.

(b) **A postsecondary educational institution or any officer, director, or employee of such institution, including but not limited to a coach, member of the coaching staff, or any individual associated with the institutions athletic department, may identify or otherwise assist with opportunities for a student athlete to earn compensation from a third party for the use of the student athlete's name, image, likeness rights, or athletic reputation, provided that such individual shall not:**

- a. **Serve as the athlete's agent;**
- b. **Receive compensation from the student athlete or a third party for facilitating or enabling such opportunities;**
- c. **Attempt to influence an athlete's choice of professional representation related to such opportunities;**
- d. **Attempt to reduce such athlete's opportunities from competing third parties; or**
- e. **Be present at any meeting between a student athlete and a third party who provides for a student athlete's compensation, where the student athlete's name, image, likeness rights, or athletic reputation contract for compensation is negotiated or completed.**

(3) Before any contract for compensation for the use of a student athlete's name, image, likeness rights, or athletic reputation is executed, and before any compensation is provided to the student athlete in advance of a contract, the student athlete shall disclose that contract to his or her postsecondary educational institution in a manner prescribed by such institution.

(4) A postsecondary educational institution or any officer, director, or employee of such institution or entity shall not compensate ~~or cause compensation to be directed to~~ a student athlete, prospective student athlete, or the family of such individuals, **or cause compensation to be directed to a prospective student athlete, or the family of a student athlete or the family of a prospective student athlete**, for the use of such student athlete or prospective student athlete's name, image, likeness rights, or athletic reputation.

5. No contract of a postsecondary educational institution's athletic program shall prevent a student athlete from receiving compensation for using the student athlete's name, image, likeness rights, or athletic reputation for a commercial purpose when the athlete is not engaged in official mandatory team activities that are recorded in writing and can be made publicly available upon request.

6. (1) Postsecondary educational institutions that enter into commercial agreements that directly or indirectly require the use of a student athlete's name, image, likeness, or athletic reputation shall conduct a financial development program once per year for their athletes.

(2) The financial development program shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services. **Such program shall, at a minimum, include information concerning financial aid, debt management, and a recommended budget for student athletes based on the current year's cost of attendance. The workshop shall also include information on time management skills necessary for success as a student athlete and available academic resources.**

(3) Postsecondary educational institutions shall help distribute informational materials for such programs as needed.

(4) Postsecondary educational institutions shall inform their athletes of such program meetings and provide appropriate meeting space.

7. Student athlete representation shall be by attorneys or agents licensed by this state.

8. (1) Any student athlete may bring a civil action against third parties that violate this section for appropriate injunctive relief or actual damages, or both. Such action shall be brought in the county where the violation occurred, or is about to occur, and the court shall award damages and court costs to a prevailing plaintiff.

(2) Student athletes bringing an action under this section shall not be deprived of any protections provided under law with respect to a controversy that arises and shall have the right to adjudicate claims that arise under this section.

9. No legal settlement shall conflict with the provisions of this section.

10. This section shall apply only to agreements or contracts entered into, modified, or renewed on or after August 28, 2021. Such agreements or contracts include, but are not limited to, the national letter of intent, an athlete's financial aid agreement, commercial contracts in the athlete group licensing market, and athletic conference or athletic association rules or bylaws."; and

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

On motion of Representative Gregory (51), **House Amendment No. 3** was adopted.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Brown 16
Buchheit-Courtway	Burger	Busick	Chipman	Christofanelli
Coleman 32	Coleman 97	Cook	Copeland	Cupps
Davidson	Davis	Deaton	Derges	Dinkins
Dogan	Eggleston	Evans	Falkner	Fishel
Fitzwater	Francis	Gregory 51	Gregory 96	Grier
Griffith	Haden	Haffner	Haley	Hardwick
Henderson	Hicks	Houx	Hovis	Hudson
Hurlbert	Kalberloh	Kelley 127	Kelly 141	Kidd
Knight	Lewis 6	Lovasco	Mayhew	McDaniel
McGaugh	McGirl	Morse	Murphy	O'Donnell
Owen	Patterson	Perkins	Pietzman	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Proudie	Railsback	Reedy	Richey	Riggs
Riley	Roberts	Sander	Sassmann	Schnelting
Schwadron	Seitz	Shaul	Shields	Simmons
Smith 155	Stacy	Stephens 128	Tate	Taylor 139
Taylor 48	Thomas	Thompson	Toalson Reisch	Trent
Van Schoiack	Veit	Walsh 50	West	Wiemann
Wright	Mr. Speaker			

NOES: 045

Adams	Anderson	Appelbaum	Aune	Bailey
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Clemens	Collins	Ellebracht	Fogle	Gray
Gunby	Ingle	Johnson	Lewis 25	McCreery
Merideth	Mosley	Nurrenbern	Person	Phifer
Price IV	Quade	Roden	Rogers	Sauls
Sharp 36	Smith 45	Smith 67	Stevens 46	Terry
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Young

PRESENT: 000

ABSENT WITH LEAVE: 009

Aldridge	DeGroot	Doll	Mackey	Rone
Schroer	Sharpe 4	Smith 163	Windham	

VACANCIES: 007

On motion of Representative Shields, **HCS SB 718, as amended**, was adopted.

On motion of Representative Shields, **HCS SB 718, as amended**, was read the third time and passed by the following vote:

AYES: 148

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bailey	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	Burton	Busick	Butz	Chipman
Christofanelli	Clemens	Coleman 32	Coleman 97	Collins
Cook	Copeland	Cupps	Davidson	Davis
Deaton	DeGroot	Derges	Dinkins	Dogan
Eggleston	Ellebracht	Evans	Falkner	Fishel
Fitzwater	Fogle	Francis	Gray	Gregory 51
Gregory 96	Grier	Griffith	Gunby	Haden
Haffner	Haley	Hardwick	Henderson	Houx
Hovis	Hudson	Hurlbert	Ingle	Johnson
Kalberloh	Kelley 127	Kelly 141	Kidd	Knight
Lewis 25	Lewis 6	Lovasco	Mackey	Mayhew
McCreery	McGaugh	McGirl	Merideth	Morse
Mosley	Murphy	Nurrenbern	O'Donnell	Owen
Patterson	Perkins	Person	Phifer	Pietzman
Pike	Plocher	Pollitt 52	Pollock 123	Porter
Pouche	Price IV	Proudie	Quade	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Roden	Rogers	Sander	Sassmann	Sauls
Schnelting	Schwadron	Seitz	Sharp 36	Shaul
Shields	Simmons	Smith 155	Smith 163	Smith 45
Smith 67	Stacy	Stephens 128	Stevens 46	Tate
Taylor 139	Taylor 48	Terry	Thomas	Thompson
Toalson Reisch	Trent	Turnbaugh	Unsicker	Van Schoiack
Veit	Walsh Moore 93	Weber	West	Wiemann
Wright	Young	Mr. Speaker		

NOES: 001

Walsh 50

PRESENT: 000

ABSENT WITH LEAVE: 007

Doll	Hicks	McDaniel	Rone	Schroer
Sharpe 4	Windham			

VACANCIES: 007

Representative Taylor (139) declared the bill passed.

### THIRD READING OF SENATE BILLS

**HCS SS SB 798**, relating to the supplemental nutrition assistance program, was placed on the Informal Calendar.

**SB 987**, relating to excursion gambling boat facilities, was placed on the Informal Calendar.

Representative Chipman assumed the Chair.

**HCS SS#2 SCS SB 968**, relating to business entities, was taken up by Representative Riley.

On motion of Representative Riley, the title of **HCS SS#2 SCS SB 968** was agreed to.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 968, Pages 24-26, Section 311.060, Lines 1-77, by deleting said section and lines from the bill; and

Further amend said bill, Pages 26-27, Section 311.094, Lines 1-32, by deleting said lines and inserting in lieu thereof the following:

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

**(1) "Common area", any area designated as a common area in a development plan for the entertainment district approved by the governing body of the city, any area of a public right-of-way that is adjacent to or within the entertainment district when it is closed to vehicular traffic and any other area identified in the development plan where a physical barrier precludes motor vehicle traffic and limits pedestrian accessibility;**

**(2) "Entertainment district", any area located in a city with more than twelve thousand five hundred but fewer than fourteen thousand inhabitants and located in a county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than one thousand but fewer than four thousand inhabitants that:**

**(a) Is located in the city's central business district and borders the White River; and**

**(b) Contains a combination of entertainment venues, bars, nightclubs, and restaurants;**

**(3) "Portable bar", any bar, table, kiosk, cart, or stand that is not a permanent fixture and can be moved from place to place;**

**(4) "Promotional association", an association, incorporated in the state of Missouri, which is organized or authorized by one or more property owners located within the entertainment district for the purpose of organizing and promoting activities within the entertainment district.**

**2. Notwithstanding any other provision of this chapter to the contrary, any person acting on behalf of or designated by a promotional association, who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of alcohol and tobacco control may issue, an entertainment district special license to sell intoxicating liquor by the drink for retail for consumption dispensed from one or more portable bars within the common areas of the entertainment district between the hours of 6:00 a.m. to 1:30 a.m. on Mondays through Saturdays and from 6:00 a.m. on Sundays and until 1:30 a.m. on Mondays.**

**3. An applicant granted an entertainment district special license under this section shall pay a license fee of three hundred dollars per year.**

**4. Notwithstanding any other provision of this chapter to the contrary, on such days and at such times designated by the promotional association, in its sole discretion, provided such times are during the hours a license is allowed under this chapter to sell alcoholic beverages, the promotional association may allow persons to leave licensed establishments, located in portions of the entertainment district designated by the promotional association with an alcoholic beverage and enter upon and consume the alcoholic beverage within other licensed establishments and common areas located in portions of the entertainment district designated by the promotional association. No person shall take any alcoholic beverage or alcoholic beverages outside the boundaries of the entertainment district or portions of the entertainment district as**

designated by the promotional association, in its sole discretion. At times when a person is allowed to consume alcoholic beverages dispensed from portable bars and in common areas of all or any portion of the entertainment district designated by the promotional association, the promotional association shall ensure that minors can be easily distinguished from persons of legal age buying alcoholic beverages.

5. Every licensee within the entertainment district shall serve alcoholic beverages in containers that display and contain the licensee's trade name or logo or some other mark that is unique to that license and licensee.

6. The holder of an entertainment district special license is solely responsible for alcohol violations occurring at its portable bar and in any common area."; and

Further amend said bill, Pages 39-41, Section 620.3900, Lines 1-47, by deleting said lines and inserting in lieu thereof the following:

**"620.3900. 1. Sections 620.3900 to 620.3930 shall be known and may be cited as the "Regulatory Sandbox Act".**

**2. For the purposes of sections 620.3900 to 620.3930, the following terms shall mean:**

**(1) "Advisory committee", the general regulatory sandbox program advisory committee created in section 620.3910;**

**(2) "Applicable agency", a department or agency of the state that by law regulates a business activity and persons engaged in such business activity, including the issuance of licenses or other types of authorization, and which the regulatory relief office determines would otherwise regulate a sandbox participant. A participant may fall under multiple applicable agencies if multiple agencies regulate the business activity that is subject to the sandbox program application. "Applicable agency" shall not include the division of professional registration and its boards, commissions, committees and offices;**

**(3) "Applicant" or "sandbox applicant", a person or business that applies to participate in the sandbox program;**

**(4) "Consumer", a person who purchases or otherwise enters into a transaction or agreement to receive a product or service offered through the sandbox program pursuant to a demonstration by a program participant;**

**(5) "Demonstrate" or "demonstration", to temporarily provide an offering of an innovative product or service in accordance with the provisions of the sandbox program;**

**(6) "Department", the department of economic development;**

**(7) "Innovation", the use or incorporation of a new idea, a new or emerging technology, or a new use of existing technology to address a problem, provide a benefit, or otherwise offer a product, production method, or service;**

**(8) "Innovative offering", an offering of a product or service that includes an innovation;**

**(9) "Product", a commercially distributed good that is:**

**(a) Tangible personal property; and**

**(b) The result of a production process;**

**(10) "Production", the method or process of creating or obtaining a good, which may include assembling, breeding, capturing, collecting, extracting, fabricating, farming, fishing, gathering, growing, harvesting, hunting, manufacturing, mining, processing, raising, or trapping a good;**

**(11) "Regulatory relief office", the office responsible for administering the sandbox program within the department;**

**(12) "Sandbox participant" or "participant", a person or business whose application to participate in the sandbox program is approved in accordance with the provisions of section 620.3915;**

**(13) "Sandbox program", the general regulatory sandbox program created in sections 620.3900 to 620.3930 that allows a person to temporarily demonstrate an innovative offering of a product or service under a waiver or suspension of one or more state laws or regulations;**

**(14) "Sandbox program director", the director of the regulatory relief office;**

**(15) "Service", any commercial activity, duty, or labor performed for another person or business. "Service" shall not include a product or service when its use would impact rates, statutorily authorized service areas, or system safety or reliability of an electrical corporation or gas corporation, as defined in section 386.020, as determined by the public service commission, or of any rural electric cooperative**

organized or operating under the provisions of chapter 394, or to any corporation organized on a nonprofit or a cooperative basis as described in subsection 1 of section 394.200, or to any electrical corporation operating under a cooperative business plan as described in subsection 2 of section 393.110."; and

Further amend said bill, Pages 41-43, Section 620.3905, Lines 1-78, by deleting said lines and inserting in lieu thereof the following:

**"620.3905. 1. There is hereby created within the department of economic development the "Regulatory Relief Office", which shall be administered by the sandbox program director. The sandbox program director shall report to the director of the department and may appoint staff, subject to the approval of the director of the department.**

**2. The regulatory relief office shall:**

**(1) Administer the sandbox program pursuant to sections 620.3900 to 620.3930;**

**(2) Act as a liaison between private businesses and applicable agencies that regulate such businesses to identify state laws or regulations that could potentially be waived or suspended under the sandbox program;**

**(3) Consult with each applicable agency; and**

**(4) Establish a program to enable a person to obtain monitored access to the market in the state along with legal protections for a product or service related to the laws or regulations that are being waived as a part of participation in the sandbox program, in order to demonstrate an innovative product or service without obtaining a license or other authorization that might otherwise be required.**

**3. The regulatory relief office shall:**

**(1) Review state laws and regulations that may unnecessarily inhibit the creation and success of new companies or industries and provide recommendations to the governor and the general assembly on modifying or repealing such state laws and regulations;**

**(2) Create a framework for analyzing the risk level of the health, safety, and financial well-being of consumers related to permanently removing or temporarily waiving laws and regulations inhibiting the creation or success of new and existing companies or industries;**

**(3) Propose and enter into reciprocity agreements between states that use or are proposing to use similar regulatory sandbox programs as described in sections 620.3900 to 620.3930, provided that such reciprocity agreement is supported by a two-thirds majority vote of the advisory committee and the regulatory relief office is directed by an order of the governor to pursue such reciprocity agreement;**

**(4) Enter into agreements with or adopt best practices of corresponding federal regulatory agencies or other states that are administering similar programs;**

**(5) Consult with businesses in the state about existing or potential proposals for the sandbox program; and**

**(6) In accordance with the provisions of chapter 536 and the provisions of sections 620.3900 to 620.3930, make rules regarding the administration of the sandbox program, including making rules regarding the application process and the reporting requirements of sandbox participants. 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, 2022, shall be invalid and void.**

**4. (1) The regulatory relief office shall create and maintain on the department's website a web page that invites residents and businesses in the state to make suggestions regarding laws and regulations that could be modified or eliminated to reduce the regulatory burden on residents and businesses in the state.**

**(2) On at least a quarterly basis, the regulatory relief office shall compile the relevant suggestions from the web page created pursuant to subdivision (1) of this subsection and provide a written report to the governor and the general assembly.**

**(3) In creating the report described in subdivision (2) of this subsection, the regulatory relief office:**

**(a) Shall provide the identity of residents and businesses that make suggestions on the web page if those residents and businesses wish to comment publicly, and shall ensure that the private information of residents and businesses that make suggestions on the web page is not made public if they do not wish to comment publicly; and**

(b) May evaluate the suggestions and provide analysis and suggestions regarding which state laws and regulations could be modified or eliminated to reduce the regulatory burden on residents and businesses in the state while still protecting consumers.

5. (1) By October first of each year, the department shall submit an annual report to the governor, the general assembly, and to each state agency which shall include:

(a) Information regarding each participant in the sandbox program, including industries represented by each participant and the anticipated or actual cost savings that each participant experienced;

(b) The anticipated or actual benefit to consumers created by each demonstration in the sandbox program;

(c) Recommendations regarding any laws or regulations that should be permanently modified or repealed;

(d) Information regarding any health and safety events related to the activities of a participant in the sandbox program; and

(e) Recommendations for changes to the sandbox program or other duties of the regulatory relief office.

(2) The department may provide an interim report from the sandbox program director to the governor and general assembly on specific, time-sensitive issues for the functioning of the sandbox program, for the health and safety of consumers, for the success of participants in the program, and for other issues of urgent need."; and

Further amend said bill, Pages 43-44, Section 620.3910, Lines 1-46, by deleting said lines and inserting in lieu thereof the following:

**"620.3910. 1. There is hereby created the "General Regulatory Sandbox Program Advisory Committee", to be composed of the following members:**

**(1) The director of the department of economic development or his or her designee;**

**(2) The director of the department of commerce and insurance or his or her designee;**

**(3) The attorney general or his or her designee;**

**(4) A member of the public to be appointed by the governor;**

**(5) A member of the public or of an institution of higher education, to be appointed by the governor;**

**(6) A member of an institution of higher education, to be appointed by the director of the department of higher education and workforce development;**

**(7) Two members of the house of representatives, one to be appointed by the speaker of the house of representatives and one to be appointed by the minority leader of the house of representatives;**

**(8) Two members of the senate, one to be appointed by the president pro tempore of the senate and one to be appointed by the minority leader of the senate; and**

**(9) An employee of the office of public counsel, to be appointed by the public counsel.**

**2. (1) Advisory committee members shall be appointed to a four-year term. Members who cease holding elective office shall be replaced by the speaker or minority leader of the house of representatives or the president pro tempore or minority floor leader of the senate, as applicable. The sandbox program director may establish the terms of initial appointments so that approximately half of the advisory committee is appointed every two years.**

**(2) The sandbox program director shall select a chair of the advisory committee every two years in consultation with the members of the advisory committee.**

**(3) No appointee of the governor, speaker of the house of representatives, or president pro tempore of the senate may serve more than two complete terms.**

**3. A majority of the advisory committee shall constitute a quorum for the purpose of conducting business, and the action of a majority of a quorum shall constitute the action of the advisory committee, except as provided in subsection 4 of this section.**

**4. The advisory committee may, at its own discretion, meet to override a decision of the regulatory relief office on the admission or denial of an applicant to the sandbox program, provided such override is decided with a two-thirds majority vote of the members of the advisory committee, and further provided that such vote shall be taken within fifteen business days of the regulatory relief office's decision.**

**5. The advisory committee shall advise and make recommendations to the regulatory relief office on whether to approve applications to the sandbox program pursuant to section 620.3915.**

6. The regulatory relief office shall provide administrative staff support for the advisory committee.
7. The members of the advisory committee shall serve without compensation, but may be reimbursed for any actual and necessary expenses incurred in the performance of the advisory committee's official duties.
8. Meetings of the advisory committee shall be considered public meetings for the purposes of chapter 610. However, a meeting of the committee shall be a closed meeting if the purpose of the meeting is to discuss an application for participation in the regulatory sandbox and failing to hold a closed meeting would reveal information that constitutes proprietary or confidential trade secrets. Upon approval by a majority vote by members of the advisory committee, the advisory committee shall be allowed to conduct remote meetings, and individual members shall be allowed to attend meetings remotely. The advisory committee shall provide the public the ability to view any such remote meetings."; and

Further amend said bill, Pages 44-49, Section 620.3915, Lines 1-172, by deleting said lines and inserting in lieu thereof the following:

- "620.3915. 1. An applicant for the sandbox program shall provide to the regulatory relief office an application in a form prescribed by the regulatory relief office that:**
- (1) Confirms the applicant is subject to the jurisdiction of the state;
  - (2) Confirms the applicant has established physical residence or a virtual location in the state from which the demonstration of an innovative offering will be developed and performed, and where all required records, documents, and data will be maintained;
  - (3) Contains relevant personal and contact information for the applicant, including legal names, addresses, telephone numbers, email addresses, website addresses, and other information required by the regulatory relief office;
  - (4) Discloses criminal convictions of the applicant or other participating personnel, if any; and
  - (5) Contains a description of the innovative offering to be demonstrated, including statements regarding:
    - (a) How the innovative offering is subject to licensing, legal prohibition, or other authorization requirements outside of the sandbox program;
    - (b) Each law or regulation that the applicant seeks to have waived or suspended while participating in the sandbox program;
    - (c) How the innovative offering would benefit consumers;
    - (d) How the innovative offering is different from other innovative offerings available in the state;
    - (e) The risks that might exist for consumers who use or purchase the innovative offering;
    - (f) How participating in the sandbox program would enable a successful demonstration of the innovative offering of an innovative product or service;
    - (g) A description of the proposed demonstration plan, including estimated time periods for beginning and ending the demonstration;
    - (h) Recognition that the applicant will be subject to all laws and regulations pertaining to the applicant's innovative offering after the conclusion of the demonstration;
    - (i) How the applicant will end the demonstration and protect consumers if the demonstration fails;
    - (j) A list of each applicable agency, if any, that the applicant knows regulates the applicant's business; and
    - (k) Any other required information as determined by the regulatory relief office.
2. An applicant shall remit to the regulatory relief office an application fee of three hundred dollars per application for each innovative offering. Such application fees shall be used by the regulatory relief office solely for the purpose of implementing the provisions of sections 620.3900 to 620.3930.
3. An applicant shall file a separate application for each innovative offering that the applicant wishes to demonstrate.
4. An applicant for the sandbox program may contact the regulatory relief office to request a consultation regarding the sandbox program before submitting an application. The regulatory relief office may provide assistance to an applicant in preparing an application for submission.
5. (1) After an application is filed, the regulatory relief office shall:
- (a) Consult with each applicable agency that regulates the applicant's business regarding whether more information is needed from the applicant; and
  - (b) Seek additional information from the applicant that the regulatory relief office determines is necessary.

(2) No later than fifteen business days after the day on which a completed application is received by the regulatory relief office, the regulatory relief office shall:

(a) Review the application and refer the application to each applicable agency that regulates the applicant's business; and

(b) Provide to the applicant:

a. An acknowledgment of receipt of the application; and

b. The identity and contact information of each applicable agency to which the application has been referred for review.

(3) No later than forty-five days after the day on which an applicable agency receives a completed application for review, the applicable agency shall provide a written report to the sandbox program director with the applicable agency's findings. Such report shall:

(a) Describe any identifiable, likely, and significant harm to the health, safety, or financial well-being of consumers that the relevant law or regulation protects against; and

(b) Make a recommendation to the regulatory relief office that the applicant either be admitted or denied entrance into the sandbox program.

(4) An applicable agency may request an additional ten business days to deliver the written report required by subdivision (3) of this subsection by providing notice to the sandbox program director, which request shall automatically be granted. An applicable agency may request only one extension per application. The sandbox program director may also provide an additional extension to the applicable agency for cause.

(5) If an applicable agency recommends an applicant under this section be denied entrance into the sandbox program, the written report required by subdivision (3) of this subsection shall include a description of the reasons for such recommendation, including the reason a temporary waiver or suspension of the relevant laws or regulations would potentially significantly harm the health, safety, or financial well-being of consumers or the public and the assessed likelihood of such harm occurring.

(6) If an applicable agency determines that the consumer's or public's health, safety, or financial well-being can be protected through less restrictive means than the existing relevant laws or regulations, the applicable agency shall provide a recommendation of how that can be achieved.

(7) If an applicable agency fails to deliver the written report required by subdivision (3) of this subsection, the sandbox program director shall provide a final notice to the applicable agency for delivery of the written report. If the report is not delivered within five days of such final notice, the sandbox program director shall assume that the applicable agency does not object to the temporary waiver or suspension of the relevant laws or regulations for an applicant seeking to participate in the sandbox program.

6. (1) Notwithstanding any provision of this section to the contrary, an applicable agency may, by written notice to the regulatory relief office:

(a) Reject an application, provided such rejection occurs within forty-five days after the day on which the applicable agency receives a complete application for review, or within fifty days if an extension has been requested by the applicable agency, if the applicable agency determines, in the applicable agency's sole discretion, that the applicant's offering fails to comply with standards or specifications:

a. Required by federal rule or regulation; or

b. Previously approved for use by a federal agency; or

(b) Reject an application preliminarily approved by the regulatory relief office, if the applicable agency:

a. Recommends rejection of the application in the applicable agency's written report submitted pursuant to subdivision (3) of subsection 5 of this section; and

b. Provides in the written report submitted pursuant to subdivision (3) of subsection 5 of this section a description of the applicable agency's reasons approval of the application would create a substantial risk of harm to the health or safety of the public, or create unreasonable expenses for taxpayers in the state.

(2) If any applicable agency rejects an application on a nonpreliminary basis pursuant to subdivision (1) of this subsection, the regulatory relief office shall not approve the application.

7. (1) The sandbox program director shall provide all applications and associated written reports to the advisory committee upon receiving a written report from an applicable agency.

(2) The sandbox program director may call the advisory committee to meet as needed, but not less than once per quarter if applications are available for review.

(3) After receiving and reviewing the application and each associated written report, the advisory committee shall provide to the sandbox program director the advisory committee's recommendation as to whether the applicant should be admitted as a sandbox participant.

(4) As part of the advisory committee's review of each report, the advisory committee shall use criteria used by applicable agencies to evaluate applications.

8. The regulatory relief office shall consult with each applicable agency and the advisory committee before admitting an applicant into the sandbox program. Such consultation may include seeking information about whether:

(1) The applicable agency has previously issued a license or other authorization to the applicant; and  
(2) The applicable agency has previously investigated, sanctioned, or pursued legal action against the applicant.

9. In reviewing an application under this section, the regulatory relief office and applicable agencies shall consider whether:

(1) A competitor to the applicant is or has been a sandbox participant and, if so, weigh that as a factor in favor of allowing the applicant to also become a sandbox participant;

(2) The applicant's plan will adequately protect consumers from potential harm identified by an applicable agency in the applicable agency's written report;

(3) The risk of harm to consumers is outweighed by the potential benefits to consumers from the applicant's participation in the sandbox program; and

(4) Certain state laws or regulations that regulate an innovative offering should not be waived or suspended even if the applicant is approved as a sandbox participant, including applicable anti-fraud or disclosure provisions.

10. An applicant shall become a sandbox participant if the regulatory relief office approves the application for the sandbox program and enters into a written agreement with the applicant describing the specific laws and regulations that are waived or suspended as part of participation in the sandbox program. Notwithstanding any other provision of this section to the contrary, the regulatory relief office shall not enter into a written agreement with an applicant that exempts the applicant from any income, property, or sales tax liability unless such applicant otherwise qualifies for an exemption from such tax.

11. (1) The sandbox program director may deny at his or her sole discretion any application submitted under this section for any reason, including if the sandbox program director determines that the preponderance of evidence demonstrates that suspending or waiving enforcement of a law or regulation would cause significant risk of harm to consumers or residents of the state.

(2) If the sandbox program director denies an application submitted under this section, the regulatory relief office shall provide to the applicant a written description of the reasons for not allowing the applicant to become a sandbox participant.

(3) The denial of an application submitted under this section shall not be subject to judicial or administrative review.

(4) The acceptance or denial of an application submitted under this section may be overridden by an affirmative vote of a two-thirds majority of the advisory committee at the discretion of the advisory committee, provided such vote shall take place within fifteen business days of the sandbox program director's decision. Notwithstanding any other provision of this section to the contrary, the advisory committee shall not override a rejection made by an applicable agency.

(5) The sandbox program director shall deny an application for participation in the sandbox program if the applicant or any person who seeks to participate with the applicant in demonstrating an innovative offering has been convicted, entered into a plea of nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance, for any crime involving significant theft, fraud, or dishonesty if the crime bears a significant relationship to the applicant's or other participant's ability to safely and competently participate in the sandbox program.

12. When an applicant is approved for participation in the sandbox program, the sandbox program director may provide notice of the approval to competitors of the applicant and to the general public.

13. Applications to participate in the sandbox program shall be considered public records for the purposes of chapter 610, provided, however, that any information contained in such applications that constitutes proprietary or confidential trade secrets shall not be subject to disclosure pursuant to chapter 610."; and

Further amend said bill, Pages 49-50, Section 620.3920, Lines 1-41, by deleting said lines and inserting in lieu thereof the following:

**"620.3920. 1. If the regulatory relief office approves an application pursuant to section 620.3915, the sandbox participant shall have twenty-four months after the day on which the application was approved to demonstrate the innovative offering described in the sandbox participant's application.**

**2. An innovative offering that is demonstrated within the sandbox program shall only be available to consumers who are residents of Missouri or of another state. No law or regulation shall be waived or suspended if waiving or suspending such law or regulation would prevent a consumer from seeking restitution in the event that the consumer is harmed.**

**3. Nothing in sections 620.3900 to 620.3930 shall restrict a sandbox participant that holds a license or other authorization in another jurisdiction from acting in accordance with such license or other authorization in that jurisdiction.**

**4. A sandbox participant shall be deemed to possess an appropriate license or other authorization under the laws of this state for the purposes of any provision of federal law requiring licensure or other authorization by the state.**

**5. (1) During the demonstration period, a sandbox participant shall not be subject to the enforcement of state laws or regulations identified in the written agreement between the regulatory relief office and the sandbox participant.**

**(2) A prosecutor shall not file or pursue charges pertaining to any action related to a law or regulation identified in the written agreement between the regulatory relief office and the sandbox participant that occurs during the demonstration period.**

**(3) A state agency shall not file or pursue any punitive action against a sandbox participant, including a fine or license suspension or revocation, for the violation of a law or regulation that is identified as being waived or suspended in the written agreement between the regulatory relief office and the sandbox participant that occurs during the demonstration period.**

**6. Notwithstanding any provision of this section to the contrary, a sandbox participant shall not have immunity related to any criminal offense committed during the sandbox participant's participation in the sandbox program.**

**7. By written notice, the regulatory relief office may end a sandbox participant's participation in the sandbox program at any time and for any reason, including if the sandbox program director determines that a sandbox participant is not operating in good faith to bring an innovative offering to market; provided, however, that the sandbox program director's decision may be overridden by an affirmative vote of a two-thirds majority of the members of the advisory committee.**

**8. The regulatory relief office and regulatory relief office's employees shall not be liable for any business losses or the recouping of application expenses or other expenses related to the sandbox program, including for:**

- (1) Denying an applicant's application to participate in the sandbox program for any reason; or**
- (2) Ending a sandbox participant's participation in the sandbox program at any time and for any reason."; and**

Further amend said bill, Pages 50-51, Section 620.3925, Lines 1-31, by deleting said lines and inserting in lieu thereof the following:

**"620.3925. 1. Before demonstrating an innovative offering to a consumer, a sandbox participant shall disclose the following information to the consumer:**

- (1) The name and contact information of the sandbox participant;**
- (2) A statement that the innovative offering is authorized pursuant to the sandbox program and, if applicable, that the sandbox participant does not have a license or other authorization to provide an innovative offering under state laws that regulate offerings outside of the sandbox program;**
- (3) A statement that specific laws and regulations have been waived for the sandbox participant for the duration of its demonstration in the sandbox program, with a summary of such waived laws and regulations;**
- (4) A statement that the innovative offering is undergoing testing and may not function as intended and may expose the consumer to certain risks as identified by the applicable agency's written report;**
- (5) A statement that the provider of the innovative offering is not immune from civil liability for any losses or damages caused by the innovative offering;**

(6) A statement that the provider of the innovative offering is not immune from criminal prosecution for violations of state law or regulations that are not suspended or waived as allowed within the sandbox program;

(7) A statement that the innovative offering is a temporary demonstration that may be discontinued at the end of the demonstration period;

(8) The expected end date of the demonstration period; and

(9) A statement that a consumer may contact the regulatory relief office and file a complaint regarding the innovative offering being demonstrated, providing the regulatory relief office's telephone number, email address, and website address where a complaint may be filed.

2. The disclosures required by subsection 1 of this section shall be provided to a consumer in a clear and conspicuous form and, for an internet- or application-based innovative offering, a consumer shall acknowledge receipt of the disclosure before any transaction may be completed.

3. The regulatory relief office may require that a sandbox participant make additional disclosures to a consumer."; and

Further amend said bill, Pages 51-53, Section 620.3930, Lines 1-85, by deleting said lines and inserting in lieu thereof the following:

"620.3930. 1. At least forty-five days before the end of the twenty-four-month demonstration period, a sandbox participant shall:

(1) Notify the regulatory relief office that the sandbox participant will exit the sandbox program and discontinue the sandbox participant's demonstration after the day on which the twenty-four-month demonstration period ends; or

(2) Seek an extension pursuant to subsection 4 of this section.

2. If the regulatory relief office does not receive notification as required by subsection 1 of this section, the demonstration period shall end at the end of the twenty-four-month demonstration period.

3. If a demonstration includes an innovative offering that requires ongoing services or duties beyond the twenty-four-month demonstration period, the sandbox participant may continue to demonstrate the innovative offering but shall be subject to enforcement of the laws or regulations that were waived or suspended as part of the sandbox program.

4. (1) No later than forty-five days before the end of the twenty-four-month demonstration period, a sandbox participant may request an extension of the demonstration period.

(2) The regulatory relief office shall grant or deny a request for an extension by the end of the twenty-four month demonstration period.

(3) The regulatory relief office may grant an extension for not more than twelve months after the end of the demonstration period.

(4) Sandbox participants may apply for additional extensions in accordance with the criteria used to assess their initial application, up to a cumulative maximum of seven years inclusive of the original twenty-four-month demonstration period.

5. (1) A sandbox participant shall retain records, documents, and data produced in the ordinary course of business regarding an innovative offering demonstrated in the sandbox program for twenty-four months after exiting the sandbox program.

(2) The regulatory relief office may request relevant records, documents, and data from a sandbox participant, and, upon the regulatory relief office's request, the sandbox participant shall make such records, documents, and data available for inspection by the regulatory relief office.

6. If a sandbox participant ceases to provide an innovative offering before the end of a demonstration period, the sandbox participant shall notify the regulatory relief office and each applicable agency and report on actions taken by the sandbox participant to ensure consumers have not been harmed as a result.

7. The regulatory relief office shall establish quarterly reporting requirements for each sandbox participant, including information about any consumer complaints.

8. (1) The sandbox participant shall notify the regulatory relief office and each applicable agency of any incidents that result in harm to the health, safety, or financial well-being of a consumer. The parameters for such incidents that shall be reported shall be laid out in the written agreement between the applicant and the regulatory relief office. Any incident reports shall be publicly available on the regulatory sandbox webpage provided, however, that any information contained in such reports that constitutes proprietary or confidential trade secrets shall not be subject to disclosure pursuant to chapter 610.

(2) If a sandbox participant fails to notify the regulatory relief office and each applicable agency of any incidents required to be reported, or the regulatory relief office or an applicable agency has evidence that significant harm to a consumer has occurred, the regulatory relief office may immediately remove the sandbox participant from the sandbox program.

9. No later than thirty days after the day on which a sandbox participant exits the sandbox program, the sandbox participant shall submit a written report to the regulatory relief office and each applicable agency describing an overview of the sandbox participant's demonstration. Failure to submit such a report shall result in the sandbox participant and any entity that later employs a member of the leadership team of the sandbox participant being prohibited from future participation in the sandbox program. Such report shall include any:

(1) Incidents of harm to consumers;

(2) Legal action filed against the sandbox participant as a result of the participant's demonstration;

or

(3) Complaint filed with an applicable agency as a result of the sandbox participant's demonstration.

Any incident reports of harm to consumers, legal actions filed against a sandbox participant, or complaints filed with an applicable agency shall be compiled and made publicly available on the regulatory sandbox webpage provided, however, that any information contained in such reports or complaints that constitutes proprietary or confidential trade secrets shall not be subject to disclosure pursuant to chapter 610.

10. No later than thirty days after the day on which an applicable agency receives the quarterly report required by subsection 7 of this section or a written report from a sandbox participant as required by subsection 9 of this section, the applicable agency shall provide a written report to the regulatory relief office on the demonstration, which describes any statutory or regulatory reform the applicable agency recommends as a result of the demonstration.

11. The regulatory relief office may remove a sandbox participant from the sandbox program at any time if the regulatory relief office determines that a sandbox participant has engaged in, is engaging in, or is about to engage in any practice or transaction that is in violation of sections 620.3900 to 620.3930 or that constitutes a violation of a law or regulation for which suspension or waiver has not been granted pursuant to the sandbox program. Information on any removal of a sandbox participant for engaging in any practice or transaction that constitutes a violation of law or regulation for which suspension or waiver has not been granted pursuant to the sandbox program shall be made publicly available on the regulatory sandbox webpage provided, however, that any information that constitutes proprietary or confidential trade secrets shall not be subject to disclosure pursuant to chapter 610."; and

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

Representative Seitz 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 Committee Substitute for Senate Bill No. 968, Page 2, Line 7, by inserting after the word "beverages," the words "and provided such times are during the hours a licensee is allowed by any ordinance or order of the governing body of the city to sell intoxicating liquor by the drink,"; and

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

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

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	Chipman
Christofanelli	Coleman 32	Coleman 97	Cook	Copeland
Cupps	Davidson	Davis	Deaton	DeGroot
Derges	Dinkins	Dogan	Eggleston	Evans
Falkner	Fishel	Fitzwater	Francis	Gregory 96
Grier	Griffith	Haden	Haffner	Haley
Hardwick	Henderson	Hicks	Houx	Hovis
Hudson	Hurlbert	Kalberloh	Kelley 127	Kelly 141
Knight	Lewis 6	Lovasco	Mayhew	McGaugh
McGill	Morse	O'Donnell	Owen	Patterson
Perkins	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Pouche	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Sander	Sassmann
Schnelting	Schroer	Schwadron	Seitz	Shaul
Shields	Simmons	Smith 155	Smith 163	Stacy
Stephens 128	Tate	Taylor 139	Taylor 48	Thomas
Thompson	Toalson Reisch	Trent	Van Schoiack	Veit
Walsh 50	West	Wiemann	Wright	

NOES: 046

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Clemens	Collins	Ellebracht	Fogle	Gray
Gunby	Ingle	Johnson	Lewis 25	Mackey
McCreery	Merideth	Mosley	Nurrenbern	Person
Phifer	Price IV	Proudie	Quade	Roden
Sauls	Sharp 36	Smith 45	Smith 67	Stevens 46
Terry	Turnbaugh	Unsicker	Walsh Moore 93	Weber
Young				

PRESENT: 000

ABSENT WITH LEAVE: 011

Doll	Gregory 51	Kidd	McDaniel	Murphy
Pietzman	Rogers	Rone	Sharpe 4	Windham
Mr. Speaker				

VACANCIES: 007

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 968, Page 35, Section 537.529, Line 114, by inserting after all of said section and line the following:

"620.800. The following additional terms used in sections 620.800 to 620.809 shall mean:

- (1) "Agreement", the agreement between a qualified company, a community college district, and the department concerning a training project. Any such agreement shall comply with the provisions of section 620.017;
- (2) "Application", a form developed by and submitted to the department by a local education agency on behalf of a qualified company applying for benefits under section 620.806;**
- ~~[(2)]~~ **(3) "Board of trustees", the board of trustees of a community college district established under the provisions of chapter 178;**
- ~~[(3)]~~ **"Certificate", a new or retained jobs training certificate issued under section 620.809;**
- (4) "Committee", the Missouri one start job training joint legislative oversight committee, established under the provisions of section 620.803;
- (5) "Department", the Missouri department of economic development;
- (6) "Employee", a person employed by a qualified company;
- ~~[(7)]~~ **"Existing Missouri business", a qualified company that, for the ten year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full time employees who routinely performed job duties within Missouri;**
- ~~[(8)]~~ **(7) "Full-time employee", an employee of the qualified company who is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one to whom the qualified company offers health insurance and pays at least fifty percent of such insurance premiums;**
- ~~[(9)]~~ **(8) "Local education agency", a community college district, two-year state technical college, or technical career education center;**
- ~~[(10)]~~ **(9) "Missouri one start program", the [training] program established under sections 620.800 to 620.809;**
- ~~[(11)]~~ **(10) "New capital investment", costs incurred by the qualified company at the project facility for real or personal property, that may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or approval of the **application or** notice of intent;**
- ~~[(12)]~~ **(11) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the **application or** notice of intent shall be deemed a new job. An employee who spends less than fifty percent of his or her work time at the facility is still considered to be located at a facility if he or she receives his or her directions and control from that facility, **if he or she** is on the facility's payroll, **and if** one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county's average wage;**
- ~~[(13)]~~ **(12) "New jobs credit", the credit from withholding remitted by a qualified company provided under subsection [7] 8 of section 620.809;**
- ~~[(14)]~~ **(13) "Notice of intent", a form developed by and submitted to the department that states the qualified company's intent to request benefits under [this program] **section 620.809;****
- ~~[(15)]~~ **(14) "Project facility", the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated[, provided that, if the buildings making up the project facility are not located within the same county, the average wage of the new payroll must exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located]. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;**
- ~~[(16)]~~ **(15) "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the **application or** notice of intent or, for the twelve-month period prior to the date of the **application or** notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the **application or** notice of intent;**
- ~~[(17)]~~ **(16) "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums. For the purposes of sections 620.800 to 620.809, the term "qualified company" shall not mean:**

- (a) Gambling establishments (NAICS industry group 7132);
- (b) Retail trade establishments (NAICS sectors 44 and 45) **that have consumer-based store fronts**, except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;
- (c) Food services and drinking places (NAICS subsector 722);
- (d) Public utilities (NAICS 221 including water and sewer services);
- (e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;
- (f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:
  - a. Certifies to the department that it plans to reorganize and not to liquidate; and
  - b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization;
- (g) Educational services (NAICS sector 61);
- (h) Religious organizations (NAICS industry group 8131);
- (i) Public administration (NAICS sector 92);
- (j) Ethanol distillation or production; or
- (k) Biodiesel production.

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

~~[(18)]~~ **(17) "Recruitment services", the promotion of workforce opportunities in Missouri;**

**(18) "Related company":**

- (a) A corporation, partnership, trust, or association controlled by the qualified company;
- (b) An individual, corporation, partnership, trust, or association in control of the qualified company; or
- (c) Corporations, partnerships, trusts, or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this subdivision, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; and "ownership" shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

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

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

**(21) "Relocation costs", costs paid by a qualified company for a full-time employee who is relocating to Missouri from out of state to work in a new job. "Relocation costs" shall exclude costs for residents relocating from a Kansas border county to a Missouri border county, as those terms are defined in subsection 1 of section 135.1670, so long as subsection 2 of section 135.1670 is in effect. Any reimbursement for relocation costs shall be limited to fifty percent of the amount paid by the employer to cover actual relocation expenses, such as reasonable moving and related travel expenses. An amount paid to a qualified company shall not exceed three thousand five hundred dollars per employee and shall not exceed fifty percent of the total training project award;**

~~[(21)]~~ **(22) "Retained jobs", the average number of full-time employees of a qualified company located at the project facility during each month for the calendar year preceding the year in which the **application or** notice of intent is submitted;**

~~[(22)]~~ (23) "Retained jobs credit", the credit from withholding remitted by a qualified company provided under subsection ~~[7]~~ 8 of section 620.809;

~~[(23)]~~ (24) "Targeted industry", an industry or one of a cluster of industries identified by the department by rule following a strategic planning process as being critical to the state's economic security and growth;

~~[(24)]~~ "Training program", the Missouri one start program established under sections ~~620.800 to 620.809;~~

(25) "Training project", the project or projects established through the Missouri one start program for the creation or retention of jobs by providing education and training of workers;

(26) "Training project costs", may include all necessary and incidental costs of providing program services through the ~~[training]~~ **Missouri one start** program, such as:

(a) Training materials and supplies;

(b) Wages and benefits of instructors, who may or may not be employed by the eligible industry, and the cost of training such instructors;

(c) Subcontracted services;

(d) On-the-job training;

(e) Training facilities and equipment;

(f) Skill assessment;

(g) Training project and curriculum development;

(h) Travel directly to the training project, including a coordinated transportation program for training if the training can be more effectively provided outside the community where the jobs are to be located;

(i) Payments to third-party training providers and to the eligible industry;

(j) Teaching and assistance provided by educational institutions in the state of Missouri;

(k) In-plant training analysis, including fees for professionals and necessary travel and expenses;

(l) Assessment and preselection tools;

(m) Publicity;

(n) Instructional services;

(o) Rental of instructional facilities with necessary utilities; ~~and~~

**(p) Relocation costs;**

~~[(p)]~~ (q) Payment of the principal, premium, and interest on certificates, including capitalized interest, issued to finance a project, and the funding and maintenance of a debt service reserve fund to secure such certificates; **or**

**(r) Costs of training project services not otherwise included in this definition of "training project costs";**

(27) "Training project services", may include, but shall not be limited to, the following:

(a) Job training, which may include, but not be limited to, preemployment training, analysis of the specified training needs for a qualified company, development of training plans, and provision of training through qualified training staff;

(b) Adult basic education and job-related instruction;

(c) Vocational and skill-assessment services and testing;

(d) Training facilities, equipment, materials, and supplies;

(e) On-the-job training;

(f) Administrative expenses at a reasonable amount determined by the department;

(g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;

(h) Contracted or professional services; and

(i) Issuance of certificates, when applicable.

620.803. 1. The department shall establish a "Missouri One Start Program" to assist ~~[qualified]~~ companies ~~[in the]~~ **with recruitment services**, training of employees in new jobs, and the retraining or upgrading of skills of full-time employees in retained jobs as provided in sections 620.800 to 620.809. The ~~[training]~~ **Missouri one start** program shall be funded through appropriations to the funds established under sections 620.806 and 620.809. The department shall, to the maximum extent practicable, prioritize funding under the ~~[training]~~ **Missouri one start** program to assist qualified companies in targeted industries.

2. ~~[There is hereby created the "Missouri One Start Job Training Joint Legislative Oversight Committee".—The committee shall consist of three members of the Missouri senate appointed by the president pro tempore of the senate and three members of the house of representatives appointed by the speaker of the house. No more than two~~

of the members of the senate and two of the members of the house of representatives shall be from the same political party. Members of the committee shall report to the governor, the president pro tempore of the senate, and the speaker of the house of representatives on all assistance to qualified companies under the provisions of sections 620.800 to 620.809 provided during the preceding fiscal year. The report of the committee shall be delivered no later than October first of each year. The director of the department shall report to the committee such information as the committee may deem necessary for its annual report. Members of the committee shall receive no compensation in addition to their salary as members of the general assembly but may receive their necessary expenses while attending the meetings of the committee, to be paid out of the joint contingent fund.

~~3-~~ 3. The department shall publish guidelines and may promulgate rules and regulations governing the ~~training~~ **Missouri one start** program. In establishing such guidelines and promulgating such rules and regulations, the department shall consider such factors as the potential number of new jobs to be created **or number of jobs to be retained**, the potential number of new minority jobs created, the amount of new capital investment in new **or existing** facilities and equipment, the significance of state benefits to the qualified company's decision to locate or expand in Missouri, the economic need of the affected community, and the importance of the qualified company to the economic development of the state. 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, 2013, shall be invalid and void.

~~4-~~ 3. The department shall make **Missouri one start** program applications and guidelines available online.

~~5-~~ 4. The department may contract with other entities for the purposes of advertising, marketing, or promoting the ~~training~~ **Missouri one start** program established in sections 620.800 to 620.809. Any assistance through the ~~training~~ **Missouri one start** program shall be provided under an agreement.

~~6-~~ 5. Prior to the authorization of any application submitted through the ~~training~~ **Missouri one start** program, the department shall verify the applicant's tax payment status and offset any delinquencies as provided in section 135.815.

~~7-~~ 6. Any qualified company that is awarded benefits under sections 620.800 to 620.809 and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., as amended, shall immediately notify the department, shall forfeit such benefits, and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

~~8-~~ 7. The department may require repayment of all benefits awarded, increased by an additional amount that shall provide the state a reasonable rate of return, to any qualified company under sections 620.800 to 620.809 that fails to maintain the new or retained jobs within five years of approval of the benefits or that leaves the state within five years of approval of the benefits.

~~9-~~ 8. The department shall be authorized to contract with other entities, including businesses, industries, other state agencies, and political subdivisions of the state for the purpose of implementing a training project **or providing recruitment services** under the provisions of sections 620.800 to 620.809.

620.806. 1. There is hereby created in the state treasury a fund to be known as the "Missouri One Start Job Development Fund", that shall be administered by the department for the purposes of the Missouri one start program. The fund shall consist of all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, or bequests received from federal, private or other sources, including, but not limited to, any block grant or other sources of funding relating to job training, school-to-work transition, welfare reform, vocational and technical training, housing, infrastructure, development, and human resource investment programs which may be provided by the federal government or other sources. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. 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.

2. The department may provide financial assistance **for training projects** through the ~~training~~ **Missouri one start** program **from the Missouri one start job development fund** to qualified companies that create new jobs which will result in the need for training, or that make new capital investment relating directly to the retention of jobs in an amount at least five times greater than the amount of any financial assistance. Financial assistance may also be provided to a consortium of a majority of qualified companies organized to provide common training to the consortium members' employees.

3. Funds in the Missouri one start job development fund shall be appropriated, for **recruitment services and to provide financial assistance for training projects** through the ~~[training]~~ **Missouri one start** program, by the general assembly to the department ~~[and]~~. **Recruitment services shall be administered by the department. Financial assistance for training projects** shall be administered by a local education agency certified by the department for such purpose. ~~[Except for state-sponsored preemployment training, no qualified company shall receive more than fifty percent of its training program costs from the Missouri one start job development fund.]~~ No funds shall be awarded or reimbursed to any qualified company for the training, retraining, or upgrading of skills of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage. Upon approval by the department, training project costs, except the purchase of training equipment and training facilities, shall be eligible for reimbursement with funds from the Missouri one start job development fund. Notwithstanding any provision of law to the contrary, no qualified company within a service industry shall be eligible for **training** assistance under this subsection unless such qualified company provides services in interstate commerce, which shall mean that the qualified company derives a majority of its annual revenues from out of the state.

~~[3-]~~ 4. Upon appropriation, a local education agency may petition the department to utilize the Missouri one start job development fund in order to create or improve training facilities, training equipment, training staff, training expertise, training programming, and administration. The department shall review all petitions and may award funds from the Missouri one start job development fund for reimbursement of training project costs and training project services as it deems necessary.

~~[4-]~~ 5. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

620.809. 1. There is hereby established in the state treasury a fund to be known as the "Missouri One Start Community College New Jobs Training Fund", that shall be administered by the department for ~~[the]~~ **training projects in the Missouri one start program. Through June 30, 2023**, the department of revenue shall credit to the fund, as received, all new jobs credits. ~~[For existing Missouri businesses creating new jobs, the training project may include retained jobs.]~~ The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. ~~[The department shall have the discretion to determine the appropriate amount of funds to allocate per training project.]~~ **Through June 30, 2023**, the department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for training projects, which funds shall be used to pay training project costs. Such disbursements shall be made to the special fund for each training project as provided under subsection ~~[5]~~ **6** of this section. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund. **Any unobligated funds in the Missouri one start community college new jobs training fund on July 1, 2023, shall be transferred to the Missouri one start community college training fund authorized under subsection 3 of this section.**

2. There is hereby created in the state treasury a fund to be known as the "Missouri One Start Community College Job Retention Training Fund", that shall be administered by the department for the Missouri one start program. **Through June 30, 2023**, the department of revenue shall credit to the fund, as received, all retained jobs credits. ~~[For existing Missouri businesses retaining jobs, the training project may include new jobs.]~~ The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the fund. Moneys in the fund shall be disbursed to the department under regular appropriations by the general assembly. ~~[The department shall have the discretion to determine the appropriate amount of funds to allocate per training project.]~~ **Through June 30, 2023**, the department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for projects, which funds shall be used to pay training ~~[program]~~ **project costs**, ~~[including the principal, premium, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project].~~ Such disbursements by the department shall be made to the special fund for each project as provided under subsection ~~[5]~~ **6** of this section. All moneys remaining in the fund at the end of any fiscal year

shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund. **All unobligated funds in the Missouri one start community college job retention training fund on July 1, 2023, shall be transferred to the Missouri one start community college training fund authorized under subsection 3 of this section.**

**3. There is hereby created in the state treasury the "Missouri One Start Community College Training Fund", which shall be administered by the department for training projects in the Missouri one start program. Beginning July 1, 2023, the department of revenue shall credit to the fund, as received, all new and retained jobs credits. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. However, the general assembly shall not authorize any transfer of general revenue funds into the fund. Beginning July 1, 2023, the department shall disburse moneys in the fund under regular appropriations by the general assembly. The department shall disburse such appropriated funds in a timely manner into the special funds established by community college districts for training projects, which funds shall be used to pay training project costs. Such disbursements shall be made to the special fund for each training project as provided under subsection 6 of this section. All moneys remaining in the fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, but shall remain in the fund.**

~~[3-]~~ **4. The department of revenue shall develop such forms as are necessary to demonstrate accurately each qualified company's new jobs credit paid through June 30, 2023, into the Missouri one start community college new jobs training fund or retained jobs credit paid through June 30, 2023, into the Missouri one start community college job retention training fund. The department of revenue shall develop such forms as are necessary to demonstrate accurately each qualified company's new or retained jobs credit, or both, whichever is applicable, paid beginning July 1, 2023, into the Missouri one start community college training fund. The new or retained jobs credits, or both, whichever is applicable, shall be accounted as separate from the normal withholding tax paid to the department of revenue by the qualified company. Through June 30, 2023, reimbursements made by all qualified companies to the Missouri one start community college new jobs training fund and the Missouri one start community college job retention training fund shall be no less than all allocations made by the department to all community college districts for all projects. Beginning July 1, 2023, reimbursements made by all qualified companies to the Missouri one start community college training fund shall be no less than all allocations made by the department to all community college districts for all projects. The qualified company shall remit the amount of the new or retained jobs credit, as or both, whichever is applicable, to the department of revenue in the same manner as provided in sections 143.191 to 143.265. A qualified company's training project may include both new jobs and retained jobs.**

~~[4-]~~ **5. A community college district, with the approval of the department in consultation with the office of administration, may enter into an agreement to establish a training project and provide training project services to a qualified company. The department shall have the discretion to determine the appropriate amount of funds to allocate per training project. As soon as possible after initial contact between a community college district and a potential qualified company regarding the possibility of entering into an agreement, the community college district shall inform the department of the potential training project. The department shall evaluate the proposed training project within the overall job training efforts of the state to ensure that the training project will not duplicate other job training programs. The department shall have fourteen days from receipt of a notice of intent to approve or disapprove a training project. If no response is received by the qualified company within fourteen days, the training project shall be deemed approved. Disapproval of any training project shall be made in writing and state the reasons for such disapproval. If an agreement is entered into, the district and the qualified company shall notify the department of revenue within fifteen calendar days. In addition to any provisions required under subsection ~~[6]~~ 7 of this section for a qualified company applying to receive a new or retained job credit, or both, whichever is applicable, an agreement may provide, but shall not be limited to:**

- (1) Payment of training project costs, which may be paid from one or a combination of the following sources:
  - (a) **Through June 30, 2023, funds appropriated by the general assembly to the Missouri one start community college new jobs training program fund or Missouri one start community college job retention training program fund, as applicable, and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;**
  - (b) **Beginning July 1, 2023, funds appropriated by the general assembly to the Missouri one start community college jobs training program fund and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;**

~~[(b)]~~ (c) Funds appropriated by the general assembly from the general revenue fund and disbursed by the department for the purposes consistent with sections 620.800 to 620.809;

~~[(e)]~~ (d) Tuition, student fees, or special charges fixed by the board of trustees to defray training project costs in whole or in part;

(2) Payment of training project costs which shall not be deferred for a period longer than eight years;

(3) Costs of on-the-job training for employees which shall include wages or salaries of participating employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total wages paid by the qualified company to each participant during the period of training. Payment for on-the-job training may continue for up to six months from the date the training begins;

(4) A provision which fixes the minimum amount of new or retained jobs credits, **or both, whichever is applicable**, general revenue fund appropriations, or tuition and fee payments which shall be paid for training project costs; and

(5) Any payment required to be made by a qualified company. This payment shall constitute a lien upon the qualified company's business property until paid, shall have equal priority with ordinary taxes and shall not be divested by a judicial sale. Property subject to such lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at a tax sale shall obtain the property subject to the remaining payments.

~~[5-]~~ 6. (1) For projects that are funded exclusively under paragraph (a) **or** (b) of subdivision (1) of subsection ~~[4]~~ 5 of this section, the department shall disburse such funds to the special fund for each training project in the same proportion as the new jobs or retained jobs credits remitted by the qualified company participating in such project bears to the total new jobs or retained jobs credits from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made.

(2) Subject to appropriation, for projects that are funded through a combination of funds under paragraphs (a) ~~and~~, (b), **and** (c) of subdivision (1) of subsection ~~[4]~~ 5 of this section, the department shall disburse funds appropriated under paragraph ~~[(b)]~~ (c) of subdivision (1) of subsection ~~[4]~~ 5 of this section to the special fund for each training project upon commencement of the project. The department shall disburse funds appropriated under paragraph (a) **or** (b) of subdivision (1) of subsection ~~[4]~~ 5 of this section to the special fund for each training project in the same proportion as the new jobs or retained jobs credits remitted by the qualified company participating in such project bears to the total new jobs or retained jobs credits from withholding remitted by all qualified companies participating in projects during the period for which the disbursement is made, reduced by the amount of funds appropriated under paragraph ~~[(b)]~~ (c) of subdivision (1) of subsection ~~[4]~~ 5 of this section.

~~[6-]~~ 7. Any qualified company that submits a notice of intent for retained job credits shall enter into an agreement, providing that the qualified company has:

(1) Maintained at least one hundred full-time employees per year at the project facility for the calendar year preceding the year in which the application is made; and

(2) Made or agrees to make a new capital investment of greater than five times the amount of any award under ~~[this training]~~ **the Missouri one start** program at the project facility over a period of two consecutive years, as certified by the qualified company and:

(a) Has made substantial investment in new technology requiring the upgrading of employee skills; or

(b) Is located in a border county of the state and represents a potential risk of relocation from the state; or

(c) Has been determined to represent a substantial risk of relocation from the state by the director of the department of economic development.

~~[7-]~~ 8. If an agreement provides that all or part of the training ~~[program]~~ **project** costs are to be met by receipt of new or retained jobs credit, **or both, whichever is applicable**, such new or retained jobs credit from withholding shall be determined and paid as follows:

(1) New or retained jobs credit shall be based upon the wages paid to the employees in the new or retained jobs;

(2) A portion of the total payments made by the qualified companies under sections 143.191 to 143.265 shall be designated as the new or retained jobs credit, **or both, whichever is applicable**, from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the qualified company for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the qualified company for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the new or retained jobs credit, **or both, whichever is applicable**, from withholding to be less than the amount projected in the agreement for any time period, then other withholding tax paid by the qualified company under sections 143.191 to 143.265 shall be credited to the applicable fund by the amount of such difference. The qualified company shall remit the amount of the new or retained jobs credit, **or both, whichever is applicable**, to the

department of revenue in the manner prescribed in sections 143.191 to 143.265. When all training ~~[program]~~ **project** costs have been paid, the new or retained jobs credits, **or both, whichever is applicable**, shall cease;

(3) The community college district participating in a project shall establish a special fund for and in the name of the training project. All funds appropriated by the general assembly from the funds established under ~~[subsections 1 and 2 of]~~ this section and disbursed by the department for the training project and other amounts received by the district for training project costs as required by the agreement shall be deposited in the special fund. Amounts held in the special fund shall be used and disbursed by the district only to pay training project costs for such training project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in the same manner as the district's other funds;

(4) Any disbursement for training project costs received from the department under sections 620.800 to 620.809 and deposited into the training project's special fund may be irrevocably pledged by a community college district for the payment of the principal, premium, and interest on the certificate issued by a community college district to finance or refinance, in whole or in part, such training project;

(5) The qualified company shall certify to the department of revenue that the new or retained jobs credit, **or both, whichever is applicable**, is in accordance with an agreement and shall provide other information the department of revenue may require;

(6) An employee participating in a training project shall receive full credit under section 143.211 for the amount designated as a new or retained jobs credit;

(7) If an agreement provides that all or part of training ~~[program]~~ **project** costs are to be met by receipt of new or retained jobs credit, **or both, whichever is applicable**, the provisions of this subsection shall also apply to any successor to the original qualified company until the principal and interest on the certificates have been paid.

~~[8-]~~ **9.** To provide funds for the present payment of the training project costs ~~[of new or retained jobs training project]~~ through the ~~[training]~~ **Missouri one start** program **as provided in this section**, a community college district may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the ~~[Missouri one start community college new jobs training fund or the Missouri one start community college job retention training fund]~~ **funds established under this section**, to the special fund established by the community college district for each **training** project. The total amount of outstanding certificates sold by all community college districts shall not exceed the total amount authorized under law as of January 1, 2013~~[-, unless an increased amount is authorized in writing by a majority of members of the committee]~~. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170 to the contrary. However, the provisions of chapter 176 shall not apply to the issuance of such certificates. Certificates may be issued with respect to a single **training** project or multiple **training** projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

~~[9-]~~ **10.** Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section, with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a rate of interest that is higher, lower, or equivalent to that of the certificates being renewed or refunded.

~~[10-]~~ **11.** Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person with standing may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates shall be final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

~~[11-]~~ **12.** The board of trustees shall make a finding based on information supplied by the qualified company that revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

~~[12-]~~ 13. Certificates issued under this section shall not be deemed to be an indebtedness of the state, the community college district, or any other political subdivision of the state, and the principal and interest on any certificates shall be payable only from the sources provided in subdivision (1) of subsection ~~[4]~~ 5 of this section which are pledged in the agreement.

~~[13-]~~ 14. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under sections 620.800 to 620.809 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and

(2) If such program is reauthorized, the program authorized under sections 620.800 to 620.809 shall automatically sunset twelve years after the effective date of the reauthorization of sections 620.800 to 620.809; and

(3) Sections 620.800 to 620.809 shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under sections 620.800 to 620.809 is sunset.

~~[14-]~~ 15. Any agreement or obligation entered into by the department that was made under the provisions of sections 620.800 to 620.809 prior to August 28, 2019, shall remain in effect according to the provisions of such agreement or obligation."; and

Further amend said bill, Page 39, Section 620.1039, Line 153, by inserting after all of said section and line the following:

"620.2475. 1. As used in this section, the following terms shall mean:

(1) "Aerospace project", a project undertaken by or for the benefit of a qualified company with a North American Industry Classification System industry classification of 3364 involving the creation of at least two thousand new jobs within ten years following the approval of a notice of intent pursuant to section 620.2020 and for which the department of economic development has provided a proposal for benefits under job creation, worker training, and infrastructure development programs on or before June 10, 2014;

(2) "Job creation, worker training, and infrastructure development programs", the Missouri works program established under sections 620.2000 to 620.2020, the Missouri business use incentives for large-scale development act established under sections 100.700 to 100.850, the Missouri one start training program established under sections 620.800 to 620.809, and the real property tax increment allocation redevelopment act established under sections 99.800 to 99.865.

2. Provisions of law to the contrary notwithstanding, no benefits authorized under job creation, worker training, and infrastructure development programs for an aerospace project shall be considered in determining compliance with applicable limitations on the aggregate amount of benefits that may be awarded annually or cumulatively under subdivision (3) of subsection 10 of section 99.845, subsection 5 of section 100.850, subsection ~~[8]~~ 9 of section 620.809, and subsection 7 of section 620.2020. No aerospace project shall be authorized for state benefits under job creation, worker training, and infrastructure development programs that exceed, in the aggregate, one hundred fifty million dollars annually under all such programs.

3. For any aerospace project receiving state benefits under this section, the department of economic development shall deliver to the general assembly an annual report providing detailed information on the state benefits received and projected to be received by the aerospace project and shall also denote the number of minorities that have been trained under the Missouri one start training program established under sections 620.800 to 620.809.

4. Any aerospace project receiving benefits under this section shall annually report to the general assembly and the department of economic development its minority and women employment outreach efforts.

5. For aerospace projects receiving benefits under this section, in no event shall disbursements of new state revenues under sections 99.800 to 99.865 be made to satisfy bond obligations incurred for improvements that do not directly benefit such project.

6. For aerospace projects receiving benefits under this section, in the tenth year following the approval of a notice of intent under sections 620.2000 to 620.2020, the department of economic development shall determine the net fiscal benefit to the state resulting from such project and shall take any action necessary to ensure a positive net fiscal benefit to the state by no later than the last year in which the aerospace project receives benefits under this section."; and

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

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

Representative O'Donnell offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 968, Page 23, Section 143.436, Line 154, by inserting after all of said section and line the following:

- "285.1000. For purposes of sections 285.1000 to 285.1055, the following terms shall mean:**
- (1) "Administrative fund" or "Missouri workplace retirement savings administrative fund", the Missouri workplace retirement savings administrative fund described in section 285.1045;**
  - (2) "Association", any bona fide association of individual members located in Missouri and in continuous existence for at least two years. An association does not include a professional employer organization. An association may also qualify as an eligible employer and may not exceed fifty participants in the program and would have five years to identify a private sector replacement upon exceeding fifty participants. After such five-year period has ended, the association shall immediately cease to qualify as an eligible employer and shall be prohibited from further participation in the plan;**
  - (3) "Board", the Missouri workplace retirement savings board established under section 285.1005;**
  - (4) "Eligible employee", an individual who is employed by a participating employer, who has wages or other compensation that is allocable to the state, and who is eighteen years of age or older. "Eligible employee" shall not include any of the following:**
    - (a) Any employee covered under the federal Railway Labor Act, 45 U.S.C. Section 151;**
    - (b) Any employee on whose behalf an employer makes contributions to a multiemployer pension trust fund under 29 U.S.C. Section 186; or**
    - (c) Any individual who is an employee of:**
      - a. The federal government;**
      - b. Any state government in the United States; or**
      - c. Any county, municipal corporation, or political subdivision of any state in the United States;**
  - (5) "Eligible employer", a person or entity engaged in a business, industry, profession, trade, or other enterprise in the state of Missouri, whether for-profit or not-for-profit, provided that such a person or entity employs no more than fifty employees. A person or entity who qualifies as an eligible employer but who later employs more than fifty employees shall be permitted to remain an eligible employer for a period of five years beginning on the date on which the person or entity first employs more than fifty employees. After such five-year period has ended, the person or entity shall immediately cease to qualify as an eligible employer and shall be prohibited from further participation in the plan. For purposes of this subdivision, an eligible employer shall not include:**
    - (a) The federal government;**
    - (b) The state of Missouri;**
    - (c) Any county, municipal corporation, or political subdivision of the state of Missouri; or**
    - (d) An employer that maintains a specified tax-favored retirement plan for its employees or that has effectively done so in form and operation at any time within the current or two preceding calendar years. If an employer does not maintain a specified tax-favored retirement plan for a portion of a calendar year ending on or after the effective date of sections 285.1000 to 285.1055 and adopts such a plan effective for the remainder of that calendar year, the employer shall not be treated as an eligible employer for that remainder of the year;**
  - (6) "ERISA", the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. Section 1001 et seq.;**
  - (7) "Internal Revenue Code", the Internal Revenue Code of 1986, as amended;**
  - (8) "Participant", an eligible employee or other individual who has a balance credited to his or her account under the plan;**
  - (9) "Participating employer", an eligible employer that is participating in the plan provided for by sections 285.1000 to 285.1055;**
  - (10) "Plan" or "Missouri workplace retirement savings plan", the multiple-employer retirement savings plan established by sections 285.1000 to 285.1055, which shall be treated as a single plan under Title I of ERISA and is described in sections 401(a), 401(k), and 413(c) of the Internal Revenue Code, in which multiple employers may choose to participate regardless of whether any relationship exists between and among the employers other than their participation in the plan. Based on the context, the term "plan" may also refer to multiple plans if multiple plans are established under sections 285.1000 to 285.1055;**

(11) "Self-employed individual", an individual who is eighteen years of age or older, is self-employed, and has self-employment income or other compensation from self-employment that is allocable to the state of Missouri;

(12) "Specified tax-favored retirement plan", a retirement plan that is tax-qualified under, or is described in and satisfies the requirements of, section 401(a), 401(k), 403(a), 403(b), 408(k)(Simplified Employee Pension), or 408(p)(SIMPLE-IRA) of the Internal Revenue Code;

(13) "Total fees and expenses", all fees, costs, and expenses including, but not limited to, administrative expenses, investment expenses, investment advice expenses, accounting costs, actuarial costs, legal costs, marketing expenses, education expenses, trading costs, insurance annuitization costs, and other miscellaneous costs;

(14) "Trust", the trust in which the assets of the plan are held.

285.1005. 1. The "Missouri Workplace Retirement Savings Board" is hereby established in the office of the state treasurer.

2. The board shall consist of the following members, with the state treasurer, or his or her designee, serving as chair:

(1) The state treasurer, or his or her designee;

(2) An individual who has a favorable reputation for skill, knowledge, and experience in the field of retirement savings and investments, to be appointed by the governor with the advice and consent of the senate;

(3) An individual who has a favorable reputation for skill, knowledge, and experience relating to small business, to be appointed by the governor with the advice and consent of the senate;

(4) An individual who is a representative of an association representing employees or who has a favorable reputation for skill, knowledge, and experience in the interests of employees in retirement savings, to be appointed by the speaker of the house of representatives;

(5) An individual who has a favorable reputation for skill, knowledge, and experience in the interests of employers in retirement savings, to be appointed by the president pro tempore of the senate;

(6) A retired individual to be a representative of the interests of retirees, to be appointed by the speaker of the house of representatives;

(7) An individual who has a favorable reputation for skill, knowledge, and experience in retirement investment products or retirement plan designs, to be appointed by the president pro tempore of the senate;

(8) A member of the house of representatives to be appointed by the speaker of the house of representatives; and

(9) A member of the senate to be appointed by the president pro tempore of the senate.

At least one of the members described in subdivisions (4), (6), and (8) and one of the members described in subdivisions (5), (7), and (9) of this subsection must be a member of the minority party.

3. The governor, the president pro tempore of the senate, and the speaker of the house of representatives shall make the respective initial appointments to the board for terms of office beginning on January 1, 2023.

4. Members of the board appointed by the governor, the president pro tempore of the senate, and the speaker of the house of representatives shall serve at the pleasure of the appointing authority.

5. The term of office of each member of the board shall be four years. Any member is eligible to be reappointed. If there is a vacancy for any reason, the appropriate appointing authority shall make an appointment, to become immediately effective, for the unexpired term.

6. All members of the board shall serve without compensation and shall be reimbursed from the administrative fund for necessary travel expenses incurred in carrying out the duties of the board.

7. A majority of the voting members of the board shall constitute a quorum for the transaction of business.

285.1010. 1. The board, subject to the authority granted under sections 285.1000 to 285.1055, shall design, develop, and implement the plan, and to that end, may conduct market, legal, and feasibility analyses.

2. The members of the board shall be fiduciaries of the plan under ERISA, and the board shall have the following powers, authorities, and duties:

(1) To establish, implement, and maintain the plan, in each case acting on behalf of the state of Missouri, including, in its discretion, more than one plan;

(2) To cause the plan, trust, and arrangements and accounts established under the plan to be designed, established, and operated:

(a) In accordance with best practices for retirement savings vehicles;

(b) To encourage participation, saving, sound investment practices, and appropriate selection of default investments;

(c) To maximize simplicity and ease of administration for eligible employers;

(d) To minimize costs, including by collective investment and economies of scale; and

(e) To promote portability of benefits;

(3) To arrange for collective, common, and pooled investment of assets of the plan and trust, including investments in conjunction with other funds with which assets are permitted to be collectively invested, to save costs through efficiencies and economies of scale;

(4) To develop and disseminate educational information designed to educate participants and citizens about the benefits of planning and saving for retirement and to help participants and citizens decide the level of participation and savings strategies that may be appropriate, including information in furtherance of financial capability and financial literacy;

(5) To adopt rules and regulations necessary or advisable for the implementation of sections 285.1000 to 285.1055 and the administration and operation of the plan consistent with the Internal Revenue Code and regulations thereunder, including to ensure that the plan satisfies all criteria for favorable federal tax-qualified treatment and complies, to the extent necessary, with ERISA and any other applicable federal or Missouri law. 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, 2022, shall be invalid and void;

(6) To arrange for and facilitate compliance by the plan or arrangements established thereunder with all applicable requirements for the plan under the Internal Revenue Code, ERISA, and any other applicable federal or Missouri law and accounting requirements, and to provide or arrange for assistance to eligible employers, eligible employees, and self-employed individuals in complying with applicable law and tax-related requirements in a cost-effective manner. The board may establish any processes deemed reasonably necessary or advisable to verify whether a person or entity is an eligible employer, including reference to online data and possible use of questions in employer tax filings;

(7) To employ or retain a plan administrator; executive director; staff; trustee; record-keeper; investment managers; investment advisors; and other administrative, professional, and expert advisors and service providers, none of whom shall be members of the board and all of whom shall serve at the pleasure of the board, which shall determine their duties and compensation. The board may authorize the executive director and other officials to oversee requests for proposals or other public competitions and enter into contracts on behalf of the board or conduct any business necessary for the efficient operation of the plan or the board;

(8) To establish procedures for the timely and fair resolution of participant and other disputes related to accounts or program operation and, if necessary, determine the eligibility of an employer, employee, or other individual to participate in the plan;

(9) To develop and implement an investment policy that defines the plan's investment objectives, consistent with the objectives of the plan, and that provides for policies and procedures consistent with those investment objectives;

(10) (a) To designate appropriate default investments that include a mix of asset classes, such as target date and balanced funds;

(b) To seek to minimize participant fees and expenses of investment and administration;

(c) To strive to design and implement investment options available to holders of accounts established as part of the plan and other plan features that are intended to achieve maximum possible income replacement balanced with an appropriate level of risk, consistent with the investment objectives under the investment policy. The investment options may encompass a range of risk and return opportunities and allow for a rate of return commensurate with an appropriate level of risk in view of the investment objectives under the policy. The menu of investment options shall be determined taking into account the nature and objectives of the plan, the desirability of limiting investment choices under the plan to a reasonable number, based on behavioral research findings, and the extensive investment choices available to participants in the event that funds roll over to an individual retirement account (IRA) outside the program; and

(d) In accordance with subdivision (7) of this subsection, the board, to the extent it deems necessary or advisable, in carrying out its responsibilities and exercising its powers under sections 285.1000 to 285.1055, shall employ or retain appropriate entities or personnel to assist or advise it or to whom to delegate the carrying out of such responsibilities and exercising of such powers;

(11) To discharge its duties and see that the members of the board discharge their duties with respect to the plan solely in the interests of the participants as follows:

(a) For the exclusive purpose of providing benefits to participants and defraying reasonable expenses of administering the plan; and

(b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of a like character and with like aims;

(12) To cause expenses incurred to initiate, implement, maintain, and administer the plan to be paid from contributions to, or investment returns or assets of the plan or other moneys collected by or for the plan or pursuant to arrangements established under the plan to the extent permitted under federal and Missouri law;

(13) To collect application, account, or administrative fees and to accept any grants, gifts, legislative appropriations, loans, and other moneys from the state of Missouri; any unit of federal, state, or local government; or any other person, firm, or entity to defray the costs of administering and operating the plan;

(14) To make and enter into competitively procured contracts, agreements, or arrangements with; to collaborate and cooperate with; and to retain, employ, and contract with or for any of the following to the extent necessary or desirable for the effective and efficient design, implementation, and administration of the plan consistent with the purposes set forth in sections 285.1000 to 285.1055 and to maximize outreach to eligible employers and eligible employees:

(a) Services of private and public financial institutions, depositories, consultants, actuaries, counsel, auditors, investment advisors, investment administrators, investment management firms, other investment firms, third-party administrators, other professionals and service providers, and state public retirement systems;

(b) Research, technical, financial, administrative, and other services; and

(c) Services of other state agencies to assist the board in the exercise of its powers and duties;

(15) To develop and implement an outreach plan to gain input and disseminate information regarding the plan and retirement savings in general;

(16) To cause moneys to be held and invested and reinvested under the plan;

(17) To ensure that all contributions under the plan shall be used only to:

(a) Pay benefits to participants under the plan;

(b) Pay the costs of administering the plan; and

(c) Make investments for the benefit of the plan, and ensure that no assets of the plan or trust are transferred to the general revenue fund or to any other fund of the state or are otherwise encumbered or used for any purpose other than those specified in this paragraph or section 285.1045;

(18) To make provisions for the payment of costs of administration and operation of the program and trust;

(19) To evaluate the need for and procure as needed insurance against any and all loss in connection with the property, assets, or activities of the program, including fiduciary liability coverage;

(20) To evaluate the need for and procure as needed pooled private insurance;

(21) To indemnify, including procurement of insurance as needed for this purpose, each member of the board from personal loss or liability resulting from a member's action or inaction as a member of the board and as a fiduciary;

(22) To collaborate with and evaluate the role of financial advisors or other financial professionals, including in assisting and providing guidance for covered employees; and

(23) To carry out the powers and duties of the program under sections 285.1000 to 285.1055 and exercise any and all other powers as are appropriate to effect the purposes, objectives, and provisions of such sections pertaining to the program.

3. A board member, program administrator, or other staff of the board shall not:

(1) Directly or indirectly, have any interest in the making of any investment under the program or in any gains or profits accruing from any such investment;

(2) Borrow any program-related funds or deposits, or use any such funds or deposits in any manner, for himself or herself or as an agent or partner of others; or

(3) Become an endorser, surety, or obligor on investments made under the program.

4. Each board member shall be subject to the provisions of sections 105.452 and 105.454.

285.1015. 1. The board shall, consistent with federal law and regulation, adopt and implement the plan, which shall remain in compliance with federal law and regulations once implemented and shall be called the "Missouri Workplace Retirement Savings Plan".

2. In accordance with terms and conditions specified and regulations promulgated by the board, the plan shall:

- (1) Be set forth in documents prescribing the terms and conditions of the plan;
- (2) Be available on a voluntary basis to eligible employers and self-employed individuals;
- (3) Be available to eligible members of an association who may elect to participate in the plan if the association or its members do not maintain a plan or a specified tax-favored retirement plan;
- (4) Allow all eligible employees who choose to participate in the plan after providing appropriate written notice to opt in;
- (5) Enroll self-employed individuals who wish to participate;
- (6) Provide participants the option to terminate their participation at any time;
- (7) Allow voluntary pre-tax or designated Roth 401(k) contributions;
- (8) Allow voluntary employer contributions;
- (9) Be overseen by the board and its designees;
- (10) Be administered and managed by one or more trustees, other fiduciaries, custodians, third-party administrators, investment managers, record-keepers, or other service providers;
- (11) An eligible employee may opt-in to contribute a minimum of one percent or any percentage, up to the maximum, in increments of one-half of one percent, of his or her salary or wages to the plan, or may at a later date elect to opt out of the plan or may contribute at a higher or lower rate, expressed as a percentage of salary or wages;
- (12) Provide on a uniform basis, if and when the board so determines, in its discretion, for an increase of each participant's contribution rate, by a minimum increment of one-half of one percent of salary or wages per year, for each additional year the participant is employed or is participating in the plan up to the maximum percentage of such participant's salary or wages that may be contributed to the plan under federal law. Any such increases shall apply to participants, as determined by the board, by default or only if initiated by affirmative participant election;
- (13) Provide for direct deposit of contributions into investments under the plan. To the extent consistent with ERISA, the investment alternatives under the plan shall be limited to an automatic investment for participants who do not actively and affirmatively elect a particular investment option, which unless the board provides otherwise, shall be a diversified target date fund, including a series of such diversified funds to apply to different participants depending on their choice or their target retirement dates, a principal-protected option, and up to four additional investment alternatives as may be selected by the board in its discretion. To the extent consistent with ERISA, the investment options may, at the discretion of the board, include a principal-protection fund as a temporary "security corridor" option that applies as the sole initial investment before participants may choose other investments or as the initial default investment for a specified period of time or up to a specified dollar amount of contributions or account balance;
- (14) Be professionally managed;
- (15) Provide for reports on the status of each participant's account to be provided to each participant at least annually and make best efforts to provide participants frequent or continual online access to information on the status of their accounts;
- (16) When possible and practicable, use existing employer and public infrastructure to facilitate contributions, record keeping, and outreach and use pooled or collective investment arrangements;
- (17) Provide that each account holder owns the contributions to or earnings on amounts contributed to his or her account under the plan and that the state and employers have no proprietary interest in those contributions or earnings;
- (18) Be designed and implemented in a manner consistent with federal law to the extent that it applies;
- (19) Make provisions for the participation in the plan of individuals who are not employees, if allowed under federal law;
- (20) Establish rules and procedures governing the distribution of funds from the plan, including such distributions as may be permitted or required by the plan and any applicable provisions of ERISA, the tax-qualification rules, and the other tax laws, with the objectives of maximizing financial security in

retirement, protecting spousal rights, and assisting participants to effectively manage the decumulation of their savings and to receive payment of their benefits under the plan. The board shall have the authority, in its discretion, to provide for one or more reasonably priced distribution options to provide a source of fixed regular retirement income, including income for life or for the participant's life expectancy, or for joint lives and life expectancies, as applicable;

(21) Establish rules and procedures promoting portability of benefits, including the ability to make tax-free roll-overs or transfers to and from the plan, provided that any roll-over is initiated by participants; and

(22) Encourage choices by employers in the state to adopt a specified tax-favored retirement plan, including the plan.

285.1020. The board shall adopt rules to implement the plan that:

(1) Establish the processes for enrollment and contributions under the plan, including withholding by participating employers of employee payroll deduction contributions from wages and remittance for deposit to the plan; voluntary contributions by others, including self-employed individuals and independent contractors, through payroll deduction or otherwise; the making of default contributions using default investments; and participant selection of alternative contribution rates or amounts and alternative investments from among the options offered under the plan;

(2) Conduct outreach to individuals, employers, other stakeholders, and the public regarding the plan. The rules shall specify the contents, frequency, timing, and means of required disclosures from the plan to eligible employees, participants, and self-employed individuals, eligible employers, participating employers, and other interested parties. These disclosures shall include, but not be limited to:

(a) The benefits associated with tax-favored retirement saving;

(b) The potential advantages and disadvantages associated with participating in the plan;

(c) Instructions for enrolling, making contributions, and opting out of participation;

(d) The potential availability of a saver's tax credit, including the eligibility conditions for the credit and instructions on how to claim it;

(e) A disclaimer that employees seeking tax, investment, or other financial advice should contact appropriate professional advisors, and that participating employers are not in a position to provide such advice and are not liable for decisions individuals make in relation to the plan;

(f) The potential implications of account balances under the plan for the application of asset limits under certain public assistance programs;

(g) A disclaimer that the account owner is solely responsible for investment performance, including market gains and losses, and that plan accounts and rates of return are not guaranteed by any employer, the state, the board, any board member or state official, or the plan;

(h) Any additional information about retirement and saving and other information designed to promote financial literacy and capability, which may take the form of links to, or explanations of how to obtain, such information; and

(i) Instructions on how to obtain additional information about the plan; and

(3) Ensure that the assets of the trust and plan shall at all times be preserved, invested, and expended only for the purposes set forth in sections 285.1000 to 285.1055, and that no property rights therein shall exist in favor of the state, except as provided under section 285.1045.

285.1025. An eligible employer, a participating employer, or other employer is not and shall not be liable for or bear responsibility for:

(1) An employee's decision to participate in or opt out of the plan;

(2) An employee's decision as to which investments to choose;

(3) Participants' or the board's investment decisions;

(4) The administration, investment, investment returns, or investment performance of the plan, including without limitation any interest rate or other rate of return on any contribution or account balance, provided that the eligible employer, participating employer, or other employer is not involved in the administration or investment of the plan;

(5) The plan design or the benefits paid to participants; or

(6) Any loss, failure to realize any gain, or any other adverse consequences, including without limitation any adverse tax consequences or loss of favorable tax treatment, public assistance, or other benefits, incurred by any person as a result of participating in the plan.

**285.1030. 1.** The state of Missouri; the board; each member of the board; any other state official, state board, commission, and agency; any member, officer, and employee thereof; and the plan:

(1) Shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and

(2) Shall not be liable or responsible for any loss, deficiency, failure to realize any gain, or any other adverse consequences, including without limitation any adverse tax consequences or loss of favorable tax treatment, public assistance, or other benefits, incurred by any person as a result of participating in the plan.

2. The debts, contracts, and obligations of the plan or the board are not the debts, contracts, and obligations of the state, and neither the faith and credit nor the taxing power of the state is pledged directly or indirectly to the payment of the debts, contracts, and obligations of the plan or the board.

3. Nothing in sections 285.1000 to 285.1055 shall be construed to guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance.

**285.1035. 1.** Individual account information relating to accounts under the plan and relating to individual participants including, but not limited to, names, addresses, telephone numbers, email addresses, personal identification information, investments, contributions, and earnings shall be confidential and shall be maintained as confidential, provided that such information may be disclosed:

(1) To the extent necessary to administer the plan in a manner consistent with sections 285.1000 to 285.1055, ERISA, the Internal Revenue Code, or any other federal or Missouri law; or

(2) If the individual who provides the information or who is the subject of the information expressly agrees in writing to the disclosure of the information.

2. Information required to be confidential under subsection 1 of this section shall be considered a "closed record" as that term is defined in section 610.010.

**285.1040.** The board may enter into an intergovernmental agreement or memorandum of understanding with the state of Missouri and any agency thereof to receive outreach, technical assistance, enforcement and compliance services, collection or dissemination of information pertinent to the plan, subject to such obligations of confidentiality as may be agreed or required by law, or other services or assistance. The state of Missouri and any agency thereof that enters into such agreements or memoranda of understanding shall collaborate to provide the outreach, assistance, information, and compliance or other services or assistance to the board. The memoranda of understanding may cover the sharing of costs incurred in gathering and disseminating information and the reimbursement of costs for any enforcement activities or assistance.

**285.1045. 1.** There is hereby created in the state treasury the "Missouri Workplace Retirement Savings Administrative Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Subject to appropriation, moneys in the fund shall be distributed by the state treasurer solely for the administration of sections 285.1000 to 285.1055.

2. 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.

3. 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.

4. The Missouri workplace retirement savings administrative fund shall consist of:

(1) Moneys appropriated to the administrative fund by the general assembly;

(2) Moneys transferred to the administrative fund from the federal government, other state agencies, or local governments;

(3) Moneys from the payment of application, account, administrative, or other fees and the payment of other moneys due to the board;

(4) Any gifts, donations, or grants made to the state of Missouri for deposit in the administrative fund;

(5) Moneys collected for the administrative fund from contributions to, or investment returns or assets of, the plan or other moneys collected by or for the plan or pursuant to arrangements established under the plan to the extent permitted under federal and Missouri law; and

(6) Earnings on moneys in the administrative fund.

5. To the extent consistent with ERISA, the tax qualification rules, and other federal law; the board shall accept any grants, gifts, appropriations, or other moneys from the state; any unit of federal, state, or local government; or any other person, firm, partnership, corporation, or other entity solely for deposit into the administrative fund, whether for investment or administrative expenses.

6. To enable or facilitate the start-up and continuing operation, maintenance, administration, and management of the program until the plan accumulates sufficient balances and can generate sufficient funding through fees assessed on program accounts for the plan to become financially self-sustaining:

- (1) The board may borrow from the state of Missouri; any unit of federal, state, or local government; or any other person, firm, partnership, corporation, or other entity working capital funds and other funds as may be necessary for this purpose, provided that such funds are borrowed in the name of the plan and board only and that any such borrowings shall be payable solely from the revenues of the plan; and
- (2) The board may enter into long-term procurement contracts with one or more financial providers that provide a fee structure that would assist the plan in avoiding or minimizing the need to borrow or to rely upon general assets of the state.

7. Subject to appropriation, the state of Missouri may pay administrative costs associated with the creation, maintenance, operation, and management of the plan and trust until sufficient assets are available in the administrative fund for that purpose. Thereafter, all administrative costs of the administrative fund, including any repayment of start-up funds provided by the state of Missouri, shall be repaid only out of moneys on deposit therein. However, private funds or federal funding received in order to implement the program until the administrative fund is self-sustaining shall not be repaid unless those funds were offered contingent upon the promise of such repayment.

8. The board may use the moneys in the administrative fund solely to pay the administrative costs and expenses of the plan and the administrative costs and expenses the board incurs in the performance of its duties under sections 285.1000 to 285.1055.

9. The state treasurer's office shall follow the competitive bids procedure adopted by the office of administration for the following:

- (1) The contracting or hiring of a contractor with the relevant skills, knowledge, and expertise determined by the board for managing the program, every five years; and
- (2) The contracting or hiring of a contractor who has qualified staff with the relevant skills, knowledge, and expertise as determined by the state treasurer's office when the number of the participants in the plan reaches fifty thousand participants.

The office of administration is authorized to provide the state treasurer's office with the necessary assistance and services as may be needed.

285.1050. 1. The board shall keep an accurate account of all the activities, operations, receipts, and expenditures of the plan, the trust, and the board. Each year, a full audit of the books and accounts of the board pertaining to those activities, operations, receipts and expenditures, personnel, services, or facilities shall be conducted by a certified public accountant and shall include, but not be limited to, direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees for the administration of the plan. For the purposes of the audit, the auditors shall have access to the properties and records of the plan and board and may prescribe methods of accounting and the rendering of periodic reports in relation to projects undertaken by the plan.

2. By August first of each year, the board shall submit to the governor, the state treasurer, the president pro tempore of the senate, and the speaker of the house of representatives a public report on the operation of the plan and trust and activities of the board, including an audited financial report, prepared in accordance with generally accepted accounting principles, detailing the activities, operations, receipts, and expenditures of the plan and board during the preceding calendar year. The report shall also include a summary of the benefits provided by the plan, the number of participants, the names of the participating employers, the contribution formulas and amounts of contributions made by participants and by each participating employer, the withdrawals, the account balances, investments, investment returns, and fees and expenses associated with the investments and with the administration of the plan, projected activities of the plan for the current calendar year, and any other information regarding the plan and its operations that the board may determine to provide.

285.1055. 1. The board shall establish the plan so that individuals are able to begin contributing under the plan no later than September 1, 2024.

2. The board may, in its discretion, phase in the plan so that the ability to contribute first applies on different dates for different classes of individuals, including employees of employers of different sizes or types and individuals who are not employees; provided that, any such staged or phased-in implementation schedule shall be substantially completed no later than September 1, 2024."; and

Further amend said bill, Page 28, Section 347.143, Line 23, by inserting after all of said section and line the following:

"361.020. 1. The division of finance shall have charge of the execution of:

- (1) The laws relating to banks, trust companies, and the banking business of this state; ~~[credit unions; and  
of]~~
- (2) The laws relating to persons ~~[, copartnerships and corporations]~~ **or entities** engaged in the small loan or **consumer credit** business in this state;
- (3) **The laws relating to persons and entities engaged in the mortgage loan business in this state; and**
- (4) **The laws relating to persons and entities engaged in any other financial-services-related business over which the division of finance is granted express authority.**

2. The director of finance may institute, in the name of the state of Missouri, and defend suits in the courts of this state and the United States.

361.098. 1. The members of the state banking and savings and loan board shall receive as compensation for their services the sum of one hundred dollars per day while discharging their duties~~[-]~~ and shall be entitled to receive their necessary traveling and other expenses incurred while actually engaged in the performance of their duties as such members, **which shall be paid out of the division of finance fund.**

2. ~~[A majority of the]~~ **Three** members of the board shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the board.

3. The board may meet and exercise its powers in any place in this state and shall meet at any time upon the call of its chairman or of the director of the division of finance or of any two members of the board.

4. The board shall have an official seal bearing the inscription, "State Banking and Savings and Loan Board of the State of Missouri", which shall be judicially noticed.

**5. The division of finance may provide administrative services to the board to assist the board with fulfilling its statutory responsibilities.**

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

(1) "Bulletin", an informal written communication to inform or educate individuals or entities licensed, chartered, or regulated by the division of finance and the general public about a regulatory topic or issue. A "bulletin" is informational in nature and is not an evaluation of specific facts and circumstances;

(2) "Industry letter", a written communication from the director of finance in response to a specific individual or entity chartered, licensed, or regulated by the division of finance that provides the position of the division of finance on a particular regulatory topic or issue with respect to a specific set of facts and circumstances.

2. Notwithstanding any law to the contrary, the director of finance may at his or her discretion issue bulletins addressing the business of the individuals and entities licensed, chartered, or regulated by the division in this state. Bulletins shall not have the force or effect of law and shall not be considered statements of general applicability that would require promulgation by rule.

3. Notwithstanding any law to the contrary, the director of finance may at his or her discretion issue industry letters in response to a written request from an individual or entity licensed, chartered, or regulated by the division that seeks the position of the division of finance on the application of law. In addition to any materials or information requested by the division, the written request for an industry letter shall include:

- (1) A brief summary of the applicable laws and rules that pertain to the request;
- (2) A detailed statement of facts regarding every relevant aspect of the proposed business activity, transaction, event, or circumstance;
- (3) A discussion of current statutes, rules, and legal principles relevant to the factual representation;
- (4) A statement of the requesting person's or entity's opinion and the basis for such opinion; and
- (5) A statement that the proposed business activity, transaction, event, or circumstance has not commenced or, if it has commenced, the present status of the proposed business activity, transaction, event, or circumstance.

4. With respect to the requesting person or entity, an industry letter is binding on the division. The requesting person or entity shall not be subject to any administrative proceeding or penalty for any acts or omissions done in reliance on an industry letter, so long as no change in any material fact or law has occurred and so long as the requesting person or entity did not misrepresent or omit a material fact.

5. An industry letter request and response shall be confidential, but the director may publish an industry letter with nonidentifying facts and information from the request.

**6. After redacting all identifying information, the director may publish industry letters for informational purposes. Because the division may have a different position in response to similar but nonidentical facts and circumstances, published industry letters shall not have the force or effect of law, shall not be binding on the division, and shall not be considered statements of general applicability that would require promulgation by rule.**

**7. Industry letters issued under this section are distinct from letters issued by the director under subsection 5 of section 362.106, and this section shall not apply to section 362.106.**

361.160. 1. The director of finance at least once each year, either personally or by a deputy or examiner appointed by the director, shall visit and examine every bank and trust company organized and doing business under the laws of this state, and every other corporation which is by law required to report to the director; except, for banks or trust companies receiving a Camel/MOECA 1 or Camel/MOECA 2 rating from the division of finance, the director of finance at least once each eighteen calendar months, or for a private trust company at least once each thirty-six months, either personally or by a deputy or examiner appointed by the director, shall visit and examine such bank or trust company, and the director of finance, at the director's discretion, may conduct the director's examination, or any part thereof, on the basis of information contained in examination reports of other states, the Federal Deposit Insurance Corporation or the Federal Reserve Board or in audits performed by certified public accountants. For purposes of this subsection, a private trust company is one that does not engage in trust company business with the general public or otherwise hold itself out as a trustee or fiduciary for hire by advertising, solicitation, or other means and instead operates for the primary benefit of a family, relative of same family, or single family lineage, regardless of whether compensation is received or anticipated. The director shall be afforded prompt and free access to any workpapers upon which a certified public accountant bases an audit. A certified public accountant shall retain workpapers for a minimum of three years after the date of issuance of the certified public accountant's report to the bank or trust company. The director or the director's agent may concentrate the examinations on institutions which the director believes have safety or soundness concerns.

2. The director, or the deputy or examiners designated by the director for that purpose, shall have power to examine any such corporation whenever, in the director's judgment, it may be deemed necessary or expedient, and shall have power to examine every agency located in this state of any foreign banking corporation and every branch in this state of any out-of-state bank, for the purpose of ascertaining whether it has violated any law of this state, and for such other purposes and as to such other matters as the director may prescribe.

3. The director and the director's deputy and examiners shall have power to administer oaths to any person whose testimony may be required in such examination or investigation of any such corporation or agency, and to compel the appearance and attendance of any person for the purpose of any such examination or investigation.

4. On every such examination inquiry shall be made as to the condition and resources of such corporation, the mode of conducting and managing its affairs, the actions of its directors or trustees, the investment of its funds, the safety and prudence of its management, the security afforded to its creditors, and whether the requirements of its charter and of law have been complied with in the administration of its affairs, and as to such other matters as the director may prescribe.

5. The director may also make such special investigations as the director deems necessary to determine whether any individual or corporation has violated any of the provisions of this law.

6. Such examination may be made and such inquiry instituted or continued in the discretion of the director after the director has taken possession of the property and business of any such corporation, until it shall resume business or its affairs shall be finally liquidated in accordance with the provisions of this chapter.

7. The result of each examination shall be certified by the director or the examiner upon the records of the corporation examined ~~[and the result of all examinations during the biennial period shall be embodied in the report to be made by the director of the department of commerce and insurance to the legislature].~~

8. The director may contract with regulators in other states to provide for the examination of Missouri branches of out-of-state banks and branches of banks whose home state is Missouri. The agreements may provide for the payment by the home state of the cost of examinations conducted by the host state at the request of the home state regulators.

361.260. 1. Whenever the director shall have reason to believe that the capital stock of any corporation subject to the provisions of this chapter is reduced by impairment or otherwise, below the amount required by law, or by its certificates or articles of agreement, he shall issue a notice of charges in respect thereof.

2. Whenever ~~[it shall appear to]~~ the director **has reason to believe**, from any examination **or investigation** made by ~~[him]~~ **the director** or his **or her** examiners, that any corporation subject to the provisions of this chapter, or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation,

or any foreign corporation licensed by the director to do business under this chapter or chapter 362 is engaging in ~~or~~, has engaged in, or ~~[there is reasonable cause to believe that the corporation or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation]~~ is about to engage in~~;~~:

(1) An unsafe or unsound practice in conducting the business of such corporation ~~[or is violating or has violated, or there is reasonable cause to believe that the corporation or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation is about to violate];~~

(2) A **violation of law, rule, or director-imposed written condition** ~~[imposed, in writing, by the director in connection with the granting of any application or other request by the corporation or];~~

(3) A **violation of** any written agreement entered into with the director~~;~~; or

(4) A **violation of** the corporation's charter,

the director may issue and serve upon the corporation or such director, officer, employee, agent, or other person a notice of charges in respect thereof.

3. Whenever it shall appear to the director that any corporation subject to the provisions of this chapter does not keep its books and accounts in such manner as to enable him **or her** readily to ascertain its true condition or that wrong entries or unlawful uses of the funds of the corporation have been made, the director may issue and serve upon the corporation or any appropriate director, officer, employee, agent, or other person a notice of charges in respect thereof.

4. The notice of charges shall contain a statement of the facts constituting the deficiencies, ~~[the]~~ alleged violation or violations, improper use of funds, or ~~[the]~~ unsafe or unsound practice or practices~~;~~ and shall fix a time and place at which a **contested** hearing will be held to determine whether an order to cease and desist therefrom should issue against the corporation or the director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation.

5. In the event the party or parties so served shall fail to appear at the hearing, or shall consent to the cease and desist order, or in the event the director shall find that the fact of any deficiency, violation, unsafe or unsound practice, inadequate recordkeeping, or improper use of funds specified has been established, the director may issue and serve upon the corporation or the director, officer, employee, agent, or other person participating in the conduct of the affairs of the corporation an order to cease and desist from the actions, violations, or practices charged.

**6. The cease and desist order:**

(1) May require the corporation or its directors, officers, employees, agents, and other persons participating in the conduct of the affairs of such corporation to cease and desist from ~~[same and, further,]~~ **such actions, violations, or practices;**

(2) **May require the corporation or its directors, officers, employees, agents, and other persons participating in the conduct of the affairs of such corporation** to take affirmative action to correct the conditions resulting from any such actions, violations, or practices~~[-If the director determines that the capital of the corporation is impaired, the order];~~

(3) Shall require that, **if the director determines that the capital of the corporation is impaired**, the corporation make good the deficiency forthwith or within a time specified in the order~~[-If the director determines that the corporation does not keep adequate records, the order];~~

(4) May, **if the director determines that the corporation does not keep adequate records**, determine and prescribe such books of account as the director, in his **or her** discretion, shall require of the corporation for the purpose of keeping accurate and convenient records of the transactions and accounts~~[-If the director shall determine that wrong entries or unlawful uses of the funds of the corporation have been made, he]; and~~

(5) Shall, **if the director determines that wrong entries or unlawful uses of the funds of the corporation have been made**, order that the entries shall be corrected, and the sums unlawfully paid out restored by the person or persons responsible for the wrongful or illegal payment thereof.

~~[6-]~~ 7. If a notice of charges served under this section specifies, on the basis of particular facts and circumstances, that a corporation's books and records are so incomplete or inaccurate that the director is unable, through the normal supervisory process, to determine the financial condition of that corporation or the details or purpose of any transaction or transactions that may have a material effect on the financial condition of that corporation, the director may issue a temporary order requiring the cessation of any activity or practice which gave rise, whether in whole or in part, to the incomplete or inaccurate state of the books or records, or affirmative action to restore such books or records to a complete and accurate state, until the completion of the proceedings under this section. Any temporary order issued under this subsection shall become effective upon service and, unless set aside, limited or suspended by a court, shall remain in effect and enforceable until the earlier of the completion of the proceedings initiated under this section or the date on which the director determines by examination or otherwise that the corporation's books and records are accurate and reflect the financial condition of the corporation.

[7-] 8. Whenever it shall appear to the director that the violation or threatened violation or the unsafe or unsound practice or practices specified in the notice of charges served upon the corporation or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation pursuant to subsection 4 of this section, or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the corporation, or is likely to weaken the condition of the corporation or otherwise prejudice the interests of its depositors prior to the completion of the proceedings conducted pursuant to said subsection, the director may issue a temporary order, effective immediately, requiring the corporation or such director, officer, employee, agent, or other person to cease and desist from any such violation or practice and to take affirmative action to prevent such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the director shall dismiss the charges specified in such notice or if a cease and desist order is issued against the corporation or such director, officer, employee, agent, or other person, until the effective date of such order. The corporation, director, officer, employee, agent, or other person may, within ten days after having been served with a temporary cease and desist order, apply to the circuit court of Cole County for an order setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order.

[8-] 9. If any corporation, or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation shall fail or refuse to comply with any duly issued order provided for in this chapter and chapter 362, the corporation or such director, officer, employee, agent, or other person shall pay a civil penalty of not more than one thousand dollars per day for each day the failure or refusal shall continue. The penalty shall be assessed and collected by the director of the division. In determining the amount of the penalty, the director shall take into account the appropriateness of the penalty with respect to the size of the financial resources and good faith of the corporation or person charged, the gravity of the violation, the history of previous violations, and such other matters as justice may require. In addition to the penalty, the director may, in his **or her** discretion, report the delinquency to the attorney general, with a request that ~~he~~ **the attorney general** proceed as provided in section 361.270, and in the event of such request, the attorney general shall proceed.

361.262. 1. Whenever it shall appear to the director, from any examination **or investigation** made by ~~him~~ **the director** or ~~his~~ **the director's** examiners, that:

(1) Any director, officer, or any other person participating in the conduct of the affairs of a corporation subject to this chapter has ~~committed any violation of~~:

- (a) **Violated** a law or regulation ~~or of~~;
- (b) **Violated** a cease and desist order~~, or has violated~~;
- (c) **Violated** any **director-imposed written** condition ~~imposed in writing by the director~~ in connection with the grant of any application or other request by such corporation~~or~~;
- (d) **Violated** any written agreement between such corporation and the director~~, or has~~;
- (e) Engaged or participated in any unsafe or unsound practice in connection with the corporation~~, or has~~; **or**
- (f) Committed or engaged in any act, omission, or practice ~~which~~ **that** constitutes a breach of his **or her** fiduciary duty to the corporation~~;~~ and

(2) The director determines that:

- (a) The corporation has suffered or will probably suffer financial loss or other damage ~~or that~~;
- (b) The interests of its depositors, **beneficiaries, or other customers** could be prejudiced by reason of such violation or practice or breach of fiduciary duty~~, or that~~; **or**
- (c) The director~~or~~, officer, or other person has received financial gain by reason of ~~such~~ **his or her** violation or practice or breach of fiduciary duty~~;~~ and

(3) **The director determines that** such violation or practice or breach of fiduciary duty is:

- (a) One involving personal dishonesty on the part of such director, officer, or other person~~;~~ or
- (b) One ~~which~~ **that** demonstrates a willful or continuing disregard for the safety or soundness of the corporation,

the director may serve upon such director, officer, or other person a written notice of ~~his~~ **the director's** intention to remove him **or her** from office.

2. ~~When~~ **If it** ~~shall appear~~ **appears from any examination or investigation** to the director, ~~from any examination made by him or his examiners~~ that any director or officer of a corporation subject to this chapter, by conduct or practice with respect to another such corporation or any business ~~institution which~~ **that**:

- (1) Resulted in financial loss or other damage~~, has~~;
- (2) Evidenced either:

(a) His **or her** personal dishonesty; or

(b) A willful or continuing disregard for ~~[its]~~ **the corporation's** safety and soundness; and~~], in addition,~~  
has]

(3) Evidenced his **or her** unfitness to continue as a director or officer~~], and whenever it shall appear to the director that any other person participating in the conduct of the affairs of a corporation subject to this chapter, by conduct or practice with respect to such corporation or other corporation or other business institution which resulted in financial loss or other damage, has evidenced either his personal dishonesty or willful or continuing disregard for its safety and soundness and, in addition, has evidenced his unfitness to participate in the conduct of the affairs of such corporation],~~

the director may serve upon such director~~], or officer], or other person]~~ a written notice of intention to remove him **or her** from office or to prohibit his **or her** further participation in any manner in the conduct of the affairs of the corporation or from any other banking, savings, or trust institution supervised by the director.

**3. If, in the director's discretion, the results of an examination or investigation indicate:**

(1) **A financial loss or other damage;**

(2) **A director, officer, or other person participating in the affairs of a corporation subject to this chapter, through his or her conduct or practice with respect to such corporation, other corporation, or other business institution, caused the loss or damage as a result of either:**

(a) **Personal dishonesty; or**

(b) **A willful or continuing disregard for safety and sound practices; and**

(3) **The person is unfit to participate in the affairs of the corporation,**

**the director may serve upon such person a written notice of intention to remove him or her from office or to prohibit him or her from any further participation in the affairs of the corporation or any other banking, savings, or trust institution supervised by the director.**

~~[3-]~~ **4.** Whenever it shall appear to the director to be necessary for the protection of any corporation or its depositors, ~~[he]~~ **beneficiaries, or other customers, the director** may, by written notice to such effect served upon any director, officer, or other person referred to in subsection 1, 2, or ~~[2]~~ **3** of this section, suspend him **or her** from office or prohibit him **or her** from further participation in any manner in the conduct of the affairs of the corporation. Such suspension or prohibition shall become effective upon service of such notice and shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under subsection 1, 2, or ~~[2]~~ **3** of this section and until such time as the director shall dismiss the charges specified in such notice or, if an order of removal or prohibition is issued against the director or officer or other person, until the effective date of any such order. Copies of any such notice shall also be served upon the corporation of which he **or she** is a director or officer or in the conduct of whose affairs he **or she** has participated.

~~[4-]~~ **5.** Except as provided in subsection ~~[5]~~ **6** of this section, any person who, pursuant to an order issued under this section, has been removed or suspended from office in a corporation or prohibited from participating in the conduct of the affairs of a corporation may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in, the conduct of the affairs of any other corporation subject to the provisions of this chapter.

~~[5-]~~ **6.** If, on or after the date an order is issued under this section ~~[which]~~ **that** removes or suspends from office any person or prohibits such person from participating in the conduct of the affairs of a corporation, such party receives the written consent of the director, subsection ~~[4]~~ **5** of this section shall, to the extent of such consent, cease to apply to such person with respect to the ~~[corporation]~~ **terms and conditions** described in the written consent and the director shall publicly disclose such consent. Any violation of subsection ~~[4]~~ **5** of this section by any person who is subject to an order described in such subsection shall be treated as a violation of the order.

361.715. 1. Upon the filing of the application, the filing of a certified audit, the payment of the investigation fee and the approval by the director of the necessary bond, the director shall cause, investigate, and determine whether the character, responsibility, and general fitness of the principals of the applicant or any affiliates are such as to command confidence and warrant belief that the business of the applicant will be conducted honestly and efficiently and that the applicant is in compliance with all other applicable state and federal laws. If satisfied, the director shall issue to the applicant a license pursuant to the provisions of sections 361.700 to 361.727. In processing a renewal license, the director shall require the same information and follow the same procedures described in this subsection.

2. Each licensee shall pay to the director before the issuance of the license, and annually thereafter on or before April fifteenth of each year, a license fee of three hundred **fifty** dollars.

3. The director may assess a reasonable charge, not to exceed three hundred **fifty** dollars, for any application to amend and reissue an existing license.

364.030. 1. No person shall engage in the business of a financing institution in this state without a license therefor as provided in this chapter; except, however, that no bank, trust company, loan and investment company, licensed sales finance company, registrant under the provisions of sections 367.100 to 367.200, or person who makes only occasional purchases of retail time contracts or accounts under retail charge agreements and which purchases are not being made in the course of repeated or successive purchase of retail installment contracts from the same seller, shall be required to obtain a license under this chapter but shall comply with all the laws of this state applicable to the conduct and operation of a financing institution.

2. The application for the license shall be in writing, under oath and in the form prescribed by the director. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers, and other pertinent information as the director may require.

3. The license fee for each calendar year or part thereof shall be the sum of five hundred **fifty** dollars for each place of business of the licensee in this state which shall be paid into the general revenue fund. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

4. Each license shall specify the location of the office or branch and must be conspicuously displayed therein. In case the location is changed, the director shall either endorse the change of location of the license or mail the licensee a certificate to that effect, without charge.

5. Upon the filing of an application, and the payment of the fee, the director shall issue a license to the applicant to engage in the business of a financing institution under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. The license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.

364.105. 1. No person shall engage in the business of a premium finance company in this state without first registering as a premium finance company with the director.

2. The annual registration fee shall be five hundred **fifty** dollars payable to the director as of the first day of July of each year. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

3. Registration shall be made on forms prepared by the director and shall contain the following information:

- (1) Name, business address and telephone number of the premium finance company;
- (2) Name and business address of corporate officers and directors or principals or partners;
- (3) A sworn statement by an appropriate officer, principal or partner of the premium finance company that:
  - (a) The premium finance company is financially capable to engage in the business of insurance premium financing; and
  - (b) If a corporation, that the corporation is authorized to transact business in this state;
- (4) If any material change occurs in the information contained in the registration form, a revised statement shall be submitted to the director accompanied by an additional fee of three hundred dollars.

365.030. 1. No person shall engage in the business of a sales finance company in this state without a license as provided in this chapter; except, that no bank, trust company, savings and loan association, loan and investment company or registrant under the provisions of sections 367.100 to 367.200 authorized to do business in this state is required to obtain a license under this chapter but shall comply with all of the other provisions of this chapter.

2. The application for the license shall be in writing, under oath and in the form prescribed by the director. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers, and such other pertinent information as the director may require.

3. The license fee for each calendar year or part thereof shall be the sum of five hundred **fifty** dollars for each place of business of the licensee in this state. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

4. Each license shall specify the location of the office or branch and must be conspicuously displayed there. In case the location is changed, the director shall either endorse the change of location on the license or mail the licensee a certificate to that effect, without charge.

5. Upon the filing of the application, and the payment of the fee, the director shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. The license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.

367.140. 1. Every lender shall, at the time of filing application for certificate of registration as provided in section 367.120 hereof, pay the sum of five hundred **fifty** dollars as an annual registration fee for the period ending the thirtieth day of June next following the date of payment and in full payment of all expenses for investigations, examinations and for the administration of sections 367.100 to 367.200, except as provided in section 367.160, and thereafter a like fee shall be paid on or before June thirtieth of each year; provided, that if a lender is supervised by the commissioner of finance under any other law, the charges for examination and supervision required to be paid under said law shall be in lieu of the annual fee for registration and examination required under this section. The fee shall be made payable to the director of revenue. If the initial registration fee for any certificate of registration is for a period of less than twelve months, the registration fee shall be prorated according to the number of months that said period shall run. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

2. Upon receipt of such fee and application for registration, and provided the bond, if required by the director, has been filed, the director shall issue to the lender a certificate containing the lender's name and address and reciting that such lender is duly and properly registered to conduct the supervised business. The lender shall keep this certificate of registration posted in a conspicuous place at the place of business recited in the registration certificate. Where the lender engages in the supervised business at or from more than one office or place of business, such lender shall obtain a separate certificate of registration for each such office or place of business.

3. Certificates of registration shall not be assignable or transferable except that the lender named in any such certificate may obtain a change of address of the place of business therein set forth. Each certificate of registration shall remain in full force and effect until surrendered, revoked, or suspended as herein provided."; and

Further amend said bill, Page 28, Section 407.475, Line 12, by inserting after all of said section and line the following:

"407.640. 1. A credit services organization shall file a registration statement with the director of finance before conducting business in this state. The registration statement must contain:

(1) The name and address of the credit services organization; and  
(2) The name and address of any person who directly or indirectly owns or controls ten percent or more of the outstanding shares of stock in the credit services organization.

2. The registration statement must also contain either:

(1) A full and complete disclosure of any litigation or unresolved complaint filed by or with a governmental authority of this state relating to the operation of the credit services organization; or  
(2) A notarized statement that states that there has been no litigation or unresolved complaint filed by or with a governmental authority of this state relating to the operation of the credit services organization.

3. The credit services organization shall update the statement not later than the ninetieth day after the date on which a change in the information required in the statement occurs.

4. Each credit services organization registering under this section shall maintain a copy of the registration statement in the office of the credit services organization. The credit services organization shall allow a buyer to inspect the registration statement on request.

5. The director of finance may charge each credit services organization that files a registration statement with the director of finance a reasonable fee not to exceed three hundred **fifty** dollars to cover the cost of filing. The director of finance may not require a credit services organization to provide information other than that provided in the registration statement as part of the registration process.

408.500. 1. Lenders, other than banks, trust companies, credit unions, savings banks and savings and loan companies, in the business of making unsecured loans of five hundred dollars or less shall obtain a license from the director of the division of finance. An annual license fee of five hundred **fifty** dollars per location shall be required. The license year shall commence on January first each year and the license fee may be prorated for expired months. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than

one year at a time. The provisions of this section shall not apply to pawnbroker loans, consumer credit loans as authorized under chapter 367, nor to a check accepted and deposited or cashed by the payee business on the same or the following business day. The disclosures required by the federal Truth in Lending Act and regulation Z shall be provided on any loan, renewal or extension made pursuant to this section and the loan, renewal or extension documents shall be signed by the borrower.

2. Entities making loans pursuant to this section shall contract for and receive simple interest and fees in accordance with sections 408.100 and 408.140. Any contract evidencing any fee or charge of any kind whatsoever, except for bona fide clerical errors, in violation of this section shall be void. Any person, firm or corporation who receives or imposes a fee or charge in violation of this section shall be guilty of a class A misdemeanor.

3. Notwithstanding any other law to the contrary, cost of collection expenses, which include court costs and reasonable attorneys fees, awarded by the court in suit to recover on a bad check or breach of contract shall not be considered as a fee or charge for purposes of this section.

4. Lenders licensed pursuant to this section shall conspicuously post in the lobby of the office, in at least fourteen-point bold type, the maximum annual percentage rates such licensee is currently charging and the statement:

NOTICE:

This lender offers short-term loans. Please read and understand the terms of the loan agreement before signing.

5. The lender shall provide the borrower with a notice in substantially the following form set forth in at least ten-point bold type, and receipt thereof shall be acknowledged by signature of the borrower:

(1) This lender offers short-term loans. Please read and understand the terms of the loan agreement before signing.

(2) You may cancel this loan without costs by returning the full principal balance to the lender by the close of the lender's next full business day.

6. The lender shall renew the loan upon the borrower's written request and the payment of any interest and fees due at the time of such renewal; however, upon the first renewal of the loan agreement, and each subsequent renewal thereafter, the borrower shall reduce the principal amount of the loan by not less than five percent of the original amount of the loan until such loan is paid in full. However, no loan may be renewed more than six times.

7. When making or negotiating loans, a licensee shall consider the financial ability of the borrower to reasonably repay the loan in the time and manner specified in the loan contract. All records shall be retained at least two years.

8. A licensee who ceases business pursuant to this section must notify the director to request an examination of all records within ten business days prior to cessation. All records must be retained at least two years.

9. Any lender licensed pursuant to this section who fails, refuses or neglects to comply with the provisions of this section, or any laws relating to consumer loans or commits any criminal act may have its license suspended or revoked by the director of finance after a hearing before the director on an order of the director to show cause why such order of suspension or revocation should not be entered specifying the grounds therefor which shall be served on the licensee at least ten days prior to the hearing.

10. Whenever it shall appear to the director that any lender licensed pursuant to this section is failing, refusing or neglecting to make a good faith effort to comply with the provisions of this section, or any laws relating to consumer loans, the director may issue an order to cease and desist which order may be enforceable by a civil penalty of not more than one thousand dollars per day for each day that the neglect, failure or refusal shall continue. The penalty shall be assessed and collected by the director. In determining the amount of the penalty, the director shall take into account the appropriateness of the penalty with respect to the gravity of the violation, the history of previous violations, and such other matters as justice may require."; and

Further amend said bill, Page 30, Section 415.415, Line 64, by inserting after all of said section and line the following:

**"427.300. 1. This section shall be known, and may be cited, as the "Commercial Financing Disclosure Law".**

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

**(1) "Accounts receivable purchase transaction", any transaction in which the business forwards or otherwise sells to the provider all or a portion of the business's accounts or payment intangibles at a discount to their expected value;**

(2) "Broker", any person or entity that, for compensation or the expectation of compensation, obtains a commercial financing product or an offer for a commercial financing product from a third party for a business located in this state;

(3) "Business", an individual or group of individuals, sole proprietorship, corporation, limited liability company, trust, estate, cooperative, association, or limited or general partnership engaged in a business activity;

(4) "Business purpose transaction", any transaction where the proceeds are provided to a business or are intended to be used to carry on a business and not for personal, family, or household purposes. For purposes of determining whether a transaction is a business purpose transaction, the provider may rely on any written statement of intended purpose signed by the business. The statement may be a separate statement or may be contained in an application, agreement, or other document signed by the business or the business owner or owners;

(5) "Commercial financing product", any commercial loan, accounts receivable purchase transaction, commercial open-end credit plan or each to the extent the transaction is a business purpose transaction;

(6) "Commercial loan", a loan to a business, whether secured or unsecured;

(7) "Commercial open-end credit plan", commercial financing extended by any provider under a plan in which:

(a) The provider reasonably contemplates repeat transactions; and

(b) The amount of financing that may be extended to the business during the term of the plan, up to any limit set by the provider, is generally made available to the extent that any outstanding balance is repaid;

(8) "Depository institution", any of the following:

(a) A bank, trust company, or industrial loan company doing business under the authority of, or in accordance with, a license, certificate, or charter issued by the United States, this state, or any other state, district, territory, or commonwealth of the United States that is authorized to transact business in this state;

(b) A federally chartered savings and loan association, federal savings bank, or federal credit union that is authorized to transact business in this state; or

(c) A savings and loan association, savings bank, or credit union organized under the laws of this or any other state that is authorized to transact business in this state;

(9) "Provider", a person or entity that consummates more than five commercial financing products to a business located in this state in any calendar year. "Provider" also includes a person or entity that enters into a written agreement with a depository institution to arrange for the extension of a commercial financing product by the depository institution to a business via an online lending platform administered by the person or entity. The fact that a provider extends a specific offer for a commercial financing product on behalf of a depository institution shall not be construed to mean that the provider engaged in lending or financing or originated that loan or financing.

3. (1) A provider that consummates a commercial financing product shall disclose the terms of the commercial financing product as required by this section. The disclosures shall be provided at or before consummation of the transaction and, in the case of a commercial open-end credit plan, the disclosures shall also be provided for any disbursement of funds after consummation within fifteen days following the last day of the month in which the disbursement of funds occurred under the commercial open-end credit plan.

(2) A provider shall disclose the following in connection with each commercial financing product:

(a) The total amount of funds provided to the business under the terms of the commercial financing product. This disclosure shall be labeled "Total Amount of Funds Provided";

(b) The total amount of funds disbursed to the business under the terms of the commercial financing product, if less than the total amount of funds provided, as a result of any fees deducted or withheld at disbursement and any amount paid to a third party on behalf of the business. This disclosure shall be labeled "Total Amount of Funds Disbursed";

(c) The total amount to be paid to the provider pursuant to the commercial financing product agreement. This disclosure shall be labeled "Total of Payments";

(d) The total dollar cost of the commercial financing product under the terms of the agreement, derived by subtracting the total amount of funds provided from the total of payments. This calculation shall include any fees or charges deducted by the provider from the total amount of funds provided disclosure. This disclosure shall be labeled "Total Dollar Cost of Financing";

(e) The manner, frequency, and amount of each payment. This disclosure shall be labeled "Payments". If the payments may vary, the provider shall instead disclose the manner, frequency, and the

estimated amount of the initial payment labeled "Estimated Payments" and the commercial financing product agreement shall include a description of the methodology for calculating any variable payment and the circumstances when payments may vary;

(f) A statement of whether there are any costs or discounts associated with prepayment of the commercial financing product including a reference to the paragraph in the agreement that creates the contractual rights of the parties related to prepayment. This disclosure shall be labeled "Prepayment"; and

(g) A statement of whether any amount of the total amount of funds provided described under paragraph (a) of this subdivision are paid to a broker in connection with the commercial financing product and the amount of compensation.

4. This section shall not apply to the following:

(1) A provider that is a depository institution, or a subsidiary or service corporation of a depository institution, that is:

(a) Owned and controlled by a depository institution; and

(b) Regulated by a federal banking agency;

(2) A provider that is a lender regulated under the Farm Credit Act, 12 U.S.C. Section 2001 et seq.;

(3) A commercial financing product:

(a) That is secured by real property;

(b) That is a lease, as defined under section 400.2A-103; or

(c) That is a purchase-money obligation, as defined under section 400.9-103;

(d) In which the recipient is a motor vehicle dealer or an affiliate of such a dealer or a vehicle rental company or an affiliate of such a company, pursuant to a commercial loan or commercial open-end credit plan of at least fifty thousand dollars;

(e) Offered by a person in connection with the sale of products or services that such person manufactures, licenses, or distributes or whose parent company or any owned and controlled subsidiary thereof manufactures, licenses, or distributes; or

(f) That is a factoring transaction, purchase, sale, advance, or similar transaction of accounts receivables owed to a health care provider because the health care provider treated a patient's personal injury;

(4) A provider that is licensed as a money transmitter in accordance with a license, certificate, or charter issued by this state or any other state, district, territory, or commonwealth of the United States; or

(5) A provider that consummates not more than five commercial financing products in this state in a twelve-month period.

5. (1) Any person or entity that violates any provision of this section shall be punished by a fine of five hundred dollars per incident, not to exceed twenty thousand dollars for all aggregated violations arising from the use of the transaction documentation or materials found to be in violation of this section. Any person or entity that violates any provision of this section after receiving written notice of a prior violation from the attorney general shall be punished by a fine of one thousand dollars per incident, not to exceed fifty thousand dollars for all aggregated violations arising from the use of the transaction documentation or materials found to be in violation of this section.

(2) Violation of any provision of this section shall not affect the enforceability or validity of the underlying agreement.

(3) This section shall not create a private right of action against any person or other entity based upon compliance or noncompliance with its provisions.

(4) Authority to enforce compliance with this section is vested exclusively in the attorney general of this state."; and

Further amend said bill, Page 32, Section 493.070, Line 6, by inserting after all of said section and line the following:

"513.430. 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmatured life insurance contracts owned by such person, other than a credit life insurance contract, and up to fifteen thousand dollars of any matured life insurance proceeds for actual funeral, cremation, or burial expenses where the deceased is the spouse, child, or parent of the beneficiary;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmatured life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) **a.** Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.014, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

~~[a-]~~ **(i)** Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

~~[b-]~~ **(ii)** Such payment is on account of age or length of service; and

~~[e-]~~ **(iii)** Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a), 403(b), 408, 408A or 409)[~~]~~].

~~[except that]~~ **b.** **Notwithstanding the exemption provided in subparagraph a. of this paragraph,** any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986 (**26 U.S.C. Section 414(p)**), as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or similar plan, including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986 (**26 U.S.C. 401(a), 403(a), 403(b), 408, 408A, or 409**), as amended, whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its department of social services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code

of 1986 (**26 U.S.C. Section 414(p)**), as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(12) Firearms, firearm accessories, and ammunition, not to exceed one thousand five hundred dollars in value in the aggregate;

**(13) Any moneys accruing to and deposited in individual savings accounts or individual deposit accounts under sections 166.400 to 166.456 or sections 166.500 to 166.529, subject to the following provisions:**

**(a) This subdivision shall apply to any proceeding that:**

**a. Is filed on or before January 1, 2022; or**

**b. Was filed before January 1, 2022, and is pending or on appeal after January 1, 2022;**

**(b) Except as provided by paragraph (c) of this subdivision, if the designated beneficiary of an individual savings account or individual deposit account established under sections 166.400 to 166.456 or sections 166.500 to 166.529 is a lineal descendant of the account owner, all moneys in the account shall be exempt from any claims of creditors of the account owner or designated beneficiary;**

**(c) The provisions of paragraph (b) of this subdivision shall not apply to:**

**a. Claims of any creditor of an account owner as to amounts contributed within a two-year period preceding the date of the filing of a bankruptcy petition under 11 U.S.C. Section 101 et seq., as amended; or**

**b. Claims of any creditor of an account owner as to amounts contributed within a one-year period preceding an execution on judgment for such claims against the account owner.**

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Sections 408 and 408A of the Internal Revenue Code of 1986 (**26 U.S.C. Sections 408 and 408A**), as amended."; and

Further amend said bill, Page 35, Section 537.529, Line 114, by inserting after all of said section and line the following:

"569.010. As used in this chapter the following terms mean:

(1) "Cave or cavern", any naturally occurring subterranean cavity enterable by a person including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether or not the opening has a natural entrance;

(2) "Enter unlawfully or remain unlawfully", a person enters or remains in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public;

(3) "Nuclear power plant", a power generating facility that produces electricity by means of a nuclear reactor owned by a utility or a consortium utility. Nuclear power plant shall be limited to property within the structure or fenced yard, as defined in section 563.011;

(4) "To tamper", to interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing;

**(5) "Teller machine", an automated teller machine (ATM) or interactive teller machine (ITM) is a remote computer terminal owned or controlled by a financial institution or a private business that allows individuals to obtain financial services including obtaining cash, transferring or transmitting money or digital currencies, payment of bills, loading money or digital currency to a payment card or other device without physical in-person assistance from another person. "Teller machine" does not include personally owned electronic devices used to access financial services;**

~~(5)~~ (6) "Utility", an enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated.

569.100. 1. A person commits the offense of property damage in the first degree if such person:

(1) Knowingly damages property of another to an extent exceeding seven hundred fifty dollars; or  
 (2) Damages property to an extent exceeding seven hundred fifty dollars for the purpose of defrauding an insurer; ~~or~~

(3) Knowingly damages a motor vehicle of another and the damage occurs while such person is making entry into the motor vehicle for the purpose of committing the crime of stealing therein or the damage occurs while such person is committing the crime of stealing within the motor vehicle; **or**

**(4) Knowingly damages, modifies, or destroys a teller machine or otherwise makes it inoperable.**

2. The offense of property damage in the first degree committed under subdivision (1) or (2) of subsection 1 of this section is a class E felony, unless the offense of property damage in the first degree was committed under subdivision (1) of subsection 1 of this section and the victim was intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class D felony. The offense of property damage in the first degree committed under subdivision (3) of subsection 1 of this section is a class D felony unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony. **The offense of property damage in the first degree committed under subdivision (4) of subsection 1 of this section is a class D felony unless committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which exceeds seven hundred fifty dollars or the damage to the teller machine exceeds seven hundred fifty dollars in which case it is a class C felony; or unless committed to obtain the personal financial credentials of another person or committed as a second or subsequent violation of subdivision (4) of subsection 1 of this section in which case it is a class B felony.**

570.010. As used in this chapter, the following terms mean:

(1) "Adulterated", varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage;

(2) "Appropriate", to take, obtain, use, transfer, conceal, retain or dispose;

(3) "Check", a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money;

(4) "Coercion", a threat, however communicated:

(a) To commit any offense; or

(b) To inflict physical injury in the future on the person threatened or another; or

(c) To accuse any person of any offense; or

(d) To expose any person to hatred, contempt or ridicule; or

(e) To harm the credit or business reputation of any person; or

(f) To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or

(g) To inflict any other harm which would not benefit the actor. A threat of accusation, lawsuit or other invocation of official action is justified and not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat;

(5) "Credit device", a writing, card, code, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer;

(6) "Dealer", a person in the business of buying and selling goods;

(7) "Debit device", a writing, card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients;

(8) "Deceit or deceive", making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind, or concealing a material fact as to the terms of a contract or agreement. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;

(9) "Deprive":

(a) To withhold property from the owner permanently; or

- (b) To restore property only upon payment of reward or other compensation; or
- (c) To use or dispose of property in a manner that makes recovery of the property by the owner unlikely;
- (10) "Electronic benefits card" or "EBT card", a debit card used to access food stamps or cash benefits issued by the department of social services;
- (11) "Financial institution", a bank, trust company, savings and loan association, or credit union;
- (12) "Food stamps", the nutrition assistance program in Missouri that provides food and aid to low-income individuals who are in need of benefits to purchase food operated by the United States Department of Agriculture (USDA) in conjunction with the department of social services;
- (13) "Forcibly steals", a person, in the course of stealing, uses or threatens the immediate use of physical force upon another person for the purpose of:
  - (a) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or
  - (b) Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft;
- (14) "Internet service", an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the internet, or any comparable system or service and also includes, but is not limited to, a world wide web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service;
- (15) "Means of identification", anything used by a person as a means to uniquely distinguish himself or herself;
- (16) "Merchant", a person who deals in goods of the kind or otherwise by his or her occupation holds oneself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his or her employment of an agent or broker or other intermediary who by his or her occupation holds oneself out as having such knowledge or skill;
- (17) "Mislabeled", varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity;
- (18) "Pharmacy", any building, warehouse, physician's office, hospital, pharmaceutical house or other structure used in whole or in part for the sale, storage, or dispensing of any controlled substance as defined in chapter 195;
- (19) "Property", anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument;
- (20) "Public assistance benefits", anything of value, including money, food, EBT cards, food stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and medicine, materials, goods, and any service including institutional care, medical care, dental care, child care, psychiatric and psychological service, rehabilitation instruction, training, transitional assistance, or counseling, received by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services provided or administered by the Missouri department of social services or any of its divisions;
- (21) "Services" includes transportation, telephone, electricity, gas, water, or other public service, cable television service, video service, voice over internet protocol service, or internet service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;
- (22) "Stealing-related offense", federal and state violations of criminal statutes against stealing, robbery, or buying or receiving stolen property and shall also include municipal ordinances against the same if the offender was either represented by counsel or knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings;
- (23) **"Teller machine", an automated teller machine (ATM) or interactive teller machine (ITM) is a remote computer terminal owned or controlled by a financial institution or a private business that allows individuals to obtain financial services including obtaining cash, transferring or transmitting money or digital currencies, payment of bills, loading money or digital currency to a payment card or other device without physical in-person assistance from another person. "Teller machine" does not include personally owned electronic devices used to access financial services;**

~~[(23)]~~ (24) "Video service", the provision of video programming provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including internet protocol technology whether provided as part of a tier, on demand, or a per-channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6), but does not include any video programming provided by a commercial mobile service provider as "commercial mobile service" is defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or other services offered over the public internet, and includes microwave television transmission, from a multipoint distribution service not capable of reception by conventional television receivers without the use of special equipment;

~~[(24)]~~ (25) "Voice over internet protocol service", a service that:

- (a) Enables real-time, two-way voice communication;
- (b) Requires a broadband connection from the user's location;
- (c) Requires internet protocol-compatible customer premises equipment; and
- (d) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network;

~~[(25)]~~ (26) "Writing" includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

570.030. 1. A person commits the offense of stealing if he or she:

- (1) Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;
  - (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or
  - (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.
2. The offense of stealing is a class A felony if the property appropriated consists of any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field tank or field applicator.
3. The offense of stealing is a class B felony if:
- (1) The property appropriated or attempted to be appropriated consists of any amount of anhydrous ammonia or liquid nitrogen;
  - (2) The property consists of any animal considered livestock as the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections;
  - (3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and that person has previously been found guilty of two stealing-related offenses committed on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense;
  - (4) The property appropriated or attempted to be appropriated consists of any animal considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds ten thousand dollars; or
  - (5) The property appropriated or attempted to be appropriated is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person to deprive the owner or custodian of the property.
4. The offense of stealing is a class C felony if the value of the property or services appropriated is twenty-five thousand dollars or more **or the property is a teller machine or the contents of a teller machine including cash regardless of the value or amount.**
5. The offense of stealing is a class D felony if:
- (1) The value of the property or services appropriated is seven hundred fifty dollars or more;
  - (2) The offender physically takes the property appropriated from the person of the victim; or
  - (3) The property appropriated consists of:
    - (a) Any motor vehicle, watercraft or aircraft;
    - (b) Any will or unrecorded deed affecting real property;
    - (c) Any credit device, debit device or letter of credit;
    - (d) Any firearms;

- (e) Any explosive weapon as defined in section 571.010;
  - (f) Any United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open;
  - (g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri;
  - (h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States;
  - (i) Any book of registration or list of voters required by chapter 115;
  - (j) Any animal considered livestock as that term is defined in section 144.010;
  - (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
  - (l) Any captive wildlife held under permit issued by the conservation commission;
  - (m) Any controlled substance as defined by section 195.010;
  - (n) Ammonium nitrate;
  - (o) Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or
  - (p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues.
6. The offense of stealing is a class E felony if:
- (1) The property appropriated is an animal;
  - (2) The property is a catalytic converter; or
  - (3) A person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense.
7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.
8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this section.
9. If a violation of this section is subject to enhanced punishment based on prior findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.
10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a separate felony and may be charged in separate counts.
11. The value of property or services appropriated pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitutes a single criminal episode and may be aggregated in determining the grade of the offense, except as set forth in subsection 10 of this section.";

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

On motion of Representative O'Donnell, **House Amendment No. 3** was adopted.

Representative Taylor (139) offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 968, Pages 5-7, Section 105.1500, Lines 1-62, by deleting said lines and inserting in lieu thereof the following:

- "105.1500. 1. This section shall be known and may be cited as "The Personal Privacy Protection Act".**
- 2. As used in this section, the following terms mean:**
- (1) **"Personal information", any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended;**

(2) "Public agency", the state and any political subdivision thereof including, but not limited to, any department, agency, office, commission, board, division, or other entity of state government; any county, city, township, village, school district, community college district; or any other local governmental unit, agency, authority, council, board, commission, state or local court, tribunal or other judicial or quasi-judicial body.

3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions listed under subsection 4 of this section, a public agency shall not:

(a) Require any individual to provide the public agency with personal information or otherwise compel the release of personal information;

(b) Require any entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code to provide the public agency with personal information or otherwise compel the release of personal information;

(c) Release, publicize, or otherwise publicly disclose personal information in possession of a public agency, unless consented to by an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code; or

(d) Request or require a current or prospective contractor or grantee with the public agency to provide the public agency with a list of entities exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, to which it has provided financial or nonfinancial support.

(2) All personal information in the possession of a public agency shall be considered a closed record under chapter 610 and court operating rules.

4. The provisions of this section shall not preclude any individual or entity from being required to comply with any of the following:

(1) Submitting any report or disclosure required by this chapter or chapter 130;

(2) Responding to any lawful request or subpoena for personal information from the Missouri ethics commission or the Missouri state highway patrol as a part of an investigation, or publicly disclosing personal information as a result of an enforcement action from the Missouri state highway patrol or the Missouri ethics commission pursuant to its authority in sections 105.955 to 105.966;

(3) Responding to any lawful warrant for personal information issued by a court of competent jurisdiction;

(4) Responding to any lawful request for discovery of personal information in litigation if:

(a) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and

(b) The requestor obtains a protective order barring disclosure of personal information to any person not named in the litigation;

(5) Applicable court rules or admitting any personal information as relevant evidence before a court of competent jurisdiction. However, a submission of personal information to a court shall be made in a manner that it is not publicly revealed and no court shall publicly reveal personal information absent a specific finding of good cause;

(6) Any report or disclosure required by state law to be filed with the secretary of state, provided that personal information obtained by the secretary of state is otherwise subject to the requirements of paragraph (c) of subdivision (1) of subsection 3 of this section, unless expressly required to be made public by state law; or

(7) Any request from a public agency for a list of the directors and officers of an entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended.

5. (1) A person or entity alleging a violation of this section may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one of the following, as appropriate:

(a) A sum of moneys not less than two thousand five hundred dollars to compensate for injury or loss caused by each violation of this section; or

(b) For an intentional violation of this section, a sum of moneys not to exceed three times the sum described in paragraph (a) of this subdivision.

(2) A court, in rendering a judgment in an action brought under this section, may award all or a portion of the costs of litigation, including reasonable attorney's fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

(3) A person who knowingly violates this section is guilty of a class B misdemeanor."; and

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

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Brown 16
Buchheit-Courtway	Burger	Busick	Chipman	Christofanelli
Coleman 32	Coleman 97	Cook	Copeland	Davis
Deaton	Derges	Dinkins	Dogan	Eggleston
Falkner	Fishel	Fitzwater	Francis	Gregory 51
Gregory 96	Grier	Griffith	Haden	Haffner
Haley	Hardwick	Henderson	Hicks	Houx
Hovis	Hudson	Hurlbert	Kalberloh	Kelley 127
Kelly 141	Knight	Lewis 6	Lovasco	Mayhew
McGaugh	McGill	Morse	Murphy	O'Donnell
Owen	Patterson	Perkins	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Sander	Schnelting	Schroer	Schwadron	Seitz
Shaul	Shields	Simmons	Smith 155	Stacy
Stephens 128	Tate	Taylor 139	Taylor 48	Thomas
Thompson	Toalson Reisch	Trent	Van Schoiack	Veit
Walsh 50	West	Wiemann	Wright	Mr. Speaker

NOES: 045

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Collins	Ellebracht	Fogle	Gray	Gunby
Ingle	Johnson	Kidd	Lewis 25	Mackey
McCreery	Mosley	Nurrenbern	Person	Phifer
Proudie	Quade	Roden	Rogers	Sauls
Sharp 36	Smith 45	Smith 67	Stevens 46	Terry
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Young

PRESENT: 000

ABSENT WITH LEAVE: 016

Bromley	Clemens	Cupps	Davidson	DeGroot
Doll	Evans	McDaniel	Merideth	Pietzman
Price IV	Rone	Sassmann	Sharpe 4	Smith 163
Windham				

VACANCIES: 007

On motion of Representative Taylor (139), **House Amendment No. 4** was adopted.

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 968, Page 27, Section 311.094, Line 32, by inserting after said section and line the following:

- "347.020. 1. The name of each limited liability company as set forth in its articles of organization:
- (1) Shall contain the words "limited company" or "limited liability company" or the abbreviation "LC", "LLC", "L.C." or "L.L.C." and shall be the name under which the limited liability company transacts business in this state unless the limited liability company registers another name under which it transacts business as provided under chapter 417 or conspicuously discloses its name as set forth in its articles of organization;
  - (2) May not contain the word "corporation", "incorporated", "limited partnership", "limited liability partnership", "limited liability limited partnership", or "Ltd." or any abbreviation of one of such words or any word or phrase which indicates or implies that it is organized for any purpose not stated in its articles of organization or that it is a governmental agency; and
  - (3) Must be distinguishable upon the records of the secretary from the name of any corporation, limited liability company, limited partnership, limited liability partnership, or limited liability limited partnership which is licensed, organized, reserved, or registered under the laws of this state as a domestic or foreign entity, unless:
    - (a) Such other holder of a reserved or registered name consents to such use in writing and files appropriate documentation to the secretary to change its name to a name that is distinguishable upon the records of the secretary from the name of the applying limited liability company; or
    - (b) A certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of such name in this state is filed with the secretary.
- 2. The name of a limited liability company that has been dissolved or cancelled shall not be available for use by others for a period of one year from the effective date of the dissolution or cancellation.**
- 347.044. 1. Each limited liability company organized under this chapter and each foreign limited liability company registered in this state shall file an information statement with the secretary of state.**
- 2. The information statement shall include:**
    - (1) The name of the limited liability company or foreign limited liability company;**
    - (2) The company charter number assigned by the secretary of state;**
    - (3) The address of the principal place of business;**
    - (4) The address, including street and number, if any, of the registered office and the name of the registered agent at such office; and**
    - (5) If a foreign limited liability company, the state or other jurisdiction under whose law the company is formed.**
  - 3. The information statement shall be current as of the date the statement is filed with the secretary of state.**
  - 4. The limited liability company or foreign limited liability company shall file an information statement every five years, and the information statement shall be due on the fifteenth day of the month in which the anniversary of the date the limited liability company or foreign limited liability company organized or registered in Missouri occurs. For limited liability companies and foreign limited liability companies that organized or registered in an odd-numbered year before January 1, 2022, the first information statement shall be due in 2025. For limited liability companies and foreign limited liability companies that organized or registered in an even-numbered year before January 1, 2023, the first information statement shall be due in 2026.**
  - 5. The information statement shall be signed by an authorized person.**
  - 6. If the information statement does not contain the information required under this section, the secretary of state shall promptly notify the limited liability company or foreign limited liability company and return the information statement for completion. The entity shall return the completed information statement to the secretary within sixty days of the issuance of the notice.**
  - 7. Ninety days before the statement is due, the secretary of state shall send notice to each limited liability company or foreign limited liability company that the information statement is due. The notice shall be directed to the limited liability company's registered office as stated in the company's most recent filing with the secretary of state."; and**

Further amend said bill, Page 28, Section 347.143, Line 23, by inserting after said section and line the following:

"347.179. 1. The secretary shall charge and collect:

- (1) For filing the original articles of organization, a fee of ~~[one hundred]~~ **ninety-five** dollars;
- (2) For filing the original articles of organization online, in an electronic format prescribed by the secretary of state, a fee of ~~[forty-five]~~ **twenty-five** dollars;
- (3) Applications for registration of foreign limited liability companies and issuance of a certificate of registration to transact business in this state, a fee of one hundred dollars;
- (4) Amendments to and restatements of articles of limited liability companies to application for registration of a foreign limited liability company or any other filing otherwise provided for, a fee of twenty dollars **or, if filed online in an electronic format prescribed by the secretary, a fee of ten dollars;**
- (5) Articles of termination of limited liability companies or cancellation of registration of foreign limited liability companies, a fee of twenty dollars **or, if filed online in an electronic format prescribed by the secretary, a fee of ten dollars;**
- (6) For filing notice of merger or consolidation, a fee of twenty dollars;
- (7) For filing a notice of winding up, a fee of twenty dollars **or, if filed online in an electronic format prescribed by the secretary, a fee of ten dollars;**
- (8) For issuing a certificate of good standing, a fee of five dollars;
- (9) For a notice of the abandonment of merger or consolidation, a fee of twenty dollars;
- (10) For furnishing a copy of any document or instrument, a fee of fifty cents per page;
- (11) For accepting an application for reservation of a name, or for filing a notice of the transfer or cancellation of any name reservation, a fee of twenty dollars;
- (12) For filing a statement of change of address of registered office or registered agent, or both, a fee of five dollars;
- (13) For any service of notice, demand, or process upon the secretary as resident agent of a limited liability company, a fee of twenty dollars, which amount may be recovered as taxable costs by the party instituting such suit, action, or proceeding causing such service to be made if such party prevails therein;
- (14) For filing an amended certificate of registration a fee of twenty dollars **or, if filed online in an electronic format prescribed by the secretary, a fee of ten dollars;** ~~[and]~~
- (15) For filing a statement of correction a fee of five dollars;
- (16) **For filing an information statement for a domestic or foreign limited liability company, a fee of fifteen dollars or, if filing online in an electronic format prescribed by the secretary, a fee of five dollars;**
- (17) **For filing a withdrawal of an erroneously or accidentally filed notice of winding up or articles of termination, a fee of ninety-five dollars;**
- (18) **For a filing relating to a limited liability series, an additional fee of ten dollars for each series effected or, if filing online in an electronic format prescribed by the secretary, a fee of five dollars for each series effected; and**
- (19) **For filing an application for reinstatement, a fee of ninety-five dollars or, if filed online in an electronic format prescribed by the secretary, a fee of forty-five dollars.**

2. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section and for application for reservation of a name in subdivision (11) of subsection 1 of this section shall be waived if an organizer who is listed as a member in the operating agreement of the limited liability company is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and provides proof of such service to the secretary of state.

347.183. In addition to the other powers of the secretary established in sections 347.010 to 347.187, the secretary shall, as is reasonably necessary to enable the secretary to administer sections 347.010 to 347.187 efficiently and to perform the secretary's duties, have the following powers including, but not limited to:

- (1) The power to examine the books and records of any limited liability company to which sections 347.010 to 347.187 apply, and it shall be the duty of any manager, member or agent of such limited liability company having possession or control of such books and records to produce such books and records for examination on demand of the secretary or ~~[his]~~ **the secretary's** designated employee; except that no person shall be subject to any criminal prosecution on account of any matter or thing which may be disclosed by examination of any limited liability company books and records, which they may produce or exhibit for examination; or on account of any other matter or thing concerning which they may make any voluntary and truthful statement in writing to the secretary or ~~[his]~~ **the secretary's** designated employee. All facts obtained in the examination of the books and records of any limited liability company, or through the voluntary sworn statement of any manager, member, agent or employee of

any limited liability company, shall be treated as confidential, except insofar as official duty may require the disclosure of same, or when such facts are material to any issue in any legal proceeding in which the secretary or ~~his~~ **the secretary's** designated employee may be a party or called as witness, and, if the secretary or ~~his~~ **the secretary's** designated employee shall, except as provided in this subdivision, disclose any information relative to the private accounts, affairs, and transactions of any such limited liability company, he **or she** shall be guilty of a class C misdemeanor. If any manager, member or registered agent in possession or control of such books and records of any such limited liability company shall refuse a demand of the secretary or ~~his~~ **the secretary's** designated employee, to exhibit the books and records of such limited liability company for examination, such person shall be guilty of a class B misdemeanor;

(2) The power to cancel or disapprove any articles of organization or other filing required under sections 347.010 to 347.187, if the limited liability company fails to comply with the provisions of sections 347.010 to 347.187 by failing to file required documents under sections 347.010 to 347.187, by failing to maintain a registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting any filing, by filing a required document containing a false statement, or by violating any section or sections of the criminal laws of Missouri, the federal government or any other state of the United States. Thirty days before such cancellation shall take effect, the secretary shall notify the limited liability company with written notice, either personally or by certified mail, deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent in office, or to one of the limited liability company's members or managers. Written notice of the secretary's proposed cancellation to the limited liability company, domestic or foreign, shall specify the reasons for such action. The limited liability company may appeal this notice of proposed cancellation to the circuit court of the county in which the registered office of such limited liability company is or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy of the articles of organization or other relevant documents and a copy of the proposed written cancellation thereof by the secretary, such petition to be filed within thirty days after notice of such cancellation shall have been given, and the matter shall be tried by the court, and the court shall either sustain the action of the secretary or direct ~~him~~ **the secretary** to take such action as the court may deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action. The limited liability company may provide information to the secretary that would allow the secretary to withdraw the notice of proposed cancellation. This information may consist of, but need not be limited to, corrected statements and documents, new filings, affidavits and certified copies of other filed documents;

(3) The power to rescind cancellation provided for in subdivision (2) of this section upon compliance with either of the following:

(a) The affected limited liability company provides the necessary documents and affidavits indicating the limited liability company has corrected the conditions causing the proposed cancellation or the cancellation; or

(b) The limited liability company provides the correct statements or documentation that the limited liability company is not in violation of any section of the criminal code; ~~and~~

(4) The power to charge late filing fees for any filing fee required under sections 347.010 to 347.187 and the power to impose civil penalties as provided in section 347.053. Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency;

(5) (a) The power to administratively cancel ~~an~~:

**a. Articles of organization if the limited liability company's period of duration stated in the articles of organization expires or if the limited liability company fails to timely file its information statement; or**

**b. The registration of a foreign limited liability company if the foreign limited liability company fails to timely file its information statement.**

(b) Not less than thirty days before such administrative cancellation shall take effect, the secretary shall notify the **domestic or foreign** limited liability company with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent and office or to one of the limited liability company's managers or members.

(c) If the limited liability company does not timely file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number of years or perpetual, or demonstrate to the reasonable satisfaction of the secretary that the period of duration determined by the secretary is incorrect, within sixty days after service of the notice is perfected by posting with the United States Postal Service, then the secretary shall cancel the articles of organization by signing an administrative cancellation that recites the grounds for cancellation and its effective date. The secretary shall file the original of the administrative cancellation and serve a copy on the limited liability company as provided in section 347.051.

(d) A limited liability company whose articles of organization has been administratively cancelled continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 347.147 and notify claimants under section 347.141.

(e) The administrative cancellation of an articles of organization does not terminate the authority of its registered agent.

**(f) If a limited liability company does not timely file an information statement in accordance with section 347.044 within sixty days after service of the notice is perfected by posting with the United States Postal Service or fails to demonstrate to the reasonable satisfaction of the secretary that the information statement was timely filed, the secretary shall cancel the articles of organization by signing an administrative cancellation that states the grounds for cancellation and the effective date of the cancellation. The secretary shall file the original administrative cancellation and serve a copy on the limited liability company as provided under section 347.051.**

**(g) If a foreign limited liability company does not timely file an information statement in accordance with section 347.044 within sixty days after service of the notice is perfected by posting with the United States Postal Service or fails to demonstrate to the reasonable satisfaction of the secretary that the information statement was timely filed, the secretary shall cancel the registration of the foreign limited liability company by signing an administrative cancellation that states the grounds for cancellation and the effective date of the cancellation. The secretary shall file the original administrative cancellation and serve a copy on the foreign limited liability company as provided in section 347.051. A foreign limited liability company whose registration has been administratively cancelled may continue its existence but shall not conduct any business in this state except to wind up and liquidate its business and affairs in this state;**

(6) (a) The power to rescind an administrative cancellation and reinstate the articles of organization.

(b) Except as otherwise provided in the operating agreement, a limited liability company whose articles of organization has been administratively cancelled under subdivision **(2) or (5)** of this section may file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number **of years** or perpetual.

(c) A limited liability company whose articles of organization has been administratively cancelled under subdivision (5) of this section may apply to the secretary for reinstatement. The ~~applicant~~ **application** shall:

a. Recite the name of the limited liability company and the effective date of its administrative cancellation;

b. State that the grounds for cancellation either did not exist or have been eliminated, as applicable, and be accompanied by documentation satisfactory to the secretary evidencing the same;

c. State that the limited liability company's name satisfies the requirements of section 347.020;

d. Be accompanied by a reinstatement fee in the amount ~~[of one hundred dollars]~~ **specified in subdivision (19) of subsection 1 of section 347.179**, or such greater amount as required by state regulation, plus any delinquent fees, penalties, and other charges as determined by the secretary to then be due.

(d) If the secretary determines that the application contains the information and is accompanied by the fees required in paragraph (c) of this subdivision and that the information and fees are correct, the secretary shall rescind the cancellation and prepare a certificate of reinstatement that recites his or her determination and the effective date of reinstatement, file the original articles of organization, and serve a copy on the limited liability company as provided in section 347.051.

(e) When the reinstatement is effective, it shall relate back to and take effect as of the effective date of the administrative cancellation of the articles of organization and the limited liability company may continue carrying on its business as if the administrative cancellation had never occurred.

(f) In the event the name of the limited liability company was reissued by the secretary to another entity prior to the time application for reinstatement was filed, the limited liability company applying for reinstatement may elect to reinstate using a new name that complies with the requirements of section 347.020 and that has been approved by appropriate action of the limited liability company for changing the name thereof.

(g) If the secretary denies a limited liability company's application for reinstatement following administrative cancellation of the articles of organization, he or she shall serve the limited liability company as provided in section 347.051 with a written notice that explains the reason or reasons for denial.

(h) The limited liability company may appeal a denial of reinstatement as provided for in subdivision (2) of this section.

~~[(7)]~~ (i) ~~This subdivision [(6) of this section]~~ shall apply to any limited liability company whose articles of organization was cancelled because such limited liability company's period of duration stated in the articles of organization expired on or after August 28, 2003;

**(7) The power to rescind an administrative cancellation and reinstate the registration of a foreign limited liability company. The following procedures apply:**

**(a) A foreign limited liability company whose registration was administratively cancelled under subdivision (2) or (5) of this section may apply to the secretary for reinstatement. The application shall:**

**a. State the name of the foreign limited liability company and the date of the administrative cancellation;**

**b. State that the grounds for cancellation either did not exist or have been eliminated, with supporting documentation satisfactory to the secretary;**

**c. State that the foreign limited liability company's name satisfies the requirements of section 347.020; and**

**d. Include a reinstatement fee in the amount specified in subdivision (19) of subsection 1 of section 347.179, or a higher amount if required by state regulation, and any delinquent fees, penalties, or other charges as the secretary determines are due;**

**(b) If the secretary determines that the application satisfies the requirements under paragraph (a) of this subdivision, the secretary shall rescind the cancellation and prepare a certificate of reinstatement that includes the effective date of reinstatement and deliver a copy to the limited liability company as provided under section 347.051;**

**(c) If reinstatement is granted, the administrative cancellation shall be retroactively voided, and the foreign limited liability company may conduct its business as if the administrative cancellation never occurred;**

**(d) If the name of the foreign limited liability company was issued to another entity before the application for reinstatement was filed, the foreign limited liability company applying for reinstatement may elect to reinstate using a new name that complies with the requirements under section 347.020 and is approved by appropriate action of the foreign limited liability company for changing its name;**

**(e) If the secretary denies a foreign limited liability company's application for reinstatement, the secretary shall serve the limited liability company with a written notice as provided under section 347.051 that explains the reason for denial; and**

**(f) The foreign limited liability company may appeal a denial of reinstatement by using the procedure under subdivision (2) of this section; and**

**(8) The power to reinstate a limited liability company that erroneously or accidentally filed a notice of winding up or notice of termination. The following procedures apply:**

**(a) A limited liability company whose articles of organization were terminated due to an erroneously or accidentally filed notice of winding up or notice of termination may apply to the secretary for reinstatement by filing a withdrawal of notice of winding up or withdrawal of notice of termination. The application shall:**

**a. State the name of the limited liability company and the filing date of the erroneous or accidental notice;**

**b. State the grounds for erroneously or accidentally filing the notice, with supporting documentation satisfactory to the secretary;**

**c. State that the limited liability company's name satisfies the requirements under section 347.020; and**  
**d. Include a reinstatement fee in the amount specified in subdivision (19) of subsection 1 of section 347.179, or a higher amount if required by state regulation, and any delinquent fees, penalties, or other charges as the secretary determines are due;**

**(b) If the secretary determines that the application satisfies the requirements under paragraph (a) of this subdivision, the secretary shall rescind the notice of winding up or notice of termination and prepare a certificate of reinstatement that includes the effective date of reinstatement and deliver a copy to the limited liability company as provided under section 347.051;**

**(c) If reinstatement is granted, the termination of the articles of organization shall be retroactively voided, and the limited liability company may conduct its business as if the notice of winding up or notice of termination never occurred;**

**(d) If the name of the limited liability company was issued to another entity before the application for reinstatement was filed, the limited liability company applying for the reinstatement may elect to reinstate using a new name that complies with the requirements under section 347.020 and is approved by appropriate action of the limited liability company for changing its name;**

**(e) If the secretary of state denies a limited liability company's application for reinstatement, the secretary shall serve the limited liability company with a written notice as provided under section 347.051 that explains the reason for denial; and**

**(f) The limited liability company may appeal a denial of reinstatement by using the procedure under subdivision (2) of this section.**

347.186. 1. An operating agreement may establish or provide for the establishment of a designated series of members, managers, or limited liability company interests having separate rights, powers, or duties with respect to specified property or obligations of the limited liability company or profits and losses associated with specified property or obligations. To the extent provided in the operating agreement, any such series may have a separate business purpose or investment objective.

2. (1) Notwithstanding any other provisions of law to the contrary, the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series shall be enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof. Such particular series shall be deemed to have possession, custody, and control only of the books, records, information, and documentation related to such series and not of the books, records, information, and documentation related to the limited liability company as a whole or any other series thereof if all of the following apply:

(a) The operating agreement creates one or more series;

(b) Separate and distinct records are maintained for or on behalf of any such series;

(c) The assets associated with any such series, whether held directly or indirectly, including through a nominee or otherwise, are accounted for separately from the other assets of the limited liability company or of any other series;

(d) The operating agreement provides for the limitations on liabilities of a series described in this subdivision;

(e) Notice of the limitation on liabilities of a series described in this subdivision is included in the limited liability company's articles of organization; and

(f) The limited liability company has filed articles of organization that separately identify each series which is to have limited liability under this section.

(2) With respect to a particular series, unless otherwise provided in the operating agreement, none of the debts, liabilities, obligations, and expenses incurred, contracted for or otherwise existing with respect to a limited liability company generally, or any other series thereof, shall be enforceable against the assets of such series, subject to the provisions of subdivision (1) of this subsection.

(3) Compliance with paragraphs (e) and (f) of subdivision (1) of this subsection shall constitute notice of such limitation of liability of a series.

(4) A series with limited liability shall be treated as a separate entity to the extent set forth in the articles of organization. Each series with limited liability may, in its own name, contract, hold title to assets, grant security interests, sue and be sued, and otherwise conduct business and exercise the powers of a limited liability company under this chapter. The limited liability company and any of its series may elect to consolidate its operations as a single taxpayer to the extent permitted under applicable law, elect to work cooperatively, elect to contract jointly, or elect to be treated as a single business for the purposes of qualification or authorization to do business in this or any other state. Such elections shall not affect the limitation of liability set forth in this section except to the extent that the series have specifically accepted joint liability by contract.

3. Except in the case of a foreign limited liability company that has adopted a name that is not the name under which it is registered in its jurisdiction of organization, as permitted under sections 347.153 and 347.157, the name of the series with limited liability is required to contain the entire name of the limited liability company and be distinguishable from the names of the other series set forth in the articles of organization. In the case of a foreign limited liability company that has adopted a name that is not the name under which it is registered in its jurisdiction of organization, as permitted under sections 347.153 and 347.157, the name of the series with limited liability must contain the entire name under which the foreign limited liability company has been admitted to transact business in this state.

4. (1) (a) Upon filing of articles of organization setting forth the name of each series with limited liability, in compliance with section 347.037 or amendments under section 347.041, the series' existence shall begin.

(b) Each copy of the articles of organization stamped "Filed" and marked with the filing date shall be conclusive evidence that all required conditions have been met and that the series has been or shall be legally organized and formed under this section and is notice for all purposes of all other facts required to be set forth therein.

(c) The name of a series with limited liability under this section may be changed by filing articles of amendment with the secretary of state pursuant to section 347.041, identifying the series whose name is being changed and the new name of such series. If not the same as the limited liability company, the names of the members of a member-managed series or of the managers of a manager-managed series may be changed by an amendment to the articles of organization with the secretary of state.

(d) A series with limited liability under this section may be dissolved by filing with the secretary of state articles of amendment pursuant to section 347.041 identifying the series being dissolved or by the dissolution of the limited liability company as provided in section 347.045. Except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the limited liability company. The dissolution of a series established in accordance with subsection 2 of this section shall not affect the limitation on liabilities of such series provided by subsection 2 of this section. A series is terminated and its affairs shall be wound up upon the dissolution of the limited liability company under section 347.045.

(e) Articles of organization, amendment, or termination described under this subdivision may be executed by the limited liability company or any manager, person, or entity designated in the operating agreement for the limited liability company.

**(f) Notwithstanding paragraph (d) of this subdivision, the maximum number of designated series that may be effected by any one filing shall be limited to fifty.**

(2) If different from the limited liability company, the articles of organization shall list the names of the members for each series if the series is member-managed or the names of the managers if the series is manager-managed.

(3) A series of a limited liability company shall be deemed to be in good standing as long as the limited liability company is in good standing.

(4) The registered agent and registered office for the limited liability company appointed under section 347.033 shall serve as the agent and office for service of process for each series in this state.

5. (1) An operating agreement may provide for classes or groups of members or managers associated with a series having such relative rights, powers, and duties as an operating agreement may provide and may make provision for the future creation of additional classes or groups of members or managers associated with the series having such relative rights, powers, and duties as may from time to time be established, including rights, powers, and duties senior and subordinate to or different from existing classes and groups of members or managers associated with the series.

(2) A series may be managed either by the member or members associated with the series or by the manager or managers chosen by the members of such series, as provided in the operating agreement. Unless otherwise provided in an operating agreement, the management of a series shall be vested in the members associated with such series.

(3) An operating agreement may grant to all or certain identified members or managers, or to a specified class or group of the members or managers associated with a series, the right to vote separately or with all or any class or group of the members or managers associated with the series, on any matter. An operating agreement may provide that any member or class or group of members associated with a series shall have no voting rights or ability to otherwise participate in the management or governance of such series, but any such member or class or group of members are owners of the series.

(4) Except as modified in this section, the provisions of this chapter which are generally applicable to limited liability companies and their managers, members, and transferees shall be applicable to each particular series with respect to the operation of such series.

(5) Except as otherwise provided in an operating agreement, any event specified in this chapter or in an operating agreement that causes a manager to cease to be a manager with respect to a series shall not, in itself, cause such manager to cease to be a manager of the limited liability company or with respect to any other series thereof.

(6) Except as otherwise provided in an operating agreement, any event specified in this chapter or in an operating agreement that causes a member to cease to be associated with a series shall not, in itself, cause such member to cease to be associated with any other series, terminate the continued membership of a member in the limited liability company, or cause the termination of the series, regardless of whether such member was the last remaining member associated with such series.

(7) An operating agreement may impose restrictions, duties, and obligations on members of the limited liability company or any series thereof as a matter of internal governance, including, without limitation, those with regard to:

- (a) Choice of law, forum selection, or consent to personal jurisdiction;
- (b) Capital contributions;
- (c) Restrictions on, or terms and conditions of, the transfer of membership interests;

- (d) Restrictive covenants, including noncompetition, nonsolicitation, and confidentiality provisions;
- (e) Fiduciary duties; and
- (f) Restrictions, duties, or obligations to or for the benefit of the limited liability company, other series thereof, or their affiliates.

6. (1) If a limited liability company with the ability to establish series does not register to do business in a foreign jurisdiction for itself and its series, a series of a limited liability company may itself register to do business as a limited liability company in the foreign jurisdiction in accordance with the laws of the foreign jurisdiction.

(2) If a foreign limited liability company, as permitted in the jurisdiction of its organization, has established a series having separate rights, powers, or duties and has limited the liabilities of such series so that the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series are enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, or so that the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to the limited liability company generally or any other series thereof are not enforceable against the assets of such series, then the limited liability company, on behalf of itself or any of its series, or any of its series on its own behalf may register to do business in this state in accordance with this chapter. The limitation of liability shall also be stated on the application for registration. As required under section 347.153, the registration application filed shall identify each series being registered to do business in the state by the limited liability company. Unless otherwise provided in the operating agreement, the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series of such a foreign limited liability company shall be enforceable against the assets of such series only and not against the assets of the foreign limited liability company generally or any other series thereof, and none of the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to such a foreign limited liability company generally or any other series thereof shall be enforceable against the assets of such series.

7. Nothing in sections 347.039, 347.153, or 347.186 shall be construed to alter existing Missouri statute or common law providing any cause of action for fraudulent conveyance, including but not limited to chapter 428, or any relief available under existing law that permits a challenge to limited liability.

358.460. 1. The exclusive right to the use of a name of a registered limited liability partnership or foreign registered limited liability partnership may be reserved by:

(1) Any person intending to become a registered limited liability partnership or foreign registered limited liability partnership under this chapter and to adopt that name; and

(2) Any registered limited liability partnership or foreign registered limited liability partnership which proposes to change its name.

2. The reservation of a specified name shall be made by filing with the secretary of state an application, executed by the applicant, specifying the name to be reserved and the name and address of the applicant. If the secretary of state finds that the name is available for use by a registered limited liability partnership or foreign registered limited liability partnership, the secretary of state shall reserve the name for the exclusive use of the applicant for a period of sixty days. A name reservation shall not exceed a period of one hundred eighty days from the date of the first name reservation application. Upon the one hundred eighty-first day the name shall cease reserve status and shall not be placed back in such status. The right to the exclusive use of a reserved name may be transferred to any other person by filing in the office of the secretary of state a notice of the transfer, executed by the applicant for whom the name was reserved, specifying the name to be transferred and the name and address of the transferee. The reservation of a specified name may be cancelled by filing with the secretary of state a notice of cancellation, executed by the applicant or transferee, specifying the name reservation to be cancelled and the name and address of the applicant or transferee.

3. A fee in the amount of ~~twenty-five~~ **twenty** dollars shall be paid to the secretary of state upon receipt for filing of an application for reservation of name, an application for renewal of reservation or a notice of transfer or cancellation pursuant to this section. All moneys from the payment of this fee shall be deposited into the general revenue fund.

358.470. 1. Each registered limited liability partnership and each foreign registered limited liability partnership shall have and maintain in the state of Missouri:

(1) A registered office, which may, but need not be, a place of its business in the state of Missouri; and

(2) A registered agent for service of process on the registered limited liability partnership or foreign registered limited liability partnership, which agent may be either an individual resident of the state of Missouri whose business office is identical with the registered limited liability partnership's or foreign registered limited

liability partnership's registered office, or a domestic corporation, or a foreign corporation authorized to do business in the state of Missouri, having a business office identical with such registered office or the registered limited liability partnership or foreign registered limited liability partnership itself.

2. A registered agent may change the address of the registered office of the registered limited liability partnerships or foreign registered limited liability partnerships for which the agent is the registered agent to another address in the state of Missouri by paying a fee in the amount of ~~[ten]~~ **five** dollars~~], and a further fee in the amount of two dollars]~~ for each registered limited liability partnership or foreign registered limited liability partnership affected thereby, to the secretary of state and filing with the secretary of state a certificate, executed by such registered agent, setting forth the names of all the registered limited liability partnerships or foreign registered limited liability partnerships represented by such registered agent, and the address at which such registered agent has maintained the registered office for each of such registered limited liability partnerships or foreign registered limited liability partnerships, and further certifying to the new address to which such registered office will be changed on a given day, and at which new address such registered agent will thereafter maintain the registered office for each of the registered limited liability partnerships or foreign registered limited liability partnerships recited in the certificate. Upon the filing of such certificate, the secretary of state shall furnish to the registered agent a certified copy of the same under the secretary of state's hand and seal of office, and thereafter, or until further change of address, as authorized by law, the registered office in the state of Missouri of each of the registered limited liability partnerships or foreign registered limited liability partnerships recited in the certificate shall be located at the new address of the registered agent thereof as given in the certificate. In the event of a change of name of any person acting as a registered agent of a registered limited liability partnership or foreign registered limited liability partnership, such registered agent shall file with the secretary of state a certificate, executed by such registered agent, setting forth the new name of such registered agent, the name of such registered agent before it was changed, the names of all the registered limited liability partnerships or foreign registered limited liability partnerships represented by such registered agent, and the address at which such registered agent has maintained the registered office for each of such registered limited liability partnerships or foreign registered limited liability partnerships, and shall pay a fee in the amount of ~~[twenty-five]~~ **five** dollars~~], and a further fee in the amount of two dollars]~~ for each registered limited liability partnership or foreign registered limited liability partnership affected thereby, to the secretary of state. Upon the filing of such certificate, the secretary of state shall furnish to the registered agent a certified copy of the same under the secretary of state's hand and seal of office. Filing a certificate under this section shall be deemed to be an amendment of the application, renewal application or notice filed pursuant to subsection 19 of section 358.440, as the case may be, of each registered limited liability partnership or foreign registered limited liability partnership affected thereby, and each such registered limited liability partnership or foreign registered limited liability partnership shall not be required to take any further action with respect thereto to amend its application, renewal application or notice filed, as the case may be, pursuant to section 358.440. Any registered agent filing a certificate under this section shall promptly, upon such filing, deliver a copy of any such certificate to each registered limited liability partnership or foreign registered limited liability partnership affected thereby.

3. The registered agent of one or more registered limited liability partnerships or foreign registered limited liability partnerships may resign and appoint a successor registered agent by paying a fee in the amount of ~~[fifty]~~ **five** dollars~~], and a further fee in the amount of two dollars]~~ for each registered limited liability partnership or foreign registered limited liability partnership affected thereby, to the secretary of state and filing a certificate with the secretary of state, stating that it resigns and the name and address of the successor registered agent. There shall be attached to such certificate a statement executed by each affected registered limited liability partnership or foreign registered limited liability partnership ratifying and approving such change of registered agent. Upon such filing, the successor registered agent shall become the registered agent of such registered limited liability partnerships or foreign registered limited liability partnerships as have ratified and approved such substitution and the successor registered agent's address, as stated in such certificate, shall become the address of each such registered limited liability partnership's or foreign registered limited liability partnership's registered office in the state of Missouri. The secretary of state shall furnish to the successor registered agent a certified copy of the certificate of resignation. Filing of such certificate of resignation shall be deemed to be an amendment of the application, renewal application or notice filed pursuant to subsection 19 of section 358.440, as the case may be, of each registered limited liability partnership or foreign registered limited liability partnership affected thereby, and each such registered limited liability partnership or foreign registered limited liability partnership shall not be required to take any further action with respect thereto, to amend its application, renewal application or notice filed pursuant to subsection 19 of section 358.440, as the case may be, pursuant to section 358.440.

4. The registered agent of a registered limited liability partnership or foreign registered limited liability partnership may resign without appointing a successor registered agent by paying a fee in the amount of ~~[ten]~~ **five** dollars to the secretary of state and filing a certificate with the secretary of state stating that it resigns as registered

agent for the registered limited liability partnership or foreign registered limited liability partnership identified in the certificate, but such resignation shall not become effective until one hundred twenty days after the certificate is filed. There shall be attached to such certificate an affidavit of such registered agent, if an individual, or the president, a vice president or the secretary thereof if a corporation, that at least thirty days prior to and on or about the date of the filing of the certificate, notices were sent by certified or registered mail to the registered limited liability partnership or foreign registered limited liability partnership for which such registered agent is resigning as registered agent, at the principal office thereof within or outside the state of Missouri, if known to such registered agent or, if not, to the last known address of the attorney or other individual at whose request such registered agent was appointed for such registered limited liability partnership or foreign registered limited liability partnership, of the resignation of such registered agent. After receipt of the notice of the resignation of its registered agent, the registered limited liability partnership or foreign registered limited liability partnership for which such registered agent was acting shall obtain and designate a new registered agent, to take the place of the registered agent so resigning. If such registered limited liability partnership or foreign registered limited liability partnership fails to obtain and designate a new registered agent prior to the expiration of the period of one hundred twenty days after the filing by the registered agent of the certificate of resignation, the application, renewal application or notice filed pursuant to subsection 19 of section 358.440 of such registered limited liability partnership or foreign registered limited liability partnership shall be deemed to be cancelled."; and

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

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

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Brown 16	Buchheit-Courtway
Burger	Busick	Chipman	Christofanelli	Coleman 32
Coleman 97	Cook	Copeland	Davidson	Davis
Deaton	DeGroot	Derges	Dinkins	Dogan
Eggleston	Falkner	Fishel	Fitzwater	Francis
Gregory 51	Gregory 96	Grier	Griffith	Hardwick
Henderson	Hicks	Hovis	Hudson	Hurlbert
Kalberloh	Kelley 127	Kelly 141	Kidd	Knight
Lewis 6	Lovasco	Mayhew	McGaugh	McGill
Morse	Murphy	O'Donnell	Owen	Patterson
Pietzman	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Pouche	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Sander	Schnelting
Schroer	Schwadron	Seitz	Shaul	Shields
Simmons	Smith 155	Stacy	Stephens 128	Tate
Taylor 139	Taylor 48	Thomas	Thompson	Trent
Van Schoiack	Veit	Walsh 50	West	Wiemann
Wright	Mr. Speaker			

NOES: 045

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Collins	Ellebracht	Fogle	Gray	Gunby

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Ingle	Johnson	Lewis 25	Mackey	McCreery
Merideth	Mosley	Nurrenbern	Person	Phifer
Proudie	Quade	Roden	Rogers	Sauls
Sharp 36	Smith 45	Smith 67	Stevens 46	Terry
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Young

PRESENT: 000

ABSENT WITH LEAVE: 019

Bailey	Bromley	Clemens	Cupps	Doll
Evans	Haden	Haffner	Haley	Houx
McDaniel	Perkins	Price IV	Rone	Sassmann
Sharpe 4	Smith 163	Toalson Reisch	Windham	

VACANCIES: 007

On motion of Representative Riley, **HCS SS#2 SCS SB 968, as amended**, was adopted.

On motion of Representative Riley, **HCS SS#2 SCS SB 968, as amended**, was read the third time and passed by the following vote:

AYES: 120

Aldridge	Andrews	Atchison	Aune	Bailey
Baker	Basye	Billington	Black 137	Black 7
Boggs	Bosley	Bromley	Brown 16	Brown 27
Brown 70	Buchheit-Courtway	Burger	Busick	Butz
Chipman	Christofanelli	Coleman 32	Coleman 97	Cook
Copeland	Cupps	Davidson	Davis	Deaton
DeGroot	Derges	Dinkins	Dogan	Eggleston
Evans	Falkner	Fishel	Fitzwater	Fogle
Francis	Gregory 51	Gregory 96	Grier	Griffith
Gunby	Haden	Haffner	Haley	Hardwick
Henderson	Hicks	Houx	Hovis	Hudson
Hurlbert	Johnson	Kalberloh	Kelley 127	Kelly 141
Kidd	Knight	Lewis 6	Lovasco	Mackey
Mayhew	McGaugh	McGill	Morse	Murphy
O'Donnell	Owen	Patterson	Perkins	Pietzman
Pike	Plocher	Pollitt 52	Pollock 123	Porter
Pouche	Railsback	Reedy	Richey	Riggs
Riley	Roberts	Roden	Rogers	Sander
Sassmann	Sauls	Schnelting	Schroer	Schwadron
Seitz	Sharp 36	Shaul	Shields	Simmons
Smith 155	Smith 163	Stacy	Stephens 128	Tate
Taylor 139	Taylor 48	Thomas	Thompson	Toalson Reisch
Trent	Turnbaugh	Van Schoiack	Veit	Walsh 50
West	Wiemann	Wright	Young	Mr. Speaker

NOES: 015

Adams	Appelbaum	Bangert	Baringer	Bland Manlove
Burnett	Lewis 25	McCreery	Nurrenbern	Phifer
Price IV	Quade	Stevens 46	Walsh Moore 93	Weber

PRESENT: 015

Anderson	Barnes	Burton	Clemens	Collins
Gray	Ingle	Merideth	Mosley	Person
Proudie	Smith 45	Smith 67	Terry	Unsicker

ABSENT WITH LEAVE: 006

Doll	Ellebracht	McDaniel	Rone	Sharpe 4
Windham				

VACANCIES: 007

Representative Chipman declared the bill passed.

### BILLS IN CONFERENCE

**SS HB 2400, as amended**, relating to business entities, was taken up by Representative Houx.

Representative Houx moved that the Conference Committee on **SS HB 2400, as amended**, be dissolved.

Representative Coleman (97) assumed the Chair.

Representative Houx again moved that the Conference Committee on **SS HB 2400, as amended**, be dissolved.

Which motion was adopted.

Representative Houx moved that **SS HB 2400, as amended**, be adopted.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Bromley	Brown 16	Buchheit-Courtway
Burger	Busick	Chipman	Christofanelli	Coleman 32
Coleman 97	Cook	Copeland	Cupps	Davidson
Davis	DeGroot	Derges	Dinkins	Dogan
Eggleston	Evans	Falkner	Fishel	Fitzwater
Francis	Gregory 51	Gregory 96	Grier	Griffith
Haden	Haffner	Haley	Henderson	Hicks
Houx	Hovis	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 6
Lovasco	Mayhew	McGaugh	McGill	Morse
O'Donnell	Owen	Patterson	Perkins	Pietzman
Pike	Plocher	Pollitt 52	Pollock 123	Porter

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Pouche	Railsback	Reedy	Richey	Riggs
Riley	Roberts	Roden	Sander	Sassmann
Schnelting	Schwadron	Seitz	Shields	Simmons
Smith 155	Smith 163	Stacy	Stephens 128	Tate
Taylor 139	Taylor 48	Thomas	Thompson	Toalson Reisch
Trent	Van Schoiack	Veit	Walsh 50	West
Wiemann	Wright	Mr. Speaker		

NOES: 041

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Ellebracht	Fogle	Gunby	Ingle	Johnson
Lewis 25	McCreery	Merideth	Mosley	Nurrenbern
Person	Phifer	Proudie	Quade	Rogers
Sauls	Sharp 36	Smith 45	Stevens 46	Terry
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Windham
Young				

PRESENT: 000

ABSENT WITH LEAVE: 017

Bailey	Bland Manlove	Boggs	Collins	Deaton
Doll	Gray	Hardwick	Mackey	McDaniel
Murphy	Price IV	Rone	Schroer	Sharpe 4
Shaul	Smith 67			

VACANCIES: 007

On motion of Representative Houx, **SS HB 2400, as amended**, was adopted by the following vote:

AYES: 105

Andrews	Atchison	Bailey	Baker	Bangert
Baringer	Basye	Billington	Black 137	Black 7
Bromley	Brown 16	Brown 27	Buchheit-Courtway	Burger
Busick	Butz	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	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Hicks	Houx	Hovis	Hudson	Hurlbert
Kalberloh	Kelley 127	Kelly 141	Kidd	Knight
Lewis 6	Mayhew	McGaugh	McGill	Morse
O'Donnell	Owen	Patterson	Perkins	Pietzman
Pike	Plocher	Pollitt 52	Pollock 123	Porter
Pouche	Proudie	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Roden	Sassmann
Schnelting	Schroer	Schwadron	Seitz	Shields
Simmons	Smith 155	Smith 163	Stacy	Stephens 128
Tate	Taylor 139	Taylor 48	Thomas	Thompson
Toalson Reisch	Trent	Van Schoiack	Veit	Walsh 50
West	Wiemann	Windham	Wright	Mr. Speaker

NOES: 036

Adams	Anderson	Appelbaum	Aune	Bosley
Brown 70	Burnett	Burton	Davis	Ellebracht
Fogle	Gray	Gunby	Johnson	Lewis 25
Lovasco	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
Young				

PRESENT: 004

Barnes	Clemens	Ingle	Sander
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ABSENT WITH LEAVE: 011

Aldridge	Bland Manlove	Boggs	Collins	Doll
McDaniel	Murphy	Price IV	Rone	Sharpe 4
Shaul				

VACANCIES: 007

On motion of Representative Houx, **SS HB 2400, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 129

Aldridge	Anderson	Andrews	Atchison	Aune
Bailey	Baker	Bangert	Baringer	Basye
Billington	Black 137	Black 7	Bromley	Brown 16
Brown 27	Brown 70	Buchheit-Courtway	Burger	Burnett
Busick	Butz	Chipman	Christofanelli	Coleman 32
Coleman 97	Cook	Copeland	Cupps	Davidson
Deaton	DeGroot	Derges	Dinkins	Dogan
Eggleston	Ellebracht	Evans	Falkner	Fishel
Fitzwater	Fogle	Francis	Gregory 51	Gregory 96
Grier	Griffith	Haden	Haffner	Haley
Hardwick	Henderson	Hicks	Houx	Hovis
Hudson	Hurlbert	Ingle	Johnson	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 6
Lovasco	Mackey	Mayhew	McDaniel	McGaugh
McGill	Morse	Mosley	Murphy	Nurrenbern
O'Donnell	Owen	Patterson	Perkins	Person
Pietzman	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Pouche	Proudie	Quade	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Roden	Rogers	Sassmann	Sauls	Schnelting
Schroer	Schwadron	Seitz	Sharp 36	Shields
Simmons	Smith 155	Smith 163	Smith 67	Stacy
Stephens 128	Tate	Taylor 139	Taylor 48	Terry
Thomas	Thompson	Toalson Reisch	Trent	Turnbaugh
Van Schoiack	Veit	Walsh 50	West	Wiemann
Windham	Wright	Young	Mr. Speaker	

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NOES: 013

Adams	Appelbaum	Burton	Davis	Gunby
Lewis 25	McCreery	Merideth	Phifer	Smith 45
Stevens 46	Walsh Moore 93	Weber		

PRESENT: 004

Barnes	Clemens	Sander	Unsicker
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ABSENT WITH LEAVE: 010

Bland Manlove	Boggs	Bosley	Collins	Doll
Gray	Price IV	Rone	Sharpe 4	Shaul

VACANCIES: 007

Representative Coleman (97) declared the bill passed.

Representative Grier assumed the Chair.

**HOUSE BILLS WITH SENATE AMENDMENTS**

**SS SCS HCS HB 1552**, relating to alternative education programs, was taken up by Representative Richey.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Brown 16
Buchheit-Courtway	Burger	Busick	Chipman	Christofanelli
Coleman 97	Cook	Copeland	Cupps	Davidson
Davis	Deaton	DeGroot	Derges	Dinkins
Dogan	Eggleston	Evans	Falkner	Fitzwater
Francis	Gregory 51	Gregory 96	Grier	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Houx	Hovis	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 6
Lovasco	Mayhew	McGaugh	McGill	Morse
Murphy	O'Donnell	Owen	Patterson	Perkins
Pike	Plocher	Pollitt 52	Pouche	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Roden	Sander	Sassmann	Schnelting	Schwadron
Seitz	Shaul	Shields	Simmons	Smith 155
Smith 163	Stacy	Stephens 128	Tate	Taylor 139
Taylor 48	Thomas	Thompson	Toalson Reisch	Trent
Van Schoiack	Veit	Walsh 50	West	Wiemann
Wright	Mr. Speaker			

NOES: 039

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Fogle	Gunby	Ingle	Johnson	Lewis 25
Mackey	McCreery	Merideth	Mosley	Nurrenbern
Person	Phifer	Proudie	Quade	Rogers
Sharp 36	Smith 45	Stevens 46	Turnbaugh	Unsicker
Walsh Moore 93	Weber	Windham	Young	

PRESENT: 000

ABSENT WITH LEAVE: 020

Bailey	Bland Manlove	Coleman 32	Collins	Doll
Ellebracht	Fishel	Gray	Hicks	McDaniel
Pietzman	Pollock 123	Porter	Price IV	Rone
Sauls	Schroer	Sharpe 4	Smith 67	Terry

VACANCIES: 007

On motion of Representative Richey, **SS SCS HCS HB 1552** was adopted by the following vote:

AYES: 109

Aldridge	Appelbaum	Aune	Baker	Bangert
Baringer	Barnes	Basye	Billington	Black 7
Bland Manlove	Boggs	Brown 27	Brown 70	Buchheit-Courtway
Burnett	Butz	Chipman	Christofanelli	Coleman 32
Coleman 97	Cook	Cupps	Davidson	Davis
Deaton	DeGroot	Dinkins	Dogan	Eggleston
Ellebracht	Evans	Fitzwater	Gregory 51	Gregory 96
Grier	Griffith	Gunby	Haden	Haffner
Hardwick	Hicks	Hovis	Hudson	Hurlbert
Ingle	Johnson	Kalberloh	Kelley 127	Kelly 141
Kidd	Lewis 25	Lewis 6	Lovasco	Mackey
Mayhew	McCreery	McGaugh	Merideth	Murphy
Nurrenbern	Owen	Patterson	Perkins	Person
Pietzman	Pike	Plocher	Pollitt 52	Pollock 123
Pouche	Price IV	Quade	Railsback	Reedy
Richey	Riggs	Riley	Roberts	Roden
Rogers	Sander	Sauls	Schnelting	Schroer
Schwadron	Seitz	Sharp 36	Shaul	Shields
Simmons	Smith 155	Smith 163	Stacy	Stephens 128
Taylor 139	Taylor 48	Thomas	Toalson Reisch	Trent
Turnbaugh	Unsicker	Veit	Walsh 50	Weber
West	Wiemann	Young	Mr. Speaker	

NOES: 028

Andrews	Atchison	Black 137	Bromley	Burger
Burton	Busick	Derges	Falkner	Fogle
Francis	Gray	Haley	Henderson	Houx

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Knight	McGill	Morse	Mosley	O'Donnell
Phifer	Proudie	Sassmann	Stevens 46	Tate
Van Schoiack	Windham	Wright		

PRESENT: 011

Adams	Anderson	Bosley	Brown 16	Clemens
Copeland	Smith 45	Smith 67	Terry	Thompson
Walsh Moore 93				

ABSENT WITH LEAVE: 008

Bailey	Collins	Doll	Fishel	McDaniel
Porter	Rone	Sharpe 4		

VACANCIES: 007

On motion of Representative Richey, **SS SCS HCS HB 1552** was truly agreed to and finally passed by the following vote:

AYES: 116

Adams	Aldridge	Anderson	Appelbaum	Aune
Bailey	Baker	Bangert	Baringer	Barnes
Basye	Billington	Black 7	Bland Manlove	Boggs
Bosley	Brown 16	Brown 27	Brown 70	Buchheit-Courtway
Burnett	Butz	Chipman	Christofanelli	Clemens
Coleman 32	Coleman 97	Cook	Cupps	Davidson
Davis	Deaton	DeGroot	Dinkins	Dogan
Eggleston	Ellebracht	Evans	Fitzwater	Gregory 51
Gregory 96	Grier	Griffith	Gunby	Haden
Haffner	Hardwick	Hicks	Hovis	Hudson
Hurlbert	Ingle	Johnson	Kalberloh	Kelley 127
Kelly 141	Kidd	Lewis 25	Lewis 6	Lovasco
Mackey	Mayhew	McCreery	McGaugh	Merideth
Murphy	Nurrenbern	Owen	Patterson	Perkins
Person	Pietzman	Pike	Plocher	Pollitt 52
Pollock 123	Pouche	Price IV	Quade	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Roden	Rogers	Sander	Sauls	Schnelting
Schroer	Schwadron	Seitz	Sharp 36	Shaul
Shields	Simmons	Smith 155	Smith 163	Stacy
Stephens 128	Taylor 139	Taylor 48	Thomas	Toalson Reisch
Trent	Turnbaugh	Unsicker	Veit	Walsh 50
Walsh Moore 93	Weber	West	Wiemann	Young
Mr. Speaker				

NOES: 029

Andrews	Atchison	Black 137	Bromley	Burger
Burton	Busick	Derges	Falkner	Fogle
Francis	Gray	Haley	Henderson	Houx
Knight	McGill	Morse	Mosley	O'Donnell
Phifer	Proudie	Sassmann	Smith 45	Stevens 46
Tate	Van Schoiack	Windham	Wright	

PRESENT: 004

Copeland                    Smith 67                    Terry                    Thompson

ABSENT WITH LEAVE: 007

Collins                    Doll                    Fishel                    McDaniel                    Porter  
Rone                    Sharpe 4

VACANCIES: 007

Representative Grier declared the bill passed.

Representative Hicks assumed the Chair.

**THIRD READING OF SENATE BILLS - INFORMAL**

**HCS SCS SB 908, as amended, with House Amendment No. 5, pending**, relating to taxation, was taken up by Representative Baker.

**House Amendment No. 5** was withdrawn.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Buchheit-Courtway
Burger	Busick	Chipman	Christofanelli	Coleman 32
Coleman 97	Cook	Cupps	Davidson	Davis
Deaton	DeGroot	Derges	Dinkins	Eggleston
Evans	Falkner	Fitzwater	Francis	Gregory 51
Gregory 96	Grier	Griffith	Haden	Haffner
Haley	Hardwick	Henderson	Hicks	Hovis
Hudson	Hurlbert	Kelley 127	Kelly 141	Kidd
Knight	Lewis 6	Lovasco	Mayhew	McGaugh
McGill	Morse	Murphy	O'Donnell	Owen
Patterson	Perkins	Pietzman	Pike	Plocher
Pollitt 52	Pouche	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Sassmann	Schnelting
Schwadron	Seitz	Shaul	Shields	Smith 163
Stacy	Tate	Taylor 139	Taylor 48	Thomas
Thompson	Toalson Reisch	Trent	Van Schoiack	Veit
Walsh 50	West	Wiemann	Mr. Speaker	

NOES: 043

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bosley	Brown 27	Brown 70
Burnett	Burton	Butz	Clemens	Ellebracht
Fogle	Gray	Gunby	Ingle	Johnson

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Lewis 25	Mackey	McCreery	Merideth	Mosley
Nurrenbern	Phifer	Proudie	Quade	Roden
Rogers	Sander	Sauls	Schroer	Sharp 36
Smith 45	Stevens 46	Terry	Turnbaugh	Unsicker
Walsh Moore 93	Weber	Young		

PRESENT: 000

ABSENT WITH LEAVE: 024

Aldridge	Bailey	Bland Manlove	Brown 16	Collins
Copeland	Dogan	Doll	Fishel	Houx
Kalberloh	McDaniel	Person	Pollock 123	Porter
Price IV	Rone	Sharpe 4	Simmons	Smith 155
Smith 67	Stephens 128	Windham	Wright	

VACANCIES: 007

On motion of Representative Baker, **HCS SCS SB 908, as amended**, was adopted.

On motion of Representative Baker, **HCS SCS SB 908, as amended**, was read the third time and passed by the following vote:

AYES: 103

Andrews	Atchison	Bailey	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	Davidson	Davis	Deaton
DeGroot	Derges	Dinkins	Dogan	Eggleston
Evans	Falkner	Fishel	Fitzwater	Francis
Gregory 51	Gregory 96	Grier	Griffith	Haden
Haffner	Haley	Hardwick	Henderson	Hicks
Houx	Hovis	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 6
Lovasco	Mayhew	McGaugh	McGirl	Murphy
O'Donnell	Owen	Patterson	Perkins	Pietzman
Pike	Plocher	Pollitt 52	Pollock 123	Pouche
Railsback	Reedy	Richey	Riggs	Riley
Roberts	Roden	Sander	Sassmann	Schnelting
Schroer	Schwadron	Seitz	Shaul	Shields
Simmons	Smith 155	Smith 163	Stacy	Stephens 128
Tate	Taylor 139	Taylor 48	Thomas	Thompson
Toalson Reisch	Trent	Van Schoiack	Veit	Walsh 50
West	Wiemann	Mr. Speaker		

NOES: 045

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 70	Burnett	Burton	Butz	Clemens
Ellebracht	Fogle	Gray	Gunby	Ingle
Johnson	Lewis 25	Mackey	McCreery	Merideth
Mosley	Nurrenbern	Person	Phifer	Price IV
Proudie	Quade	Rogers	Sauls	Sharp 36
Smith 45	Smith 67	Stevens 46	Terry	Turnbaugh
Unsicker	Walsh Moore 93	Weber	Windham	Young

PRESENT: 001

Morse

ABSENT WITH LEAVE: 007

Collins	Doll	McDaniel	Porter	Rone
Sharpe 4	Wright			

VACANCIES: 007

Representative Hicks declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 111

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Brown 27	Buchheit-Courtway	Burger	Busick
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
Griffith	Haden	Haffner	Haley	Hardwick
Henderson	Hicks	Houx	Hovis	Hudson
Hurlbert	Ingle	Kalberloh	Kelley 127	Kelly 141
Kidd	Knight	Lewis 6	Lovasco	Mayhew
McGaugh	McGirl	Morse	Murphy	O'Donnell
Owen	Patterson	Perkins	Pietzman	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Railsback	Reedy	Richey	Riggs	Riley
Roberts	Roden	Rogers	Sander	Sassmann
Sauls	Schnelting	Schroer	Schwadron	Seitz
Shaul	Shields	Simmons	Smith 155	Smith 163
Stacy	Stephens 128	Tate	Taylor 139	Taylor 48
Thomas	Thompson	Toalson Reisch	Trent	Van Schoiack
Veit	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 036

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Bland Manlove	Brown 70	Burton
Butz	Collins	Fogle	Gray	Gunby
Johnson	Lewis 25	McCreery	Merideth	Mosley
Nurrenbern	Person	Phifer	Price IV	Proudie
Quade	Sharp 36	Smith 45	Smith 67	Stevens 46
Terry	Unsicker	Walsh Moore 93	Weber	Windham
Young				

PRESENT: 000

ABSENT WITH LEAVE: 009

Barnes	Bosley	Burnett	Doll	Mackey
McDaniel	Rone	Sharpe 4	Turnbaugh	

VACANCIES: 007

On motion of Representative Plocher, the House recessed until 2:15 p.m.

### AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Stevens (46).

Representative Plocher suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 039

Anderson	Bailey	Basye	Billington	Brown 16
Brown 27	Burton	Busick	Christofanelli	Cook
Copeland	Cupps	Davis	Evans	Haden
Haffner	Hardwick	Kelley 127	Lovasco	McGaugh
McGill	Morse	Murphy	Patterson	Pollock 123
Railsback	Richey	Riggs	Sander	Seitz
Shields	Smith 155	Taylor 139	Thompson	Van Schoiack
Veit	Walsh 50	Walsh Moore 93	Wright	

NOES: 003

Bland Manlove	Clemens	Fitzwater
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PRESENT: 096

Adams	Aldridge	Andrews	Appelbaum	Atchison
Aune	Bangert	Baringer	Black 137	Black 7
Boggs	Bromley	Brown 70	Buchheit-Courtway	Burger
Burnett	Butz	Chipman	Coleman 32	Coleman 97
Collins	Deaton	DeGroot	Derges	Dinkins
Dogan	Eggleston	Ellebracht	Falkner	Fishel
Fogle	Francis	Gray	Gregory 51	Gregory 96
Griffith	Gunby	Haley	Henderson	Hicks
Houx	Hovis	Hudson	Hurlbert	Ingle
Johnson	Kalberloh	Kelly 141	Kidd	Knight
Lewis 25	Lewis 6	Mackey	Mayhew	McCreery
Nurrenbern	O'Donnell	Owen	Perkins	Person
Phifer	Pike	Plocher	Pollitt 52	Porter
Pouche	Price IV	Proudie	Quade	Reedy
Riley	Roberts	Roden	Sassmann	Sauls
Schwadron	Sharp 36	Shaul	Smith 163	Smith 45
Smith 67	Stacy	Stevens 46	Tate	Taylor 48
Terry	Thomas	Toalson Reisch	Trent	Turnbaugh
Unsicker	Weber	Wiemann	Windham	Young
Mr. Speaker				

ABSENT WITH LEAVE: 018

Baker	Barnes	Bosley	Davidson	Doll
Grier	McDaniel	Merideth	Mosley	Pietzman
Rogers	Rone	Schnelting	Schroer	Sharpe 4
Simmons	Stephens 128	West		

VACANCIES: 007

Representative Taylor (139) resumed the Chair.

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **CCR SS SCS HCS HB 1606, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (5): Baringer, Chipman, Fitzwater, Fogle and Richey

Noes (2): Eggleston and Walsh (50)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS#3 SCS SB 758**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (4): Baringer, Fitzwater, Fogle and Richey

Noes (3): Chipman, Eggleston and Walsh (50)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SB 798**, begs leave to report it has examined the same and recommends that it **Do Not Pass** by the following vote:

Ayes (3): Baringer, Fitzwater and Fogle

Noes (4): Chipman, Eggleston, Richey and Walsh (50)

Absent (0)

## BILLS CARRYING REQUEST MESSAGES

**SB 652, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, and House Amendment No. 2, as amended**, relating to financial incentives for economic development, was taken up by Representative Patterson.

Representative Patterson moved that the House recede from its position on **House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, and House Amendment No. 2, as amended, to SB 652.**

Representative Shaul assumed the Chair.

Representative Patterson again moved that the House recede from its position on **House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, and House Amendment No. 2, as amended, to SB 652.**

Which motion was adopted.

On motion of Representative Patterson, **SB 652** was truly agreed to and finally passed by the following vote:

AYES: 141

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bailey	Baker	Bangert
Baringer	Barnes	Billington	Black 137	Black 7
Bland Manlove	Boggs	Bosley	Bromley	Brown 16
Brown 27	Brown 70	Buchheit-Courtway	Burger	Burnett
Burton	Busick	Butz	Chipman	Christofanelli
Clemens	Coleman 32	Coleman 97	Collins	Cook
Copeland	Cupps	Davidson	Deaton	DeGroot
Derges	Dinkins	Dogan	Eggleston	Ellebracht
Evans	Falkner	Fishel	Fitzwater	Fogle
Francis	Gray	Gregory 51	Gregory 96	Grier
Griffith	Gunby	Haden	Haffner	Haley
Hardwick	Henderson	Hicks	Houx	Hovis
Hudson	Hurlbert	Ingle	Johnson	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 25
Lewis 6	Mackey	Mayhew	McCreery	McDaniel
McGaugh	McGirl	Morse	Mosley	Murphy
Nurrenbern	O'Donnell	Owen	Patterson	Perkins
Person	Phifer	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Pouche	Quade	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Rogers	Sander	Sassmann	Sauls	Schnelting
Schroer	Schwadron	Seitz	Sharp 36	Shaul
Shields	Simmons	Smith 155	Smith 163	Smith 45
Smith 67	Stacy	Stevens 46	Tate	Taylor 139
Taylor 48	Terry	Thomas	Thompson	Toalson Reisch
Turnbaugh	Unsicker	Van Schoiack	Veit	Walsh Moore 93
Weber	Wiemann	Windham	Wright	Young
Mr. Speaker				

NOES: 005

Basye	Davis	Lovasco	Roden	Walsh 50
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PRESENT: 000

ABSENT WITH LEAVE: 010

Doll	Merideth	Pietzman	Price IV	Proudie
Rone	Sharpe 4	Stephens 128	Trent	West

VACANCIES: 007

Representative Shaul declared the bill passed.

### BILLS IN CONFERENCE

**CCR SS SCS HCS HB 1606, as amended**, relating to political subdivisions, was taken up by Representative McGaugh.

Representative Gregory (96) assumed the Chair.

On motion of Representative McGaugh, **CCR SS SCS HCS HB 1606, as amended**, was adopted by the following vote:

AYES: 107

Adams	Anderson	Andrews	Atchison	Bailey
Baker	Baringer	Barnes	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Brown 27
Buchheit-Courtway	Burger	Burnett	Busick	Butz
Chipman	Christofanelli	Coleman 32	Coleman 97	Cook
Copeland	Cupps	Davidson	Deaton	DeGroot
Derges	Dinkins	Dogan	Ellebracht	Evans
Falkner	Fishel	Francis	Gregory 96	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Hicks	Houx	Hovis	Hudson	Hurlbert
Kalberloh	Kelley 127	Kelly 141	Knight	Lewis 6
Mayhew	McDaniel	McGaugh	McGill	Morse
Murphy	O'Donnell	Owen	Patterson	Perkins
Pike	Plocher	Pollitt 52	Pollock 123	Porter
Pouche	Railsback	Reedy	Richey	Riggs
Riley	Roberts	Roden	Sander	Sassmann
Sauls	Schnelting	Schroer	Schwadron	Seitz
Sharp 36	Shaul	Shields	Simmons	Smith 155
Smith 163	Smith 45	Stacy	Stephens 128	Tate
Taylor 139	Taylor 48	Thomas	Thompson	Toalson Reisch
Trent	Turnbaugh	Van Schoiack	Veit	Wiemann
Wright	Mr. Speaker			

NOES: 034

Appelbaum	Aune	Bangert	Bland Manlove	Bosley
Brown 70	Burton	Clemens	Collins	Davis
Eggleston	Fitzwater	Gray	Gunby	Ingle
Johnson	Kidd	Lewis 25	Lovasco	Mackey
McCreery	Merideth	Mosley	Nurrenbern	Person
Phifer	Quade	Stevens 46	Terry	Unsicker
Walsh 50	Walsh Moore 93	Weber	Young	

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PRESENT: 004

Aldridge                      Fogle                              Smith 67                              Windham

ABSENT WITH LEAVE: 011

Brown 16                      Doll                              Gregory 51                              Grier                              Pietzman  
Price IV                      Proudie                              Rogers                              Rone                              Sharpe 4  
West

VACANCIES: 007

On motion of Representative McGaugh, **CCS SS SCS HCS HB 1606** was read the third time and passed by the following vote:

AYES: 109

Adams	Anderson	Andrews	Atchison	Bailey
Baker	Baringer	Barnes	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Brown 27
Buchheit-Courtway	Burger	Burnett	Busick	Butz
Chipman	Christofanelli	Coleman 32	Coleman 97	Cook
Copeland	Cupps	Davidson	Deaton	DeGroot
Derges	Dinkins	Dogan	Ellebracht	Evans
Falkner	Fishel	Fitzwater	Francis	Gregory 96
Griffith	Haden	Haffner	Haley	Hardwick
Henderson	Hicks	Houx	Hovis	Hudson
Hurlbert	Kalberloh	Kelley 127	Kelly 141	Kidd
Knight	Lewis 6	Mayhew	McDaniel	McGaugh
McGill	Morse	Murphy	O'Donnell	Owen
Patterson	Perkins	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Pouche	Railsback	Reedy
Richey	Riggs	Riley	Roberts	Roden
Sander	Sassmann	Sauls	Schnelting	Schroer
Schwadron	Seitz	Sharp 36	Shaul	Shields
Simmons	Smith 155	Smith 163	Smith 45	Stacy
Stephens 128	Tate	Taylor 139	Taylor 48	Thomas
Thompson	Toalson Reisch	Trent	Turnbaugh	Van Schoiack
Veit	Wiemann	Wright	Mr. Speaker	

NOES: 034

Appelbaum	Aune	Bangert	Bland Manlove	Bosley
Brown 70	Burton	Clemens	Collins	Davis
Eggleston	Gray	Gunby	Ingle	Johnson
Lewis 25	Lovasco	Mackey	McCreery	Merideth
Mosley	Nurrenbern	Person	Phifer	Proudie
Quade	Smith 67	Stevens 46	Terry	Unsicker
Walsh 50	Walsh Moore 93	Weber	Young	

PRESENT: 003

Aldridge                      Fogle                              Windham

ABSENT WITH LEAVE: 010

Brown 16                      Doll                              Gregory 51                              Grier                              Pietzman  
Price IV                      Rogers                              Rone                              Sharpe 4                              West

VACANCIES: 007

Representative Gregory (96) declared the bill passed.

Representative Taylor (139) resumed the Chair.

**HOUSE BILLS WITH SENATE AMENDMENTS**

**SS#2 SCS HCS HB 1472**, relating to the offense of money laundering, was taken up by Representative Pike.

Representative Trent assumed the Chair.

On motion of Representative Pike, **SS#2 SCS HCS HB 1472** was adopted by the following vote:

AYES: 147

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bailey	Baker	Bangert
Baringer	Barnes	Basye	Billington	Black 137
Black 7	Bland Manlove	Boggs	Bosley	Bromley
Brown 27	Brown 70	Buchheit-Courtway	Burger	Burnett
Burton	Busick	Butz	Chipman	Christofanelli
Clemens	Coleman 32	Coleman 97	Collins	Cook
Copeland	Cupps	Davidson	Deaton	DeGroot
Derges	Dinkins	Dogan	Eggleston	Ellebracht
Evans	Falkner	Fishel	Fitzwater	Fogle
Francis	Gray	Gregory 51	Gregory 96	Grier
Griffith	Gunby	Haden	Haffner	Haley
Hardwick	Henderson	Hicks	Houx	Hovis
Hudson	Hurlbert	Ingle	Johnson	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 25
Lewis 6	Mackey	Mayhew	McCreery	McDaniel
McGaugh	McGill	Merideth	Morse	Mosley
Murphy	Nurrenbern	O'Donnell	Owen	Perkins
Person	Phifer	Pietzman	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Price IV
Proudie	Quade	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Roden	Rogers
Sander	Sassmann	Sauls	Schnelting	Schroer
Schwadron	Seitz	Sharp 36	Shaul	Shields
Simmons	Smith 155	Smith 163	Smith 45	Stacy
Stephens 128	Stevens 46	Tate	Taylor 139	Taylor 48
Terry	Thomas	Thompson	Toalson Reisch	Trent
Turnbaugh	Unsicker	Van Schoiack	Veit	Walsh 50
Walsh Moore 93	Weber	Wiemann	Windham	Wright
Young	Mr. Speaker			

NOES: 002

Davis Lovasco

PRESENT: 000

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ABSENT WITH LEAVE: 007

Brown 16	Doll	Patterson	Rone	Sharpe 4
Smith 67	West			

VACANCIES: 007

On motion of Representative Pike, **SS#2 SCS HCS HB 1472** was truly agreed to and finally passed by the following vote:

AYES: 141

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Baker	Bangert	Baringer
Barnes	Basye	Billington	Black 137	Black 7
Bland Manlove	Boggs	Bosley	Bromley	Brown 27
Brown 70	Buchheit-Courtway	Burger	Burnett	Burton
Busick	Butz	Chipman	Christofanelli	Clemens
Coleman 32	Coleman 97	Collins	Cook	Copeland
Cupps	Davidson	Deaton	DeGroot	Dinkins
Dogan	Eggleston	Ellebracht	Evans	Falkner
Fishel	Fitzwater	Fogle	Francis	Gray
Gregory 96	Griffith	Gunby	Haden	Haffner
Haley	Hardwick	Henderson	Hicks	Houx
Hovis	Hurlbert	Ingle	Johnson	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 25
Lewis 6	Mackey	Mayhew	McCreery	McGaugh
McGirl	Merideth	Morse	Mosley	Nurrenbern
O'Donnell	Owen	Perkins	Person	Phifer
Pietzman	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Pouche	Price IV	Proudie	Quade
Railsback	Reedy	Richey	Riggs	Riley
Roberts	Roden	Rogers	Sander	Sassmann
Sauls	Schnelting	Schroer	Schwadron	Seitz
Sharp 36	Shaul	Shields	Simmons	Smith 155
Smith 163	Smith 45	Smith 67	Stacy	Stephens 128
Stevens 46	Tate	Taylor 139	Taylor 48	Terry
Thomas	Thompson	Toalson Reisch	Trent	Turnbaugh
Unsicker	Van Schoiack	Veit	Walsh 50	Walsh Moore 93
Weber	Wiemann	Windham	Wright	Young
Mr. Speaker				

NOES: 002

Davis	Lovasco
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PRESENT: 000

ABSENT WITH LEAVE: 013

Bailey	Brown 16	Derges	Doll	Gregory 51
Grier	Hudson	McDaniel	Murphy	Patterson
Rone	Sharpe 4	West		

VACANCIES: 007

Representative Trent declared the bill passed.

**BILLS IN CONFERENCE**

**CCR#2 HCS SS SCS SBs 681 & 662, as amended**, relating to elementary and secondary education, was taken up by Representative Basye.

Representative Taylor (139) resumed the Chair.

On motion of Representative Basye, **CCR#2 HCS SS SCS SBs 681 & 662, as amended**, was adopted by the following vote:

AYES: 096

Andrews	Bailey	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Buchheit-Courtway
Burger	Busick	Chipman	Christofanelli	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
Griffith	Haden	Haffner	Haley	Hardwick
Henderson	Hicks	Houx	Hovis	Hurlbert
Kalberloh	Kelley 127	Kelly 141	Kidd	Knight
Lewis 6	Lovasco	Mayhew	McDaniel	McGaugh
McGill	O'Donnell	Owen	Perkins	Pike
Plocher	Pollitt 52	Porter	Pouche	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Roden	Sander	Sassmann	Schnelting	Schroer
Schwadron	Seitz	Sharp 36	Shaul	Shields
Simmons	Smith 155	Smith 163	Stacy	Stephens 128
Tate	Taylor 139	Taylor 48	Thompson	Toalson Reisch
Trent	Van Schoiack	Veit	Wiemann	Wright
Mr. Speaker				

NOES: 033

Adams	Aldridge	Anderson	Bangert	Baringer
Barnes	Bland Manlove	Bosley	Brown 27	Burton
Clemens	Collins	Gray	Ingle	Johnson
Lewis 25	Mackey	McCreery	Mosley	Person
Pollock 123	Price IV	Rogers	Smith 45	Smith 67
Terry	Thomas	Turnbaugh	Unsicker	Walsh 50
Walsh Moore 93	Windham	Young		

PRESENT: 016

Appelbaum	Atchison	Aune	Brown 70	Burnett
Butz	Fogle	Gunby	Merideth	Morse
Nurrenbern	Phifer	Proudie	Quade	Sauls
Weber				

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ABSENT WITH LEAVE: 011

Brown 16	Doll	Ellebracht	Hudson	Murphy
Patterson	Pietzman	Rone	Sharpe 4	Stevens 46
West				

VACANCIES: 007

On motion of Representative Basye, **CCS#2 HCS SS SCS SBs 681 & 662** was truly agreed to and finally passed by the following vote:

AYES: 125

Adams	Aldridge	Andrews	Appelbaum	Aune
Bailey	Baker	Bangert	Baringer	Basye
Billington	Black 137	Black 7	Bromley	Brown 27
Brown 70	Buchheit-Courtway	Burger	Burnett	Busick
Butz	Chipman	Christofanelli	Clemens	Coleman 32
Coleman 97	Cook	Copeland	Cupps	Davidson
Davis	Deaton	DeGroot	Dinkins	Dogan
Eggleston	Ellebracht	Evans	Falkner	Fishel
Fitzwater	Fogle	Francis	Gregory 51	Gregory 96
Grier	Griffith	Gunby	Haden	Haffner
Haley	Hardwick	Henderson	Hicks	Houx
Hovis	Hurlbert	Ingle	Johnson	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 25
Lewis 6	Lovasco	Mackey	Mayhew	McCreery
McGill	Murphy	Nurrenbern	Owen	Perkins
Phifer	Pike	Plocher	Pollitt 52	Porter
Pouche	Price IV	Quade	Railsback	Reedy
Richey	Riggs	Riley	Roberts	Roden
Rogers	Sander	Sassmann	Sauls	Schnelting
Schroer	Schwadron	Seitz	Sharp 36	Shaul
Shields	Simmons	Smith 155	Smith 163	Smith 45
Smith 67	Stacy	Stevens 128	Tate	Taylor 139
Taylor 48	Terry	Thompson	Toalson Reisch	Trent
Turnbaugh	Unsicker	Van Schoiack	Veit	Walsh Moore 93
Weber	Wiemann	Wright	Young	Mr. Speaker

NOES: 005

Person	Pollock 123	Thomas	Walsh 50	Windham
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PRESENT: 012

Anderson	Atchison	Barnes	Bland Manlove	Bosley
Burton	Collins	Gray	Merideth	Morse
Mosley	Proudie			

ABSENT WITH LEAVE: 014

Boggs	Brown 16	Derges	Doll	Hudson
McDaniel	McGaugh	O'Donnell	Patterson	Pietzman
Rone	Sharpe 4	Stevens 46	West	

VACANCIES: 007

Representative Taylor (139) declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 137

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bailey	Bangert	Baringer
Barnes	Basye	Billington	Black 137	Black 7
Bland Manlove	Bosley	Bromley	Brown 27	Brown 70
Buchheit-Courtway	Burnett	Burton	Busick	Butz
Chipman	Christofanelli	Clemens	Coleman 32	Coleman 97
Collins	Cook	Copeland	Cupps	Davidson
Deaton	DeGroot	Dinkins	Dogan	Eggleston
Ellebracht	Evans	Falkner	Fishel	Fitzwater
Fogle	Francis	Gray	Gregory 51	Gregory 96
Grier	Griffith	Gunby	Haden	Haffner
Haley	Hardwick	Henderson	Hicks	Houx
Hovis	Hurlbert	Ingle	Johnson	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 25
Lewis 6	Lovasco	Mackey	Mayhew	McCreery
McGill	Merideth	Morse	Mosley	Murphy
Nurrenbern	Owen	Perkins	Person	Phifer
Pike	Plocher	Pollitt 52	Porter	Pouche
Price IV	Proudie	Quade	Railsback	Reedy
Richey	Riggs	Riley	Roberts	Roden
Rogers	Sander	Sassmann	Sauls	Schnelting
Schroer	Schwadron	Seitz	Sharp 36	Shaul
Shields	Simmons	Smith 155	Smith 163	Smith 45
Smith 67	Stacy	Stephens 128	Tate	Taylor 139
Taylor 48	Terry	Thomas	Thompson	Toalson Reisch
Trent	Turnbaugh	Unsicker	Van Schoiack	Veit
Walsh Moore 93	Weber	Wiemann	Windham	Wright
Young	Mr. Speaker			

NOES: 003

Davis	Pollock 123	Walsh 50
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PRESENT: 000

ABSENT WITH LEAVE: 016

Baker	Boggs	Brown 16	Burger	Derges
Doll	Hudson	McDaniel	McGaugh	O'Donnell
Patterson	Pietzman	Rone	Sharpe 4	Stevens 46
West				

VACANCIES: 007

Speaker Vescovo resumed the Chair.

Representative Taylor (139) resumed the Chair.

**THIRD READING OF SENATE BILLS**

**HCS SS#3 SCS SB 758**, relating to incentives for increased business activities, was taken up by Representative Gregory (51).

On motion of Representative Gregory (51), the title of **HCS SS#3 SCS SB 758** was agreed to.

Representative Gregory (51) moved that **HCS SS#3 SCS SB 758** be adopted.

Which motion was defeated.

On motion of Representative Gregory (51), the title of **SS#3 SCS SB 758**, relating to procedures for certain public projects for facilities, was agreed to.

On motion of Representative Gregory (51), **SS#3 SCS SB 758** was truly agreed to and finally passed by the following vote:

AYES: 136

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Baker	Bangert	Baringer
Barnes	Basye	Billington	Black 137	Black 7
Bland Manlove	Boggs	Bosley	Bromley	Brown 27
Buchheit-Courtway	Burnett	Burton	Busick	Butz
Chipman	Christofanelli	Clemens	Coleman 32	Coleman 97
Collins	Cook	Copeland	Cupps	Davidson
Davis	Deaton	DeGroot	Dinkins	Dogan
Eggleston	Ellebracht	Evans	Falkner	Fishel
Fitzwater	Fogle	Francis	Gray	Gregory 51
Gregory 96	Grier	Griffith	Gunby	Haden
Haffner	Haley	Hardwick	Henderson	Hicks
Houx	Hovis	Hurlbert	Ingle	Johnson
Kalberloh	Kelley 127	Kelly 141	Kidd	Knight
Lewis 25	Lewis 6	Lovasco	Mackey	Mayhew
McCreery	Merideth	Morse	Mosley	Murphy
Nurrenbern	Owen	Perkins	Person	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Price IV	Proudie	Quade	Railsback	Reedy
Richey	Riggs	Riley	Roberts	Roden
Rogers	Sander	Sassmann	Sauls	Schnelting
Schroer	Schwadron	Seitz	Sharp 36	Shaul
Shields	Smith 155	Smith 163	Smith 45	Smith 67
Stacy	Stephens 128	Tate	Taylor 139	Taylor 48
Terry	Thomas	Thompson	Toalson Reisch	Trent
Turnbaugh	Unsicker	Van Schoiack	Veit	Walsh Moore 93
Weber	Wiemann	Windham	Wright	Young
Mr. Speaker				

NOES: 001

Walsh 50

PRESENT: 001

Phifer

ABSENT WITH LEAVE: 018

Bailey	Brown 16	Brown 70	Burger	Derges
Doll	Hudson	McDaniel	McGaugh	McGill
O'Donnell	Patterson	Pietzman	Rone	Sharpe 4
Simmons	Stevens 46	West		

VACANCIES: 007

Representative Taylor (139) declared the bill passed.

### 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 adopted the Conference Committee Report on **HCS#2 SB 710, as amended**, and has taken up and passed **CCS HCS#2 SB 710**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate moves that the conference committee be dissolved on **SS SCS SB 724, with HCS, as amended**, and requests the House to recede from its position on **HCS, as amended**, and take up and pass **SS SCS SB 724**.

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 HB 2331** entitled:

An act to repeal sections 172.800, 191.116, 191.500, 191.515, 191.520, 191.525, 191.743, 192.005, 192.2225, 194.210, 194.255, 194.265, 194.285, 194.290, 194.297, 194.299, 194.304, 195.206, 195.815, 196.866, 196.868, 197.100, 197.256, 197.258, 197.400, 197.415, 197.445, 198.006, 198.022, 198.026, 198.036, 198.525, 198.526, 198.545, 251.070, 301.020, 302.171, 335.230, 335.257, and 660.010, RSMo, and to enact in lieu thereof thirty-seven new sections relating to programs administered by the department of health and senior services, with penalty provisions.

With Senate Amendment No. 1 and Senate Amendment No. 2.

#### *Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 2331, Page 1, Section A, Line 14, by inserting after all of said line the following:

**“135.690. 1. As used in this section, the following terms mean:**

(1) "Community-based faculty preceptor", a physician or physician assistant who is licensed in Missouri and provides preceptorships to Missouri medical students or physician assistant students without direct compensation for the work of precepting;

(2) "Department", the Missouri department of health and senior services;

(3) "Division", the division of professional registration of the department of commerce and insurance;

(4) "Federally Qualified Health Center (FQHC)", a reimbursement designation from the Bureau of Primary Health Care and the Centers for Medicare and Medicaid services of the United States Department of Health and Human Services;

(5) "Medical student", an individual enrolled in a Missouri medical college approved and accredited as reputable by the American Medical Association or the Liaison Committee on Medical Education or enrolled in a Missouri osteopathic college approved and accredited as reputable by the Commission on Osteopathic College Accreditation;

(6) "Medical student core preceptorship" or "physician assistant student core preceptorship", a preceptorship for a medical student or physician assistant student that provides a minimum of one hundred twenty hours of community-based instruction in family medicine, internal medicine, pediatrics, psychiatry, or obstetrics and gynecology under the guidance of a community-based faculty preceptor. A community-based faculty preceptor may add together the amounts of preceptorship instruction time separately provided to multiple students in determining whether he or she has reached the minimum hours required under this subdivision, but the total preceptorship instruction time provided shall equal at least one hundred twenty hours in order for such preceptor to be eligible for the tax credit authorized under this section;

(7) "Physician assistant student", an individual participating in a Missouri physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its successor organization;

(8) "Taxpayer", any individual, firm, partner in a firm, corporation, or shareholder in an S corporation doing business in this state and subject to the state income tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

2. (1) Beginning January 1, 2023, any community-based faculty preceptor who serves as the community-based faculty preceptor for a medical student core preceptorship or a physician assistant student core preceptorship shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, in an amount equal to one thousand dollars for each preceptorship, up to a maximum of three thousand dollars per tax year, if he or she completes up to three preceptorship rotations during the tax year and did not receive any direct compensation for the preceptorships.

(2) To receive the credit allowed by this section, a community-based faculty preceptor shall claim such credit on his or her return for the tax year in which he or she completes the preceptorship rotations and shall submit supporting documentation as prescribed by the division and the department.

(3) In no event shall the total amount of a tax credit authorized under this section exceed a taxpayer's income tax liability for the tax year for which such credit is claimed. No tax credit authorized under this section shall be allowed a taxpayer against his or her tax liability for any prior or succeeding tax year.

(4) No more than two hundred preceptorship tax credits shall be authorized under this section for any one calendar year. The tax credits shall be awarded on a first-come, first-served basis. The division and the department shall jointly promulgate rules for determining the manner in which taxpayers who have obtained certification under this section are able to claim the tax credit. The cumulative amount of tax credits awarded under this section shall not exceed two hundred thousand dollars per year.

(5) Notwithstanding the provisions of subdivision (4) of this subsection, the department is authorized to exceed the two hundred thousand dollars per year tax credit program cap in any amount not to exceed the amount of funds remaining in the medical preceptor fund, as established under subsection 3 of this section, as of the end of the most recent tax year, after any required transfers to the general revenue fund have taken place in accordance with the provisions of subsection 3 of this section.

3. (1) Funding for the tax credit program authorized under this section shall be generated by the division from a license fee increase of seven dollars per license for physicians and surgeons and from a license fee increase of three dollars per license for physician assistants. The license fee increases shall take effect beginning January 1, 2023, based on the underlying license fee rates prevailing on that date. The underlying license fee rates shall be determined under section 334.090 and all other applicable provisions of chapter 334.

(2) (a) There is hereby created in the state treasury the "Medical Preceptor Fund", which shall consist of moneys collected under this subsection. 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 used solely by the department for the administration of the tax credit program authorized under this section. 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 medical preceptor fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(b) Notwithstanding any provision of this chapter or any other provision of law to the contrary, all revenue from the license fee increases described under subdivision (1) of this subsection shall be deposited in the medical preceptor fund. After the end of every tax year, an amount equal to the total dollar amount of all tax credits claimed under this section shall be transferred from the medical preceptor fund to the state's general revenue fund established under section 33.543. Any excess moneys in the medical preceptor fund shall remain in the fund and shall not be transferred to the general revenue fund.

4. (1) The department shall administer the tax credit program authorized under this section. Each taxpayer claiming a tax credit under this section shall file an application with the department verifying the number of hours of instruction and the amount of the tax credit claimed. The hours claimed on the application shall be verified by the college or university department head or the program director on the application. The certification by the department affirming the taxpayer's eligibility for the tax credit provided to the taxpayer shall be filed with the taxpayer's income tax return.

(2) No amount of any tax credit allowed under this section shall be refundable. No tax credit allowed under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive the tax credit authorized under this section if such taxpayer employs persons who are not authorized to work in the United States under federal law.

5. The department of commerce and insurance and the department of health and senior services shall jointly promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 2331, Page 2, Section 172.800, Line 24, by inserting after all of said line the following:

“190.100. As used in sections 190.001 to 190.245 **and section 190.257**, the following words and terms mean:

(1) "Advanced emergency medical technician" or "AEMT", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;

(2) "Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(3) "Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(4) "Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

(5) "Ambulance service area", a specific geographic area in which an ambulance service has been authorized to operate;

(6) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(7) "Council", the state advisory council on emergency medical services;

(8) "Department", the department of health and senior services, state of Missouri;

(9) "Director", the director of the department of health and senior services or the director's duly authorized representative;

(10) "Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(11) "Emergency", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(12) "Emergency medical dispatcher", a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(13) "Emergency medical responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the U.S. Department of Transportation and any modifications to such curricula specified by the department through rules adopted under sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(14) "Emergency medical response agency", any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(15) "Emergency medical services for children (EMS-C) system", the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(16) "Emergency medical services (EMS) system", the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(17) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

(18) "Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(19) "Emergency medical technician-community paramedic", "community paramedic", or "EMT-CP", a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;

(20) "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(21) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

(22) "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;

(23) "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

(24) "Medical control", supervision provided by or under the direction of physicians, or their designated registered nurse, including both online medical control, instructions by radio, telephone, or other means of direct communications, and offline medical control through supervision by treatment protocols, case review, training, and standing orders for treatment;

(25) "Medical direction", medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

(26) "Medical director", a physician licensed pursuant to chapter 334 designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

(27) "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(28) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

(29) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

(30) "Physician", a person licensed as a physician pursuant to chapter 334;

(31) "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

(32) "Professional organization", any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

(33) "Proof of financial responsibility", proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

(34) "Protocol", a predetermined, written medical care guideline, which may include standing orders;

(35) "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

(36) "Specialty care transportation", the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

(37) "Stabilize", with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual's medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

(38) "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

(39) "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

(40) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

(41) "STEMI care", includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

(42) "STEMI center", a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

(43) "Stroke", a condition of impaired blood flow to a patient's brain as defined by the department;

(44) "Stroke care", includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

(45) "Stroke center", a hospital that is currently designated as such by the department;

(46) **"Time-critical diagnosis", trauma care, stroke care, and STEMI care occurring either outside of a hospital or in a center designated under section 190.241;**

(47) **"Time-critical diagnosis advisory committee", a committee formed under section 190.257 to advise the department on policies impacting trauma, stroke, and STEMI center designations; regulations on trauma care, stroke care, and STEMI care; and the transport of trauma, stroke, and STEMI patients;**

(48) "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

~~[(47)]~~ (49) "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

~~[(48)]~~ (50) "Trauma center", a hospital that is currently designated as such by the department.

190.101. 1. There is hereby established a "State Advisory Council on Emergency Medical Services" which shall consist of sixteen members, one of which shall be a resident of a city not within a county. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.

2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. **The state EMS medical director, as described under section 190.103, shall serve as an ex officio member of the council.**

5. The members of the council and subcommittees shall serve without compensation except that members of the council shall, subject to appropriations, be reimbursed for reasonable travel expenses and meeting expenses related to the functions of the council.

~~[5-]~~ 6. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.

~~[6-]~~ 7. (1) There is hereby established a standing subcommittee of the council to monitor the implementation of the recognition of the EMS personnel licensure interstate compact under sections 190.900 to 190.939, the interstate commission for EMS personnel practice, and the involvement of the state of Missouri. The subcommittee shall meet at least biannually and receive reports from the Missouri delegate to the interstate commission for EMS personnel practice. The subcommittee shall consist of at least seven members appointed by

the chair of the council, to include at least two members as recommended by the Missouri state council of firefighters and one member as recommended by the Missouri Association of Fire Chiefs. The subcommittee may submit reports and recommendations to the council, the department of health and senior services, the general assembly, and the governor regarding the participation of Missouri with the recognition of the EMS personnel licensure interstate compact.

(2) The subcommittee shall formally request a public hearing for any rule proposed by the interstate commission for EMS personnel practice in accordance with subsection 7 of section 190.930. The hearing request shall include the request that the hearing be presented live through the internet. The Missouri delegate to the interstate commission for EMS personnel practice shall be responsible for ensuring that all hearings, notices of, and related rulemaking communications as required by the compact be communicated to the council and emergency medical services personnel under the provisions of subsections 4, 5, 6, and 8 of section 190.930.

(3) The department of health and senior services shall not establish or increase fees for Missouri emergency medical services personnel licensure in accordance with this chapter for the purpose of creating the funds necessary for payment of an annual assessment under subdivision (3) of subsection 5 of section 190.924.

**8. The council shall consult with the time-critical diagnosis advisory committee, as described under section 190.257, regarding time-critical diagnosis.**

190.103. 1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years. The state EMS medical director shall be the chair of the state EMS medical director's advisory committee, and shall be elected by the members of the regional EMS medical director's advisory committee, shall serve a term of four years, and shall seek to coordinate EMS services between the EMS regions, promote educational efforts for agency medical directors, represent Missouri EMS nationally in the role of the state EMS medical director, and seek to incorporate the EMS system into the health care system serving Missouri.

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders. Emergency medical technicians shall only perform those medical procedures as directed by treatment protocols approved by the local medical director or when authorized through direct communication with online medical control.

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

5. Regional EMS medical directors and the state EMS medical director elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.

6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035.

7. Regional EMS medical directors may act to provide online telecommunication medical direction to AEMTs, EMT-Bs, EMT-Ps, and community paramedics and provide offline medical direction per standardized

treatment, triage, and transport protocols when EMS personnel, including AEMTs, EMT-Bs, EMT-Ps, and community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.

8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments. Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending arrival of the special needs patient, the condition of the patient, and the treatment instituted.

9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.

10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for patients, such activity shall not be construed as having usurped local medical direction authority in any manner.

11. **The state EMS medical directors advisory committee shall review and make recommendations regarding all proposed community and regional time-critical diagnosis plans.**

12. Notwithstanding any other provision of law to the contrary, when regional EMS medical directors are providing either online telecommunication medical direction to AEMTs, EMT-Bs, EMT-Ps, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications.

190.176. 1. The department shall develop and administer a uniform data collection system on all ambulance runs and injured patients, pursuant to rules promulgated by the department for the purpose of injury etiology, patient care outcome, injury and disease prevention and research purposes. The department shall not require disclosure by hospitals of data elements pursuant to this section unless those data elements are required by a federal agency or were submitted to the department as of January 1, 1998, pursuant to:

- (1) Departmental regulation of trauma centers; or
- (2) ~~[(The Missouri brain and spinal cord injury registry established by sections 192.735 to 192.745; or~~
- ~~(3)]~~ Abstracts of inpatient hospital data; or
- ~~[(4)]~~ (3) If such data elements are requested by a lawful subpoena or subpoena duces tecum.

2. All information and documents in any civil action, otherwise discoverable, may be obtained from any person or entity providing information pursuant to the provisions of sections 190.001 to 190.245.

190.200. 1. The department of health and senior services in cooperation with **hospitals and** local and regional EMS systems and agencies may provide public and professional information and education programs related to emergency medical services systems including trauma, STEMI, and stroke systems and emergency medical care and treatment. The department of health and senior services may also provide public information and education programs for informing residents of and visitors to the state of the availability and proper use of emergency medical services, **of the designation a hospital may receive as a trauma center, STEMI center, or stroke center**, of the value and nature of programs to involve citizens in the administering of prehospital emergency care, including cardiopulmonary resuscitation, and of the availability of training programs in emergency care for members of the general public.

2. The department shall, for **trauma care**, STEMI care, and stroke care, respectively:

(1) Compile ~~and~~, assess, **and make publicly available** peer-reviewed and evidence-based clinical research and guidelines that provide or support recommended treatment standards **and that have been recommended by the time-critical diagnosis advisory committee**;

(2) Assess the capacity of the emergency medical services system and hospitals to deliver recommended treatments in a timely fashion;

(3) Use the research, guidelines, and assessment to promulgate rules establishing protocols for transporting **trauma patients to a trauma center**, STEMI patients to a STEMI center, or stroke patients to a stroke center. Such transport protocols shall direct patients to **trauma centers**, STEMI centers, and stroke centers under section 190.243 based on the centers' capacities to deliver recommended acute care treatments within time limits suggested by clinical research;

(4) Define regions within the state for purposes of coordinating the delivery of **trauma care**, STEMI care, and stroke care, respectively;

(5) Promote the development of regional or community-based plans for transporting **trauma**, STEMI, or stroke patients via ground or air ambulance to **trauma centers**, STEMI centers, or stroke centers, respectively, in accordance with section 190.243; and

(6) Establish procedures for the submission of community-based or regional plans for department approval.

3. A community-based or regional plan **for the transport of trauma, STEMI, and stroke patients** shall be submitted to the department for approval. Such plan shall be based on the clinical research and guidelines and assessment of capacity described in subsection ~~[4]~~ **2** of this section and shall include a mechanism for evaluating its effect on medical outcomes. Upon approval of a plan, the department shall waive the requirements of rules promulgated under sections 190.100 to 190.245 that are inconsistent with the community-based or regional plan. A community-based or regional plan shall be developed by ~~[or in consultation with]~~ the representatives of hospitals, physicians, and emergency medical services providers in the community or region.

190.241. 1. **Except as provided for in subsection 4 of this section**, the department shall designate a hospital as an adult, pediatric or adult and pediatric trauma center when a hospital, upon proper application submitted by the hospital and site review, has been found by the department to meet the applicable level of trauma center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185. **Site review may occur on-site or by any reasonable means of communication, or by any combination thereof.** Such rules shall include designation as a trauma center without site review if such hospital is verified by a national verifying or designating body at the level which corresponds to a level approved in rule. **In developing trauma center designation criteria, the department shall use, as it deems practicable, peer-reviewed and evidence-based clinical research and guidelines including, but not limited to, the most recent guidelines of the American College of Surgeons.**

2. Except as provided for in subsection ~~[5]~~ **4** of this section, the department shall designate a hospital as a STEMI or stroke center when such hospital, upon proper application and site review, has been found by the department to meet the applicable level of STEMI or stroke center criteria for designation in accordance with rules adopted by the department as prescribed by section 190.185. **Site review may occur on-site or by any reasonable means of communication, or by any combination thereof.** In developing STEMI center and stroke center designation criteria, the department shall use, as it deems practicable, ~~[appropriate]~~ peer-reviewed ~~[or]~~ **and** evidence-based **clinical** research ~~[on such topics]~~ **and guidelines** including, but not limited to, the most recent guidelines of the American College of Cardiology ~~[and]~~, **the American Heart Association** ~~[for STEMI centers, or the Joint Commission's Primary Stroke Center Certification program criteria for stroke centers, or Primary and Comprehensive Stroke Center Recommendations as published by]~~, **or the American Stroke Association.** Such rules shall include designation as a STEMI center **or stroke center** without site review if such hospital is certified by a national body.

3. The department of health and senior services shall, not less than once every ~~[five]~~ **three** years, conduct ~~[an on-site]~~ **a site** review of every trauma, STEMI, and stroke center through appropriate department personnel or a qualified contractor, with the exception of **trauma centers, STEMI centers, and** stroke centers designated pursuant to subsection ~~[5]~~ **4** of this section; however, this provision is not intended to limit the department's ability to conduct a complaint investigation pursuant to subdivision (3) of subsection 2 of section 197.080 of any trauma, STEMI, or stroke center. ~~[On-site]~~ **Site** reviews shall be coordinated for the different types of centers to the extent practicable with hospital licensure inspections conducted under chapter 197. No person shall be a qualified contractor for purposes of this subsection who has a substantial conflict of interest in the operation of any trauma, STEMI, or stroke center under review. The department may deny, place on probation, suspend or revoke such designation in any case in which it has ~~[reasonable cause to believe that]~~ **determined** there has been a substantial failure to comply with the provisions of this chapter or any rules or regulations promulgated pursuant to this chapter. **Centers that are placed on probationary status shall be required to demonstrate compliance with the provisions of this chapter and any rules or regulations promulgated under this chapter within twelve months of the date of the receipt of the notice of probationary status, unless otherwise provided by a settlement agreement with a duration of a maximum of eighteen months between the department and the designated center.** If the department of health and senior services has ~~[reasonable cause to believe]~~ **determined** that a hospital is not in compliance with such provisions or regulations, it may conduct additional announced or unannounced site reviews of the hospital to verify compliance. If a trauma, STEMI, or stroke center fails two consecutive ~~[on-site]~~ **site** reviews because of substantial noncompliance with standards prescribed by sections 190.001 to 190.245 or rules adopted by the department pursuant to sections 190.001 to 190.245, its center designation shall be revoked.

4. (1) Instead of applying for **trauma, STEMI, or stroke** center designation under subsection 1 or 2 of this section, a hospital may apply for **trauma, STEMI, or stroke** center designation under this subsection. Upon receipt of an application [~~from a hospital~~] on a form prescribed by the department, the department shall designate such hospital[~~;~~]:

(1) ~~A level I STEMI center if such hospital has been certified as a Joint Commission comprehensive cardiac center or another department approved nationally recognized organization that provides comparable STEMI center accreditation; or~~

(2) ~~A level II STEMI center if such hospital has been accredited as a Mission: Lifeline STEMI receiving center by the American Heart Association accreditation process or another department approved nationally recognized organization that provides STEMI receiving center accreditation.~~

~~5. Instead of applying for stroke center designation pursuant to the provisions of subsection 2 of this section, a hospital may apply for stroke center designation pursuant to this subsection. Upon receipt of an application from a hospital on a form prescribed by the department, the department shall designate such hospital:~~

(1) ~~A level I stroke center if such hospital has been certified as a comprehensive stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines;~~

(2) ~~A level II stroke center if such hospital has been certified as a primary stroke center by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines; or~~

(3) ~~A level III stroke center if such hospital has been certified as an acute stroke ready hospital by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines]~~ **at a state level that corresponds to a similar national designation as set forth in rules promulgated by the department. The rules shall be based on standards of nationally recognized organizations and the recommendations of the time-critical diagnosis advisory committee.**

(2) Except as provided by subsection [6] 5 of this section, the department shall not require compliance with any additional standards for establishing or renewing **trauma, STEMI, or stroke** designations **under this subsection**. The designation shall continue if such hospital remains certified **or verified**. The department may remove a hospital's designation as a **trauma center, STEMI center, or stroke center** if the hospital requests removal of the designation or the department determines that the certificate [~~recognizing~~] **or verification that qualified the hospital [as a stroke center] for the designation under this subsection** has been suspended or revoked. Any decision made by the department to withdraw its designation of a [~~stroke~~] center pursuant to this subsection that is based on the revocation or suspension of a certification **or verification** by a certifying **or verifying** organization shall not be subject to judicial review. The department shall report to the certifying **or verifying** organization any complaint it receives related to the [~~stroke~~] center [~~certification of a stroke center~~] designated pursuant to this subsection. The department shall also advise the complainant which organization certified **or verified** the [~~stroke~~] center and provide the necessary contact information should the complainant wish to pursue a complaint with the certifying **or verifying** organization.

[6-] 5. Any hospital receiving designation as a **trauma center, STEMI center, or stroke center** pursuant to subsection [5] 4 of this section shall:

(1) [~~Annually and~~] Within thirty days of any changes **or receipt of a certificate or verification**, submit to the department proof of [~~stroke~~] certification **or verification** and the names and contact information of the **center's** medical director and the program manager [~~of the stroke center~~]; **and**

(2) [~~Submit to the department a copy of the certifying organization's final stroke certification survey results within thirty days of receiving such results;~~

(3) ~~Submit every four years an application on a form prescribed by the department for stroke center review and designation;~~

(4) ~~Participate in the emergency medical services regional system of stroke care in its respective emergency medical services region as defined in rules promulgated by the department;~~

(5) ~~Participate in local and regional emergency medical services systems [by reviewing and sharing outcome data and]~~ **for purposes of providing training [and], sharing clinical educational resources, and collaborating on improving patient outcomes.**

Any hospital receiving designation as a level III stroke center pursuant to subsection [5] 4 of this section shall have a formal agreement with a level I or level II stroke center for physician consultative services for evaluation of stroke patients for thrombolytic therapy and the care of the patient post-thrombolytic therapy.

~~[7-]~~ 6. Hospitals designated as a **trauma center**, **STEMI center**, or stroke center by the department ~~[- including those designated pursuant to subsection 5 of this section.]~~ shall submit data ~~[to meet the data submission requirements specified by rules promulgated by the department. Such submission of data may be done]~~ by **one of** the following methods:

- (1) Entering hospital data ~~[directly]~~ into a state registry ~~[by direct data entry]; or~~
- (2) ~~[Downloading hospital data from a nationally recognized registry or data bank and importing the data files into a state registry; or~~
- (3) ~~Authorizing a nationally recognized registry or data bank to disclose or grant access to the department facility-specific data held by the]~~ **Entering hospital data into a national** registry or data bank. A hospital submitting data pursuant to **this** subdivision ~~[(2) or (3) of this subsection]~~ shall not be required to collect and submit any additional **trauma**, **STEMI**, or stroke center data elements. **No hospital submitting data to a national data registry or data bank under this subdivision shall withhold authorization for the department to access such data through such national data registry or data bank. Nothing in this subdivision shall be construed as requiring duplicative data entry by a hospital that is otherwise complying with the provisions of this subsection. Failure of the department to obtain access to data submitted to a national data registry or data bank shall not be construed as hospital noncompliance under this subsection.**

~~[8-]~~ 7. When collecting and analyzing data pursuant to the provisions of this section, the department shall comply with the following requirements:

- (1) Names of any health care professionals, as defined in section 376.1350, shall not be subject to disclosure;
- (2) The data shall not be disclosed in a manner that permits the identification of an individual patient or encounter;
- (3) The data shall be used for the evaluation and improvement of hospital and emergency medical services' trauma, stroke, and STEMI care; **and**
- (4) ~~[The data collection system shall be capable of accepting file transfers of data entered into any national recognized trauma, stroke, or STEMI registry or data bank to fulfill trauma, stroke, or STEMI certification reporting requirements; and~~
- (5) **Trauma**, **STEMI**, and stroke center data elements shall conform to ~~[nationally recognized performance measures, such as the American Heart Association's Get With the Guidelines]~~ **national registry or data bank data elements**, and include published detailed measure specifications, data coding instructions, and patient population inclusion and exclusion criteria to ensure data reliability and validity.

~~[9-]~~ ~~The board of registration for the healing arts shall have sole authority to establish education requirements for physicians who practice in an emergency department of a facility designated as a trauma, STEMI, or stroke center by the department under this section. The department shall deem such education requirements promulgated by the board of registration for the healing arts sufficient to meet the standards for designations under this section.~~

~~[10-]~~ 8. **The department shall not have authority to establish additional education requirements for physicians who are emergency medicine board certified or board eligible through the American Board of Emergency Medicine (ABEM) or the American Osteopathic Board of Emergency Medicine (AOBEM) and who are practicing in the emergency department of a facility designated as a trauma center, STEMI center, or stroke center by the department under this section. The department shall deem the education requirements promulgated by ABEM or AOBEM to meet the standards for designations under this section. Education requirements for non-ABEM or non-AOBEM certified physicians, nurses, and other providers who provide care at a facility designated as a trauma center, STEMI center, or stroke center by the department under this section shall mirror but not exceed those established by national designating or verifying bodies of trauma centers, STEMI centers, or stroke centers.**

9. The department of health and senior services may establish appropriate fees to offset **only** the costs of trauma, STEMI, and stroke center ~~[reviews]~~ **surveys**.

~~[11-]~~ 10. No hospital shall hold itself out to the public as a STEMI center, stroke center, adult trauma center, pediatric trauma center, or an adult and pediatric trauma center unless it is designated as such by the department of health and senior services.

~~[12-]~~ 11. Any person aggrieved by an action of the department of health and senior services affecting the trauma, STEMI, or stroke center designation pursuant to this chapter, including the revocation, the suspension, or the granting of, refusal to grant, or failure to renew a designation, may seek a determination thereon by the

administrative hearing commission under chapter 621. It shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department.

190.243. 1. Severely injured patients shall be transported to a trauma center. Patients who suffer a STEMI, as defined in section 190.100, shall be transported to a STEMI center. Patients who suffer a stroke, as defined in section 190.100, shall be transported to a stroke center.

2. A physician, **physician assistant**, or registered nurse authorized by a physician who has established verbal communication with ambulance personnel shall instruct the ambulance personnel to transport a severely ill or injured patient to the closest hospital or designated trauma, STEMI, or stroke center, as determined according to estimated transport time whether by ground ambulance or air ambulance, in accordance with transport protocol approved by the medical director and the department of health and senior services, even when the hospital is located outside of the ambulance service's primary service area. When initial transport from the scene of illness or injury to a trauma, STEMI, or stroke center would be prolonged, the STEMI, stroke, or severely injured patient may be transported to the nearest appropriate facility for stabilization prior to transport to a trauma, STEMI, or stroke center.

3. Transport of the STEMI, stroke, or severely injured patient shall be governed by principles of timely and medically appropriate care; consideration of reimbursement mechanisms shall not supersede those principles.

4. Patients who do not meet the criteria for direct transport to a trauma, STEMI, or stroke center shall be transported to and cared for at the hospital of their choice so long as such ambulance service is not in violation of local protocols.

190.245. ~~[The department shall require hospitals, as defined by chapter 197, designated as trauma, STEMI, or stroke centers to provide for a peer review system, approved by the department, for trauma, STEMI, and stroke cases, respective to their designations, under section 537.035. For purposes of sections 190.241 to 190.245, the department of health and senior services shall have the same powers and authority of a health care licensing board pursuant to subsection 6 of section 537.035.]~~ Failure of a hospital to provide all medical records **and quality improvement documentation** necessary for the department to implement provisions of sections 190.241 to 190.245 shall result in the revocation of the hospital's designation as a **trauma center**, **STEMI center**, or **stroke center**. Any medical records obtained by the department ~~[or peer review committees]~~ shall be used only for purposes of implementing the provisions of sections 190.241 to 190.245 and the names of hospitals, physicians and patients shall not be released by the department or members of review ~~[committees]~~ **teams**.

190.257. 1. **There is hereby established the "Time-Critical Diagnosis Advisory Committee", to be designated by the director for the purpose of advising and making recommendations to the department on:**

- (1) **Improvement of public and professional education related to time-critical diagnosis;**
- (2) **Engagement in cooperative research endeavors;**
- (3) **Development of standards, protocols, and policies related to time-critical diagnosis, including recommendations for state regulations; and**
- (4) **Evaluation of community and regional time-critical diagnosis plans, including recommendations for changes.**

2. **The members of the committee shall serve without compensation, except that the department shall budget for reasonable travel expenses and meeting expenses related to the functions of the committee.**

3. **The director shall appoint sixteen members to the committee from applications submitted for appointment, with the membership to be composed of the following:**

(1) **Six members, one from each EMS region, who are active participants providing emergency medical services, with at least:**

- (a) **One member who is a physician serving as a regional EMS medical director;**
- (b) **One member who serves on an air ambulance service;**
- (c) **One member who resides in an urban area; and**
- (d) **One member who resides in a rural area; and**

(2) **Ten members who represent hospitals, with at least:**

- (a) **One member who is employed by a level I or level II trauma center;**
- (b) **One member who is employed by a level I or level II STEMI center;**
- (c) **One member who is employed by a level I or level II stroke center;**
- (d) **One member who is employed by a rural or critical access hospital; and**
- (e) **Three physicians, with one physician certified by the American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM) and two physicians employed in time-critical diagnosis specialties at a level I or level II trauma center, STEMI center, or stroke center.**

4. **In addition to the sixteen appointees, the state EMS medical director shall serve as an ex officio member of the committee.**

5. The director shall make a reasonable effort to ensure that the members representing hospitals have geographical representation from each district of the state designated by a statewide nonprofit membership association of hospitals.

6. Members appointed by the director shall be appointed for three-year terms. Initial appointments shall include extended terms in order to establish a rotation to ensure that only approximately one-third of the appointees will have their term expire in any given year. An appointee wishing to continue in his or her role on the committee shall resubmit an application as required by this section.

7. The committee shall consult with the state advisory council on emergency medical services, as described in section 190.101, regarding issues involving emergency medical services.”; and

Further amend the title and enacting clause accordingly.

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 HB 2331, as amended** - Fiscal Review

### THIRD READING OF SENATE BILLS

**SS SCS SB 672**, relating to workforce development, was placed on the Informal Calendar.

### BILLS IN CONFERENCE

**CCR HCS SS SCS SBs 775, 751 & 640, as amended**, relating to judicial proceedings, was taken up by Representative Kelly (141).

On motion of Representative Kelly (141), **CCR HCS SS SCS SBs 775, 751 & 640, as amended**, was adopted by the following vote:

AYES: 135

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bangert	Baringer	Barnes
Basye	Billington	Black 137	Black 7	Bland Manlove
Boggs	Bromley	Brown 27	Brown 70	Buchheit-Courtway
Burnett	Burton	Busick	Butz	Chipman
Christofanelli	Clemens	Coleman 32	Coleman 97	Collins
Cook	Copeland	Cupps	Davidson	Davis
Deaton	DeGroot	Dinkins	Dogan	Eggleston
Ellebracht	Evans	Falkner	Fishel	Fitzwater
Fogle	Francis	Gray	Gregory 51	Gregory 96
Grier	Griffith	Gunby	Haden	Haffner
Haley	Hardwick	Henderson	Hicks	Houx
Hovis	Hurlbert	Ingle	Johnson	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 25
Lewis 6	Lovasco	Mackey	Mayhew	McCreery
Merideth	Morse	Mosley	Murphy	Nurrenbern
O'Donnell	Owen	Perkins	Person	Phifer

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Pike	Plocher	Pollitt 52	Pollock 123	Porter
Price IV	Proudie	Quade	Railsback	Reedy
Richey	Riggs	Riley	Roberts	Roden
Rogers	Sander	Sassmann	Sauls	Schroer
Schwadron	Seitz	Sharp 36	Shaul	Shields
Simmons	Smith 45	Smith 67	Stacy	Stephens 128
Tate	Taylor 139	Taylor 48	Terry	Thomas
Thompson	Toalson Reisch	Trent	Turnbaugh	Unsicker
Van Schoiack	Veit	Walsh 50	Walsh Moore 93	Weber
Wiemann	Windham	Wright	Young	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 021

Bailey	Baker	Bosley	Brown 16	Burger
Derges	Doll	Hudson	McDaniel	McGaugh
McGill	Patterson	Pietzman	Pouche	Rone
Schnelting	Sharpe 4	Smith 155	Smith 163	Stevens 46
West				

VACANCIES: 007

On motion of Representative Kelly (141), **CCS HCS SS SCS SBs 775, 751 & 640** was truly agreed to and finally passed by the following vote:

AYES: 141

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bailey	Baker	Bangert
Baringer	Barnes	Basye	Billington	Black 137
Black 7	Bland Manlove	Boggs	Bromley	Brown 27
Brown 70	Buchheit-Courtway	Burnett	Burton	Busick
Butz	Chipman	Christofanelli	Clemens	Coleman 32
Coleman 97	Collins	Cook	Copeland	Cupps
Davidson	Davis	Deaton	DeGroot	Dinkins
Dogan	Eggleston	Ellebracht	Evans	Falkner
Fishel	Fitzwater	Fogle	Francis	Gray
Gregory 51	Gregory 96	Grier	Griffith	Gunby
Haden	Haffner	Haley	Hardwick	Henderson
Hicks	Houx	Hovis	Hurlbert	Ingle
Johnson	Kalberloh	Kelley 127	Kelly 141	Kidd
Knight	Lewis 25	Lewis 6	Lovasco	Mackey
Mayhew	McCreery	McGaugh	Merideth	Morse
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
Sander	Sassmann	Sauls	Schnelting	Schroer
Schwadron	Seitz	Sharp 36	Shaul	Shields
Simmons	Smith 155	Smith 45	Smith 67	Stacy
Stephens 128	Tate	Taylor 139	Taylor 48	Terry
Thomas	Thompson	Toalson Reisch	Trent	Turnbaugh
Unsicker	Van Schoiack	Veit	Walsh 50	Walsh Moore 93
Weber	Wiemann	Windham	Wright	Young
Mr. Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Bosley	Brown 16	Burger	Derges	Doll
Hudson	McDaniel	McGill	Patterson	Pietzman
Rone	Sharpe 4	Smith 163	Stevens 46	West

VACANCIES: 007

Representative Taylor (139) declared the bill passed.

### HOUSE BILLS WITH SENATE AMENDMENTS

**SS SCS HB 1878, as amended**, relating to elections, was taken up by Representative Simmons.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Buchheit-Courtway
Busick	Chipman	Christofanelli	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	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Hicks	Houx	Hovis	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 6
Lovasco	Mayhew	McGaugh	Morse	Murphy
O'Donnell	Owen	Perkins	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Roden	Sander	Sassmann	Schnelting	Schroer
Schwadron	Seitz	Shaul	Shields	Simmons
Smith 155	Smith 163	Stacy	Stephens 128	Tate
Taylor 139	Taylor 48	Thomas	Thompson	Toalson Reisch
Trent	Van Schoiack	Veit	Walsh 50	Wiemann
Wright	Mr. Speaker			

NOES: 046

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Collins	Ellebracht	Fogle	Gray	Gunby
Ingle	Johnson	Lewis 25	Mackey	McCreery
Merideth	Mosley	Nurrenbern	Person	Phifer

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Price IV	Proudie	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: 013

Bailey	Bland Manlove	Brown 16	Burger	Doll
Hudson	McDaniel	McGill	Patterson	Pietzman
Rone	Sharpe 4	West		

VACANCIES: 007

On motion of Representative Simmons, **SS SCS HB 1878, as amended**, was adopted by the following vote:

AYES: 097

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Buchheit-Courtway
Busick	Chipman	Christofanelli	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	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Hicks	Houx	Hovis	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 6
Lovasco	Mayhew	McGaugh	Morse	Murphy
O'Donnell	Owen	Perkins	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Roden	Sander	Sassmann	Schnelting	Schroer
Schwadron	Seitz	Shaul	Shields	Simmons
Smith 155	Smith 163	Stacy	Stephens 128	Tate
Taylor 139	Taylor 48	Thomas	Thompson	Toalson Reisch
Trent	Van Schoiack	Veit	Walsh 50	Wiemann
Wright	Mr. Speaker			

NOES: 047

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Clemens	Collins	Ellebracht	Fogle	Gray
Gunby	Ingle	Johnson	Lewis 25	Mackey
McCreery	Merideth	Mosley	Nurrenbern	Person
Phifer	Price IV	Proudie	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: 012

Bailey	Brown 16	Burger	Doll	Hudson
McDaniel	McGill	Patterson	Pietzman	Rone
Sharpe 4	West			

VACANCIES: 007

On motion of Representative Simmons, **SS SCS HB 1878, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 097

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Buchheit-Courtway
Busick	Chipman	Christofanelli	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	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Hicks	Houx	Hovis	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 6
Lovasco	Mayhew	McGaugh	Morse	Murphy
O'Donnell	Owen	Perkins	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Roden	Sander	Sassmann	Schnelting	Schroer
Schwadron	Seitz	Shaul	Shields	Simmons
Smith 155	Smith 163	Stacy	Stephens 128	Tate
Taylor 139	Taylor 48	Thomas	Thompson	Toalson Reisch
Trent	Van Schoiack	Veit	Walsh 50	Wiemann
Wright	Mr. Speaker			

NOES: 047

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Clemens	Collins	Ellebracht	Fogle	Gray
Gunby	Ingle	Johnson	Lewis 25	Mackey
McCreery	Merideth	Mosley	Nurrenbern	Person
Phifer	Price IV	Proudie	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: 012

Bailey	Brown 16	Burger	Doll	Hudson
McDaniel	McGill	Patterson	Pietzman	Rone
Sharpe 4	West			

VACANCIES: 007

Representative Taylor (139) declared the bill passed.

### **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 adopted the Conference Committee Report on **SS SCS HCS HB 1606, as amended**, and has taken up and passed **CCS SS SCS HCS HB 1606**.

### **ADJOURNMENT**

On motion of Representative Plocher, the House adjourned until 10:00 a.m., Friday, May 13, 2022.

### **COMMITTEE HEARINGS**

#### **BUDGET**

Friday, May 13, 2022, 9:00 AM, House Hearing Room 3.  
Annual tax credit review hearing.

#### **FISCAL REVIEW**

Friday, May 13, 2022, 9:45 AM, House Lounge.  
Executive session may be held on any matter referred to the committee.  
Pending bill referral.

### **HOUSE CALENDAR**

SEVENTY-FIRST DAY, FRIDAY, MAY 13, 2022

#### **HOUSE JOINT RESOLUTIONS FOR PERFECTION - INFORMAL**

HCS HJRs 82 & 106 - Black (137)  
HCS HJR 88 - McGirl  
HJR 80 - Coleman (32)  
HCS HJR 134 - Taylor (139)  
HJR 137 - Eggleston  
HJR 128 - O'Donnell  
HJR 107 - Dinkins  
HJR 125 - Christofanelli  
HCS HJR 123 - Kidd

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

HCS HBs 1593 & 1959 - Walsh (50)  
HCS HB 2704 - Hicks  
HCS HB 1546 - Richey  
HB 1581 - Mayhew

HCS HB 1678 - Toalson Reisch  
HCS HB 1997 - Haden  
HB 2003 - Pouche  
HB 2845 - Riley  
HB 1616 - Van Schoiack  
HCS HB 1833 - Basye  
HB 2009 - Pollock (123)  
HB 2474 - Hicks  
HB 1762 - Sander  
HB 1864 - Thomas  
HCS HB 1875 - Haffner  
HB 2095 - Kelly (141)  
HB 2123 - Taylor (139)  
HB 2169 - Trent  
HCS HB 2246 - Copeland  
HB 2515 - Perkins  
HCS HB 1854 - Schroer  
HCS HB 1747 - Basye  
HB 2050 - Schroer  
HB 1455 - Billington  
HCS HB 1464 - Schnelting  
HB 1478 - Dinkins  
HCS HB 1716 - Riley  
HCS HBs 1904 & 1575 - Murphy  
HB 2085 - Cook  
HB 2156 - Perkins  
HCS HB 2208 - Christofanelli  
HCS HB 2499 - Eggleston  
HB 2590 - Evans  
HB 1480 - Dinkins  
HB 1563 - Griffith  
HCS HB 1641 - Coleman (32)  
HB 1721 - Shields  
HCS HB 1905 - Shaul  
HCS HBs 1972 & 2483 - Copeland  
HB 2056 - Evans  
HB 2164 - Buchheit-Courtway  
HB 2165 - Buchheit-Courtway  
HCS HB 2220 - Falkner  
HB 2255 - Bailey  
HB 2327 - Riggs  
HB 2359 - Basye  
HCS HB 2450 - Reedy  
HB 1471 - Pike  
HCS HB 1556 - Gregory (96)

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HCS HB 1613 - Lovasco  
HCS HB 1670 - Seitz  
HCS HB 1918 - Hovis  
HCS HB 2011 - Smith (155)  
HCS HB 2052 - Riggs  
HCS HB 2138 - Kelley (127)  
HB 2290 - Andrews  
HCS HB 2369 - Hurlbert  
HCS HB 2389 - Cook  
HB 2544 - Patterson  
HB 2589 - Evans  
HB 2615 - Coleman (32)  
HB 2674 - Tate  
HCS HB 2810 - Seitz  
HCS HB 1553 - Hudson  
HCS HB 1753 - Basye  
HB 1960 - Murphy  
HCS HB 2008 - Schwadron  
HB 2487 - West  
HCS HB 2605 - Gregory (51)  
HB 2781 - Evans  
HB 2798 - Reedy  
HCS HB 2913 - Plocher  
HCS HB 2564 - Riggs  
HCS HB 2583 - Riggs  
HB 2611 - Richey  
HB 1547 - Veit  
HCS HB 1550 - Veit  
HB 1585 - Murphy  
HCS HB 1595 - Hudson  
HB 1601 - Chipman  
HCS HB 1614 - Lovasco  
HB 2209 - Hurlbert  
HB 1680 - Sharp (36)  
HB 1736 - Roberts  
HCS HB 1740 - Dogan  
HB 1804 - Veit  
HCS#2 HB 1992 - Coleman (97)  
HCS HB 2013 - Kelly (141)  
HCS HB 2118 - Taylor (139)  
HCS HB 2142 - Mayhew  
HB 2145 - Murphy  
HB 2172 - Francis  
HB 2174 - Mayhew  
HB 2293 - Knight  
HCS HB 2363 - McGirl  
HB 2371 - Smith (155)

HB 2391 - Buchheit-Courtway  
HCS HB 2434 - Grier  
HCS HB 2453 - McDaniel  
HCS HB 2543 - O'Donnell  
HB 2568 - Perkins  
HB 2576 - Bromley  
HB 2603 - Patterson  
HCS HB 1974 - Murphy  
HCS HB 2758 - Evans  
HB 2782 - Young  
HCS HB 1608 - Wiemann  
HCS HB 1712 - Pollock (123)  
HB 1741 - Dogan  
HCS HB 1770 - Lewis (6)  
HB 1956 - Richey  
HB 1994 - Richey  
HB 2397 - Aldridge  
HCS HB 2510 - Simmons  
HCS HB 2614 - DeGroot  
HB 2731 - Shields  
HB 2820 - Stephens (128)  
HCS HB 2616 - Coleman (32)  
HCS HB 1749 - Basye  
HCS HB 1903 - Christofanelli  
HCS HB 2093 - Wiemann  
HB 2356 - McDaniel  
HB 2010 - Smith (155)  
HCS HB 2306 - Christofanelli  
HCS HB 1619, as amended, with HA 2, pending - Van Schoiack  
HCS HB 1695 - Gregory (51)  
HB 1715 - Riley  
HCS HB 1876 - Haffner  
HB 1687 - Hardwick  
HB 2308 - Atchison  
HB 1627 - Morse  
HB 1628 - Morse  
HB 1652 - Bromley  
HB 1672 - Taylor (48)  
HB 1475 - Schroer  
HB 1624 - Schroer  
HB 1451 - Billington  
HB 1594 - Walsh (50)  
HB 1490 - Porter  
HB 1579 - Mayhew  
HB 1717 - Riley

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HCS HB 1722 - Shields  
HB 1863 - Thomas  
HB 1881 - Black (7)  
HCS HB 1908 - Shaul  
HCS HB 1998 - Davidson  
HB 2129 - Railsback  
HCS HB 2206 - Trent  
HB 2219 - O'Donnell  
HCS HB 2447 - Hardwick  
HCS HB 2652 - Haffner

#### **HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 57 - Chipman  
HCR 71 - Riggs  
HCR 58 - Copeland  
HCR 72 - Francis

#### **SENATE JOINT RESOLUTIONS FOR THIRD READING**

SS#2 SJR 38 - Brown (16)  
SJR 46 - Coleman (32)  
SS SJR 33 - Christofanelli

#### **SENATE BILLS FOR THIRD READING**

HCS SS SB 812, (Fiscal Review 5/10/22) - Davidson  
HCS SB 984 - McGaugh  
HCS SS#2 SB 997, (Fiscal Review 5/10/22), E.C. - Griffith  
SS SCS SB 725 - Smith (163)  
HCS SS SCS SB 683, (Fiscal Review 5/11/22), E.C. - Kelly (141)  
HCS SS#2 SB 761 - Taylor (139)  
SB 655 - Pike  
HCS SS SCS SB 931, (Fiscal Review 5/11/22) - Riley

#### **SENATE BILLS FOR THIRD READING - INFORMAL**

SS SB 678, E.C. - Brown (16)  
HCS SCS SB 982, E.C. - Shields  
HCS SS SCS SB 783, (Fiscal Review 5/2/22) - Wiemann  
HCS SCS SB 799 - Richey  
SB 987 - Rone  
SS SCS SB 672 - Fitzwater

**SENATE CONCURRENT RESOLUTIONS FOR THIRD READING**

SCR 33 - Gregory (51)  
SS SCR 36 - Griffith  
SCR 27 - Stephens (128)  
SCR 29 - Stephens (128)

**SENATE CONCURRENT RESOLUTIONS FOR THIRD READING - INFORMAL**

SCR 34 - Deaton

**HOUSE BILLS WITH SENATE AMENDMENTS**

SS HB 2162 - Deaton  
SS HB 1667 - Christofanelli  
SS SCS HCS HB 2627, as amended - Sharp (36)  
SS SCS HCS HBs 2116, 2097, 1690 & 2221, as amended - Black (7)  
SS HCS HB 1662, as amended (Fiscal Review 5/12/22) - Fishel  
SS SCS HB 1738, as amended (Fiscal Review 5/12/22) - Dogan  
HB 2365, with SA 1 (Fiscal Review 5/12/22) - Shields  
SS SCS HB 2331, as amended (Fiscal Review 5/12/22) - Baker

**BILLS CARRYING REQUEST MESSAGES**

SS#2 HCS HB 2117, as amended (request Senate recede/grant conference), E.C. - Shaul  
HCS SS SCS SB 834, as amended (request House recede/grant conference) - DeGroot  
HCS SS SCS SB 724, as amended (request House recede/take up and pass SS SCS SB 724) -  
Falkner

**BILLS IN CONFERENCE**

CCR HCS SB 820, as amended (Senate exceeded differences) - Haffner  
CCR HCS#2 SB 710, as amended (exceeded differences), E.C. - Baker  
HCS SB 845, as amended (Senate exceeded differences) - McGaugh  
CCR HCS SS SB 690, as amended (Fiscal Review 5/11/22), E.C. - Christofanelli  
SS SCS HCS HB 2485 - Knight

**ACTIONS PURSUANT TO ARTICLE IV, SECTION 27**

HCS HB 1 - Smith (163)  
CCS SS SCS HCS HB 2 - Smith (163)  
CCS SS SCS HCS HB 3 - Smith (163)  
CCS SS SCS HCS HB 4 - Smith (163)  
CCS SCS HCS HB 5 - Smith (163)  
CCS SCS HCS HB 6 - Smith (163)

CCS SCS HCS HB 7 - Smith (163)  
CCS SCS HCS HB 8 - Smith (163)  
CCS SCS HCS HB 9 - Smith (163)  
CCS SS SCS HCS HB 10 - Smith (163)  
CCS SS SCS HCS HB 11 - Smith (163)  
CCS SCS HCS HB 12 - Smith (163)  
SCS HCS HB 13 - Smith (163)  
HCS HB 17 - Smith (163)  
SCS HCS HB 18 - Smith (163)  
SS SCS HCS HB 19 - Smith (163)  
SS SCS HCS HB 3014 - Smith (163)