

JOURNAL OF THE HOUSE

First Regular Session, 102nd General Assembly

SEVENTIETH DAY, WEDNESDAY, MAY 10, 2023

The House met pursuant to adjournment.

Speaker Plocher in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicki, Chaplain.

“Bear ye one another’s burden and so fulfill the law of Christ.” (Galatians 6:2)

Eternal and Almighty God, who has called us to pray and to work, sustain us with Your power that we may be daily mindful of Your presence and ready to help carry the burdens of others in this historic chamber.

Guide us with Your spirit that we may understand these current times in which we live and so lead us that we may use our talents to bring forth the joy of faithful living citizenship.

Give to us the wisdom to legislate with the principles of justice, righteousness, and humility.

Install in us the readiness to render real service to You, our state, and our citizens, that out of our efforts may come peace to our cities, peace to our farms, and peace to our own hearts.

And the House says, “Amen!”

The Pledge of Allegiance to the flag was recited.

The Journal of the sixty-ninth day was approved as printed.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Houx reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **CCR HCS SS SB 111, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (7): Baringer, Fogle, Houx, Hudson, Kelly (141), Owen and Pollitt

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 129**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (7): Baringer, Fogle, Houx, Hudson, Kelly (141), Owen and Pollitt

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **CCR HCS SS SCS SB 157, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (7): Baringer, Fogle, Houx, Hudson, Kelly (141), Owen and Pollitt

Noes (0)

Absent (0)

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HBs 802, 807 & 886** entitled:

An act to authorize the conveyance of certain state property.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS SCS SB 70, as amended**, and has taken up and passed **HCS SS SCS SB 70, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 187, 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 Bill was referred to the Committee indicated:

SCS HCS HBs 802, 807 & 886 - Fiscal Review

THIRD READING OF SENATE BILLS

SS SCS SBs 189, 36 & 37, with House Amendment No. 1, pending, SB 34 and SS#2 SB 39 were placed on the Informal Calendar.

SS#2 SCS SBs 49, 236 & 164, relating to gender transition procedures, was taken up by Representative Hudson.

On motion of Representative Hudson, the title of **SS#2 SCS SBs 49, 236 & 164** was agreed to.

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Buchheit-Courtway	Burger
Busick	Byrnes	Casteel	Chappell	Christ
Christofanelli	Coleman	Cook	Copeland	Cupps
Davidson	Davis	Deaton	Diehl	Dinkins
Evans	Falkner	Farnan	Francis	Gallick
Gragg	Gregory	Griffith	Haden	Haffner
Haley	Hardwick	Hausman	Henderson	Hicks
Hinman	Houx	Hovis	Hudson	Hurlbert
Jones	Justus	Kalberloh	Keathley	Kelley 127
Kelly 141	Knight	Lewis 6	Lonsdale	Lovasco
Marquart	Matthiesen	Mayhew	McGaugh	McGirl
McMullen	Morse	Murphy	Myers	O'Donnell
Oehlerking	Owen	Parker	Patterson	Perkins
Peters	Pollitt	Pouche	Reedy	Reuter
Richey	Riggs	Riley	Roberts	Sassmann
Schnelting	Schulte	Schwadron	Seitz	Sharpe 4
Shields	Smith 163	Sparks	Stacy	Stephens
Stinnett	Taylor 48	Thomas	Titus	Toalson Reisch
Van Schoiack	Veit	Voss	Waller	West
Wilson	Wright	Mr. Speaker		

NOES: 047

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Brown 27	Brown 87	Burnett
Burton	Butz	Clemens	Collins	Doll
Ealy	Fogle	Fountain Henderson	Gray	Hein
Ingle	Johnson 12	Johnson 23	Lavender	Lewis 25
Mackey	Mann	Merideth	Nickson-Clark	Nurrenbern
Phifer	Plank	Proudie	Quade	Sander
Sauls	Smith 46	Steinhoff	Strickler	Taylor 84
Terry	Unsicker	Walsh Moore	Weber	Windham
Woods	Young			

PRESENT: 000

ABSENT WITH LEAVE: 007

Bland Manlove	Bosley	Crossley	Mosley	Sharp 37
Smith 155	Thompson			

VACANCIES: 001

On motion of Representative Hudson, **SS#2 SCS SBs 49, 236 & 164** was truly agreed to and finally passed by the following vote:

AYES: 108

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Boyd	Bromley
Brown 149	Brown 16	Buchheit-Courtway	Burger	Busick
Bymes	Casteel	Chappell	Christ	Christofanelli
Coleman	Cook	Copeland	Cupps	Davidson
Davis	Deaton	Diehl	Dinkins	Evans
Falkner	Farnan	Francis	Gallick	Gragg
Gregory	Griffith	Haden	Haffner	Haley
Hardwick	Hausman	Henderson	Hicks	Hinman
Houx	Hovis	Hudson	Hurlbert	Jones
Justus	Kalberloh	Keathley	Kelley 127	Kelly 141
Knight	Lewis 6	Lonsdale	Lovasco	Marquart
Matthiesen	Mayhew	McGaugh	McGill	McMullen
Morse	Murphy	Myers	O'Donnell	Oehlerking
Owen	Parker	Perkins	Peters	Pollitt
Pouche	Reedy	Reuter	Richey	Riggs
Riley	Roberts	Sassmann	Schnelting	Schulte
Schwadron	Seitz	Sharpe 4	Shields	Smith 155
Smith 163	Sparks	Stacy	Stephens	Stinnett
Taylor 48	Thomas	Thompson	Titus	Toalson Reisch
Van Schoiack	Veit	Voss	Waller	West
Wilson	Wright	Mr. Speaker		

NOES: 050

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bonacker	Bosley	Brown 27
Brown 87	Burnett	Burton	Butz	Clemens
Collins	Doll	Ealy	Fogle	Fountain Henderson
Gray	Hein	Ingle	Johnson 12	Johnson 23
Lavender	Lewis 25	Mackey	Mann	Merideth
Nickson-Clark	Nurrenbern	Patterson	Phifer	Plank
Proudie	Quade	Sander	Sauls	Smith 46
Steinhoff	Strickler	Taylor 84	Terry	Unsicker
Walsh Moore	Weber	Windham	Woods	Young

PRESENT: 000

ABSENT WITH LEAVE: 004

Bland Manlove	Crossley	Mosley	Sharp 37
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VACANCIES: 001

Speaker Plocher declared the bill passed.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Houx reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS HB 447, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Baringer, Fogle, Hudson, Kelly (141), Owen and Pollitt

Noes (0)

Absent (1): Houx

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **CCR SB 20, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, and House Amendment No. 10**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (5): Fogle, Houx, Hudson, Owen and Pollitt

Noes (1): Baringer

Absent (1): Kelly (141)

THIRD READING OF SENATE BILLS - INFORMAL

SS#2 SB 39, relating to participation in athletic competition, was taken up by Representative Burger.

On motion of Representative Burger, the title of **SS#2 SB 39** was agreed to.

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 110

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Buchheit-Courtway	Burger
Busick	Byrnes	Casteel	Chappell	Christ
Christofanelli	Coleman	Cook	Copeland	Cupps
Davidson	Davis	Deaton	Diehl	Dinkins
Evans	Falkner	Farnan	Francis	Gallick
Gragg	Gregory	Griffith	Haden	Haffner
Haley	Hardwick	Hausman	Henderson	Hicks
Hinman	Houx	Hovis	Hudson	Hurlbert
Jones	Justus	Kalberloh	Keathley	Kelley 127

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Kelly 141	Knight	Lewis 6	Lonsdale	Lovasco
Marquart	Matthiesen	Mayhew	McGaugh	McGill
McMullen	Morse	Murphy	Myers	O'Donnell
Oehlerking	Owen	Parker	Patterson	Perkins
Peters	Pollitt	Pouche	Reedy	Reuter
Richey	Riggs	Riley	Roberts	Sassmann
Schnelting	Schulte	Schwadron	Seitz	Sharpe 4
Shields	Smith 155	Smith 163	Sparks	Stacy
Stephens	Stinnett	Taylor 48	Thomas	Thompson
Titus	Toalson Reisch	Van Schoiack	Veit	Voss
Waller	West	Wilson	Wright	Mr. Speaker

NOES: 049

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bosley	Brown 27	Brown 87
Burnett	Burton	Butz	Clemens	Collins
Doll	Ealy	Fogle	Fountain Henderson	Gray
Hein	Ingle	Johnson 12	Johnson 23	Lavender
Lewis 25	Mackey	Mann	Merideth	Nickson-Clark
Nurrenbern	Phifer	Plank	Proudie	Quade
Sander	Sauls	Sharp 37	Smith 46	Steinhoff
Strickler	Taylor 84	Terry	Unsicker	Walsh Moore
Weber	Windham	Woods	Young	

PRESENT: 000

ABSENT WITH LEAVE: 003

Bland Manlove	Crossley	Mosley
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VACANCIES: 001

On motion of Representative Burger, **SS#2 SB 39** was truly agreed to and finally passed by the following vote:

AYES: 109

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Boyd	Bromley
Brown 149	Brown 16	Buchheit-Courtway	Burger	Busick
Byrnes	Casteel	Chappell	Christ	Christofanelli
Coleman	Cook	Copeland	Cupps	Davidson
Davis	Deaton	Diehl	Dinkins	Evans
Falkner	Farnan	Francis	Gallick	Gragg
Gregory	Griffith	Haden	Haffner	Haley
Hardwick	Hausman	Henderson	Hicks	Hinman
Houx	Hovis	Hudson	Hurlbert	Jones
Justus	Kalberloh	Keathley	Kelley 127	Kelly 141
Knight	Lewis 6	Lonsdale	Lovasco	Marquart
Matthiesen	Mayhew	McGaugh	McGill	McMullen
Morse	Murphy	Myers	O'Donnell	Oehlerking
Owen	Parker	Patterson	Perkins	Peters
Pollitt	Pouche	Reedy	Reuter	Richey
Riggs	Riley	Roberts	Sassmann	Schnelting
Schulte	Schwadron	Seitz	Sharpe 4	Shields
Smith 155	Smith 163	Sparks	Stacy	Stephens

Stinnett	Taylor 48	Thomas	Thompson	Titus
Toalson Reisch	Van Schoiack	Veit	Voss	Waller
West	Wilson	Wright	Mr. Speaker	

NOES: 049

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bonacker	Bosley	Brown 27
Brown 87	Burnett	Burton	Butz	Clemens
Collins	Doll	Ealy	Fogle	Fountain Henderson
Hein	Ingle	Johnson 12	Johnson 23	Lavender
Lewis 25	Mackey	Mann	Merideth	Nickson-Clark
Nurrenbern	Phifer	Plank	Proudie	Quade
Sander	Sauls	Sharp 37	Smith 46	Steinhoff
Strickler	Taylor 84	Terry	Unsicker	Walsh Moore
Weber	Windham	Woods	Young	

PRESENT: 001

Gray

ABSENT WITH LEAVE: 003

Bland Manlove	Crossley	Mosley
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VACANCIES: 001

Speaker Plocher declared the bill passed.

HS HCS SS SB 138, relating to agriculture, was taken up by Representative Kelly (141).

On motion of Representative Kelly (141), the title of **HS HCS SS SB 138** was agreed to.

Speaker Pro Tem Henderson assumed the Chair.

Representative Shields offered **House Amendment No. 10**.

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 138, Pages 33-34, Section 578.156, Lines 1-28, by deleting all of said section and lines from the bill; and

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

On motion of Representative Shields, **House Amendment No. 10** was adopted.

Representative Weber offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 138, Page 17, Section 143.121, Line 191, by deleting the phrase "**blood or marriage**" and inserting in lieu thereof the phrase "**blood, marriage, or adoption**"; and

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

On motion of Representative Weber, **House Amendment No. 11** was adopted.

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Boyd	Bromley
Brown 149	Brown 16	Burger	Busick	Byrnes
Casteel	Chappell	Christ	Christofanelli	Coleman
Cook	Copeland	Cupps	Davidson	Davis
Deaton	Diehl	Dinkins	Evans	Falkner
Farnan	Francis	Gallick	Gragg	Gregory
Griffith	Haden	Haffner	Haley	Hardwick
Hausman	Henderson	Hicks	Hinman	Houx
Hovis	Hudson	Hurlbert	Jones	Justus
Kalberloh	Keathley	Kelley 127	Kelly 141	Knight
Lonsdale	Lovasco	Marquart	Mayhew	McGaugh
McGill	McMullen	Morse	Murphy	Myers
O'Donnell	Oehlerking	Owen	Patterson	Perkins
Peters	Pollitt	Pouche	Proudie	Reedy
Reuter	Richey	Riggs	Riley	Roberts
Sander	Sassmann	Schnelting	Schulte	Schwadron
Seitz	Sharpe 4	Shields	Smith 155	Smith 163
Sparks	Stacy	Stephens	Stinnett	Taylor 48
Thomas	Thompson	Titus	Toalson Reisch	Van Schoiack
Veit	Voss	Waller	West	Wilson
Wright	Mr. Speaker			

NOES: 040

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Brown 27	Brown 87	Burnett
Burton	Butz	Doll	Ealy	Fogle
Fountain Henderson	Gray	Hein	Johnson 12	Lavender
Lewis 25	Mann	Merideth	Mosley	Nickson-Clark
Nurrenbern	Phifer	Plank	Sauls	Smith 46
Steinhoff	Strickler	Taylor 84	Terry	Unsicker
Walsh Moore	Weber	Windham	Woods	Young

PRESENT: 003

Collins	Johnson 23	Sharp 37
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ABSENT WITH LEAVE: 012

Bland Manlove	Bonacker	Bosley	Buchheit-Courtway	Clemens
Crossley	Ingle	Lewis 6	Mackey	Matthiesen
Parker	Quade			

VACANCIES: 001

On motion of Representative Kelly (141), **HS HCS SS SB 138, as amended**, was adopted.

On motion of Representative Kelly (141), **HS HCS SS SB 138, as amended**, was read the third time and passed by the following vote:

AYES: 136

Adams	Allen	Amato	Anderson	Appelbaum
Atchison	Aune	Banderman	Bangert	Baringer
Barnes	Black	Bland Manlove	Bonacker	Bosley
Bromley	Brown 149	Brown 16	Brown 27	Brown 87
Burger	Burnett	Burton	Busick	Butz
Byrnes	Casteel	Christ	Coleman	Collins
Cook	Copeland	Cupps	Deaton	Diehl
Dinkins	Ealy	Evans	Falkner	Farnan
Fogle	Fountain Henderson	Francis	Gallick	Gragg
Gray	Gregory	Griffith	Haden	Haffner
Haley	Hein	Henderson	Hinman	Houx
Hovis	Hurlbert	Ingle	Johnson 12	Johnson 23
Jones	Justus	Kalberloh	Keathley	Kelley 127
Kelly 141	Knight	Lavender	Lewis 6	Lonsdale
Mackey	Mann	Marquart	Matthiesen	Mayhew
McGaugh	McGill	Merideth	Morse	Mosley
Myers	Nickson-Clark	Nurrenbern	O'Donnell	Oehlerking
Owen	Parker	Patterson	Perkins	Peters
Plank	Pollitt	Pouche	Proudie	Quade
Reedy	Reuter	Riggs	Riley	Roberts
Sassmann	Sauls	Schnelting	Schulte	Schwadron
Seitz	Sharp 37	Sharpe 4	Shields	Smith 155
Smith 46	Sparks	Steinhoff	Stephens	Stinnett
Strickler	Taylor 48	Taylor 84	Terry	Thomas
Thompson	Toalson Reisch	Unsicker	Van Schoiack	Veit
Voss	Waller	Walsh Moore	Weber	West
Wilson	Windham	Woods	Wright	Young
Mr. Speaker				

NOES: 019

Baker	Billington	Boggs	Boyd	Chappell
Christofanelli	Davidson	Davis	Hardwick	Hausman
Hicks	Hudson	Lovasco	Murphy	Richey
Sander	Smith 163	Stacy	Titus	

PRESENT: 003

Doll	Lewis 25	Phifer
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ABSENT WITH LEAVE: 004

Buchheit-Courtway	Clemens	Crossley	McMullen
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VACANCIES: 001

Speaker Pro Tem Henderson declared the bill passed.

MOTIONS

Representative O'Donnell, having voted on the prevailing side, moved that the vote by which **HCS SB 275, as amended**, was third read and passed be reconsidered.

Which motion was adopted by the following vote:

AYES: 154

Allen	Amato	Anderson	Appelbaum	Atchison
Aune	Baker	Banderman	Bangert	Baringer
Barnes	Billington	Black	Bland Manlove	Boggs
Bonacker	Bosley	Boyd	Bromley	Brown 149
Brown 16	Brown 27	Brown 87	Buchheit-Courtway	Burger
Burton	Busick	Butz	Byrnes	Casteel
Chappell	Christ	Christofanelli	Coleman	Collins
Cook	Copeland	Cupps	Davidson	Davis
Deaton	Diehl	Dinkins	Doll	Ealy
Evans	Falkner	Farnan	Fogle	Fountain Henderson
Francis	Gallick	Gragg	Gray	Gregory
Griffith	Haden	Haffner	Haley	Hardwick
Hausman	Hein	Henderson	Hicks	Hinman
Hovis	Hudson	Hurlbert	Ingle	Johnson 12
Johnson 23	Jones	Justus	Kalberloh	Keathley
Kelley 127	Kelly 141	Knight	Lavender	Lewis 6
Lonsdale	Lovasco	Mackey	Mann	Marquart
Matthiesen	Mayhew	McGaugh	McGill	McMullen
Merideth	Morse	Mosley	Murphy	Myers
Nickson-Clark	Nurrenbern	O'Donnell	Oehlerking	Owen
Parker	Patterson	Perkins	Peters	Plank
Pollitt	Pouche	Proudie	Quade	Reedy
Reuter	Richey	Riggs	Riley	Roberts
Sander	Sassmann	Sauls	Schnelting	Schulte
Schwadron	Seitz	Sharp 37	Sharpe 4	Shields
Smith 155	Smith 163	Smith 46	Sparks	Stacy
Steinhoff	Stephens	Stinnett	Strickler	Taylor 48
Taylor 84	Terry	Thomas	Titus	Toalson Reisch
Unsicker	Van Schoiack	Veit	Voss	Waller
Walsh Moore	Weber	West	Wilson	Windham
Woods	Wright	Young	Mr. Speaker	

NOES: 000

PRESENT: 002

Burnett Lewis 25

ABSENT WITH LEAVE: 006

Adams	Clemens	Crossley	Houx	Phifer
Thompson				

VACANCIES: 001

Representative O'Donnell, having voted on the prevailing side, moved that the vote by which **HCS SB 275, as amended**, was adopted be reconsidered.

Which motion was adopted by the following vote:

AYES: 152

Adams	Allen	Amato	Anderson	Appelbaum
Atchison	Aune	Baker	Banderman	Bangert
Baringer	Barnes	Billington	Black	Boggs
Bonacker	Boyd	Bromley	Brown 149	Brown 16
Brown 27	Brown 87	Buchheit-Courtway	Burger	Burton
Busick	Butz	Byrnes	Casteel	Chappell
Christ	Christofanelli	Clemens	Coleman	Collins
Cook	Copeland	Cupps	Davidson	Davis
Deaton	Diehl	Dinkins	Doll	Ealy
Evans	Falkner	Farnan	Fogle	Fountain Henderson
Francis	Gallick	Gragg	Gray	Gregory
Griffith	Haden	Haffner	Haley	Hardwick
Hausman	Hein	Henderson	Hicks	Hinman
Hovis	Hudson	Ingle	Johnson 12	Johnson 23
Jones	Justus	Kalberloh	Keathley	Kelley 127
Kelly 141	Knight	Lavender	Lewis 6	Lonsdale
Lovasco	Mackey	Mann	Marquart	Matthiesen
Mayhew	McGaugh	McGill	McMullen	Merideth
Morse	Mosley	Murphy	Myers	O'Donnell
Oehlerking	Owen	Parker	Patterson	Perkins
Peters	Plank	Pollitt	Pouche	Proudie
Quade	Reedy	Reuter	Richey	Riggs
Riley	Roberts	Sander	Sassmann	Sauls
Schnelting	Schulte	Schwadron	Seitz	Sharp 37
Sharpe 4	Shields	Smith 155	Smith 163	Smith 46
Sparks	Stacy	Steinhoff	Stephens	Stinnett
Strickler	Taylor 48	Taylor 84	Terry	Thomas
Thompson	Titus	Toalson Reisch	Unsicker	Van Schoiack
Veit	Voss	Waller	Walsh Moore	Weber
West	Wilson	Windham	Woods	Wright
Young	Mr. Speaker			

NOES: 001

Bosley

PRESENT: 002

Burnett Lewis 25

ABSENT WITH LEAVE: 007

Bland Manlove	Crossley	Houx	Hurlbert	Nickson-Clark
Nurrenbern	Phifer			

VACANCIES: 001

Representative O'Donnell, having voted on the prevailing side, moved that the vote by which **House Amendment No. 1 to HCS SB 275** was adopted be reconsidered.

Which motion was adopted by the following vote:

AYES: 150

Allen	Amato	Anderson	Appelbaum	Atchison
Aune	Baker	Banderman	Bangert	Baringer
Barnes	Billington	Black	Boggs	Boyd
Bromley	Brown 149	Brown 16	Brown 27	Brown 87
Buchheit-Courtway	Burger	Burton	Busick	Butz
Bymes	Casteel	Chappell	Christ	Christofanelli
Clemens	Coleman	Collins	Cook	Copeland
Cupps	Davidson	Davis	Deaton	Diehl
Dinkins	Ealy	Evans	Falkner	Farnan
Fogle	Fountain Henderson	Francis	Gallick	Gragg
Gray	Gregory	Griffith	Haden	Haffner
Haley	Hardwick	Hausman	Hein	Henderson
Hicks	Hinman	Hovis	Hudson	Hurlbert
Ingle	Johnson 12	Johnson 23	Jones	Justus
Kalberloh	Keathley	Kelley 127	Kelly 141	Knight
Lavender	Lewis 6	Lonsdale	Lovasco	Mackey
Mann	Marquart	Matthiesen	Mayhew	McGaugh
McGill	McMullen	Morse	Mosley	Murphy
Myers	Nickson-Clark	Nurrenbern	O'Donnell	Oehlerking
Owen	Parker	Patterson	Perkins	Peters
Plank	Pollitt	Pouche	Proudie	Quade
Reedy	Reuter	Richey	Riggs	Riley
Roberts	Sander	Sassmann	Sauls	Schnelting
Schulte	Schwadron	Seitz	Sharp 37	Sharpe 4
Shields	Smith 155	Smith 163	Smith 46	Sparks
Stacy	Steinhoff	Stephens	Stinnett	Strickler
Taylor 48	Taylor 84	Terry	Thomas	Thompson
Titus	Toalson Reisch	Unsicker	Van Schoiack	Veit
Voss	Waller	Walsh Moore	Weber	West
Wilson	Woods	Wright	Young	Mr. Speaker

NOES: 003

Adams	Bosley	Doll
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PRESENT: 003

Burnett	Lewis 25	Merideth
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ABSENT WITH LEAVE: 006

Bland Manlove	Bonacker	Crossley	Houx	Phifer
Windham				

VACANCIES: 001

Representative Haffner 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 Bill No. 275, Page 2, Lines 12-14, by deleting all of said lines; and

Further amend said amendment and page, Lines 27-36, by deleting all of said lines and inserting in lieu thereof the following:

"Further amend said bill, Page 19, Section 393.1506, Line 2, by deleting all of said line and inserting in lieu thereof the following:

"contrary, a water or sewer corporation that provides water or sewer service"; and"; and

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

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

On motion of Representative O'Donnell, **House Amendment No. 1, as amended**, was adopted.

On motion of Representative O'Donnell, **HCS SB 275, as amended**, was adopted.

On motion of Representative O'Donnell, **HCS SB 275, as amended**, was read the third time and passed by the following vote:

AYES: 149

Adams	Allen	Amato	Anderson	Appelbaum
Atchison	Aune	Baker	Banderman	Bangert
Barnes	Billington	Black	Bland Manlove	Boggs
Bonacker	Bosley	Boyd	Bromley	Brown 149
Brown 16	Brown 27	Brown 87	Buchheit-Courtway	Burger
Burnett	Burton	Busick	Butz	Byrnes
Casteel	Chappell	Christ	Christofanelli	Clemens
Coleman	Cook	Copeland	Cupps	Davidson
Davis	Deaton	Diehl	Dinkins	Ealy
Evans	Falkner	Farnan	Fogle	Fountain Henderson
Francis	Gallick	Gragg	Gray	Griffith
Haden	Haffner	Haley	Hardwick	Hausman
Hein	Henderson	Hicks	Hinman	Hovis
Hudson	Hurlbert	Ingle	Johnson 12	Johnson 23
Jones	Justus	Kalberloh	Keathley	Kelley 127
Kelly 141	Knight	Lavender	Lewis 6	Lonsdale
Lovasco	Mackey	Mann	Marquart	Matthiesen
Mayhew	McGaugh	McGill	McMullen	Merideth
Morse	Mosley	Murphy	Nickson-Clark	Nurrenbern
O'Donnell	Oehlerking	Owen	Patterson	Perkins
Peters	Plank	Pollitt	Pouche	Proudie
Quade	Reedy	Reuter	Richey	Riggs
Riley	Roberts	Sander	Sassmann	Sauls

Schnelting	Schulte	Schwadron	Seitz	Sharp 37
Sharpe 4	Shields	Smith 155	Smith 163	Smith 46
Sparks	Stacy	Steinhoff	Stephens	Stinnett
Strickler	Taylor 48	Taylor 84	Terry	Thomas
Thompson	Titus	Toalson Reisch	Unsicker	Van Schoiack
Voss	Waller	Walsh Moore	West	Wilson
Woods	Wright	Young	Mr. Speaker	

NOES: 002

Doll Lewis 25

PRESENT: 000

ABSENT WITH LEAVE: 011

Baringer	Collins	Crossley	Gregory	Houx
Myers	Parker	Phifer	Veit	Weber
Windham				

VACANCIES: 001

Speaker Pro Tem Henderson declared the bill passed.

Representative Hudson assumed the Chair.

BILLS IN CONFERENCE

CCR SB 28, with House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 9, House Substitute Amendment No. 1 for House Amendment No. 9, as amended, House Amendment No. 1 to House Amendment No. 10, House Amendment No. 10, as amended, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 2 to House Amendment No. 11, House Amendment No. 3 to House Amendment No. 11, and House Amendment No. 11, as amended, relating to access to certain records, was taken up by Representative Roberts.

On motion of Representative Roberts, **CCR SB 28, with House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 9, House Substitute Amendment No. 1 for House Amendment No. 9, as amended, House Amendment No. 1 to House Amendment No. 10, House Amendment No. 10, as amended, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 2 to House Amendment No. 11, House Amendment No. 3 to House Amendment No. 11, and House Amendment No. 11, as amended, was adopted by the following vote:**

AYES: 152

Adams	Allen	Amato	Anderson	Appelbaum
Atchison	Aune	Baker	Banderman	Bangert
Baringer	Barnes	Billington	Black	Bland Manlove
Boggs	Bonacker	Boyd	Bromley	Brown 149
Brown 16	Brown 87	Buchheit-Courtway	Burger	Burnett
Burton	Busick	Butz	Byrnes	Casteel
Chappell	Christ	Christofanelli	Clemens	Coleman
Collins	Cook	Copeland	Cupps	Davidson
Davis	Deaton	Diehl	Dinkins	Doll
Ealy	Evans	Falkner	Farnan	Fogle
Fountain Henderson	Francis	Gallick	Gragg	Gray
Gregory	Griffith	Haden	Haffner	Haley
Hardwick	Hausman	Hein	Henderson	Hicks
Hinman	Hovis	Hudson	Hurlbert	Ingle
Johnson 12	Johnson 23	Jones	Justus	Kalberloh
Keathley	Kelley 127	Kelly 141	Knight	Lavender
Lewis 25	Lewis 6	Lonsdale	Lovasco	Mackey
Mann	Matthiesen	Mayhew	McGaugh	McGill
McMullen	Morse	Mosley	Murphy	Myers
Nickson-Clark	Nurrenbern	O'Donnell	Oehlerking	Owen
Parker	Patterson	Perkins	Peters	Plank
Pollitt	Pouche	Proudie	Quade	Reedy
Reuter	Richey	Riggs	Riley	Roberts
Sander	Sassmann	Sauls	Schnelting	Schulte
Schwadron	Seitz	Sharp 37	Sharpe 4	Shields
Smith 155	Smith 163	Smith 46	Sparks	Stacy
Steinhoff	Stephens	Stinnett	Strickler	Taylor 48
Taylor 84	Terry	Thomas	Thompson	Titus
Toalson Reisch	Van Schoiack	Veit	Voss	Waller
Walsh Moore	Weber	West	Wilson	Woods
Young	Mr. Speaker			

NOES: 000

PRESENT: 002

Merideth	Unsicker
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ABSENT WITH LEAVE: 008

Bosley	Brown 27	Crossley	Houx	Marquart
Phifer	Windham	Wright		

VACANCIES: 001

On motion of Representative Roberts, **CCS SB 28** was truly agreed to and finally passed by the following vote:

AYES: 154

Adams	Allen	Amato	Anderson	Appelbaum
Atchison	Aune	Baker	Banderman	Bangert
Baringer	Barnes	Billington	Black	Bland Manlove
Boggs	Bonacker	Bosley	Boyd	Bromley
Brown 149	Brown 16	Brown 87	Buchheit-Courtway	Burger

Burnett	Burton	Busick	Butz	Byrnes
Casteel	Chappell	Christ	Christofanelli	Clemens
Coleman	Collins	Cook	Copeland	Cupps
Davidson	Davis	Deaton	Diehl	Dinkins
Doll	Ealy	Evans	Falkner	Farnan
Fogle	Fountain Henderson	Gallick	Gragg	Gray
Gregory	Griffith	Haden	Haffner	Haley
Hardwick	Hausman	Hein	Henderson	Hicks
Hinman	Hovis	Hudson	Hurlbert	Ingle
Johnson 12	Johnson 23	Jones	Justus	Kalberloh
Keathley	Kelley 127	Kelly 141	Knight	Lavender
Lewis 25	Lewis 6	Lonsdale	Lovasco	Mackey
Mann	Marquart	Matthiesen	Mayhew	McGaugh
McGill	McMullen	Merideth	Morse	Mosley
Murphy	Myers	Nickson-Clark	Nurrenbern	O'Donnell
Oehlerking	Owen	Parker	Patterson	Perkins
Peters	Plank	Pollitt	Pouche	Proudie
Quade	Reedy	Reuter	Richey	Riggs
Riley	Roberts	Sander	Sassmann	Sauls
Schnelting	Schulte	Schwadron	Seitz	Sharp 37
Sharpe 4	Shields	Smith 155	Smith 163	Smith 46
Sparks	Stacy	Steinhoff	Stephens	Stinnett
Strickler	Taylor 48	Taylor 84	Terry	Thomas
Thompson	Titus	Toalson Reisch	Van Schoiack	Veit
Voss	Waller	Walsh Moore	Weber	West
Wilson	Woods	Young	Mr. Speaker	

NOES: 000

PRESENT: 001

Unsicker

ABSENT WITH LEAVE: 007

Brown 27	Crossley	Francis	Houx	Phifer
Windham	Wright			

VACANCIES: 001

Representative Hudson declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 119

Allen	Amato	Atchison	Baker	Banderman
Baringer	Barnes	Billington	Black	Boggs
Bonacker	Boyd	Bromley	Brown 149	Brown 16
Buchheit-Courtway	Burger	Busick	Byrnes	Casteel
Chappell	Christ	Christofanelli	Coleman	Cook
Copeland	Cupps	Davidson	Deaton	Diehl
Dinkins	Evans	Falkner	Farnan	Fogle
Francis	Gallick	Gragg	Gregory	Griffith
Haden	Haffner	Haley	Hardwick	Hausman
Henderson	Hicks	Hinman	Hovis	Hudson
Hurlbert	Ingle	Jones	Justus	Kalberloh
Keathley	Kelley 127	Kelly 141	Knight	Lewis 6

Lonsdale	Lovasco	Mackey	Marquart	Mayhew
McGaugh	McGill	McMullen	Morse	Murphy
Myers	Nurrenbern	O'Donnell	Oehlerking	Owen
Parker	Patterson	Perkins	Peters	Plank
Pollitt	Pouche	Reedy	Reuter	Richey
Riggs	Riley	Roberts	Sander	Sassmann
Sauls	Schnelting	Schulte	Schwadron	Seitz
Sharp 37	Sharpe 4	Shields	Smith 155	Smith 163
Smith 46	Sparks	Stacy	Stephens	Stinnett
Taylor 48	Taylor 84	Thomas	Thompson	Titus
Toalson Reisch	Van Schoiack	Veit	Voss	Waller
West	Wilson	Woods	Mr. Speaker	

NOES: 029

Adams	Anderson	Appelbaum	Aune	Bangert
Bland Manlove	Bosley	Brown 87	Burnett	Butz
Clemens	Davis	Doll	Fountain Henderson	Gray
Lavender	Lewis 25	Mann	Merideth	Mosley
Nickson-Clark	Quade	Steinhoff	Strickler	Terry
Unsicker	Walsh Moore	Weber	Young	

PRESENT: 007

Burton	Collins	Ealy	Hein	Johnson 12
Johnson 23	Proudie			

ABSENT WITH LEAVE: 007

Brown 27	Crossley	Houx	Matthiesen	Phifer
Windham	Wright			

VACANCIES: 001

THIRD READING OF SENATE BILLS - INFORMAL

HCS SS SCS SB 398, relating to motor vehicles, was taken up by Representative Knight.

On motion of Representative Knight, the title of **HCS SS SCS SB 398** was agreed to.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 398, Page 10, Section 304.822, Lines 126-128, by deleting said lines and inserting in lieu thereof the following:

"search of their electronic communication device. No warrant shall be issued to confiscate or access an electronic communication device based on a violation of this section unless the violation results in serious bodily injury or death."; and

Further amend said bill, Page 12, Section 407.812, Lines 31-36, by deleting all of said lines and inserting in lieu thereof the following:

"6. Notwithstanding any provision of sections 301.550 to 301.575 to the contrary, a manufacturer, importer, or distributor may engage in the business of selling motor vehicles to retail consumers in this state from a dealership if the manufacturer, importer, or distributor owned the dealership and initially submitted a dealer license application to the Missouri department of revenue on or before August 28, 2023, provided that the license is subsequently granted, and the ownership or controlling interest of such dealership is not transferred, sold, or conveyed to another person or entity required to be licensed under this chapter."; and

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

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Burger	Busick	Byrnes
Casteel	Chappell	Christ	Coleman	Cook
Copeland	Davidson	Davis	Deaton	Diehl
Dinkins	Evans	Falkner	Farnan	Francis
Gallick	Gragg	Gregory	Griffith	Haden
Haffner	Haley	Hausman	Henderson	Hicks
Hinman	Hovis	Hudson	Hurlbert	Jones
Justus	Kalberloh	Keathley	Kelley 127	Kelly 141
Knight	Lonsdale	Lovasco	Marquart	Matthiesen
Mayhew	McGaugh	McGirl	McMullen	Morse
Murphy	Myers	O'Donnell	Oehlerking	Owen
Parker	Patterson	Perkins	Peters	Pouche
Reedy	Reuter	Richey	Riggs	Riley
Roberts	Sander	Sassmann	Schulte	Schwadron
Seitz	Sharpe 4	Shields	Smith 155	Sparks
Stacy	Stephens	Stinnett	Taylor 48	Thomas
Thompson	Titus	Toalson Reisch	Van Schoiack	Veit
Voss	Waller	West	Wilson	Mr. Speaker

NOES: 044

Adams	Anderson	Aune	Bangert	Baringer
Barnes	Bland Manlove	Bosley	Brown 27	Brown 87
Burnett	Burton	Butz	Clemens	Collins
Doll	Ealy	Fogle	Fountain Henderson	Gray
Hein	Johnson 23	Lavender	Lewis 25	Mann
Merideth	Mosley	Nickson-Clark	Nurrenbern	Plank
Proudie	Quade	Sauls	Sharp 37	Smith 46
Steinhoff	Strickler	Taylor 84	Terry	Unsicker
Walsh Moore	Weber	Woods	Young	

PRESENT: 000

ABSENT WITH LEAVE: 018

Appelbaum	Brown 16	Buchheit-Courtway	Christofanelli	Crossley
Cupps	Hardwick	Houx	Ingle	Johnson 12
Lewis 6	Mackey	Phifer	Pollitt	Schnelting
Smith 163	Windham	Wright		

VACANCIES: 001

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 398, Page 15, Section 407.828, Line 121, by inserting after all of said section and line the following:

"407.2020. For purposes of sections 407.2020 to 407.2090, the following terms mean:

(1) **"Commercial transaction", a transaction involving a motor vehicle in which the motor vehicle will primarily be used for business purposes rather than personal purposes;**

(2) **"Consumer", an individual purchaser of a motor vehicle or a borrower under a finance agreement. The term "consumer" includes any borrower, as defined in section 407.2030, or contract holder, as defined in section 407.2060, as applicable;**

(3) **"Finance agreement", a loan, retail installment sales contract, or lease for the purchase, refinancing, or lease of a motor vehicle;**

(4) **"Free-look period", a period of time from the effective date of the motor vehicle financial protection product until the date the motor vehicle financial protection product may be cancelled without penalty, fees, or costs. This period of time shall not be shorter than thirty days;**

(5) **"Insurer", an insurance company licensed, registered, or otherwise authorized to issue contractual liability insurance under the insurance laws of this state;**

(6) **"Motor vehicle", any self-propelled or towed vehicle designed for personal or commercial use including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, all-terrain vehicles, snowmobiles, campers, boats, personal watercraft, and related trailers;**

(7) **"Motor vehicle financial protection product", an agreement that protects a consumer's financial interest in his or her current or future motor vehicle. The term "motor vehicle financial protection product" includes any debt waiver, as defined in section 407.2030, and any vehicle value protection agreement, as defined in section 407.2060;**

(8) **"Person", an individual, company, association, organization, partnership, business trust, or corporation, and every form of legal entity.**

407.2025. 1. Motor vehicle financial protection products may be offered, sold, or given to consumers in this state in compliance with sections 407.2020 to 407.2090.

2. Any amount charged or financed for a motor vehicle financial protection product shall be separately stated and shall not be considered a finance charge or interest.

3. Any extension of credit, terms of credit, or terms of the related motor vehicle sale or lease shall not be conditioned upon the consumer's payment for or financing of any charge for a motor vehicle financial protection product, except that motor vehicle financial protection products may be discounted or given at no charge in connection with the purchase of other non-credit-related goods or services.

407.2030. For purposes of sections 407.2030 to 407.2055, the following terms mean:

(1) **"Administrator", any person, other than an insurer or creditor, who performs administrative or operational functions for debt waiver programs;**

(2) **"Borrower", a debtor or retail buyer or lessee under a finance agreement;**

(3) **"Creditor":**

(a) **The lender in a loan or credit transaction;**

(b) **The lessor in a lease transaction;**

(c) **Any retail seller of motor vehicles;**

(d) **The seller in commercial retail installment transactions; or**

(e) **The assignee of any person described in paragraphs (a) to (d) of this subdivision to whom the credit obligation is payable;**

(4) **"Debt waiver", any guaranteed asset protection waiver or excess wear and use waiver;**

(5) "Excess wear and use waiver", a contractual agreement in which a creditor agrees, with or without a separate charge, to cancel or waive all or part of amounts that may become due under a borrower's lease agreement as a result of excessive wear and use of a motor vehicle, which agreement shall be part of, or a separate addendum to, the lease agreement. Excess wear and use waivers may also cancel or waive amounts due for excess mileage;

(6) "Guaranteed asset protection waiver", a contractual agreement in which a creditor agrees, with or without a separate charge, to cancel or waive all or part of amounts due on a borrower's finance agreement in the event of a total physical damage loss or unrecovered theft of the motor vehicle, which agreement shall be part of, or a separate addendum to, the finance agreement. A guaranteed asset protection waiver may also provide, with or without a separate charge, a benefit that waives an amount, or provides a borrower with a credit, toward the purchase of a replacement motor vehicle.

407.2035. 1. (1) A retail seller shall insure its debt waiver obligations under a contractual liability or other insurance policy issued by an insurer. A creditor, other than a retail seller, may insure its debt waiver obligations under a contractual liability policy or other such policy issued by an insurer. Any such insurance policy may be directly obtained by a creditor or retail seller or may be procured by an administrator to cover a creditor's or retail seller's obligations.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, retail sellers who are lessors on motor vehicles shall not be required to insure obligations related to debt waivers on such leased motor vehicles.

2. The debt waiver remains a part of the finance agreement upon the assignment, sale, or transfer of such finance agreement by the creditor.

3. Any creditor who offers a debt waiver shall report the sale of, and forward funds due to, the designated party or parties.

4. Funds received or held by a creditor or administrator and belonging to an insurer, creditor, or administrator shall be held by such creditor or administrator in a fiduciary capacity.

407.2040. 1. Contractual liability or other insurance policies insuring debt waivers shall state the obligation of the insurer to reimburse or pay to the creditor any sums the creditor is legally obligated to waive under a debt waiver.

2. Coverage under a contractual liability or other insurance policy insuring a debt waiver shall also cover any subsequent assignee upon the assignment, sale, or transfer of the finance agreement.

3. Coverage under a contractual liability or other insurance policy insuring a debt waiver shall remain in effect unless cancelled or terminated in compliance with applicable insurance laws of this state.

4. The cancellation or termination of a contractual liability or other insurance policy shall not reduce the insurer's responsibility for debt waivers issued by the creditor before the date of cancellation or termination and for which premium has been received by the insurer.

407.2045. Debt waivers shall disclose in writing and in clear, understandable language that is easy to read the following:

(1) The name and address of the initial creditor and the borrower at the time of sale, and the identity of any administrator if different from the creditor;

(2) The purchase price, if any, and the terms of the debt waiver including, but not limited to, the requirements for protection, conditions, or exclusions associated with the debt waiver;

(3) A statement that the borrower may cancel the debt waiver within a free-look period as specified in the debt waiver and, if so cancelled, shall be entitled to a full refund of the purchase price paid by the borrower, if any, so long as no benefits have been provided;

(4) The procedure the borrower is required to follow, if any, to obtain debt waiver benefits under the terms and conditions of the debt waiver, including, if applicable, a telephone number or website and address where the borrower may apply for debt waiver benefits;

(5) The terms and conditions governing cancellation consistent with all applicable Missouri laws; and

(6) A statement that any extension of credit, terms of the credit, or terms of the related motor vehicle sale or lease shall not be conditioned upon the borrower's purchase of a debt waiver.

407.2050. 1. Debt waivers shall provide that if a borrower cancels a debt waiver within the free-look period, the borrower shall be entitled to a full refund of the amount the borrower paid, if any, so long as no benefits have been provided.

2. If, after the debt waiver has been in effect beyond the free-look period, the borrower cancels the debt waiver or there is an early termination of the finance agreement, the borrower may be entitled to a refund of the amount the borrower paid of the unearned portion of the purchase price, if any, less a cancellation fee up to seventy-five dollars, if no benefit has been or will be provided.

3. If the cancellation of a debt waiver occurs as a result of a default under the finance agreement, the repossession of the motor vehicle associated with the finance agreement, or any other termination of the finance agreement, any refund due may be paid directly to the creditor or administrator and applied as a reduction of the amount owed under the finance agreement unless the borrower can show that the finance agreement has been paid in full.

407.2055. 1. Debt waivers offered by state or federal banks or credit unions in compliance with applicable state or federal law shall be exempt from the provisions of sections 407.2020 to 407.2090.

2. The provisions of sections 407.2045 and 407.2080 shall not apply to debt waivers offered in connection with commercial transactions.

407.2060. For purposes of sections 407.2060 to 407.2075, the following terms mean:

(1) "Administrator", any person who is responsible for the administrative or operational functions of vehicle value protection agreements including, but not limited to, the adjudication of claims or benefit requests by contract holders;

(2) "Contract holder", a person who is the purchaser or holder of a vehicle value protection agreement;

(3) "Provider", a person who is obligated to provide a benefit under a vehicle value protection agreement. A provider may perform as an administrator or retain the services of a third-party administrator;

(4) "Vehicle value protection agreement", a contractual agreement that:

(a) Provides a benefit toward the reduction of some or all of the contract holder's current finance agreement deficiency balance or toward the purchase or lease of a replacement motor vehicle or motor vehicle services upon the occurrence of an adverse event to the motor vehicle including, but not limited to, loss, theft, damage, obsolescence, diminished value, or depreciation;

(b) Does not include debt waivers; and

(c) May include agreements such as, but not limited to, trade-in-credit agreements, diminished value agreements, depreciation benefit agreements, or other similarly named agreements.

407.2065. 1. A provider may, but is not required to, use an administrator or other designee to be responsible for any and all of the administration of vehicle value protection agreements in compliance with the provisions of sections 407.2020 to 407.2090.

2. Vehicle value protection agreements shall not be sold unless the contract holder has been or will be provided access to a copy of the vehicle value protection agreement within a reasonable time.

3. In order to assure the faithful performance of the provider's obligations to its contract holders, each provider shall comply with subdivision (1) or (2) of this subsection, as follows:

(1) In order to satisfy the requirements of this subsection under this subdivision, the provider shall insure all its vehicle value protection agreements under an insurance policy that pays or reimburses in the event the provider fails to perform its obligations under the vehicle value protection agreement and that is issued by an insurer who is licensed, registered, or otherwise authorized to do business in this state and who:

(a) Maintains surplus as to policyholders and paid-in capital of at least fifteen million dollars; or

(b) Maintains:

a. Surplus as to policyholders and paid-in capital of less than fifteen million dollars but at least equal to ten million dollars; and

b. A ratio of net written premiums, wherever written, to surplus as to policyholders and paid-in capital of not greater than three to one; or

(2) In order to satisfy the requirements of this subsection under this subdivision, the provider shall:

(a) Maintain, or together with its parent company maintain, a net worth or stockholders' equity of one hundred million dollars; and

(b) Upon request, provide the attorney general with a copy of the provider's or the provider's parent company's most recent Form 10-K or Form 20-F filed with the Securities and Exchange Commission (SEC) within the last calendar year or, if the company does not file with the SEC, a copy of the company's audited

financial statements, which show a net worth of the provider or its parent company of at least one hundred million dollars. If the provider's parent company's Form 10-K, Form 20-F, or financial statements are filed to meet the provider's financial security requirement, the parent company shall agree to guarantee the obligations of the provider relating to vehicle value protection agreements sold by the provider in this state.

4. Except for the requirements specified in subsection 3 of this section, no other financial security requirements shall be required for vehicle value protection agreement providers.

407.2070. Vehicle value protection agreements shall disclose in writing and in clear, understandable language that is easy to read the following:

- (1) The name and address of the provider, contract holder, and administrator, if any;
- (2) The terms of the vehicle value protection agreement including, but not limited to, the purchase price to be paid by the contract holder, if any, the requirements for eligibility, the conditions of coverage, and any exclusions;
- (3) A statement that the vehicle value protection agreement may be cancelled by the contract holder within a free-look period as specified in the vehicle value protection agreement and that in such event the contract holder shall be entitled to a full refund of the purchase price paid by the contract holder, if any, so long as no benefits have been provided;
- (4) The procedure the contract holder shall follow, if any, to obtain a benefit under the terms and conditions of the vehicle value protection agreement, including, if applicable, a telephone number or website and address where the contract holder may apply for a benefit;
- (5) A statement that indicates whether the vehicle value protection agreement may be cancelled after the free-look period and the conditions under which it may be cancelled, including the procedures for requesting any refund of the unearned purchase price paid by the contract holder;
- (6) If the vehicle value protection agreement is cancellable after the free-look period, a statement that any refund of the unearned purchase price of the vehicle value protection agreement shall be calculated on a pro rata basis;
- (7) A statement that any extension of credit, terms of the credit, or terms of the related motor vehicle sale or lease shall not be conditioned upon the purchase of the vehicle value protection agreement;
- (8) The terms, restrictions, or conditions governing cancellation of the vehicle value protection agreement before the termination or expiration date of the vehicle value protection agreement by either the provider or the contract holder. The provider of the vehicle value protection agreement shall mail a written notice to the contract holder at the last known address of the contract holder contained in the records of the provider at least five days before cancellation by the provider. Prior notice shall not be required if the reason for cancellation is nonpayment of the provider fee, a material misrepresentation by the contract holder to the provider or administrator, or a substantial breach of duties by the contract holder relating to the covered product or its use. The notice shall state the effective date of the cancellation and the reason for the cancellation. If a vehicle value protection agreement is cancelled by the provider for a reason other than nonpayment of the provider fee, the provider shall refund to the contract holder one hundred percent of the unearned pro rata provider fee paid by the contract holder, if any. If coverage under the vehicle value protection agreement continues after a claim, any refund may deduct claims paid. A reasonable administrative fee may be charged by the provider up to seventy-five dollars; and
- (9) A statement that the agreement is not an insurance contract.

407.2075. The provisions of sections 407.2070 and 407.2080 shall not apply to vehicle value protection agreements offered in connection with a commercial transaction.

407.2080. The attorney general may take action that is necessary or appropriate to enforce the provisions of sections 407.2020 to 407.2090 and to protect motor vehicle financial protection product consumers in this state. After proper notice and opportunity for hearing, the attorney general may:

- (1) Order the creditor, provider, administrator, or any other person not in compliance with the provisions of sections 407.2020 to 407.2090 to cease and desist from product-related operations that are in violation of the provisions of sections 407.2020 to 407.2090; and
- (2) Impose a penalty of not more than five hundred dollars for each violation of the provisions of sections 407.2020 to 407.2090 and not more than ten thousand dollars in the aggregate for all violations of a similar nature. A violation shall be considered of a similar nature to another violation if the violation consists of the same or similar course of conduct, action, or practice, irrespective of the number of times the action,

conduct, or practice that is determined to be a violation of the provisions of sections 407.2020 to 407.2090 occurred.

407.2085. Notwithstanding the provisions of section 407.2090, all motor vehicle financial protection products issued before and on and after August 28, 2023, shall not be considered insurance.

407.2090. The provisions of sections 407.2020 to 407.2090 shall apply to all motor vehicle financial protection products that become effective after February 23, 2024."; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 398, Page 7, Section 144.070, Line 121, by inserting after all of said section and line the following:

"303.420. As used in sections 303.420 to 303.440, unless the context requires otherwise, the following terms shall mean:

(1) "Program", the motor vehicle financial responsibility enforcement and compliance incentive program established under section 303.425;

(2) "Qualified agency", the department of revenue, the Missouri state highway patrol, the prosecuting attorney or sheriff's office of any county or city not within a county, the chiefs of police of any city or municipality, or any other authorized law enforcement agency recognized by the state;

(3) "System" or "verification system", the web-based resource established under section 303.430 for online verification of motor vehicle financial responsibility.

303.422. 1. There is hereby created in the state treasury the "Motor Vehicle Financial Responsibility Verification and Enforcement Fund", which shall consist of money received by the department of revenue under sections 303.420 to 303.440. 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 money in the fund shall be used solely by the department of revenue for the administration of sections 303.420 to 303.440.

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.

303.425. 1. (1) There is hereby created within the department of revenue the motor vehicle financial responsibility enforcement and compliance incentive program. The department of revenue may enter into contractual agreements with third-party vendors to facilitate the necessary technology and equipment, maintenance thereof, and associated program management services.

(2) The department of revenue or a third-party vendor shall utilize technology to compare vehicle registration information with the financial responsibility information accessible through the system. The department of revenue shall utilize this information to identify motorists who are in violation of the motor vehicle financial responsibility law. The department of revenue may offer offenders under this program the option of pretrial diversion as an alternative to statutory fines or reinstatement fees prescribed under the motor vehicle financial responsibility law as a method of encouraging compliance and discouraging recidivism.

(3) The department of revenue or third-party vendors shall not use any data collected from or technology associated with any automated motor vehicle financial responsibility enforcement system. For purposes of this subdivision, "motor vehicle financial responsibility enforcement system" means a device consisting of a camera or cameras and vehicle sensor or sensors installed to record motor vehicle financial responsibility violations.

(4) All fees paid to or collected by third-party vendors under sections 303.420 to 303.440 may come from violator diversion fees generated by the pretrial diversion option established under this section.

2. The department of revenue may authorize law enforcement agencies or third-party vendors to use technology to collect data for the investigation, detection, analysis, and enforcement of the motor vehicle financial responsibility law.

3. The department of revenue may authorize traffic enforcement officers, or third-party vendors to administer the processing and issuance of notices of violation, the collection of fees for a violation of the motor vehicle financial responsibility law, or the referral of cases for prosecution, under the program.

4. Access to the system shall be restricted to qualified agencies and the third-party vendors with which the department of revenue contracts for purposes of the program, provided that any third-party vendor with which a contract is executed to provide necessary technology, equipment, or maintenance for the program shall be authorized as necessary to collaborate for required updates and maintenance of system software.

5. For purposes of the program, any data collected and matched to a corresponding vehicle insurance record as verified through the system, and any Missouri vehicle registration database, may be used to identify violations of the motor vehicle financial responsibility law. Such corresponding data shall constitute evidence of the violations.

6. Except as otherwise provided in this section, the department of revenue shall suspend, in accordance with section 303.041, the registration of any motor vehicle that is determined under the program to be in violation of the motor vehicle financial responsibility law.

7. The department of revenue shall send to an owner whose vehicle is identified under the program as being in violation of the motor vehicle financial responsibility law a notice that the vehicle's registration may be suspended unless the owner, within thirty days, provides proof of financial responsibility for the vehicle or proof, in a form specified by the department of revenue, that the owner has a pending criminal charge for a violation of the motor vehicle financial responsibility law. The notice shall include information on steps an individual may take to obtain proof of financial responsibility and a web address to a page on the department of revenue's website where information on obtaining proof of financial responsibility shall be provided. If proof of financial responsibility or a pending criminal charge is not provided within the time allotted, the department of revenue shall provide a notice of suspension and suspend the vehicle's registration in accordance with section 303.041, or shall send a notice of vehicle registration suspension, clearly specifying the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the vehicle owner to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made, as well as informing the owner that the matter will be referred for prosecution if a satisfactory response is not received in the time allotted, informing the owner that the minimum penalty for the violation is three hundred dollars and four license points, and offering the owner participation in a pretrial diversion option to preclude referral for prosecution and registration suspension under sections 303.420 to 303.440. The notice of vehicle registration suspension shall give a period of thirty-three days from mailing for the vehicle owner to respond, and shall be deemed received three days after mailing. If no request for a hearing or agreement to participate in the diversion option is received by the department of revenue prior to the date provided on the notice of vehicle registration suspension, the director shall suspend the vehicle's registration, effective immediately, and refer the case to the appropriate prosecuting attorney. If an agreement by the vehicle owner to participate in the diversion option is received by the department of revenue prior to the effective date provided on the notice of vehicle registration suspension, then upon payment of a diversion participation fee not to exceed two hundred dollars, agreement to secure proof of financial responsibility within the time provided on the notice of suspension, and agreement that such financial responsibility shall be maintained for a minimum of two years, no points shall be assessed to the vehicle owner's driver's license under section 302.302 and the department of revenue shall not take further action against the vehicle owner under sections 303.420 to 303.440, subject to compliance with the terms of the pretrial diversion option. The department of revenue shall suspend the vehicle registration of, and shall refer the case to the appropriate prosecuting attorney for prosecution of, participating vehicle owners who violate the terms of the pretrial diversion option. If a request for hearing is received by the department of revenue prior to the effective date provided on the notice of vehicle registration suspension, then for all purposes other than eligibility for participation in the diversion option, the effective date of the

suspension shall be stayed until a final order is issued following the hearing. The department of revenue shall suspend the registration of vehicles determined under the final order to have violated the motor vehicle financial responsibility law, and shall refer the case to the appropriate prosecuting attorney for prosecution. Notices under this subsection shall be mailed to the vehicle owner at the last known address shown on the department of revenue's records. The department of revenue or its third-party vendor shall issue receipts for the collection of diversion participation fees. Except as otherwise provided in subsection 1 of this section, all such fees shall be deposited into the motor vehicle financial responsibility verification and enforcement fund established in section 303.422. A vehicle owner whose registration has been suspended under sections 303.420 to 303.440 may obtain reinstatement of the registration upon providing proof of financial responsibility and payment to the department of revenue of a nonrefundable reinstatement fee equal to the fee that would be applicable under subsection 2 of section 303.042 if the registration had been suspended under section 303.041.

8. Data collected or retained under the program shall not be used by any entity for purposes other than enforcement of the motor vehicle financial responsibility law. Data collected and stored by law enforcement under the program shall be considered evidence if noncompliance with the motor vehicle financial responsibility law is confirmed. The evidence, and an affidavit stating that the evidence and system have identified a particular vehicle as being in violation of the motor vehicle financial responsibility law, shall constitute probable cause for prosecution and shall be forwarded in accordance with subsection 7 of this section to the appropriate prosecuting attorney.

9. Owners of vehicles identified under the program as being in violation of the motor vehicle financial responsibility law shall be provided with options for disputing such claims which do not require appearance at any state or local court of law, or administrative facility. Any person who presents timely proof that he or she was in compliance with the motor vehicle financial responsibility law at the time of the alleged violation shall be entitled to dismissal of the charge with no assessment of fees or fines. Proof provided by a vehicle owner to the department of revenue that the vehicle was in compliance at the time of the suspected violation of the motor vehicle financial responsibility law shall be recorded in the system established by the department of revenue under section 303.430.

10. The collection of data pursuant to this section shall be done in a manner that prohibits any bias towards a specific community, race, gender, or socioeconomic status of vehicle owner.

11. Law enforcement agencies, third-party vendors, or other entities authorized to operate under the program shall not sell data collected or retained under the program for any purpose or share it for any purpose not expressly authorized in this section. All data shall be secured and any third-party vendor or other entity authorized to operate under the program may be liable for any data security breach.

12. The department of revenue shall not take action under sections 303.420 to 303.440 against vehicles registered as fleet vehicles under section 301.032, or against vehicles known to the department of revenue to be insured under a policy of commercial auto coverage, as such term is defined in subdivision (10) of subsection 2 of section 303.430.

13. Following one year after the implementation of the program, and every year thereafter, the department of revenue shall provide a report to the president pro tempore of the senate, the speaker of the house of representatives, the chairs of the house and senate committees with jurisdictions over insurance or transportation matters, and the chairs of the house budget and senate appropriations committees. The report shall include an evaluation of program operations, information as to the costs of the program incurred by the department of revenue, insurers, and the public, information as to the effectiveness of the program in reducing the number of uninsured motor vehicles, and anonymized demographic information including the race and zip code of vehicle owners identified under the program as being in violation of the motor vehicle financial responsibility law, and may include any additional information and recommendations for improvement of the program deemed appropriate by the department of revenue. The department of revenue may, by rule, require the state, counties, and municipalities to provide information in order to complete the report.

14. The department of revenue may promulgate rules as necessary for the implementation 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, 2023, shall be invalid and void.

303.430. 1. The department of revenue shall establish and maintain a web-based system for the verification of motor vehicle financial responsibility, shall provide access to insurance reporting data and vehicle registration and financial responsibility data, and shall require motor vehicle insurers to establish functionality for the verification system, as provided in sections 303.420 to 303.440. The verification system, including any exceptions as provided for in sections 303.420 to 303.440 or in the implementation guide developed to support the program, shall supersede any existing verification system, and shall be the sole system used for the purpose of verifying financial responsibility required under this chapter.

2. The system established pursuant to subsection 1 of this section shall be subject to the following:

(1) The verification system shall transmit requests to insurers for verification of motor vehicle insurance coverage via web services established by the insurers through the internet in compliance with the specifications and standards of the Insurance Industry Committee on Motor Vehicle Administration, or "IICMVA". Insurance company systems shall respond to each request with a prescribed response upon evaluation of the data provided in the request. The system shall include appropriate protections to secure its data against unauthorized access, and the department of revenue shall maintain a historical record of the system data for a period of no more than twelve months from the date of all requests and responses. The system shall be used for verification of the financial responsibility required under this chapter. The system shall be accessible to authorized personnel of the department of revenue, the courts, law enforcement personnel, and other entities authorized by the state as permitted by state or federal privacy laws, and it shall be interfaced, wherever appropriate, with existing state systems. The system shall include information enabling the department of revenue to submit inquiries to insurers regarding motor vehicle insurance which are consistent with insurance industry and IICMVA recommendations, specifications, and standards by using the following data elements for greater matching accuracy: insurer National Association of Insurance Commissioners, or "NAIC", company code; vehicle identification number; policy number; verification date; or as otherwise described in the specifications and standards of the IICMVA. The department of revenue shall promulgate rules to offer insurers who insure one thousand or fewer vehicles within this state an alternative method for verifying motor vehicle insurance coverage in lieu of web services, and to provide for the verification of financial responsibility when financial responsibility is proven to the department to be maintained by means other than a policy of motor vehicle insurance. Insurers shall not be required to verify insurance coverage for vehicles registered in other jurisdictions;

(2) The verification system shall respond to each request within a time period established by the department of revenue. An insurer's system shall respond within the time period prescribed by the IICMVA's specifications and standards. Insurer systems shall be permitted reasonable system downtime for maintenance and other work with advance notice to the department of revenue. Insurers shall not be subject to enforcement fees or other sanctions under such circumstances, or when systems are not available because of emergency, outside attack, or other unexpected outages not planned by the insurer and reasonably outside its control;

(3) The system shall assist in identifying violations of the motor vehicle financial responsibility law in the most effective way possible. Responses to individual insurance verification requests shall have no bearing on whether insurance coverage is determined to be in force at the time of a claim. Claims shall be individually investigated to determine the existence of coverage. Nothing in sections 303.420 to 303.440 shall prohibit the department of revenue from contracting with a third-party vendor or vendors who have successfully implemented similar systems in other states to assist in establishing and maintaining this verification system;

(4) The department of revenue shall consult with representatives of the insurance industry and may consult with third-party vendors to determine the objectives, details, and deadlines related to the system by establishment of an advisory council. The advisory council shall consist of voting members comprised of:

(a) The director of the department of commerce and insurance, or his or her designee, who shall serve as chair;

(b) Two representatives of the department of revenue, to be appointed by the director of the department of revenue;

- (c) One representative of the department of commerce and insurance, to be appointed by the director of the department of commerce and insurance;
 - (d) Three representatives of insurance companies, to be appointed by the director of the department of commerce and insurance;
 - (e) One representative from the Missouri Insurance Coalition;
 - (f) One representative chosen by the National Association of Mutual Insurance Companies;
 - (g) One representative chosen by the American Property and Casualty Insurance Association;
 - (h) One representative chosen by the Missouri Independent Agents Association; and
 - (i) Such other representatives as may be appointed by the director of the department of commerce and insurance;
- (5) The department of revenue shall publish for comment, and then issue, a detailed implementation guide for its online verification system;
- (6) The department of revenue and its third-party vendors, if any, shall each maintain a contact person for insurers during the establishment, implementation, and operation of the system;
- (7) If the department of revenue has reason to believe a vehicle owner does not maintain financial responsibility as required under this chapter, it may also request an insurer to verify the existence of such financial responsibility in a form approved by the department of revenue. In addition, insurers shall cooperate with the department of revenue in establishing and maintaining the verification system established under this section, and shall provide motor vehicle insurance policy status information as provided in the rules promulgated by the department of revenue;
- (8) Every property and casualty insurance company licensed to issue motor vehicle insurance or authorized to do business in this state shall comply with sections 303.420 to 303.440, and corresponding rules promulgated by the department of revenue, for the verification of such insurance for every vehicle insured by that company in this state;
- (9) Insurers shall maintain a historical record of insurance data for a minimum period of six months from the date of policy inception or policy change for the purpose of historical verification inquiries;
- (10) For the purposes of this section, "commercial auto coverage" shall mean any coverage provided to an insured, regardless of number of vehicles or entities covered, under a commercial coverage form and rated from a commercial manual approved by the department of commerce and insurance. Sections 303.420 to 303.440 shall not apply to vehicles insured under commercial auto coverage; however, insurers of such vehicles may participate on a voluntary basis, and vehicle owners may provide proof at or subsequent to the time of vehicle registration that a vehicle is insured under commercial auto coverage, which the department of revenue shall record in the system;
- (11) Insurers shall provide commercial or fleet automobile customers with evidence reflecting that the vehicle is insured under a commercial or fleet automobile liability policy. Sufficient evidence shall include an insurance identification card clearly marked with a suitable identifier such as "commercial auto insurance identification card", "fleet auto insurance identification card", or other clear identification that the vehicle is insured under a fleet or commercial policy;
- (12) Notwithstanding any provision of sections 303.420 to 303.440, insurers shall be immune from civil and administrative liability for good faith efforts to comply with the terms of sections 303.420 to 303.440;
- (13) Nothing in this section shall prohibit an insurer from using the services of a third-party vendor for facilitating the verification system required under sections 303.420 to 303.440.
3. The department of revenue shall promulgate rules as necessary for the implementation of sections 303.420 to 303.440. 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, 2023, shall be invalid and void.
- 303.440. The verification system established under section 303.430 shall be installed and fully operational on January 1, 2025, following an appropriate testing or pilot period of not less than nine months.

Until the successful completion of the testing or pilot period in the judgment of the director of the department of revenue, no enforcement action shall be taken based on the system, including but not limited to action taken under the program established under section 303.425."; and

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

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

On motion of Representative Knight, **HCS SS SCS SB 398, as amended**, was adopted.

On motion of Representative Knight, **HCS SS SCS SB 398, as amended**, was read the third time and passed by the following vote:

AYES: 097

Allen	Amato	Atchison	Bangert	Baringer
Barnes	Black	Bonacker	Brown 149	Brown 16
Brown 27	Brown 87	Burger	Burnett	Burton
Butz	Byrnes	Casteel	Christ	Clemens
Copeland	Deaton	Diehl	Dinkins	Evans
Falkner	Farnan	Fogle	Francis	Gallick
Gray	Gregory	Griffith	Haden	Haley
Hein	Henderson	Hinman	Hovis	Ingle
Johnson 23	Justus	Kalberloh	Kelly 141	Knight
Lavender	Lewis 6	Lonsdale	Mackey	Mann
Mayhew	McGaugh	McGirl	McMullen	Morse
Murphy	Myers	Nurrenbern	O'Donnell	Owen
Parker	Patterson	Perkins	Plank	Pouche
Reedy	Riggs	Riley	Roberts	Sassmann
Sauls	Schulte	Schwadron	Sharp 37	Sharpe 4
Shields	Smith 155	Smith 46	Sparks	Stephens
Stinnett	Strickler	Taylor 48	Taylor 84	Terry
Thompson	Unsicker	Van Schoiack	Veit	Voss
Waller	Walsh Moore	Weber	Wilson	Woods
Young	Mr. Speaker			

NOES: 040

Anderson	Baker	Banderman	Billington	Boggs
Boyd	Bromley	Busick	Chappell	Christofanelli
Coleman	Collins	Cook	Cupps	Davidson
Davis	Gragg	Haffner	Hausman	Hicks
Hudson	Hurlbert	Jones	Keathley	Kelley 127
Lovasco	Marquart	Matthiesen	Oehlerking	Peters
Reuter	Richey	Sander	Seitz	Smith 163
Stacy	Thomas	Titus	Toalson Reisch	West

PRESENT: 012

Adams	Aune	Bosley	Doll	Ealy
Fountain Henderson	Johnson 12	Lewis 25	Mosley	Nickson-Clark
Proudie	Quade			

ABSENT WITH LEAVE: 013

Appelbaum	Bland Manlove	Buchheit-Courtway	Crossley	Hardwick
Houx	Merideth	Phifer	Pollitt	Schnelting
Steinhoff	Windham	Wright		

VACANCIES: 001

Representative Hudson declared the bill passed.

BILLS IN CONFERENCE

HCS SS SB 222, as amended, relating to political subdivisions, was taken up by Representative Brown (16).

Representative Brown (16) moved that the House conferees be allowed to exceed the differences on **HCS SS SB 222, as amended**, in Section 29.005, Section 29.225, Section 29.235, and Section 610.021.

Which motion was adopted.

Speaker Plocher resumed the Chair.

CCR SS SB 139, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 1 to House Amendment No. 8, House Amendment No. 8, as amended, House Amendment No. 9, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 2 to House Amendment No. 11, House Amendment No. 11, as amended, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12, as amended, House Amendment No. 1 to House Amendment No. 13, House Amendment No. 2 to House Amendment No. 13, House Amendment No. 13, as amended, House Amendment No. 14, House Amendment No. 15, and House Amendment No. 16, relating to state designations, was taken up by Representative Griffith.

On motion of Representative Griffith, **CCR SS SB 139, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 1 to House Amendment No. 8, House Amendment No. 8, as amended, House Amendment No. 9, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 2 to House Amendment No. 11, House Amendment No. 11, as amended, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12, as amended, House Amendment No. 1 to House Amendment No. 13, House Amendment No. 2 to House Amendment No. 13, House Amendment No. 13, as amended, House Amendment No. 14, House Amendment No. 15, and House Amendment No. 16**, was adopted by the following vote:

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AYES: 151

Adams	Allen	Amato	Anderson	Atchison
Aune	Baker	Banderman	Bangert	Baringer
Barnes	Billington	Black	Boggs	Bonacker
Boyd	Bromley	Brown 149	Brown 16	Brown 27
Brown 87	Buchheit-Courtway	Burger	Burton	Busick
Butz	Byrnes	Casteel	Chappell	Christ
Christofanelli	Clemens	Coleman	Collins	Cook
Copeland	Cupps	Davidson	Davis	Deaton
Diehl	Dinkins	Doll	Ealy	Evans
Falkner	Farnan	Fogle	Fountain Henderson	Francis
Gallick	Gragg	Gray	Gregory	Griffith
Haden	Haffner	Haley	Hardwick	Hein
Henderson	Hicks	Houx	Hovis	Hudson
Hurlbert	Ingle	Johnson 12	Johnson 23	Jones
Justus	Kalberloh	Keathley	Kelley 127	Kelly 141
Knight	Lavender	Lewis 25	Lewis 6	Lonsdale
Lovasco	Mackey	Mann	Marquart	Matthiesen
Mayhew	McGaugh	McGirl	McMullen	Morse
Mosley	Murphy	Myers	Nickson-Clark	Nurrenbern
O'Donnell	Oehlerking	Owen	Parker	Patterson
Perkins	Peters	Plank	Pouche	Proudie
Quade	Reedy	Reuter	Richey	Riggs
Riley	Roberts	Sander	Sassmann	Sauls
Schnelting	Schulte	Schwadron	Seitz	Sharp 37
Sharpe 4	Shields	Smith 155	Smith 163	Smith 46
Sparks	Stacy	Steinhoff	Stephens	Stinnett
Strickler	Taylor 48	Taylor 84	Terry	Thomas
Thompson	Titus	Toalson Reisch	Unsicker	Van Schoiack
Veit	Voss	Waller	Walsh Moore	Weber
West	Wilson	Woods	Wright	Young

Mr. Speaker

NOES: 000

PRESENT: 003

Bland Manlove	Bosley	Burnett
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ABSENT WITH LEAVE: 008

Appelbaum	Crossley	Hausman	Hinman	Merideth
Phifer	Pollitt	Windham		

VACANCIES: 001

On motion of Representative Griffith, **CCS SS SB 139** was truly agreed to and finally passed by the following vote:

AYES: 149

Adams	Allen	Amato	Anderson	Atchison
Aune	Baker	Banderman	Bangert	Baringer
Barnes	Billington	Black	Boggs	Bonacker
Boyd	Bromley	Brown 149	Brown 16	Brown 27
Brown 87	Buchheit-Courtway	Burger	Burton	Busick

Butz	Byrnes	Casteel	Chappell	Christ
Christofanelli	Clemens	Coleman	Collins	Cook
Copeland	Cupps	Davidson	Davis	Deaton
Diehl	Dinkins	Doll	Ealy	Evans
Falkner	Farnan	Fogle	Fountain Henderson	Francis
Gallick	Gragg	Gray	Gregory	Griffith
Haden	Haffner	Haley	Hein	Henderson
Hicks	Houx	Hovis	Hudson	Ingle
Johnson 12	Johnson 23	Jones	Justus	Kalberloh
Keathley	Kelley 127	Kelly 141	Knight	Lavender
Lewis 25	Lewis 6	Lonsdale	Lovasco	Mackey
Mann	Marquart	Matthiesen	Mayhew	McGaugh
McGill	McMullen	Morse	Mosley	Murphy
Myers	Nickson-Clark	Nurrenbern	O'Donnell	Oehlerking
Owen	Parker	Patterson	Perkins	Peters
Plank	Pouche	Proudie	Quade	Reedy
Reuter	Richey	Riggs	Riley	Roberts
Sander	Sassmann	Sauls	Schnelting	Schulte
Schwadron	Seitz	Sharp 37	Sharpe 4	Shields
Smith 155	Smith 163	Smith 46	Sparks	Stacy
Steinhoff	Stephens	Stinnett	Strickler	Taylor 48
Taylor 84	Terry	Thomas	Thompson	Titus
Toalson Reisch	Unsicker	Van Schoiack	Veit	Voss
Waller	Walsh Moore	Weber	West	Wilson
Woods	Wright	Young	Mr. Speaker	

NOES: 000

PRESENT: 002

Bosley Burnett

ABSENT WITH LEAVE: 011

Appelbaum	Bland Manlove	Crossley	Hardwick	Hausman
Hinman	Hurlbert	Merideth	Phifer	Pollitt
Windham				

VACANCIES: 001

Speaker Plocher declared the bill passed.

On motion of Representative Patterson, the House recessed until 1:00 p.m.

AFTERNOON SESSION

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

BILLS CARRYING REQUEST MESSAGES

HCS SCS SB 187, as amended, relating to financial affairs, was taken up by Representative Owen.

Representative Owen moved that the House refuse to recede from its position on **HCS SCS SB 187, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SB 47, as amended, relating to fees collected by state agencies, was taken up by Representative Riley.

Representative Riley moved that the House refuse to recede from its position on **HCS SB 47, as amended**, and grant the Senate a conference.

Which motion was adopted.

THIRD READING OF SENATE BILLS - INFORMAL

HCS SS SB 25, relating to a tax exemption for certain federal grants, was taken up by Representative McGirl.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 25, Page 1, In the Title, Lines 2-3, by deleting the words "a tax exemption for certain federal grants" and inserting in lieu thereof the words "taxable income"; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 25, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"143.022. 1. As used in this section, "business income" means the income greater than zero arising from transactions in the regular course of all of a taxpayer's trade or business and shall be limited to the Missouri source net profit from the combination of the following:

(1) The total combined profit as properly reported to the Internal Revenue Service on each Schedule C, or its successor form, filed; ~~and~~

(2) The total partnership and S corporation income or loss properly reported to the Internal Revenue Service on Part II of Schedule E, or its successor form;

(3) The total combined profit as properly reported to the Internal Revenue Service on each Schedule F, or its successor form, filed; and

(4) The total combined profit as properly reported to the Internal Revenue Service on each Form 4835, or its successor form, filed.

2. In addition to all other modifications allowed by law, there shall be subtracted from the federal adjusted gross income of an individual taxpayer a percentage of such individual's business income, to the extent that such

amounts are included in federal adjusted gross income when determining such individual's Missouri adjusted gross income **and are not otherwise subtracted or deducted in determining such individual's Missouri taxable income.**

3. In the case of an S corporation described in section 143.471 or a partnership computing the deduction allowed under subsection 2 of this section, taxpayers described in subdivision (1) or (2) of this subsection shall be allowed such deduction apportioned in proportion to their share of ownership of the business as reported on the taxpayer's Schedule K-1, or its successor form, for the tax period for which such deduction is being claimed when determining the Missouri adjusted gross income of:

- (1) The shareholders of an S corporation as described in section 143.471;
- (2) The partners in a partnership.

4. The percentage to be subtracted under subsection 2 of this section shall be increased over a period of years. Each increase in the percentage shall be by five percent and no more than one increase shall occur in a calendar year. The maximum percentage that may be subtracted is twenty percent of business income. Any increase in the percentage that may be subtracted shall take effect on January first of a calendar year and such percentage shall continue in effect until the next percentage increase occurs. An increase shall only apply to tax years that begin on or after the increase takes effect.

5. An increase in the percentage that may be subtracted under subsection 2 of this section shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

6. The first year that a taxpayer may make the subtraction under subsection 2 of this section is 2017, provided that the provisions of subsection 5 of this section are met. If the provisions of subsection 5 of this section are met, the percentage that may be subtracted in 2017 is five percent."; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 25, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"137.1050. 1. For the purposes of this section, the following terms shall mean:

(1) **"Eligible credit amount", the difference between an eligible taxpayer's real property tax liability for the taxes levied by a county on such taxpayer's homestead for a given tax year, minus the real property tax liability for the taxes levied by a county on such homestead in the year that the taxpayer became an eligible taxpayer;**

(2) **"Eligible taxpayer", a Missouri resident who:**

(a) **Is eligible for Social Security retirement benefits;**

(b) **Is an owner of record of a homestead or has a legal or equitable interest in such property as evidenced by a written instrument; and**

(c) **Is liable for the payment of real property taxes on such homestead;**

(3) **"Homestead", real property actually occupied by an eligible taxpayer as the primary residence.**

An eligible taxpayer shall not claim more than one primary residence.

(4) **"Real property tax liability", the amount of revenue derived from the tax imposed on an eligible taxpayer's homestead that is:**

(a) **Collected by the county in which such eligible taxpayer's homestead is located; and**

(b) **Available under state law for appropriation by such county in such county's annual budget for county expenditures.**

2. Any county authorized to impose a property tax may grant a property tax credit to eligible taxpayers residing in such county in an amount equal to the taxpayer's eligible credit amount, provided that:

(1) Such county adopts an ordinance authorizing such credit; or

(2) (a) A petition in support of a referendum on such a credit is signed by at least five percent of the registered voters of such county voting in the last gubernatorial election and the petition is delivered to the governing body of the county, which shall subsequently hold a referendum on such credit.

(b) The ballot of submission for the question submitted to the voters pursuant to paragraph (a) of this subdivision shall be in substantially the following form:

Shall the County of _____ exempt senior citizens from increases in the property tax liability due on such seniors citizens' primary residence?

YES

NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the credit shall be in effect.

3. A county granting an exemption pursuant to this section shall apply such exemption when calculating the eligible taxpayer's property tax liability for the tax year. The amount of the credit shall be noted on the statement of tax due sent to the eligible taxpayer by the county collector.

4. For the purposes of calculating property tax levies pursuant to section 137.073, the total amount of credits authorized by a county pursuant to this section shall be considered tax revenue, as such term is defined in section 137.073, actually received by the county."; and

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

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

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

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 25, Page 5, Section 143.121, Lines 128-131, by deleting all of said lines and inserting in lieu thereof the following:

"(13) For all tax years beginning on or after January 1, 2022, one hundred percent of any federal, state or local grant moneys received by the taxpayer if the grant money was disbursed for the express purpose of providing or expanding access to broadband internet to areas of the state deemed to be lacking such access."; and

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

Representative Lewis (25) offered **House Amendment No. 1 to House Amendment No. 4**.

House Amendment No. 1

to

House Amendment No. 4

AMEND House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Bill No. 25, Page 1, Line 7, by inserting after said line the following:

"Further amend said bill and section, Page 6, Line 175, by inserting after all of said section and line the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state

and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration ~~law~~ act, sections ~~[281.220]~~ **281.210** to 281.310, which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. For the purposes of this subdivision, subdivision (5) of this subsection, and section 144.054, as well as the definition in subdivision (9) of subsection 1 of section 144.010, the term "product" includes telecommunications services and the term "manufacturing" shall include the production, or production and transmission, of telecommunications services. The preceding sentence does not make a substantive change in the law and is intended to clarify that the term "manufacturing" has included and continues to include the production and transmission of "telecommunications services", as enacted in this subdivision and subdivision (5) of this subsection, as well as the definition in subdivision (9) of subsection 1 of section 144.010. The preceding two sentences reaffirm legislative intent consistent with the interpretation of this subdivision and subdivision (5) of this subsection in *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), and accordingly abrogates the Missouri supreme court's interpretation of those exemptions in *IBM Corporation v. Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) to the extent inconsistent with this section and *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005). The construction and application of this subdivision as expressed by the Missouri supreme court in *DST*

Systems, Inc. v. Director of Revenue, 43 S.W.3d 799 (Mo. banc 2001); Southwestern Bell Tel. Co. v. Director of Revenue, 78 S.W.3d 763 (Mo. banc 2002); and Southwestern Bell Tel. Co. v. Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption. The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;

(18) All sales of insulin, and all sales, rentals, repairs, and parts of durable medical equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act (**42 U.S.C. Section 1395y, as amended**), and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories including parts, and hospital beds and accessories and ambulatory aids including parts, and all sales or rental of manual and powered wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters including parts, and reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" shall mean:

(a) New or used farm tractors and such other new or used farm machinery and equipment, including utility vehicles used for any agricultural use, and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment and rotary mowers used for any agricultural purposes. For the purposes of this subdivision, "utility vehicle" shall mean any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than eighty inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three thousand five hundred pounds or less, traveling on four or six wheels;

(b) Supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile; and

(c) One-half of each purchaser's purchase of diesel fuel therefor which is:

a. Used exclusively for agricultural purposes;

b. Used on land owned or leased for the purpose of producing farm products; and

c. Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4071, 4081, ~~[4091,]~~ 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (4) of this subsection;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(38) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(39) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(40) All materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(42) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as defined in section 306.010;

(43) Any new or used aircraft sold or delivered in this state to a person who is not a resident of this state or a corporation that is not incorporated in this state, and such aircraft is not to be based in this state and shall not remain in this state more than ten business days subsequent to the last to occur of:

(a) The transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state; or

(b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations that are completed contemporaneously with the transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state;

(44) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision, "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(45) All internet access or the use of internet access regardless of whether the tax is imposed on a provider of internet access or a buyer of internet access. For purposes of this subdivision, the following terms shall mean:

(a) "Direct costs", costs incurred by a governmental authority solely because of an internet service provider's use of the public right-of-way. The term shall not include costs that the governmental authority would have incurred if the internet service provider did not make such use of the public right-of-way. Direct costs shall be determined in a manner consistent with generally accepted accounting principles;

(b) "Internet", computer and telecommunications facilities, including equipment and operating software, that comprises the interconnected worldwide network that employ the transmission control protocol or internet protocol, or any predecessor or successor protocols to that protocol, to communicate information of all kinds by wire or radio;

(c) "Internet access", a service that enables users to connect to the internet to access content, information, or other services without regard to whether the service is referred to as telecommunications, communications, transmission, or similar services, and without regard to whether a provider of the service is subject to regulation by the Federal Communications Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of this subdivision, internet access also includes: the purchase, use, or sale of communications services, including telecommunications services as defined in section 144.010, to the extent the communications services are purchased, used, or sold to provide the service described in this subdivision or to otherwise enable users to access content, information, or other services offered over the internet; services that are incidental to the provision of a service described in this subdivision, when furnished to users as part of such service, including a home page, electronic mail, and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity; a home page electronic mail and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity that are provided independently or that are not packed with internet access. As used in this subdivision, internet access does not include voice, audio, and video programming or other products and services, except services described in this paragraph or this subdivision, that use internet protocol or any successor protocol and for which there is a charge, regardless of whether the charge is separately stated or aggregated with the charge for services described in this paragraph or this subdivision;

(d) "Tax", any charge imposed by the state or a political subdivision of the state for the purpose of generating revenues for governmental purposes and that is not a fee imposed for a specific privilege, service, or benefit conferred, except as described as otherwise under this subdivision, or any obligation imposed on a seller to collect and to remit to the state or a political subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer by such a governmental entity. The term tax shall not include any franchise fee or similar fee imposed or authorized under sections 67.1830 to 67.1846 or section 67.2689; Section 622 or 653 of the Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573; or any other fee related to obligations of telecommunications carriers under the Communications Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent that:

a. The fee is not imposed for the purpose of recovering direct costs incurred by the franchising or other governmental authority from providing the specific privilege, service, or benefit conferred to the payer of the fee; or

b. The fee is imposed for the use of a public right-of-way based on a percentage of the service revenue, and the fee exceeds the incremental direct costs incurred by the governmental authority associated with the provision of that right-of-way to the provider of internet access service.

Nothing in this subdivision shall be interpreted as an exemption from taxes due on goods or services that were subject to tax on January 1, 2016;

(46) All purchases by a company of solar photovoltaic energy systems, components used to construct a solar photovoltaic energy system, and all purchases of materials and supplies used directly to construct or make improvements to such systems, provided that such systems:

- (a) Are sold or leased to an end user; or
- (b) Are used to produce, collect and transmit electricity for resale or retail;

(47) All sales of diapers, incontinence products, and feminine hygiene products. For the purposes of this subdivision, the following terms mean:

- (a) "Diapers", absorbent garments worn by infants or toddlers who are not toilet-trained or by individuals who are incapable of controlling their bladder or bowel movements;**
- (b) "Feminine hygiene products", tampons, pads, liners, and cups;**
- (c) "Incontinence products", products designed specifically for hygiene matters related to urinary incontinence.**

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code, as amended."; and"; and

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

Representative Burger moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Buchheit-Courtway	Burger
Busick	Byrnes	Casteel	Chappell	Christ
Christofanelli	Coleman	Cook	Copeland	Cupps
Davidson	Davis	Diehl	Dinkins	Evans
Falkner	Farnan	Francis	Gallick	Gragg
Gregory	Griffith	Haden	Haffner	Haley
Hardwick	Henderson	Hicks	Hinman	Houx
Hovis	Hudson	Hurlbert	Jones	Justus
Kalberloh	Keathley	Kelley 127	Kelly 141	Knight
Lewis 6	Lonsdale	Lovasco	Matthiesen	Mayhew
McGaugh	McGill	McMullen	Morse	Murphy
Myers	O'Donnell	Oehlerking	Owen	Patterson
Perkins	Peters	Pouche	Reedy	Reuter
Richey	Riggs	Riley	Roberts	Sassmann

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Schnelting	Schulte	Schwadron	Seitz	Sharpe 4
Shields	Smith 155	Sparks	Stacy	Stinnett
Taylor 48	Thomas	Titus	Van Schoiack	Veit
Voss	Waller	West	Wilson	Wright

NOES: 043

Adams	Anderson	Aune	Bangert	Baringer
Barnes	Bosley	Brown 27	Brown 87	Burnett
Burton	Butz	Clemens	Collins	Doll
Ealy	Fogle	Fountain Henderson	Gray	Hein
Johnson 12	Lavender	Lewis 25	Mann	Merideth
Mosley	Nurrenbern	Plank	Quade	Sander
Sauls	Sharp 37	Smith 46	Steinhoff	Strickler
Taylor 84	Terry	Unsicker	Walsh Moore	Weber
Windham	Woods	Young		

PRESENT: 000

ABSENT WITH LEAVE: 019

Appelbaum	Bland Manlove	Crossley	Deaton	Hausman
Ingle	Johnson 23	Mackey	Marquart	Nickson-Clark
Parker	Phifer	Pollitt	Proudie	Smith 163
Stephens	Thompson	Toalson Reisch	Mr. Speaker	

VACANCIES: 001

On motion of Representative Lewis (25), **House Amendment No. 1 to House Amendment No. 4** was adopted by the following vote, the ayes and noes having been demanded by Representative Lewis (25):

AYES: 108

Adams	Allen	Amato	Anderson	Aune
Baker	Banderman	Bangert	Baringer	Barnes
Bland Manlove	Bosley	Bromley	Brown 16	Brown 27
Brown 87	Buchheit-Courtway	Burnett	Burton	Butz
Byrnes	Casteel	Chappell	Christ	Christofanelli
Clemens	Coleman	Collins	Cook	Copeland
Cupps	Davis	Diehl	Dinkins	Doll
Ealy	Farnan	Fogle	Fountain Henderson	Gallick
Gray	Gregory	Griffith	Haley	Hein
Hinman	Hovis	Hudson	Hurlbert	Ingle
Johnson 12	Johnson 23	Jones	Keathley	Lavender
Lewis 25	Lewis 6	Lonsdale	Lovasco	Mackey
Mann	Matthiesen	McGaugh	McMullen	Merideth
Morse	Mosley	Murphy	Nickson-Clark	Nurrenbern
O'Donnell	Oehlerking	Perkins	Peters	Plank
Proudie	Quade	Reedy	Richey	Riggs
Sander	Sassmann	Sauls	Schnelting	Schwadron
Sharp 37	Shields	Smith 155	Smith 163	Smith 46
Stacy	Steinhoff	Stinnett	Strickler	Taylor 84
Terry	Thompson	Titus	Unsicker	Veit
Waller	Walsh Moore	Weber	West	Wilson
Windham	Woods	Young		

NOES: 045

Billington	Black	Boggs	Bonacker	Boyd
Brown 149	Burger	Busick	Davidson	Deaton
Evans	Falkner	Francis	Gragg	Haden
Haffner	Hardwick	Henderson	Hicks	Houx
Justus	Kalberloh	Kelley 127	Kelly 141	Knight
Mayhew	McGill	Myers	Owen	Patterson
Pollitt	Pouche	Reuter	Riley	Roberts
Schulte	Seitz	Sharpe 4	Sparks	Taylor 48
Thomas	Toalson Reisch	Van Schoiack	Voss	Wright

PRESENT: 001

Atchison

ABSENT WITH LEAVE: 008

Appelbaum	Crossley	Hausman	Marquart	Parker
Phifer	Stephens	Mr. Speaker		

VACANCIES: 001

Representative Merideth offered **House Amendment No. 2 to House Amendment No. 4.**

House Amendment No. 2
to
House Amendment No. 4

AMEND House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Bill No. 25, Page 1, Line 7, by inserting after the word "**access**" the following:

"; provided, however, that any such grant moneys received shall also not be treated as a deductible business expense against taxable income when spent"; and

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

Representative Voss assumed the Chair.

Representative Burger moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Allen	Amato	Atchison	Baker	Banderman
Billington	Boggs	Bonacker	Boyd	Bromley
Brown 149	Brown 16	Buchheit-Courtway	Burger	Busick
Byrnes	Chappell	Christ	Christofanelli	Coleman
Cook	Copeland	Davidson	Davis	Diehl
Dinkins	Evans	Falkner	Farnan	Francis
Gallick	Gregory	Griffith	Haden	Haffner
Haley	Hardwick	Hausman	Henderson	Hicks
Hinman	Houx	Hovis	Hudson	Hurlbert

Johnson 23	Jones	Justus	Kalberloh	Keathley
Kelley 127	Kelly 141	Knight	Lewis 6	Lovasco
Matthiesen	Mayhew	McGaugh	McGill	McMullen
Morse	Murphy	Myers	O'Donnell	Oehlerking
Owen	Peters	Pollitt	Pouche	Reedy
Reuter	Richey	Riggs	Riley	Roberts
Sassmann	Schnelting	Schulte	Seitz	Sharpe 4
Shields	Smith 155	Sparks	Stacy	Taylor 48
Thomas	Thompson	Titus	Van Schoiack	Veit
Voss	Waller	West	Wilson	Wright

NOES: 044

Adams	Anderson	Appelbaum	Aune	Baringer
Barnes	Bosley	Burnett	Burton	Butz
Collins	Doll	Ealy	Fogle	Fountain Henderson
Gray	Hein	Ingle	Johnson 12	Lavender
Lewis 25	Mackey	Mann	Merideth	Mosley
Nickson-Clark	Nurrenbern	Plank	Proudie	Quade
Sander	Sauls	Sharp 37	Smith 46	Steinhoff
Strickler	Taylor 84	Terry	Unsicker	Walsh Moore
Weber	Windham	Woods	Young	

PRESENT: 000

ABSENT WITH LEAVE: 023

Bangert	Black	Bland Manlove	Brown 27	Brown 87
Casteel	Clemens	Crossley	Cupps	Deaton
Gragg	Lonsdale	Marquart	Parker	Patterson
Perkins	Phifer	Schwadron	Smith 163	Stephens
Stinnett	Toalson Reisch	Mr. Speaker		

VACANCIES: 001

Representative Merideth moved that **House Amendment No. 2 to House Amendment No. 4** be adopted.

Which motion was defeated.

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

Representative Van Schoiack offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 25, Page 6, Section 143.121, Line 175, by inserting after all of said section and line the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law, sections 281.220 to 281.310, which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. For the purposes of this subdivision, subdivision (5) of this subsection, and section 144.054, as well as the definition in subdivision (9) of subsection 1 of section 144.010, the term "product" includes telecommunications services and the term "manufacturing" shall include the production, or production and transmission, of telecommunications services. The preceding sentence does not make a substantive change in the law and is intended to clarify that the term "manufacturing" has included and continues to include the production and transmission of "telecommunications services", as enacted in this subdivision and subdivision (5) of this subsection, as well as the definition in subdivision (9) of subsection 1 of section 144.010. The preceding two sentences reaffirm legislative intent consistent with the interpretation of this subdivision and subdivision (5) of this subsection in *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), and accordingly abrogates the Missouri supreme court's interpretation of those exemptions in *IBM Corporation v. Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) to the extent inconsistent with this section and *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005). The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed. Material recovery is not the reuse of materials within a manufacturing process

or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption. The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;

(18) All sales of insulin, and all sales, rentals, repairs, and parts of durable medical equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also

specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories including parts, and hospital beds and accessories and ambulatory aids including parts, and all sales or rental of manual and powered wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters including parts, and reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" shall mean:

(a) New or used farm tractors and such other new or used farm machinery and equipment, including utility vehicles used for any agricultural use, and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment and rotary mowers used for any agricultural purposes. For the purposes of this subdivision, "utility vehicle" shall mean any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than eighty inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three thousand five hundred pounds or less, traveling on four or six wheels;

(b) Supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile; and

(c) One-half of each purchaser's purchase of diesel fuel therefor which is:

a. Used exclusively for agricultural purposes;

b. Used on land owned or leased for the purpose of producing farm products; and

c. Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4071, 4081, ~~[4091,]~~ 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (4) of this subsection;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(38) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(39) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(40) All materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(42) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as defined in section 306.010;

(43) Any new or used aircraft sold or delivered in this state to a person who is not a resident of this state or a corporation that is not incorporated in this state, and such aircraft is not to be based in this state and shall not remain in this state more than ten business days subsequent to the last to occur of:

(a) The transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state; or

(b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations that are completed contemporaneously with the transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state;

(44) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision, "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(45) All internet access or the use of internet access regardless of whether the tax is imposed on a provider of internet access or a buyer of internet access. For purposes of this subdivision, the following terms shall mean:

(a) "Direct costs", costs incurred by a governmental authority solely because of an internet service provider's use of the public right-of-way. The term shall not include costs that the governmental authority would have incurred if the internet service provider did not make such use of the public right-of-way. Direct costs shall be determined in a manner consistent with generally accepted accounting principles;

(b) "Internet", computer and telecommunications facilities, including equipment and operating software, that comprises the interconnected worldwide network that employ the transmission control protocol or internet protocol, or any predecessor or successor protocols to that protocol, to communicate information of all kinds by wire or radio;

(c) "Internet access", a service that enables users to connect to the internet to access content, information, or other services without regard to whether the service is referred to as telecommunications, communications, transmission, or similar services, and without regard to whether a provider of the service is subject to regulation by the Federal Communications Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of this subdivision, internet access also includes: the purchase, use, or sale of communications services, including telecommunications services as defined in section 144.010, to the extent the communications services are purchased, used, or sold to provide the service described in this subdivision or to otherwise enable users to access content, information, or other services offered over the internet; services that are incidental to the provision of a service described in this subdivision, when furnished to users as part of such service, including a home page, electronic mail, and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity; a home page electronic mail and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity that are provided independently or that are not packed with internet access. As used in this subdivision, internet access does not include voice, audio, and video programming or other products and services, except services described in this paragraph or this subdivision, that use internet protocol or any successor protocol and for which there is a charge, regardless of whether the charge is separately stated or aggregated with the charge for services described in this paragraph or this subdivision;

(d) "Tax", any charge imposed by the state or a political subdivision of the state for the purpose of generating revenues for governmental purposes and that is not a fee imposed for a specific privilege, service, or benefit conferred, except as described as otherwise under this subdivision, or any obligation imposed on a seller to collect and to remit to the state or a political subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer by such a governmental entity. The term tax shall not include any franchise fee or similar fee imposed or authorized under sections 67.1830 to 67.1846 or section 67.2689; Section 622 or 653 of the Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573; or any other fee related to obligations of telecommunications carriers under the Communications Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent that:

a. The fee is not imposed for the purpose of recovering direct costs incurred by the franchising or other governmental authority from providing the specific privilege, service, or benefit conferred to the payer of the fee; or

b. The fee is imposed for the use of a public right-of-way based on a percentage of the service revenue, and the fee exceeds the incremental direct costs incurred by the governmental authority associated with the provision of that right-of-way to the provider of internet access service.

Nothing in this subdivision shall be interpreted as an exemption from taxes due on goods or services that were subject to tax on January 1, 2016;

(46) All purchases by a company of solar photovoltaic energy systems, components used to construct a solar photovoltaic energy system, and all purchases of materials and supplies used directly to construct or make improvements to such systems, provided that such systems:

- (a) Are sold or leased to an end user; or
- (b) Are used to produce, collect and transmit electricity for resale or retail;

(47) All sales of used tangible personal property purchased by a consumer for use or consumption, and not for resale, for valuable consideration directly from a seller at an auction of used tangible property. The term "used tangible personal property" shall not include motor vehicles, trailers, boats, or outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code, as amended.

144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

- (1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;
- (2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;
- (3) Tangible personal property, the sale or other transfer of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsection 2 of section 144.030;
- (4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section 144.020;
- (5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;
- (6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;
- (7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state;
- (8) Tangible personal property purchased by a consumer for use or consumption, and not for resale, for valuable consideration directly from a seller at an auction of used tangible property. The term "used tangible personal property" shall not include motor vehicles, trailers, boats, or outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri.";** and

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

Speaker Pro Tem Henderson resumed the Chair.

Representative McGirl offered **House Amendment No. 1 to House Amendment No. 5.**

*House Amendment No. 1
to
House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 25, Page 12, Line 9, by deleting said line and inserting in lieu thereof the following:

"be titled under the laws of the state of Missouri.

536.013. A state agency shall not institute any action for garnishment or to otherwise collect any administrative penalty or fee, or any alleged overpayment or underpayment of an amount due to the state agency by a person, until such time as all administrative remedies for challenging such penalty, fee, overpayment or underpayment provided under this chapter or any other provision of law have been exhausted."; and"; and

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

Representative Burger moved the previous question.

Which motion was adopted by the following vote:

AYES: 091

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Buchheit-Courtway	Burger	Busick
Byrnes	Christ	Christofanelli	Coleman	Cook
Copeland	Cupps	Davidson	Davis	Diehl
Dinkins	Evans	Falkner	Farnan	Gragg
Gregory	Griffith	Haden	Haffner	Haley
Hardwick	Hausman	Henderson	Hicks	Hinman
Hovis	Hudson	Hurlbert	Jones	Justus
Kalberloh	Keathley	Kelley 127	Kelly 141	Knight
Lovasco	Matthiesen	Mayhew	McGaugh	McGirl
McMullen	Morse	Murphy	Myers	O'Donnell
Oehlerking	Owen	Peters	Reedy	Reuter
Richey	Riggs	Riley	Roberts	Sassmann
Schnelting	Schulte	Seitz	Sharpe 4	Shields
Smith 155	Smith 163	Sparks	Stacy	Stinnett
Taylor 48	Thompson	Titus	Toalson Reisch	Van Schoiack
Veit	Voss	Waller	West	Wilson
Wright				

NOES: 040

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Brown 27	Burnett	Burton	Butz
Collins	Doll	Fogle	Fountain Henderson	Hein
Ingle	Johnson 12	Lavender	Lewis 25	Mackey
Mann	Mosley	Nickson-Clark	Nurrenbern	Proudie
Quade	Sander	Sauls	Sharp 37	Smith 46
Steinhoff	Strickler	Taylor 84	Terry	Unsicker
Walsh Moore	Weber	Windham	Woods	Young

PRESENT: 000

ABSENT WITH LEAVE: 031

Barnes	Bland Manlove	Bosley	Brown 16	Brown 87
Casteel	Chappell	Clemens	Crossley	Deaton
Ealy	Francis	Gallick	Gray	Houx
Johnson 23	Lewis 6	Lonsdale	Marquart	Merideth
Parker	Patterson	Perkins	Phifer	Plank
Pollitt	Pouche	Schwadron	Stephens	Thomas
Mr. Speaker				

VACANCIES: 001

On motion of Representative McGirl, **House Amendment No. 1 to House Amendment No. 5** was adopted.

Representative Cook offered **House Amendment No. 2 to House Amendment No. 5**.

*House Amendment No. 2
to
House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 25, Page 1, Line 4, by deleting said line and inserting in lieu thereof the following:

- "143.1410. 1. As used in this section, the following terms shall mean:**
- (1) "Private school", any school in this state giving instruction in a grade or grades no higher than the twelfth grade, provided that such school does not qualify as a public school;**
 - (2) "Public school", any public school, as defined under section 160.011, located in this state;**
 - (3) "School employee", any person employed in any capacity by a public school or private school, provided that such person does not qualify as a teacher;**
 - (4) "Teacher", any person employed as teacher for a public school or private school.**
- 2. For all tax years beginning on or after January 1, 2023, for purposes of calculating the Missouri taxable income as required under section 143.011, all income received by a taxpayer as salary or compensation for his or her services as a teacher or school employee, to the extent that such income is included in the taxpayer's federal adjusted gross income, may be deducted from the taxpayer's Missouri adjusted gross income to determine such taxpayer's Missouri taxable income.**
- 3. Public and private schools shall provide the department of revenue with all necessary information relating to the salary, compensation, and employment status of persons eligible to claim the deduction authorized under this section.**
- 4. The department of revenue shall promulgate all rules and regulations necessary for the administration of 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 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.**
- 5. Under section 23.253 of the Missouri sunset act:**
- (1) The provisions of this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly;**
 - (2) If the provisions of this section are reauthorized, such provisions shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization; and**
 - (3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the provisions of this section are sunset.**

144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010"; and
 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cook, **House Amendment No. 2 to House Amendment No. 5** was adopted by the following vote, the ayes and noes having been demanded by Representative Nurrenbern:

AYES: 136

Adams	Allen	Amato	Anderson	Appelbaum
Atchison	Aune	Baker	Baringer	Barnes
Billington	Black	Bland Manlove	Boggs	Bonacker
Boyd	Brown 149	Brown 16	Brown 27	Brown 87
Buchheit-Courtway	Burton	Busick	Butz	Byrnes
Christ	Christofanelli	Clemens	Coleman	Collins
Cook	Copeland	Cupps	Davidson	Deaton
Diehl	Dinkins	Doll	Ealy	Evans
Farnan	Fogle	Fountain Henderson	Francis	Gallick
Gragg	Gray	Gregory	Griffith	Haden
Haley	Hardwick	Hausman	Hein	Henderson
Hicks	Hinman	Hovis	Hudson	Hurlbert
Ingle	Johnson 12	Johnson 23	Jones	Justus
Kalberloh	Keathley	Kelley 127	Kelly 141	Knight
Lavender	Lewis 25	Lewis 6	Lonsdale	Mackey
Mann	Matthiesen	Mayhew	McGaugh	McGill
Merideth	Morse	Mosley	Murphy	Myers
Nickson-Clark	Nurrenbern	O'Donnell	Oehlerking	Owen
Patterson	Perkins	Peters	Plank	Pollitt
Proudie	Quade	Reedy	Reuter	Richey
Riggs	Riley	Roberts	Sander	Sassmann
Schnelting	Schulte	Schwadron	Sharp 37	Sharpe 4
Shields	Smith 155	Smith 163	Smith 46	Sparks
Stacy	Steinhoff	Stinnett	Strickler	Taylor 48
Taylor 84	Terry	Thompson	Titus	Toalson Reisch
Unsicker	Voss	Waller	Walsh Moore	Weber
West	Wilson	Windham	Woods	Wright
Young				

NOES: 006

Davis	Falkner	Lovasco	Seitz	Thomas
Van Schoiack				

PRESENT: 000

ABSENT WITH LEAVE: 020

Banderman	Bangert	Bosley	Bromley	Burger
Burnett	Casteel	Chappell	Crossley	Haffner
Houx	Marquart	McMullen	Parker	Phifer
Pouche	Sauls	Stephens	Veit	Mr. Speaker

VACANCIES: 001

HCS SS SB 25, as amended, with House Amendment No. 5, as amended, pending, was laid over.

SS SCS SBs 189, 36 & 37, with House Amendment No. 1, pending, relating to criminal laws, was taken up by Representative Roberts.

Representative Evans 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 Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 189, 36 & 37, Page 6, Lines 14-30, by deleting said lines from the amendment; and

Further amend said amendment, Page 13, Lines 31-42, and Page 14, Line 1, by deleting said lines and inserting in lieu thereof the following:

"307.018. 1. Notwithstanding any other provision of law, no court shall issue a warrant of arrest for a person's failure to respond, pay the fine assessed, or appear in court with respect to a traffic citation issued for an infraction under the provisions of this chapter. In lieu of such warrant of arrest, the court shall issue a notice of failure to respond, pay the fine assessed, or appear, and the court shall schedule a second court date for the person to respond, pay the fine assessed, or appear. A copy of the court's notice with the new court date shall be sent to the driver of the vehicle. If the driver fails to respond, pay the fine assessed, or appear on the second court date, the court shall issue a second notice of failure to respond, pay the fine assessed, or appear. If the driver fails to respond, pay the fine assessed, or appear after the second notice, the court may issue a default judgment under section 556.021 for the infraction.

2. At any point after the default judgment has been entered, the driver may appear in court to state that he or she is unable to pay and to request the court to modify the judgment. The court shall hold a hearing to determine whether the driver has the ability to pay. If the court finds the driver lacks the present ability to pay, the court shall modify the judgment in any way authorized by statute or court rule, including:

- (1) Allowing for payment of the fine on an installment basis;**
- (2) Waiving or reducing the amount owed; or**
- (3) Requiring the driver to perform community service or attend a court-ordered program in lieu of**

payment.

3. At any point after the default judgment has been entered, the driver may appear in court and show proof that he or she corrected the equipment violation for which the fine and costs were assessed. If the driver shows such proof, the court may waive the fines and costs that are due."; and

Further amend said amendment, Page 31, Line 30, by inserting after said line the following:

"Further amend said bill, Page 53, Section 578.022, Line 6, by inserting after said section and line the following:

"579.021. 1. A person commits the offense of delivery of a controlled substance causing serious physical injury, as defined in section 556.061, if a person delivers or distributes a controlled substance under section 579.020 knowing such substance is mixed with another controlled substance and serious physical injury results from the use of such controlled substance.

2. It shall not be a defense that the user contributed to the user's own serious physical injury by using the controlled substance or consenting to the administration of the controlled substance by another.

3. The offense of delivery of a controlled substance causing serious physical injury is a class C felony.

4. For purposes of this section, "controlled substance" means a Schedule I or Schedule II controlled substance, as defined in section 195.017.

579.022. 1. A person commits the offense of delivery of a controlled substance causing death if a person delivers or distributes a controlled substance under section 579.020 knowing such substance is mixed with another controlled substance and a death results from the use of such controlled substance.

2. It shall not be a defense that the user contributed to the user's own death by using the controlled substance or consenting to the administration of the controlled substance by another.

3. The offense of delivery of a controlled substance causing death is a class A felony.

4. For purposes of this section, "controlled substance" means a Schedule I or Schedule II controlled substance, as defined in section 195.017."; and"; and

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

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

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

House Amendment No. 2

to

House Amendment No. 1

AMEND House Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 189, 36 & 37, Page 30, Line 36, by deleting said line and inserting in lieu thereof the following:

"offense of unlawful posting of certain information over the internet is a class D felony.

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

(1) "Antique, curio or relic firearm", any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of Alcohol Tobacco and Firearms, 27 CFR Section 178.11:

(a) "Antique firearm" is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof;

(b) "Curio or relic firearm" is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty years old, associated with a historical event, renown personage or major war;

(2) "Blackjack", any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use;

(3) "Blasting agent", any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this section, provided that the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined;

(4) "Concealable firearm", any firearm with a barrel less than sixteen inches in length, measured from the face of the bolt or standing breech;

(5) "Deface", to alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark;

(6) "Detonator", any device containing a detonating charge that is used for initiating detonation in an explosive, including but not limited to, electric blasting caps of instantaneous and delay types, nonelectric blasting caps for use with safety fuse or shock tube and detonating cord delay connectors;

(7) "Explosive weapon", any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this subdivision, the term "explosive" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents;

(8) "Firearm", any weapon that is designed or adapted to expel a projectile by the action of an explosive;

(9) "Firearm silencer", any instrument, attachment, or appliance that is designed or adapted to muffle the noise made by the firing of any firearm;

(10) "Gas gun", any gas ejection device, weapon, cartridge, container or contrivance other than a gas bomb that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellant or temporary incapacitating substance;

(11) "Intoxicated", substantially impaired mental or physical capacity resulting from introduction of any substance into the body;

(12) "Knife", any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this chapter, "knife" does not include any ordinary pocketknife with no blade more than four inches in length;

(13) "Knuckles", any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles;

(14) "Machine gun", any firearm that is capable of firing more than one shot automatically, without manual reloading, by a single function of the trigger;

(15) "Projectile weapon", any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person;

(16) "Rifle", any firearm designed ~~[or adapted]~~ to be **exclusively** fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger;

(17) "Short barrel", a barrel length of less than sixteen inches for a rifle and eighteen inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six inches;

(18) "Shotgun", any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger;

(19) "Spring gun", any fused, timed or nonmanually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death;

(20) "Switchblade knife", any knife which has a blade that folds or closes into the handle or sheath, and:

(a) That opens automatically by pressure applied to a button or other device located on the handle; or

(b) That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force."; and"; and

Further amend said amendment, Page 31, Line 30, by deleting said line and inserting in lieu thereof the following:

"years.

571.020. 1. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:

(1) An explosive weapon;

(2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

(3) A gas gun;

(4) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; ~~[(e)]~~

(5) Knuckles; ~~[(e)]~~

(6) ~~[Any of the following in violation of federal law:~~

~~(a)]~~ A machine gun;

~~[(b)]~~ (7) A short-barreled rifle or shotgun;

~~[(c)]~~ (8) A firearm silencer; or

~~[(d)]~~ (9) A switchblade knife.

2. A person does not commit an offense pursuant to this section if his or her conduct involved any of the items in subdivisions (1) to ~~[(5)] (9)~~ of subsection 1, **and the item was possessed in conformity with any applicable state or federal law, or** the item was possessed in conformity with any applicable federal law, and the conduct:

(1) Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency, or a penal institution; or

(2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this section; or

(3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

(4) Was incident to displaying the weapon in a public museum or exhibition; or

(5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

3. An offense pursuant to subdivision (1), (2), (3)~~[-(5)]~~, (6), (7), (8), or (9) of subsection 1 of this section is a class D felony; a crime pursuant to subdivision (4) or (5) of subsection 1 of this section is a class A misdemeanor."; and"; and

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

SS SCS SBs 189, 36 & 37, with House Amendment No. 2 to House Amendment No. 1 and House Amendment No. 1, as amended, pending, was laid over.

HOUSE BILLS WITH SENATE AMENDMENTS

SS HB 447, as amended, relating to duties of the department of elementary and secondary education, was taken up by Representative Davidson.

On motion of Representative Davidson, **SS HB 447, as amended**, was adopted by the following vote:

AYES: 133

Adams	Allen	Amato	Anderson	Atchison
Aune	Baker	Banderman	Bangert	Baringer
Barnes	Billington	Black	Bland Manlove	Bonacker
Bosley	Brown 149	Brown 16	Brown 27	Brown 87
Buchheit-Courtway	Burger	Burnett	Burton	Butz
Byrnes	Casteel	Christ	Christofanelli	Clemens
Coleman	Collins	Cupps	Davidson	Davis
Deaton	Diehl	Dinkins	Doll	Ealy
Evans	Farnan	Fogle	Fountain Henderson	Francis
Gallick	Gragg	Gray	Gregory	Griffith
Haden	Haffner	Haley	Hausman	Hein
Henderson	Hicks	Hinman	Hovis	Hudson
Hurlbert	Ingle	Johnson 12	Johnson 23	Justus
Kalberloh	Keathley	Kelley 127	Kelly 141	Knight
Lavender	Lewis 25	Lewis 6	Lonsdale	Mackey
Mann	Matthiesen	McGirl	McMullen	Merideth
Morse	Mosley	Murphy	Myers	Nickson-Clark
Nurrenbern	O'Donnell	Oehlerking	Owen	Patterson
Perkins	Plank	Pollitt	Pouche	Proudie
Quade	Reedy	Reuter	Richey	Riggs
Riley	Roberts	Sander	Sassmann	Sauls
Schnelting	Schwadron	Sharp 37	Sharpe 4	Shields
Smith 155	Smith 163	Smith 46	Sparks	Stacy

Steinhoff	Stephens	Stinnett	Strickler	Taylor 48
Taylor 84	Terry	Thompson	Titus	Van Schoiack
Veit	Voss	Waller	Walsh Moore	Weber
Woods	Young	Mr. Speaker		

NOES: 022

Boggs	Boyd	Bromley	Busick	Chappell
Cook	Copeland	Falkner	Hardwick	Jones
Lovasco	Mayhew	McGaugh	Peters	Schulte
Seitz	Thomas	Toalson Reisch	Unsicker	West
Wilson	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 007

Appelbaum	Crossley	Houx	Marquart	Parker
Phifer	Windham			

VACANCIES: 001

On motion of Representative Davidson, **SS HB 447, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 130

Adams	Allen	Amato	Anderson	Atchison
Aune	Baker	Banderman	Bangert	Baringer
Barnes	Billington	Black	Bland Manlove	Bonacker
Bosley	Brown 149	Brown 16	Brown 27	Brown 87
Buchheit-Courtway	Burnett	Burton	Butz	Casteel
Chappell	Christ	Christofanelli	Clemens	Coleman
Collins	Cupps	Davidson	Davis	Diehl
Dinkins	Doll	Ealy	Evans	Farnan
Fogle	Fountain Henderson	Francis	Gallick	Gragg
Gray	Gregory	Griffith	Haden	Haffner
Haley	Hausman	Hein	Henderson	Hicks
Hinman	Houx	Hovis	Hudson	Hurlbert
Ingle	Johnson 12	Johnson 23	Justus	Kalberloh
Keathley	Kelly 141	Knight	Lavender	Lewis 25
Lewis 6	Lonsdale	Mackey	Mann	Matthiesen
McGill	McMullen	Merideth	Morse	Mosley
Murphy	Myers	Nickson-Clark	Nurrenbern	O'Donnell
Oehlerking	Owen	Patterson	Perkins	Plank
Pollitt	Pouche	Proudie	Quade	Reedy
Reuter	Richey	Riggs	Riley	Roberts
Sander	Sassmann	Sauls	Schnelting	Schulte
Schwadron	Seitz	Sharp 37	Shields	Smith 155
Smith 163	Smith 46	Stacy	Steinhoff	Stephens
Stinnett	Strickler	Taylor 48	Taylor 84	Terry
Thompson	Titus	Van Schoiack	Veit	Voss
Waller	Walsh Moore	Weber	Young	Mr. Speaker

NOES: 024

Boggs	Boyd	Bromley	Busick	Byrnes
Cook	Copeland	Deaton	Falkner	Hardwick
Jones	Kelley 127	Lovasco	Mayhew	McGaugh
Peters	Sharpe 4	Sparks	Thomas	Toalson Reisch
Unsicker	West	Wilson	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 008

Appelbaum	Burger	Crossley	Marquart	Parker
Phifer	Windham	Woods		

VACANCIES: 001

Speaker Pro Tem Henderson declared the bill passed.

Speaker Plocher resumed the Chair.

SIGNING OF HOUSE BILL

All other business of the House was suspended while **CCS SCS HCS HB 15** 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 duly signed in open session of the Senate, **CCS SCS HCS HB 15** was delivered to the Governor by the Chief Clerk of the House.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

HCS SB 47, as amended: Representatives Riley, Perkins, Hicks, Lavender and Bland Manlove
HCS SCS SB 187, as amended: Representatives Owen, O'Donnell, Thompson, Clemens and Butz

THIRD READING OF SENATE BILLS - INFORMAL

SS SCS SBs 189, 36 & 37, with House Amendment No. 2 to House Amendment No. 1 and House Amendment No. 1, as amended, pending, relating to criminal laws, was again taken up by Representative Roberts.

House Amendment No. 2 to House Amendment No. 1 was withdrawn.

Representative Merideth offered **House Amendment No. 3 to House Amendment No. 1.**

House Amendment No. 3
to
House Amendment No. 1

AMEND House Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 189, 36 & 37, Page 31, Line 30, by inserting after all of said section and line the following:

"Further amend said bill, Page 49, Section 571.070, Line 18, by inserting after all of said section and line the following:

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

(1) "Petitioner", a law enforcement officer or a law enforcement agency that petitions a court for a risk protection order under this section;

(2) "Respondent", the individual who is identified as the respondent in a petition filed under this section;

(3) "Risk protection order", a temporary ex parte order or a final order granted under this section.

2. (1) An action is hereby created, to be known as a petition for a risk protection order.

(2) A petition for a risk protection order may be filed by a law enforcement officer or law enforcement agency.

(3) An action under this section shall be filed in the county where the petitioner's law enforcement office is located or the county where the respondent resides.

(4) Such petition for a risk protection order shall not require either party to be represented by an attorney.

(5) Notwithstanding any other law, attorney's fees shall not be awarded in any proceeding under this section.

(6) A petition shall:

(a) Allege that the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition and shall be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent;

(b) Identify the quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody, or control; and

(c) Identify whether there is a known existing protection order governing the respondent under chapter 455 or under any other applicable statute.

(7) The petitioner shall make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice shall state that the petitioner intends to petition the court for a risk protection order or has already done so and shall include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner shall attest in the petition to having provided such notice or shall attest to the steps that will be taken to provide such notice.

(8) The petitioner shall list the address of record on the petition as being where the appropriate law enforcement agency is located.

(9) A court or a public agency shall not charge fees for filing or for service of process to a petitioner seeking relief under this section and shall provide the necessary number of certified copies, forms, and instructional brochures free of charge.

(10) A person shall not be required to post a bond to obtain relief in any proceeding under this section.

(11) The circuit courts of this state have jurisdiction over proceedings under this section.

3. (1) Upon receipt of a petition, the court shall order a hearing to be held no later than fourteen days after the date of the order and shall issue a notice of hearing to the respondent for the same, and:

(a) The clerk of the court shall cause a copy of the notice of hearing and petition to be forwarded on or before the next business day to the appropriate law enforcement agency for service upon the respondent as described under subsection 5 of this section;

(b) The court may, as provided in subsection 4 of this section, issue a temporary ex parte risk protection order pending the hearing ordered under this subsection. Such temporary ex parte order shall be served concurrently with the notice of hearing and petition as provided in subsection 5 of this section; and

(c) The court may conduct a hearing by telephone pursuant to a local court rule to reasonably accommodate a disability or exceptional circumstances. The court shall receive assurances of the petitioner's identity before conducting a telephonic hearing.

(2) Upon notice and a hearing on the matter, if the court finds by clear and convincing evidence that the respondent poses a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or any ammunition, the court shall issue a risk protection order for a period that it deems appropriate, up to and including but not exceeding twelve months.

(3) In determining whether grounds for a risk protection order exist, the court may consider any relevant evidence including, but not limited to:

(a) Any recent act or threat of violence by the respondent against himself or herself or others, regardless of whether such violence or threat of violence involved a firearm;

(b) Any act or threat of violence by the respondent within the past twelve months including, but not limited to, acts or threats of violence by the respondent against himself or herself or others;

(c) Evidence of the respondent being seriously mentally ill or having recurring mental health issues;

(d) Any violation by the respondent of a risk protection order or a no-contact order issued under chapter 455;

(e) Any previous or existing risk protection order issued against the respondent;

(f) Any violation of a previous or existing risk protection order issued against the respondent;

(g) Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime that constitutes domestic violence as defined in section 455.010;

(h) Whether the respondent has used, or has threatened to use, against himself or herself or others any weapons;

(i) Any unlawful or reckless use, display, or brandishing of a firearm by the respondent;

(j) Any recurring use of, or threat to use, physical force by the respondent against another person or the respondent stalking another person;

(k) Whether the respondent, in this state or any other state, has been arrested for, convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence;

(l) Any corroborated evidence of the abuse of controlled substances or alcohol by the respondent;

(m) Evidence of recent acquisition of firearms or ammunition by the respondent;

(n) Any relevant information from family and household members concerning the respondent; and

(o) Witness testimony, taken while the witness is under oath, relating to the matter before the court.

(4) A person, including an officer of the court, who offers evidence or recommendations relating to the cause of action shall either:

(a) Present the evidence or recommendations in writing to the court with copies to each party and his or her attorney, if one is retained; or

(b) Present the evidence under oath at a hearing at which all parties are present.

(5) In a hearing under this section, the rules of evidence apply to the same extent as in a domestic violence injunction proceeding under chapter 455.

(6) During the hearing, the court shall consider whether a mental health evaluation or chemical dependency evaluation is appropriate and, if such determination is made, may order such evaluations.

(7) A risk protection order shall include:

(a) A statement of the grounds supporting the issuance of the order;

(b) The date the order was issued;

(c) The date the order ends;

(d) Whether a mental health evaluation or chemical dependency evaluation of the respondent is required;

- (e) The address of the court in which any responsive pleading should be filed;
 - (f) A description of the requirements for the surrender of all firearms and ammunition that the respondent owns, as set forth under subsection 7 of this section; and
 - (g) The following statement: "To the subject of this protection order: This order will last until the date noted above. If you have not done so already, you shall surrender immediately to the _____ (insert name of local law enforcement agency) all firearms and ammunition that you own in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under 571.101 to 571.126, RSMo, or 571.205 to 571.230, RSMo. You shall not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You have the right to request one hearing to vacate this order, starting after the date of the issuance of this order, and to request another hearing after every extension of the order, if any. You may seek the advice of an attorney as to any matter connected with this order."
- (8) If the court issues a risk protection order, the court shall inform the respondent that he or she is entitled to request a hearing to vacate the order in the manner provided by subsection 6 of this section. The court shall provide the respondent with a form to request a hearing to vacate.
- (9) If the court denies the petitioner's request for a risk protection order, the court shall state the particular reasons for the denial.
4. (1) A petitioner may request that a temporary ex parte risk protection order be issued before a hearing for a risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition.
- (2) In considering whether to issue a temporary ex parte risk protection order under this section, the court shall consider all relevant evidence, including any evidence described under subdivision (3) of subsection 3 of this section.
- (3) If a court finds reasonable cause to believe that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition, the court shall issue a temporary ex parte risk protection order.
- (4) The court shall hold a temporary ex parte risk protection order hearing in person or by telephone on the day the petition is filed or on the business day immediately following the day the petition is filed.
- (5) A temporary ex parte risk protection order shall include all of the following:
- (a) A statement of the grounds asserted for the order;
 - (b) The date the order was issued;
 - (c) The address of the court in which any responsive pleading may be filed;
 - (d) The date and time of the scheduled hearing;
 - (e) A description of the requirements for the surrender of all firearms and ammunition that the respondent owns, as set forth under subsection 7 of this section; and
 - (f) The following statement: "To the subject of this protection order: This order is valid until the date noted above. You are required to surrender all firearms and ammunition that you own in your custody, control, or possession. You shall not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You shall surrender immediately to the _____ (insert name of local law enforcement agency) all firearms and ammunition in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under 571.101 to 571.126, RSMo, or 571.205 to 571.230, RSMo. A hearing will be held on the date and at the time noted above to determine if a risk protection order should be issued. Failure to appear at that hearing may result in a court issuing an order against you which is valid for one year. You may seek the advice of an attorney as to any matter connected with this order."
- (6) A temporary ex parte risk protection order ends upon the hearing on the risk protection order.
- (7) A temporary ex parte risk protection order shall be served by a law enforcement officer in the same manner as provided for in subsection 5 of this section for service of the notice of hearing and petition and shall be served concurrently with the notice of hearing and petition.

(8) If the court denies the petitioner's request for a temporary ex parte risk protection order, the court shall state the particular reasons for the denial.

5. (1) The clerk of the court shall furnish a copy of the notice of hearing, petition, and temporary ex parte risk protection order or risk protection order, as applicable, to the sheriff of the county in which the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as practicable on any day of the week and at any time of the day or night. When requested by the sheriff, the clerk of the court may transmit a facsimile copy of a temporary ex parte risk protection order or a risk protection order that has been certified by the clerk of the court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving a facsimile copy, the sheriff shall verify receipt with the sender before attempting to serve it upon the respondent. The clerk of the court shall be responsible for furnishing to the sheriff information on the respondent's physical description and location. Notwithstanding any other law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency effecting service pursuant to this section shall use service and verification procedures consistent with those of the sheriff. Service under this section takes precedence over the service of other documents unless the other documents are of a similar emergency nature.

(2) All orders issued, changed, continued, extended, or vacated after the original service of documents specified in subdivision (1) of this subsection shall be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. If a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. If an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

6. (1) The respondent may submit one written request for a hearing to vacate a risk protection order issued under this section, starting after the date of the issuance of the order, and may request another hearing after every extension of the order, if any. Regarding the request:

(a) Upon receipt of a request for a hearing to vacate a risk protection order, the court shall set a date for a hearing. Notice of the request shall be served on the petitioner in accordance with subsection 5 of this section. The hearing shall occur no sooner than fourteen days and no later than thirty days after the date of service of the request upon the petitioner;

(b) The respondent shall have the burden of proving by clear and convincing evidence that the respondent does not pose a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm or ammunition. The court may consider any relevant evidence, including evidence of the considerations listed in subdivision (3) of subsection 3 of this section;

(c) If the court finds after the hearing that the respondent has met his or her burden of proof, the court shall vacate the order; and

(d) The law enforcement agency holding any firearm or ammunition or license to carry a concealed weapon or firearm that has been surrendered pursuant to this section shall be notified of the court order to vacate the risk protection order.

(2) The court shall notify the petitioner of any impending end of a risk protection order. Notice shall be received by the petitioner at least thirty days before the date the order ends.

(3) The petitioner may, by motion, request an extension of a risk protection order at any time within the thirty days before the order ends. If the petitioner does so:

(a) Upon receipt of the motion to extend, the court shall order that a hearing be held no later than fourteen days after the date the order is issued and shall schedule such hearing, and:

a. The court may schedule a hearing by telephone in the manner provided under paragraph (c) of subdivision 1 of subsection 3 of this section; and

b. The respondent shall be personally serviced in the same manner provided by subsection 5 of this section;

(b) In determining whether to extend a risk protection order issued under this section, the court may consider all relevant evidence, including evidence of the considerations listed in subdivision (3) of subsection 3 of this section;

(c) If the court finds by clear and convincing evidence that the requirements for issuance of a risk protection order as provided in subsection 3 of this section continue to be met, the court shall extend the order. However, if, after notice, the motion for extension is uncontested and no modification of the order is sought, the order may be extended on the basis of a motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension; and

(d) The court may extend a risk protection order for a period that it deems appropriate, up to but not exceeding twelve months, subject to an order to vacate as provided in subdivision (1) of this subsection or to another extension order by the court.

7. (1) Upon issuance of a risk protection order under this section, including a temporary ex parte risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms and ammunition owned by the respondent in the respondent's custody, control, or possession except as provided in subsection 9 of this section, and any license to carry a concealed weapon or firearm issued under sections 571.101 to 571.126 or sections 571.205 to 571.230, held by the respondent.

(2) The law enforcement officer serving a risk protection order under this section, including a temporary ex parte risk protection order, shall request that the respondent immediately surrender all firearms and ammunition owned by the respondent in his or her custody, control, or possession and any license to carry a concealed weapon or firearm issued under sections 571.101 to 571.126 or sections 571.205 to 571.230 held by the respondent. The law enforcement officer shall take possession of all firearms and ammunition and any license to carry a concealed weapon or firearm that the respondent surrenders. Alternatively, if personal service by a law enforcement officer is not possible or is not required because the respondent was present at the risk protection order hearing, the respondent shall surrender any firearms and ammunition owned by the respondent, and any license to carry a concealed weapon or firearm issued under sections 571.101 to 571.126 or sections 571.205 to 571.230 held by the respondent, in a safe manner to the control of the local law enforcement agency immediately after being served with the order by service or immediately after the hearing at which the respondent was present. Notwithstanding sections 542.271, a law enforcement officer may seek a search warrant from a court of competent jurisdiction to conduct a search for firearms or ammunition owned by the respondent if the officer has probable cause to believe that there are firearms or ammunition owned by the respondent in the respondent's custody, control, or possession which have not been surrendered.

(3) At the time of surrender, a law enforcement officer taking possession of any firearm or ammunition owned by the respondent, or a license to carry a concealed weapon or firearm issued under sections 571.101 to 571.126 or sections 571.205 to 571.230 held by the respondent, shall issue a receipt identifying all firearms and the quantity and type of ammunition that have been surrendered and any license surrendered and shall provide a copy of the receipt to the respondent. Within seventy-two hours after service of the order, the law enforcement officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(4) Notwithstanding section 542.271, upon the sworn statement or testimony of any person alleging that the respondent has failed to comply with the surrender of firearms or ammunition owned by the respondent, as required by an order issued under this section, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms or ammunition owned by the respondent in the respondent's custody, control, or possession. If the court finds that probable cause exists, the court shall issue a warrant describing the firearms or ammunition owned by the respondent and authorizing a search of the locations where the firearms or ammunition owned by the respondent are reasonably believed to be found and the seizure of any firearms or ammunition owned by the respondent discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or ammunition surrendered pursuant to this section and he or she is determined by the law enforcement agency to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be returned to him or her, if:

(a) The lawful owner agrees to store the firearm or ammunition in a manner such that the respondent does not have access to or control of the firearm or ammunition; and

(b) The firearm or ammunition is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a risk protection order, the court shall order a new hearing date and require the respondent to appear no later than three business days after the issuance of the order. The court shall require proof that the respondent has surrendered any firearms or ammunition owned by the respondent in the respondent's custody, control, or possession. The court may cancel the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(7) All law enforcement agencies shall develop policies and procedures regarding the acceptance, storage, and return of firearms, ammunition, or licenses required to be surrendered under this section.

8. (1) If a risk protection order is vacated or ends without extension, a law enforcement agency holding a firearm or any ammunition owned by the respondent or a license to carry a concealed weapon or firearm issued under sections 571.101 to 571.126 or sections 571.205 to 571.230, held by the respondent, that has been surrendered or seized pursuant to this section shall return such surrendered firearm, ammunition, or license to carry a concealed weapon or firearm issued under sections 571.101 to 571.126 or sections 571.205 to 571.230, as requested by a respondent only after confirming through a background check that the respondent is currently eligible to own or possess firearms and ammunition under federal and state law and after confirming with the court that the risk protection order has been vacated or has ended without extension.

(2) If a risk protection order is vacated or ends without extension and the sheriff that issued the concealed carry permit has suspended a license to carry a concealed weapon or firearm pursuant to this section, the sheriff shall reinstate such license only after confirming that the respondent is currently eligible to have a license to carry a concealed weapon or firearm pursuant sections 571.101 to 571.126 or sections 571.205 to 571.230.

(3) A law enforcement agency shall provide notice to any family or household members of the respondent before the return of any surrendered firearm and ammunition owned by the respondent.

(4) Any firearm and ammunition surrendered by a respondent pursuant to subsection 7 of this section that remains unclaimed for one year by the lawful owner after an order to vacate the risk protection order shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

9. A respondent may elect to transfer all firearms and ammunition owned by the respondent that have been surrendered to or seized by a local law enforcement agency pursuant to subsection 7 of this section to another person who is willing to receive the respondent's firearms and ammunition. The law enforcement agency shall allow such a transfer only if it is determined that the chosen recipient:

(1) Currently is eligible to own or possess a firearm and ammunition under federal and state law after confirmation through a background check;

(2) Attests to storing the firearms and ammunition in a manner such that the respondent does not have access to or control of the firearms and ammunition until the risk protection order against the respondent is vacated or ends without extension; and

(3) Attests not to transfer the firearms or ammunition back to the respondent until the risk protection order against the respondent is vacated or ends without extension.

10. (1) Within twenty-four hours after issuance, the clerk of the court shall enter any risk protection order or temporary ex parte risk protection order issued under this section into the uniform case reporting system.

(2) Within twenty-four hours after issuance, the clerk of the court shall forward a copy of an order issued under this section to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the Missouri Uniform Law Enforcement System (MULES) and the National Crime Information Center (NCIC). The order shall remain in each system for the period stated in the order, and the law enforcement agency may only remove an order from the systems that has ended or been vacated. Entry of the order into the MULES and NCIC constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in this state.

(3) The issuing court shall, within three business days after issuance of a risk protection order or temporary ex parte risk protection order, forward all available identifying information concerning the respondent, along with the date of order issuance, to the sheriff of the county in which the respondent resides. Upon receipt of the information, the sheriff shall determine if the respondent has a license to carry a concealed weapon or firearm. If the respondent does have a license to carry a concealed weapon or firearm, the sheriff shall immediately suspend the license.

(4) If a risk protection order is vacated before its end date, the clerk of the court shall, on the day of the order to vacate, forward a copy of the order to the sheriff of the county in which the respondent resides and any other law enforcement agency specified in the order to vacate. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered pursuant to subdivision (2) of this subsection.

11. (1) A person who makes a false statement, which he or she does not believe to be true, under oath in a hearing under this section in regard to any material matter is guilty of a class E felony.

(2) A person who has in his or her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that he or she is prohibited from doing so by an order issued under this section is guilty of a class E felony.

12. This section does not affect the ability of a law enforcement officer to remove a firearm or ammunition or license to carry a concealed weapon or concealed firearm from any person or to conduct any search and seizure for firearms or ammunition pursuant to other lawful authority.

13. Except as provided in subsection 8 or 11 of this section, this section does not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining a risk protection order or temporary ex parte risk protection order including, but not limited to, providing notice to the petitioner, a family or household member of the respondent, and any known third party who may be at risk of violence or failure to provide such notice, or reporting, declining to report, investigating, declining to investigate, filing, or declining to file, a petition under this section.

14. (1) The office of the state courts administrator shall develop and prepare instructions and informational brochures, standard petitions and risk protection order forms, and a court staff handbook on the risk protection order process. The standard petition and order forms shall be used after January 1, 2024, for all petitions filed and orders issued pursuant to this section. The office shall determine the significant non-English-speaking or limited English-speaking populations in the state and prepare the instructions and informational brochures and standard petitions and risk protection order forms in such languages. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including representatives of gun violence prevention groups, judges, and law enforcement personnel. Materials shall be based on best practices and shall be available online to the public, and:

(a) The instructions shall be designed to assist petitioners in completing the petition and shall include a sample of a standard petition and order for protection forms;

(b) The instructions and standard petition shall include a means for the petitioner to identify, with only layman's knowledge, the firearms or ammunition the respondent may own, possess, receive, or have in his or her custody or control. The instructions shall provide pictures of types of firearms and ammunition that the petitioner may choose from to identify the relevant firearms or ammunition, or shall provide an equivalent means to allow petitioners to identify firearms or ammunition without requiring specific or technical knowledge regarding the firearms or ammunition;

(c) The informational brochure shall describe the use of and the process for obtaining, extending, and vacating a risk protection order under this section and shall provide relevant forms;

(d) The risk protection order form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order and the following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court can change the order and only upon written request."; and

(e) The court staff handbook shall allow for the addition of a community resource list by the clerk of the court.

(2) Any clerk of a court may create a community resource list of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is

located. The court may make the community resource list available as part of or in addition to the informational brochures described in subdivision (1) of this subsection.

(3) The office of the state courts administrator shall distribute a master copy of the petition and order forms, instructions, and informational brochures to the clerks of court. Distribution of all documents shall, at a minimum, be in an electronic format or formats accessible to all courts and clerks of court in the state.

(4) Within ninety days after receipt of the master copy from the office of the state courts administrator, the clerk of the court shall make available the standardized forms, instructions, and informational brochures required by this subsection.

(5) The office of the state courts administrator shall update the instructions, brochures, standard petition and risk protection order forms, and court staff handbook as necessary, including when changes in the law make an update necessary."; and"; and

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

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 093

Amato	Atchison	Baker	Banderman	Billington
Black	Boggs	Bonacker	Boyd	Bromley
Brown 149	Buchheit-Courtway	Burger	Busick	Byrnes
Casteel	Chappell	Christofanelli	Cook	Copeland
Cupps	Davis	Deaton	Diehl	Dinkins
Evans	Falkner	Farnan	Francis	Gallick
Gragg	Gregory	Griffith	Haden	Haffner
Haley	Hardwick	Hausman	Henderson	Hicks
Hinman	Hovis	Hudson	Jones	Justus
Kalberloh	Kelley 127	Kelly 141	Knight	Lewis 6
Lovasco	Mayhew	McGaugh	McGill	McMullen
Morse	Murphy	Myers	O'Donnell	Oehlerking
Owen	Patterson	Perkins	Peters	Pollitt
Reuter	Richey	Riggs	Riley	Roberts
Sassmann	Schnelting	Schulte	Seitz	Sharpe 4
Shields	Smith 155	Smith 163	Sparks	Stacy
Stephens	Taylor 48	Thomas	Thompson	Titus
Van Schoiack	Veit	Voss	Waller	West
Wilson	Wright	Mr. Speaker		

NOES: 046

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bosley	Brown 27	Burnett
Burton	Butz	Clemens	Collins	Doll
Ealy	Fogle	Fountain Henderson	Gray	Hein
Ingle	Johnson 12	Johnson 23	Lavender	Lewis 25
Mackey	Mann	Merideth	Nickson-Clark	Nurrenbern
Plank	Proudie	Quade	Sander	Sauls
Sharp 37	Smith 46	Steinhoff	Strickler	Taylor 84
Terry	Unsicker	Walsh Moore	Weber	Woods
Young				

PRESENT: 000

ABSENT WITH LEAVE: 023

Allen	Bland Manlove	Brown 16	Brown 87	Christ
Coleman	Crossley	Davidson	Houx	Hurlbert
Keathley	Lonsdale	Marquart	Matthiesen	Mosley
Parker	Phifer	Pouche	Reedy	Schwadron
Stinnett	Toalson Reisch	Windham		

VACANCIES: 001

Representative Merideth moved that **House Amendment No. 3 to House Amendment No. 1** be adopted.

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

AYES: 048

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bland Manlove	Bosley	Brown 27
Brown 87	Burnett	Burton	Butz	Clemens
Collins	Doll	Ealy	Fogle	Fountain Henderson
Gray	Hein	Ingle	Johnson 12	Johnson 23
Lavender	Lewis 25	Mackey	Mann	Merideth
Mosley	Nickson-Clark	Nurrenbern	Plank	Proudie
Quade	Sauls	Sharp 37	Smith 46	Steinhoff
Strickler	Taylor 84	Terry	Unsicker	Walsh Moore
Weber	Woods	Young		

NOES: 096

Amato	Atchison	Baker	Banderman	Billington
Black	Boggs	Bonacker	Boyd	Bromley
Brown 149	Buchheit-Courtway	Burger	Busick	Byrnes
Casteel	Chappell	Christofanelli	Coleman	Cook
Copeland	Cupps	Davis	Deaton	Diehl
Dinkins	Evans	Falkner	Farnan	Francis
Gallick	Gragg	Gregory	Griffith	Haden
Haffner	Haley	Hardwick	Hausman	Henderson
Hicks	Hinman	Hovis	Hudson	Hurlbert
Jones	Justus	Kalberloh	Kelley 127	Kelly 141
Knight	Lewis 6	Lovasco	Mayhew	McGaugh
McGirl	Morse	Murphy	Myers	O'Donnell
Owen	Patterson	Perkins	Peters	Pollitt
Reedy	Reuter	Richey	Riggs	Riley
Roberts	Sander	Sassmann	Schnelting	Schulte
Seitz	Sharpe 4	Shields	Smith 155	Smith 163
Sparks	Stacy	Stephens	Taylor 48	Thomas
Thompson	Titus	Toalson Reisch	Van Schoiack	Veit
Voss	Waller	West	Wilson	Wright
Mr. Speaker				

PRESENT: 000

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ABSENT WITH LEAVE: 018

Allen	Brown 16	Christ	Crossley	Davidson
Houx	Keathley	Lonsdale	Marquart	Matthiesen
McMullen	Oehlerking	Parker	Phifer	Pouche
Schwadron	Stinnett	Windham		

VACANCIES: 001

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

Representative Roberts, having voted on the prevailing side, moved that the vote by which the title of **SS SCS SBs 189, 36 & 37** was agreed to be reconsidered.

Which motion was adopted by the following vote:

AYES: 103

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Buchheit-Courtway	Burger
Busick	Byrnes	Casteel	Chappell	Christ
Christofanelli	Coleman	Cook	Copeland	Cupps
Davis	Deaton	Diehl	Dinkins	Evans
Falkner	Farnan	Francis	Gallick	Gragg
Gregory	Griffith	Haden	Haffner	Haley
Hardwick	Hausman	Henderson	Hicks	Hinman
Hovis	Hudson	Hurlbert	Jones	Justus
Kalberloh	Kelley 127	Kelly 141	Knight	Lewis 6
Lonsdale	Lovasco	Mayhew	McGaugh	McGirl
McMullen	Morse	Murphy	Myers	O'Donnell
Owen	Patterson	Perkins	Peters	Pollitt
Pouche	Reedy	Reuter	Richey	Riggs
Riley	Roberts	Sander	Sassmann	Sauls
Schnelting	Schulte	Schwadron	Seitz	Sharpe 4
Shields	Smith 155	Smith 163	Sparks	Stacy
Stephens	Taylor 48	Thompson	Titus	Toalson Reisch
Van Schoiack	Veit	Voss	Waller	West
Wilson	Wright	Mr. Speaker		

NOES: 044

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bosley	Brown 27	Brown 87
Burnett	Burton	Butz	Clemens	Collins
Doll	Ealy	Fogle	Fountain Henderson	Gray
Hein	Ingle	Johnson 12	Lavender	Lewis 25
Mackey	Mann	Merideth	Mosley	Nickson-Clark
Nurrenbern	Plank	Quade	Sharp 37	Smith 46
Steinhoff	Strickler	Taylor 84	Terry	Unsicker
Walsh Moore	Weber	Woods	Young	

PRESENT: 000

ABSENT WITH LEAVE: 015

Bland Manlove	Crossley	Davidson	Houx	Johnson 23
Keathley	Marquart	Matthiesen	Oehlerking	Parker
Phifer	Proudie	Stinnett	Thomas	Windham

VACANCIES: 001

Representative Roberts offered House Amendment No. 2.

House Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 189, 36 & 37, Pages 1-2, Section 43.504, Lines 1-25, by deleting said section and lines from the bill; and

Further amend said bill, Pages 2-3, Section 43.507, Lines 1-31, by deleting said lines and inserting in lieu thereof the following:

"67.145. 1. No political subdivision of this state shall prohibit any first responder from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

2. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, **telecommunicator first responders**, police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, mobile emergency medical technicians, emergency medical technician-paramedics, registered nurses, or physicians.

70.631. 1. Each political subdivision may, by majority vote of its governing body, elect to cover ~~[emergency telecommunicators]~~ **telecommunicator first responders**, jailors, and emergency medical service personnel as public safety personnel members of the system. The clerk or secretary of the political subdivision shall certify an election concerning the coverage of ~~[emergency telecommunicators]~~ **telecommunicator first responders**, jailors, and emergency medical service personnel as public safety personnel members of the system to the board within ten days after such vote. The date in which the political subdivision's election becomes effective shall be the first day of the calendar month specified by such governing body, the first day of the calendar month next following receipt by the board of the certification of the election, or the effective date of the political subdivision's becoming an employer, whichever is the latest date. Such election shall not be changed after the effective date. If the election is made, the coverage provisions shall be applicable to all past and future employment with the employer by present and future employees. If a political subdivision makes no election under this section, no ~~[emergency]~~ telecommunicator **first responder**, jailor, or emergency medical service personnel of the political subdivision shall be considered public safety personnel for purposes determining a minimum service retirement age as defined in section 70.600.

2. If an employer elects to cover ~~[emergency telecommunicators]~~ **telecommunicator first responders**, jailors, and emergency medical service personnel as public safety personnel members of the system, the employer's contributions shall be correspondingly changed effective the same date as the effective date of the political subdivision's election.

3. The limitation on increases in an employer's contributions provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer making an election under the provisions of this section.

84.344. 1. Notwithstanding any provisions of this chapter to the contrary, any city not within a county may establish a municipal police force on or after July 1, 2013, according to the procedures and requirements of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance of the police force and provide for an equitable employment transition for commissioned and civilian personnel.

2. Upon the establishment of a municipal police force by a city under sections 84.343 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to the city title and ownership of all indebtedness and assets, including, but not limited to, all funds and real and personal property held in the name of or controlled by the board of police commissioners created under sections 84.010 to 84.340. The board of police commissioners shall execute all documents reasonably required to accomplish such transfer of ownership and obligations.

3. If the city establishes a municipal police force and completes the transfer described in subsection 2 of this section, the city shall provide the necessary funds for the maintenance of the municipal police force.

4. Before a city not within a county may establish a municipal police force under this section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners subject to the provisions of subsection 2 of section 84.345.

5. A city not within a county that establishes a municipal police force shall initially employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the board of police commissioners created under sections 84.010 to 84.340 that were employed by the board immediately prior to the date the municipal police force was established. Such commissioned personnel who previously were employed by the board may only be involuntarily terminated by the city not within a county for cause. The city shall also recognize all accrued years of service that such commissioned and civilian personnel had with the board of police commissioners. Such personnel shall be entitled to the same holidays, vacation, and sick leave they were entitled to as employees of the board of police commissioners.

6. ~~[(1)]~~ Commissioned and civilian personnel of a municipal police force established under this section ~~[who are hired prior to September 1, 2023,]~~ shall not be subject to a residency requirement of retaining a primary residence in a city not within a county but may be required to maintain a primary residence located within a one-hour response time.

~~[(2) Commissioned and civilian personnel of a municipal police force established under this section who are hired after August 31, 2023, may be subject to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing the personnel to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time.]~~

7. The commissioned and civilian personnel who retire from service with the board of police commissioners before the establishment of a municipal police force under subsection 1 of this section shall continue to be entitled to the same pension benefits provided under chapter 86 and the same benefits set forth in subsection 5 of this section.

8. If the city not within a county elects to establish a municipal police force under this section, the city shall establish a separate division for the operation of its municipal police force. The civil service commission of the city may adopt rules and regulations appropriate for the unique operation of a police department. Such rules and regulations shall reserve exclusive authority over the disciplinary process and procedures affecting commissioned officers to the civil service commission; however, until such time as the city adopts such rules and regulations, the commissioned personnel shall continue to be governed by the board of police commissioner's rules and regulations in effect immediately prior to the establishment of the municipal police force, with the police chief acting in place of the board of police commissioners for purposes of applying the rules and regulations. Unless otherwise provided for, existing civil service commission rules and regulations governing the appeal of disciplinary decisions to the civil service commission shall apply to all commissioned and civilian personnel. The civil service commission's rules and regulations shall provide that records prepared for disciplinary purposes shall be confidential, closed records available solely to the civil service commission and those who possess authority to conduct investigations regarding disciplinary matters pursuant to the civil service commission's rules and regulations. A hearing officer shall be appointed by the civil service commission to hear any such appeals that involve discipline resulting in a suspension of greater than fifteen days, demotion, or termination, but the civil service commission shall make the final findings of fact, conclusions of law, and decision which shall be subject to any right of appeal under chapter 536.

9. A city not within a county that establishes and maintains a municipal police force under this section:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical, and disability coverage for commissioned and civilian personnel of the municipal police force to the same extent as was provided by the board of police commissioners under section 84.160;

(2) Shall provide or contract for medical and life insurance coverage for any commissioned or civilian personnel who retired from service with the board of police commissioners or who were employed by the board of police commissioners and retire from the municipal police force of a city not within a county to the same extent such medical and life insurance coverage was provided by the board of police commissioners under section 84.160;

(3) Shall make available medical and life insurance coverage for purchase to the spouses or dependents of commissioned and civilian personnel who retire from service with the board of police commissioners or the municipal police force and deceased commissioned and civilian personnel who receive pension benefits under sections 86.200 to 86.366 at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living; and

(4) May pay an additional shift differential compensation to commissioned and civilian personnel for evening and night tours of duty in an amount not to exceed ten percent of the officer's base hourly rate.

10. A city not within a county that establishes a municipal police force under sections 84.343 to 84.346 shall establish a transition committee of five members for the purpose of: coordinating and implementing the transition of authority, operations, assets, and obligations from the board of police commissioners to the city; winding down the affairs of the board; making nonbinding recommendations for the transition of the police force from the board to the city; and other related duties, if any, established by executive order of the city's mayor. Once the ordinance referenced in this section is enacted, the city shall provide written notice to the board of police commissioners and the governor of the state of Missouri. Within thirty days of such notice, the mayor shall appoint three members to the committee, two of whom shall be members of a statewide law enforcement association that represents at least five thousand law enforcement officers. The remaining members of the committee shall include the police chief of the municipal police force and a person who currently or previously served as a commissioner on the board of police commissioners, who shall be appointed to the committee by the mayor of such city.

84.480. The board of police commissioners shall appoint a chief of police who shall be the chief police administrative and law enforcement officer of such cities. The chief of police shall be chosen by the board solely on the basis of his or her executive and administrative qualifications and his or her demonstrated knowledge of police science and administration with special reference to his or her actual experience in law enforcement leadership and the provisions of section 84.420. At the time of the appointment, the chief shall ~~[not be more than sixty years of age, shall]~~ have had at least five years' executive experience in a governmental police agency and shall be certified by a surgeon or physician to be in a good physical condition, and shall be a citizen of the United States and shall either be or become a citizen of the state of Missouri and resident of the city in which he or she is appointed as chief of police. In order to secure and retain the highest type of police leadership within the departments of such cities, the chief shall receive a salary of not less than eighty thousand two hundred eleven dollars, nor more than ~~[one hundred eighty-nine thousand seven hundred twenty-six dollars per annum]~~ **a maximum salary amount established by the board by resolution.**

84.510. 1. For the purpose of operation of the police department herein created, the chief of police, with the approval of the board, shall appoint such number of police department employees, including police officers and civilian employees as the chief of police from time to time deems necessary.

2. The base annual compensation of police officers shall be as follows for the several ranks:

(1) Lieutenant colonels, not to exceed five in number, at not less than seventy-one thousand nine hundred sixty-nine dollars~~[-, nor more than one hundred forty-six thousand one hundred twenty-four dollars per annum each];~~

(2) Majors at not less than sixty-four thousand six hundred seventy-one dollars~~[-, nor more than one hundred thirty-three thousand three hundred twenty dollars per annum each];~~

(3) Captains at not less than fifty-nine thousand five hundred thirty-nine dollars~~[-, nor more than one hundred twenty-one thousand six hundred eight dollars per annum each];~~

(4) Sergeants at not less than forty-eight thousand six hundred fifty-nine dollars~~[-, nor more than one hundred six thousand five hundred sixty dollars per annum each];~~

(5) Master patrol officers at not less than fifty-six thousand three hundred four dollars~~[-, nor more than ninety-four thousand three hundred thirty-two dollars per annum each];~~

(6) Master detectives at not less than fifty-six thousand three hundred four dollars~~[-, nor more than ninety-four thousand three hundred thirty-two dollars per annum each];~~

(7) Detectives, investigators, and police officers at not less than twenty-six thousand six hundred forty-three dollars~~[-, nor more than eighty-seven thousand six hundred thirty-six dollars per annum each].~~

3. The board of police commissioners has the authority by resolution to effect a comprehensive pay schedule program to provide for step increases with separate pay rates within each rank, ~~and~~ **using** the above-specified salary **minimums as a base for such** ranges from police officers through chief of police.

4. Officers assigned to wear civilian clothes in the performance of their regular duties may receive an additional one hundred fifty dollars per month clothing allowance. Uniformed officers may receive seventy-five dollars per month uniform maintenance allowance.

5. The chief of police, subject to the approval of the board, shall establish the total regular working hours for all police department employees, and the board has the power, upon recommendation of the chief, to pay additional compensation for all hours of service rendered in excess of the established regular working period, but the rate of overtime compensation shall not exceed one and one-half times the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given nor deductions made from payments for overtime for the purpose of retirement benefits.

6. The board of police commissioners, by majority affirmative vote, including the mayor, has the authority by resolution to authorize incentive pay in addition to the base compensation as provided for in subsection 2 of this section, to be paid police officers of any rank who they determine are assigned duties which require an extraordinary degree of skill, technical knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

7. The board of police commissioners may effect programs to provide additional compensation for successful completion of academic work at an accredited college or university. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

8. The additional pay increments provided in subsections 6 and 7 of this section shall not be considered a part of the base compensation of police officers of any rank and shall not exceed ten percent of what the officer would otherwise be entitled to pursuant to subsections 2 and 3 of this section.

~~[9. Not more than twenty-five percent of the officers in any rank who are receiving the maximum rate of pay authorized by subsections 2 and 3 of this section may receive the additional pay increments authorized by subsections 6 and 7 of this section at any given time. However, any officer receiving a pay increment provided pursuant to the provisions of subsections 6 and 7 of this section shall not be deprived of such pay increment as a result of the limitations of this subsection.]~~

106.270. 1. If any official against whom a proceeding has been filed, as provided for in sections 106.220 to 106.290, shall be found guilty of failing personally to devote his **or her** time to the performance of the duties of such office, or of any willful, corrupt or fraudulent violation or neglect of official duty, or of knowingly or willfully failing or refusing to do or perform any official act or duty which by law it is made his **or her** duty to do or perform with respect to the execution or enforcement of the criminal laws of the state, the court shall render judgment removing him **or her** from such office, and he **or she** shall not be ~~elected or~~ appointed to fill the vacancy thereby created, but the ~~same~~ **vacancy** shall be filled as provided by law for filling vacancies ~~in other cases~~ **in any state or county office**. All actions and proceedings under sections 106.220 to 106.290 shall be in the nature of civil actions, and tried as such.

2. Nothing in this section shall be construed to authorize the removal or discharge of any chief, as that term is defined in section 106.273.

3. Any official removed from his or her office as provided for in sections 106.220 to 106.290 shall not be elected or appointed to the office from which he or she was removed. Any official against whom a proceeding has been filed, as provided for in sections 106.220 to 106.290, and who resigns before the final disposition of the proceeding shall not be elected or appointed to the office from which he or she resigned.

170.310. 1. For school year 2017-18 and each school year thereafter, upon graduation from high school, pupils in public schools and charter schools shall have received thirty minutes of cardiopulmonary resuscitation instruction and training in the proper performance of the Heimlich maneuver or other first aid for choking given any time during a pupil's four years of high school.

2. Beginning in school year 2017-18, any public school or charter school serving grades nine through twelve shall provide enrolled students instruction in cardiopulmonary resuscitation. Students with disabilities may participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. Instruction shall be included in the district's existing health or physical education curriculum. Instruction shall be based on a program established by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based

emergency cardiovascular care guidelines, and psychomotor skills development shall be incorporated into the instruction. For purposes of this section, "psychomotor skills" means the use of hands-on practicing and skills testing to support cognitive learning.

3. The teacher of the cardiopulmonary resuscitation course or unit shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in certification of students. Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing. **For purposes of this subsection, "first responders" shall include telecommunicator first responders as defined in section 650.320.**

4. The department of elementary and secondary education may promulgate rules to implement 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, 2012, shall be invalid and void.

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

(1) "Bioterrorism", the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance, or biological product to cause death, disease, or other biological malfunction in a human, an animal, a plant, or any other living organism to influence the conduct of government or to intimidate or coerce a civilian population;

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

(3) "Director", the director of the department of health and senior services;

(4) "Disaster locations", any geographical location where a bioterrorism attack, terrorist attack, catastrophic or natural disaster, or emergency occurs;

(5) "First responders", state and local law enforcement personnel, **telecommunicator first responders**, fire department personnel, and emergency medical personnel who will be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and emergencies;

(6) **"Missouri state highway patrol telecommunicator", any authorized Missouri state highway patrol communications division personnel whose primary responsibility includes directly responding to emergency communications and who meet the training requirements pursuant to section 650.340.**

2. The department shall offer a vaccination program for first responders **and Missouri state highway patrol telecommunicators** who may be exposed to infectious diseases when deployed to disaster locations as a result of a bioterrorism event or a suspected bioterrorism event. The vaccinations shall include, but are not limited to, smallpox, anthrax, and other vaccinations when recommended by the federal Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices.

3. Participation in the vaccination program shall be voluntary by the first responders **and Missouri state highway patrol telecommunicators**, except for first responders **or Missouri state highway patrol telecommunicators** who, as determined by their employer, cannot safely perform emergency responsibilities when responding to a bioterrorism event or suspected bioterrorism event without being vaccinated. The recommendations of the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices shall be followed when providing appropriate screening for contraindications to vaccination for first responders **and Missouri state highway patrol telecommunicators**. A first responder **and Missouri state highway patrol telecommunicator** shall be exempt from vaccinations when a written statement from a licensed physician is presented to their employer indicating that a vaccine is medically contraindicated for such person.

4. If a shortage of the vaccines referred to in subsection 2 of this section exists following a bioterrorism event or suspected bioterrorism event, the director, in consultation with the governor and the federal Centers for Disease Control and Prevention, shall give priority for such vaccinations to persons exposed to the disease and to first responders **or Missouri state highway patrol telecommunicators** who are deployed to the disaster location.

5. The department shall notify first responders **and Missouri state highway patrol telecommunicators** concerning the availability of the vaccination program described in subsection 2 of this section and shall provide

education to such first responders, ~~and~~ their employers, **and Missouri state highway patrol telecommunicators** concerning the vaccinations offered and the associated diseases.

6. The department may contract for the administration of the vaccination program described in subsection 2 of this section with health care providers, including but not limited to local public health agencies, hospitals, federally qualified health centers, and physicians.

7. The provisions of this section shall become effective upon receipt of federal funding or federal grants which designate that the funding is required to implement vaccinations for first responders **and Missouri state highway patrol telecommunicators** in accordance with the recommendations of the federal Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices. Upon receipt of such funding, the department shall make available the vaccines to first responders **and Missouri state highway patrol telecommunicators** as provided in this section.

190.1010. 1. As used in this section, the following terms shall mean:

- (1) "Employee", a first responder employed by an employer;
- (2) "Employer", the state, a unit of local government, or a public hospital or ambulance service that employs first responders;
- (3) "First responder", a 911 dispatcher, paramedic, emergency medical technician, or a volunteer or full-time paid firefighter;
- (4) "Peer support advisor", a person approved by the employer who voluntarily provides confidential support and assistance to employees experiencing personal or professional problems. An employer shall provide peer support advisors with an appropriate level of training in counseling to provide emotional and moral support;
- (5) "Peer support counseling program", a program established by an employer to train employees to serve as peer support advisors in order to conduct peer support counseling sessions;
- (6) "Peer support counseling session", communication with a peer support advisor designated by an employer. A peer support counseling session is accomplished primarily through listening, assessing, assisting with problem solving, making referrals to a professional when necessary, and conducting follow-up as needed;
- (7) "Record", any record kept by a therapist or by an agency in the course of providing behavioral health care to a first responder concerning the first responder and the services provided. "Record" includes the personal notes of the therapist or agency, as well as all records maintained by a court that have been created in connection with, in preparation for, or as a result of the filing of any petition. "Record" does not include information that has been de-identified in accordance with the federal Health Insurance Portability and Accountability Act (HIPAA) and does not include a reference to the receipt of behavioral health care noted during a patient history and physical or other summary of care.

2. (1) Any communication made by an employee or peer support advisor in a peer support counseling session, as well as any oral or written information conveyed in the peer support counseling session, shall be confidential and shall not be disclosed by any person participating in the peer support counseling session or released to any person or entity. Any communication relating to a peer support counseling session made confidential under this section that is made between peer support advisors and the supervisors or staff of a peer support counseling program, or between the supervisor and staff of a peer support counseling program, shall be confidential and shall not be disclosed. The provisions of this section shall not be construed to prohibit any communications between counselors who conduct peer support counseling sessions or any communications between counselors and the supervisors or staff of a peer support counseling program.

(2) Any communication described in subdivision (1) of this subsection may be subject to a subpoena for good cause shown.

(3) The provisions of this subsection shall not apply to the following:

- (a) Any threat of suicide or homicide made by a participant in a peer support counseling session or any information conveyed in a peer support counseling session related to a threat of suicide or homicide;
 - (b) Any information mandated by law or agency policy to be reported, including, but not limited to, domestic violence, child abuse or neglect, or elder abuse or neglect;
 - (c) Any admission of criminal conduct; or
 - (d) Any admission or act of refusal to perform duties to protect others or the employee.
- (4) All communications, notes, records, and reports arising out of a peer support counseling session shall not be considered public records subject to disclosure under chapter 610.

(5) A department or organization that establishes a peer support counseling program shall develop a policy or rule that imposes disciplinary measures against a peer support advisor who violates the confidentiality of the peer support counseling program by sharing information learned in a peer support counseling session with personnel who are not supervisors or staff of the peer support counseling program unless otherwise exempted under the provisions of this subsection.

3. Any employer that creates a peer support counseling program shall be subject to the provisions of this section. An employer shall ensure that peer support advisors receive appropriate training in counseling to conduct peer support counseling sessions. An employer may refer any person to a peer support advisor within the employer's organization or, if those services are not available with the employer, to another peer support counseling program that is available and approved by the employer. Notwithstanding any other provision of law to the contrary, an employer shall not mandate that any employee participate in a peer support counseling program."; and

Further amend said bill, Page 18, Section 217.690, Line 161, by inserting after said section and line the following:

"285.040. 1. As used in this section, "public safety employee" shall mean a person trained or authorized by law or rule to render emergency medical assistance or treatment, including, but not limited to, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, emergency medical technician paramedics, dispatchers, registered nurses, physicians, and sheriffs and deputy sheriffs.

2. No public safety employee **or any other employee** of a city not within a county ~~who is hired prior to September 1, 2023,~~ shall be subject to a residency requirement of retaining a primary residence in a city not within a county but may be required to maintain a primary residence located within a one-hour response time.

~~3. Public safety employees of a city not within a county who are hired after August 31, 2023, may be subject to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing the public safety employee to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time.]~~

287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury or death by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of producing occupational deafness.

5. "Radiation disability" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590 if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department or paid peace officers of a police department who are certified under chapter 590 if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease.

9. **(1) (a) Posttraumatic stress disorder (PTSD), as described in the Diagnostic and Statistical Manual of Mental Health Disorders, Fifth Edition, published by the American Psychiatric Association, (DSM-5) is recognized as a compensable occupational disease for purposes of this chapter when diagnosed in a first responder, as that term is defined under section 67.145.**

(b) Benefits payable to a first responder under this section shall not require a physical injury to the first responder, and are not subject to any preexisting PTSD.

(c) Benefits payable to a first responder under this section are compensable only if demonstrated by clear and convincing evidence that PTSD has resulted from the course and scope of employment, and the first responder is examined and diagnosed with PTSD by an authorized treating physician, due to the first responder experiencing one of the following qualifying events:

- a. Seeing for oneself a deceased minor;
- b. Witnessing directly the death of a minor;
- c. Witnessing directly the injury to a minor who subsequently died prior to or upon arrival at a hospital emergency department, participating in the physical treatment of, or manually transporting, an injured minor who subsequently died prior to or upon arrival at a hospital emergency department;
- d. Seeing for oneself a person who has suffered serious physical injury of a nature that shocks the conscience;
- e. Witnessing directly a death, including suicide, due to serious physical injury; or homicide, including murder, mass killings, manslaughter, self-defense, misadventure, and negligence;
- f. Witnessing directly an injury that results in death, if the person suffered serious physical injury that shocks the conscience;
- g. Participating in the physical treatment of an injury, including attempted suicide, or manually transporting an injured person who suffered serious physical injury, if the injured person subsequently died prior to or upon arrival at a hospital emergency department; or
- h. Involvement in an event that caused or may have caused serious injury or harm to the first responder or had the potential to cause the death of the first responder, whether accidental or by an intentional act of another individual.

(2) The time for notice of injury or death in cases of compensable PTSD under this section is measured from exposure to one of the qualifying stressors listed in the DSM-5 criteria, or the diagnosis of the disorder, whichever is later. Any claim for compensation for such injury shall be properly noticed within fifty-two weeks after the qualifying exposure, or the diagnosis of the disorder, whichever is later.

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

- (1) "Association", volunteer fire protection associations as defined in section 320.300;
- (2) "State fire marshal", the state fire marshal selected under the provisions of sections 320.200 to 320.270;
- (3) "Volunteer firefighter", the same meaning as in section 287.243;
- (4) "Voluntary [firefighter career] **critical illness** benefits pool" or "pool", the same meaning as in section 320.400.

2. (1) Any association may apply to the state fire marshal for a grant for the purpose of funding such association's costs related to workers' compensation insurance premiums for volunteer firefighters.

(2) Any voluntary ~~[firefighter cancer]~~ **critical illness** benefits pool may apply to the state fire marshal for a grant for the ~~[purpose of establishing a]~~ voluntary ~~[firefighter cancer]~~ **critical illness** benefits pool. ~~[This subdivision shall expire June 30, 2023.]~~

3. Subject to appropriations, the state fire marshal may disburse grants to any applying volunteer fire protection association subject to the following schedule:

(1) Associations which had zero to five volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for two thousand dollars in grant money;

(2) Associations which had six to ten volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand five hundred dollars in grant money;

(3) Associations which had eleven to fifteen volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand dollars in grant money;

(4) Associations which had sixteen to twenty volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for five hundred dollars in grant money.

4. Grant money disbursed under this section shall only be used for the purpose of paying for the workers' compensation insurance premiums of volunteer firefighters or ~~[establishing]~~ **for the benefit of a voluntary ~~[firefighter cancer]~~ critical illness** benefits pool.

307.018. Notwithstanding any other provision of law, no court shall issue a warrant of arrest for a person's failure to respond, pay the fine assessed, or appear in court with respect to a traffic citation issued for an infraction under the provisions of this chapter. In lieu of such warrant of arrest, the court shall issue a notice of failure to respond, pay the fine assessed, or appear, and the court shall schedule a second court date for the person to respond, pay the fine assessed, or appear. A copy of the court's notice with the new court date shall be sent to the driver of the vehicle. If the driver fails to respond, pay the fine assessed, or appear on the second court date, the court shall issue a second notice of failure to respond, pay the fine assessed, or appear. A copy of the court's second notice shall be sent to the driver of the vehicle and to the director of the department of revenue. Upon application by the driver for a driver's license or driver's license renewal, the department shall deny the application until all delinquent fines and fees in connection with the traffic offense have been satisfied. Upon satisfaction of the delinquent fines and fees, the department shall issue a driver's license to the driver provided such person is otherwise eligible for such license or renewal.

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

(1) "Covered individual", a ~~[firefighter]~~ **first responder** who:

(a) Is a paid employee or is a volunteer ~~[firefighter as defined in section 320.333];~~

(b) Has been assigned to at least five years of hazardous duty as a ~~[firefighter]~~ **paid employee or volunteer;**

(c) Was exposed to ~~[an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Health Care Policy and Research, the American Society for Clinical Oncology, the National Institute for Occupational Safety and Health, or the United States National Cancer Institute]~~ **or diagnosed with a critical illness type;**

(d) Was last assigned to hazardous duty ~~[as a firefighter]~~ within the previous fifteen years; and

(e) **In the case of a diagnosis of cancer,** is not seventy years of age or older at the time of the diagnosis of cancer;

(2) "Critical illness", one of the following:

(a) **In the case of a cancer claim, exposure to an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer-causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Healthcare Research and Quality, the American Society of Clinical Oncology, the National Institute for Occupational Safety and Health, or the United States National Cancer Institute;**

(b) **In the case of a posttraumatic stress injury claim, such an injury that is diagnosed by a psychiatrist licensed pursuant to chapter 334 or a psychologist licensed pursuant to chapter 337 and established by a preponderance of the evidence to have been caused by the employment conditions of the first responder;**

(3) "Dependent", the same meaning as in section 287.240;

~~(3)~~ (4) "Emergency medical technician-basic", the same meaning as in section 190.100;

(5) "Emergency medical technician-paramedic", the same meaning as in section 190.100;

(6) "Employer", any political subdivision of the state;

~~(4)~~ (7) "First responder", a firefighter, emergency medical technician-basic or emergency medical technician-paramedic, or telecommunicator;

(8) "Posttraumatic stress injury", any psychological or behavioral health injury suffered by and through the employment of an individual due to exposure to stressful and life-threatening situations and rigors of the employment, excluding any posttraumatic stress injuries that may arise solely as a result of a legitimate personnel action by an employer such as a transfer, promotion, demotion, or termination;

(9) "Telecommunicator", the same meaning as in section 650.320;

(10) "Voluntary ~~firefighter-cancer~~ critical illness benefits pool" or "pool", an entity described in section 537.620 that is established for the purposes of this section;

(11) "Volunteer", a volunteer firefighter, as defined in section 320.333; volunteer emergency medical technician-basic; volunteer emergency medical technician-paramedic; or volunteer telecommunicator.

2. (1) Three or more employers may create a ~~voluntary firefighter-cancer benefits~~ pool for the purpose of this section. **Notwithstanding the provisions of sections 537.620 to 537.650 to the contrary, a pool created pursuant to this section may allow covered individuals to join the pool.** An employer or covered individual may make contributions into the ~~voluntary firefighter-cancer benefits~~ pool established for the purpose of this section. **Any professional organization formed for the purpose, in whole or in part, of representing or providing resources for any covered individual may make contributions to the pool on behalf of any covered individual without the professional organization itself joining the pool.** The contribution levels and award levels shall be set by the board of trustees of the pool.

(2) For a covered individual or an employer that chooses to make contributions into the ~~voluntary firefighter-cancer benefits~~ pool, the pool shall provide the minimum benefits specified by the board of trustees of the pool to covered individuals, based on the award level of the ~~cancer~~ critical illness at the time of diagnosis, after the employer or covered individual becomes a participant.

(3) Benefit levels for cancer shall be established by the board of trustees of the pool based on the category and stage of the cancer. **Benefit levels for a posttraumatic stress injury shall be established by the board of trustees of the pool. Awards of benefits may be made to the same individual for both cancer and posttraumatic stress injury provided the qualifications for both awards are met.**

(4) In addition to ~~an~~ a cancer award pursuant to subdivision (3) of this subsection:

(a) A payment may be made from the pool to a covered individual for the actual award, up to twenty-five thousand dollars, for rehabilitative or vocational training employment services and educational training relating to the cancer diagnosis;

(b) A payment may be made to covered individual of up to ten thousand dollars if the covered individual incurs cosmetic disfigurement costs resulting from cancer.

(5) If the cancer is diagnosed as terminal cancer, the covered individual may receive a lump-sum payment of twenty-five thousand dollars as an accelerated payment toward the benefits due based on the benefit levels established pursuant to subdivision (3) of this subsection.

(6) The covered individual may receive additional awards if the cancer increases in award level, but the amount of any benefit paid earlier for the same cancer may be subtracted from the new award.

(7) If a covered individual dies while owed benefits pursuant to this section, the benefits shall be paid to the dependent or domestic partner, if any, at the time of death. If there is no dependent or domestic partner, the obligation of the pool to pay benefits shall cease.

(8) If a covered individual returns to the same position of employment after a cancer diagnosis, the covered individual may receive benefits in this section for any subsequent new type of covered cancer diagnosis.

(9) The cancer benefits payable pursuant to this section shall be reduced by twenty-five percent if a covered individual used a tobacco product within the five years immediately preceding the cancer diagnosis.

(10) A cancer claim for benefits from the pool shall be filed no later than two years after the diagnosis of the cancer. The claim for each type of cancer needs to be filed only once to allow the pool to increase the award level pursuant to subdivision (3) of this subsection.

(11) A payment may be made from the pool to a covered individual for the actual award, up to ten thousand dollars, for seeking treatment with a psychiatrist licensed pursuant to chapter 334 or a psychologist licensed pursuant to chapter 337 and any subsequent courses of treatment recommended by such licensed individuals. If a covered individual returns to the same position of employment after a posttraumatic stress injury diagnosis, the covered individual may receive benefits in this section for the continued treatment of such injury or any subsequently covered posttraumatic stress injury diagnosis.

(12) For purposes of all other employment policies and benefits that are not workers' compensation benefits payable under chapter 287, health insurance, and any benefits paid pursuant to chapter 208, a covered individual's ~~earner~~ **critical illness** diagnosis shall be treated as an on-the-job injury or illness.

3. The board of trustees of ~~the pool~~ **a pool created pursuant to this section** may:

(1) Create a program description to further define or modify the benefits of this section;

(2) Modify the contribution rates, benefit levels, including the maximum amount, consistent with subdivision (1) of this subsection, and structure of the benefits based on actuarial recommendations and with input from a committee of the pool; and

(3) Set a maximum amount of benefits that may be paid to a covered individual for each ~~earner~~ **critical illness** diagnosis.

4. The board of trustees of the pool shall be considered a public governmental body and shall be subject to all of the provisions of chapter 610.

5. A pool may accept or apply for any grants or donations from any private or public source.

6. (1) Any pool may apply to the state fire marshal for a grant for the ~~purpose of establishing a voluntary firefighter cancer benefits~~ pool. The state fire marshal shall disburse grants to the pool upon receipt of the application.

(2) The state fire marshal may grant money disbursed under section 287.245 to be used for the purpose of setting up a pool.

~~(3) This subsection shall expire on June 30, 2023.~~

7. (1) This ~~subsection~~ **section** shall not affect any determination as to whether a covered individual's ~~earner~~ **critical illness** arose out of and in the course of employment and is a compensable injury pursuant to chapter 287. Receipt of benefits from ~~the~~ **a pool** under this section shall not be considered competent evidence or proof by itself of a compensable injury under chapter 287.

(2) Should it be determined that a covered individual's ~~earner~~ **critical illness** arose out of and in the course of employment and is a compensable injury under chapter 287, the compensation and death benefit provided under chapter 287 shall be reduced one hundred percent by any benefits received from the pool under this section.

(3) The employer in any claim made pursuant to chapter 287 shall be subrogated to the right of the employee or to the dependent or domestic partner to receive benefits from ~~the~~ **a pool** and such employer may recover any amounts which such employee or the dependent or domestic partner would have been entitled to recover from ~~the~~ **a pool** under this section. Any receipt of benefits from the pool under this section shall be treated as an advance payment by the employer, on account of any future installments of benefits payable pursuant to chapter 287.

476.1300. 1. Sections 476.1300 to 476.1310 shall be known and may be cited as the "Judicial Privacy Act".

2. As used in sections 476.1300 to 476.1310, the following terms mean:

(1) "Government agency", all agencies, authorities, boards, commissions, departments, institutions, offices, and any other bodies politic and corporate of the state created by the constitution or statute, whether in the executive, judicial, or legislative branch; all units and corporate outgrowths created by executive order of the governor or any constitutional officer, by the supreme court, or by resolution of the general assembly; agencies, authorities, boards, commissions, departments, institutions, offices, and any other bodies politic and corporate of a political subdivision, including school districts; and any public governmental body as that term is defined in section 610.010;

(2) "Home address", a judicial officer's permanent residence and any secondary residences affirmatively identified by the judicial officer, but does not include a judicial officer's work address;

(3) "Immediate family", a judicial officer's spouse, child, adoptive child, foster child, parent, or any unmarried companion of the judicial officer or other familial relative of the judicial officer or the judicial officer's spouse who lives in the same residence;

- (4) "Judicial officer", actively employed, formerly employed, or retired:
 - (a) Justices of the Supreme Court of the United States;
 - (b) Judges of the United States Court of Appeals;
 - (c) Judges and magistrate judges of the United States District Courts;
 - (d) Judges of the United States Bankruptcy Court;
 - (e) Judges of the Missouri supreme court;
 - (f) Judges of the Missouri court of appeals;
 - (g) Judges and commissioners of the Missouri circuit courts, including of the divisions of a circuit court; and
 - (h) Prosecuting or circuit attorney, or assistant prosecuting or circuit attorney;
- (5) "Personal information", a home address, home telephone number, mobile telephone number, pager number, personal email address, Social Security number, federal tax identification number, checking and savings account numbers, credit card numbers, marital status, and identity of children under eighteen years of age;
- (6) "Publicly available content", any written, printed, or electronic document or record that provides information or that serves as a document or record maintained, controlled, or in the possession of a government agency that may be obtained by any person or entity, from the internet, from the government agency upon request either free of charge or for a fee, or in response to a request pursuant to chapter 610 or the federal Freedom of Information Act, 5 U.S.C. Section 552, as amended;
- (7) "Publicly post or display", to communicate to another or to otherwise make available to the general public;
- (8) "Written request", written or electronic notice signed by:
 - (a) A state judicial officer and submitted to the clerk of the Missouri supreme court or the clerk's designee; or
 - (b) A federal judicial officer and submitted to that judicial officer's clerk of the court or the clerk's designee;

that is transmitted by the applicable clerk to a government agency, person, business, or association to request such government agency, person, business, or association refrain from posting or displaying publicly available content that includes the judicial officer's personal information.

476.1302. 1. A government agency shall not publicly post or display publicly available content that includes a judicial officer's personal information, provided that the government agency has received a written request that the agency refrain from disclosing the judicial officer's personal information. After a government agency has received a written request, the government agency shall remove the judicial officer's personal information from publicly available content within five business days. After the government agency has removed the judicial officer's personal information from publicly available content, the government agency shall not publicly post or display the judicial officer's personal information and the judicial officer's personal information shall be exempted from the provisions of chapter 610, unless the government agency has received written consent from the judicial officer to make the personal information available to the public.

2. If a government agency fails to comply with a written request to refrain from disclosing personal information, the judicial officer may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction. If the court grants injunctive or declaratory relief, the court may award costs and reasonable attorney's fees to the judicial officer.

3. The provisions of subsection 1 of this section shall not apply to any government agency created under section 43.020.

476.1304. 1. No person, business, or association shall publicly post or display on the internet publicly available content that includes a judicial officer's personal information, provided that the judicial officer has made a written request to the person, business, or association that it refrain from disclosing the personal information.

2. No person, business, or association shall solicit, sell, or trade on the internet a judicial officer's personal information for purposes of tampering with a judicial officer in violation of section 575.095 or with the intent to pose an imminent and serious threat to the health and safety of the judicial officer or the judicial officer's immediate family.

3. As prohibited in this section, persons, businesses, or associations posting, displaying, soliciting, selling, or trading a judicial officer's personal information on the internet includes, but is not limited to, internet phone directories, internet search engines, internet data aggregators, and internet service providers.

476.1306. 1. After a person, business, or association has received a written request from a judicial officer to protect the privacy of the officer's personal information, that person, business, or association shall have five business days to remove the personal information from the internet.

2. After a person, business, or association has received a written request from a judicial officer, that person, business, or association shall ensure that the judicial officer's personal information is not made available on any website or subsidiary website controlled by that person, business, or association.

3. After receiving a judicial officer's written request, no person, business, or association shall make public the judicial officer's personal information to any other person, business, or association through any medium.

476.1308. A judicial officer whose personal information is made public as a result of a violation of sections 476.1304 to 476.1306 may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction. If the court grants injunctive or declaratory relief, the person, business, or association responsible for the violation shall be required to pay the judicial officer's costs and reasonable attorney's fees.

476.1310. 1. No government agency, person, business, or association shall be found to have violated any provision of sections 476.1300 to 476.1310 if the judicial officer fails to submit a written request calling for the protection of the judicial officer's personal information.

2. A written request shall be valid if:

(1) The judicial officer sends a written request directly to a government agency, person, business, or association; or

(2) The judicial officer complies with a Missouri supreme court rule for a state judicial officer to file the written request with the clerk of the Missouri supreme court or the clerk's designee to notify government agencies and such notice is properly delivered by mail or electronic format.

3. In each quarter of a calendar year, the clerk of the Missouri supreme court or the clerk's designee shall provide a list of all state judicial officers who have submitted a written request under this section to the appropriate officer with ultimate supervisory authority for a government agency. The officer shall promptly provide a copy of the list to all government agencies under his or her supervision. Receipt of the written request list compiled by the clerk of the Missouri supreme court or the clerk's designee by a government agency shall constitute a written request to that government agency for the purposes of sections 476.1300 to 476.1310.

4. The chief clerk or circuit clerk of the court where the judicial officer serves may submit a written request on the judicial officer's behalf, provided that the judicial officer gives written consent to the clerk and provided that the clerk agrees to furnish a copy of that consent when a written request is made. The chief clerk or circuit clerk shall submit the written request as provided by subsection 2 of this section.

5. A judicial officer's written request shall specify what personal information shall be maintained as private. If a judicial officer wishes to identify a secondary residence as a home address, the designation shall be made in the written request. A judicial officer shall disclose the identity of his or her immediate family and indicate that the personal information of those members of the immediate family shall also be excluded to the extent that it could reasonably be expected to reveal the personal information of the judicial officer. A judicial officer shall make reasonable efforts to identify specific publicly available content in the possession of a government agency.

6. A judicial officer's written request is valid until the judicial officer provides the government agency, person, business, or association with written consent to release the personal information. A judicial officer's written request expires on such judicial officer's death.

7. The provisions of sections 476.1300 to 476.1310 shall not apply to any disclosure of personal information of a judicial officer or a member of a judicial officer's immediate family as required by Article VIII, Section 23 of the Missouri Constitution, sections 105.470 to 105.482, section 105.498, and chapter 130.

476.1313. 1. Notwithstanding any other provision of law to the contrary, a recorder of deeds shall meet the requirements of the provisions of sections 476.1300 to 476.1310 by complying with this section. As used in this section, the following terms mean:

(1) "Eligible documents", documents or instruments that are maintained by and located in the office of the recorder of deeds that are accessed electronically;

(2) "Immediate family", shall have the same meaning as in section 476.1300;

(3) "Indexes", indexes maintained by and located in the office of the recorder of deeds that are accessed electronically;

(4) "Judicial officer", shall have the same meaning as in section 476.1300;

(5) "Recorder of deeds", shall have the same meaning as in section 59.005;

(6) "Shield", "shielded", or "shielding", a prohibition against the general public's electronic access to eligible documents and the unique identifier and recording date contained in indexes for eligible documents;

(7) "Written request", written or electronic notice signed by:

(a) A state judicial officer and submitted to the clerk of the Missouri supreme court or the clerk's designee; or

(b) A federal judicial officer and submitted to that judicial officer's clerk of the court or the clerk's designee;

that is transmitted electronically by the applicable clerk to a recorder of deeds to request that eligible documents be shielded.

2. Written requests transmitted to a recorder of deeds shall only include information specific to eligible documents maintained by that county. Any written request transmitted to a recorder of deeds shall include the requesting judicial officer's full legal name or legal alias and a document locator number for each eligible document for which the judicial officer is requesting shielding. If the judicial officer is not a party to the instrument but is requesting shielding for an eligible document in which an immediate family member is a party to the instrument, the full legal name or legal alias of the immediate family member shall also be provided.

3. Not more than five business days after the date on which the recorder of deeds receives the written request, the recorder of deeds shall shield the eligible documents listed in the written request. Within five business days of receipt, the recorder of deeds shall electronically reply to the written request with a list of any document locator numbers submitted under subsection 2 of this section not found in the records maintained by that recorder of deeds.

4. If the full legal name or legal alias of the judicial officer or immediate family member provided does not appear on an eligible document listed in the written request, the recorder of deeds may electronically reply to the written request with this information. The recorder of deeds may delay shielding such eligible document until electronic confirmation is received from the applicable court clerk or judicial officer.

5. In order to shield subsequent eligible documents, the judicial officer shall present to the recorder of deeds at the time of recording a copy of his or her written request. The recorder of deeds shall ensure that the eligible document is shielded within five business days.

6. Eligible documents shall remain shielded until the recorder of deeds receives a court order or notarized affidavit signed by the judicial officer directing the recorder of deeds to terminate shielding.

7. The provisions of this section shall not prohibit access to a shielded eligible document by an individual or entity that provides to the recorder of deeds a court order or notarized affidavit signed by the judicial officer.

8. No recorder of deeds shall be liable for any damages under this section, provided the recorder of deeds made a good faith effort to comply with the provisions of this section. No recorder of deeds shall be liable for the release of any eligible document or any data from any eligible document that was released or accessed prior to the eligible document being shielded pursuant to this section.

509.520. 1. Notwithstanding any provision of law to the contrary, beginning August 28, [2009] 2023, pleadings, attachments, [or] exhibits filed with the court in any case, as well as any judgments or orders issued by the court, or other records of the court shall not include the following confidential and personal identifying information:

(1) The full Social Security number of any party or any child [~~who is the subject to an order of custody or support~~];

(2) The full credit card number [~~or other~~], financial institution account number, personal identification number, or password used to secure an account of any party;

- (3) **The full motor vehicle operator license number;**
- (4) **Victim information, including the name, address, and other contact information of the victim;**
- (5) **Witness information, including the name, address, and other contact information of the witness;**
- (6) **Any other full state identification number;**
- (7) **The name, address, and date of birth of a minor and, if applicable, any next friend; or**
- (8) **The full date of birth of any party; however, the year of birth shall be made available, except for a minor.**

2. **The information provided under subsection 1 of this section shall be provided in a confidential information filing sheet contemporaneously filed with the court or entered by the court, which shall not be subject to public inspection or availability.**

3. **Nothing in this section shall preclude an entity including, but not limited to, a financial institution, insurer, insurance support organization, or consumer reporting agency that is otherwise permitted by law to access state court records from using a person's unique identifying information to match such information contained in a court record to validate that person's record.**

4. **The Missouri supreme court shall promulgate rules to administer this section.**

5. Contemporaneously with the filing of every petition for dissolution of marriage, legal separation, motion for modification, action to establish paternity, and petition or motion for support or custody of a minor child, the filing party shall file a confidential case filing sheet with the court which shall not be subject to public inspection and which provides:

- (1) The name and address of the current employer and the Social Security number of the petitioner or movant, if a person;
- (2) If known to the petitioner or movant, the name and address of the current employer and the Social Security number of the respondent; and
- (3) The names, dates of birth, and Social Security numbers of any children subject to the action.

~~[3-]~~ 6. Contemporaneously with the filing of every responsive pleading petition for dissolution of marriage, legal separation, motion for modification, action to establish paternity, and petition or motion for support or custody of a minor child, the responding party shall file a confidential case filing sheet with the court which shall not be subject to public inspection and which provides:

- (1) The name and address of the current employer and the Social Security number of the responding party, if a person;
- (2) If known to the responding party, the name and address of the current employer and the Social Security number of the petitioner or movant; and
- (3) The names, dates of birth, and Social Security numbers of any children subject to the action.

~~[4-]~~ 7. The full Social Security number of any party or child subject to an order of custody or support shall be retained by the court on the confidential case filing sheet or other confidential record maintained in conjunction with the administration of the case. The full credit card number or other financial account number of any party may be retained by the court on a confidential record if it is necessary to maintain the number in conjunction with the administration of the case.

~~[5-]~~ 8. Any document described in subsection 1 of this section shall, in lieu of the full number, include only the last four digits of any such number.

~~[6-]~~ 9. Except as provided in section 452.430, the clerk shall not be required to redact any document described in subsection 1 of this section issued or filed before August 28, 2009, prior to releasing the document to the public.

~~[7-]~~ 10. For good cause shown, the court may release information contained on the confidential case filing sheet; except that, any state agency acting under authority of chapter 454 shall have access to information contained herein without court order in carrying out their official duty."; and

Further amend said bill, Page 20, Section 547.500, Line 24, by inserting after the word "**discovered**" the words "**and reliable**"; and

Further amend said bill, page, and section, Line 25, by deleting the word "**verifiable**" and inserting in lieu thereof the word "**reliable**"; and

Further amend said bill, Pages 22-32, Section 552.020, Lines 1-330, by deleting said lines and inserting in lieu thereof the following:

"552.020. 1. No person who as a result of mental disease or defect lacks capacity to understand the proceedings against him or her or to assist in his or her own defense shall be tried, convicted or sentenced for the commission of an offense so long as the incapacity endures.

2. Whenever any judge has reasonable cause to believe that the accused lacks mental fitness to proceed, the judge shall, upon his or her own motion or upon motion filed by the state or by or on behalf of the accused, by order of record, appoint one or more private psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, who are neither employees nor contractors of the department of mental health for purposes of performing the examination in question, to examine the accused; or shall direct the director to have the accused so examined by one or more psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability, developmental disability, or mental illness. The order shall direct that a written report or reports of such examination be filed with the clerk of the court. No private physician, psychiatrist, or psychologist shall be appointed by the court unless he or she has consented to act. The examinations ordered shall be made at such time and place and under such conditions as the court deems proper; except that, if the order directs the director of the department to have the accused examined, the director, or his or her designee, shall determine the time, place and conditions under which the examination shall be conducted. The order may include provisions for the interview of witnesses and may require the provision of police reports to the department for use in evaluations. The department shall establish standards and provide training for those individuals performing examinations pursuant to this section and section 552.030. No individual who is employed by or contracts with the department shall be designated to perform an examination pursuant to this chapter unless the individual meets the qualifications so established by the department. Any examination performed pursuant to this subsection shall be completed and filed with the court within sixty days of the order unless the court for good cause orders otherwise. Nothing in this section or section 552.030 shall be construed to permit psychologists to engage in any activity not authorized by chapter 337. One pretrial evaluation shall be provided at no charge to the defendant by the department. All costs of subsequent evaluations shall be assessed to the party requesting the evaluation.

3. A report of the examination made under this section shall include:

- (1) Detailed findings;
- (2) An opinion as to whether the accused has a mental disease or defect;
- (3) An opinion based upon a reasonable degree of medical or psychological certainty as to whether the accused, as a result of a mental disease or defect, lacks capacity to understand the proceedings against him or her or to assist in his or her own defense;

(4) **An opinion, if the accused is found to lack capacity to understand the proceedings against him or her or to assist in his or her own defense, as to whether there is a substantial probability that the accused will be mentally fit to proceed in the reasonably foreseeable future;**

(5) A recommendation as to whether the accused should be held in custody in a suitable hospital facility for treatment pending determination, by the court, of mental fitness to proceed; ~~and~~

~~(5)]~~ (6) A recommendation as to whether the accused, if found by the court to be mentally fit to proceed, should be detained in such hospital facility pending further proceedings;

(7) **A recommendation as to whether the accused, if found by the court to lack the mental fitness to proceed, should be committed to a suitable hospital facility for treatment to restore the mental fitness to proceed or if such treatments to restore the mental fitness to proceed may be provided in a county jail or other detention facility approved by the director or his or her designee; and**

(8) **A recommendation as to whether the accused, if found by the court to lack the mental fitness to proceed, and the accused is not charged with a dangerous felony as defined in section 556.061, or murder in the first degree pursuant to section 565.020, or rape in the second degree pursuant to section 566.031, or the attempts thereof:**

- (a) **Should be committed to a suitable hospital facility; or**
- (b) **May be appropriately treated in the community; and**

(c) Whether the accused can comply with bond conditions as set forth by the court and can comply with treatment conditions and requirements as set forth by the director of the department or his or her designee.

4. When the court determines that the accused can comply with the bond and treatment conditions as referenced in paragraph (c) of subdivision (8) of subsection 3 of this section, the court shall order that the accused remain on bond while receiving treatment until the case is disposed of as set out in subsection 12 of this section. If, at any time, the court finds that the accused has failed to comply with the bond or treatment conditions, then the court may order that the accused be taken into law enforcement custody until such time as a department inpatient bed is available to provide treatment as set forth in this section.

~~[4-]~~ **5.** If the accused has pleaded lack of responsibility due to mental disease or defect or has given the written notice provided in subsection 2 of section 552.030, the court shall order the report of the examination conducted pursuant to this section to include, in addition to the information required in subsection 3 of this section, an opinion as to whether at the time of the alleged criminal conduct the accused, as a result of mental disease or defect, did not know or appreciate the nature, quality, or wrongfulness of his or her conduct or as a result of mental disease or defect was incapable of conforming his or her conduct to the requirements of law. A plea of not guilty by reason of mental disease or defect shall not be accepted by the court in the absence of any such pretrial evaluation which supports such a defense. In addition, if the accused has pleaded not guilty by reason of mental disease or defect, and the alleged crime is not a dangerous felony as defined in section 556.061, or those crimes set forth in subsection 10 of section 552.040, or the attempts thereof, the court shall order the report of the examination to include an opinion as to whether or not the accused should be immediately conditionally released by the court pursuant to the provisions of section 552.040 or should be committed to a mental health or developmental disability facility. If such an evaluation is conducted at the direction of the director of the department of mental health, the court shall also order the report of the examination to include an opinion as to the conditions of release which are consistent with the needs of the accused and the interest of public safety, including, but not limited to, the following factors:

- (1) Location and degree of necessary supervision of housing;
- (2) Location of and responsibilities for appropriate psychiatric, rehabilitation and aftercare services, including the frequency of such services;
- (3) Medication follow-up, including necessary testing to monitor medication compliance;
- (4) At least monthly contact with the department's forensic case monitor;
- (5) Any other conditions or supervision as may be warranted by the circumstances of the case.

~~[5-]~~ **6.** If the report contains the recommendation that the accused should be committed to or held in a suitable hospital facility pending determination of the issue of mental fitness to proceed, and if the accused is not admitted to bail or released on other conditions, the court may order that the accused be committed to or held in a suitable hospital facility pending determination of the issue of mental fitness to proceed.

~~[6-]~~ **7.** The clerk of the court shall deliver copies of the report to the prosecuting or circuit attorney and to the accused or his or her counsel. The report shall not be a public record or open to the public. Within ten days after the filing of the report, both the defendant and the state shall, upon written request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, of their own choosing and at their own expense. An examination performed pursuant to this subsection shall be completed and a report filed with the court within sixty days of the date it is received by the department or private psychiatrist, psychologist or physician unless the court, for good cause, orders otherwise. A copy shall be furnished the opposing party.

~~[7-]~~ **8.** If neither the state nor the accused nor his or her counsel requests a second examination relative to fitness to proceed or contests the findings of the report referred to in subsections 2 and 3 of this section, the court ~~may~~ **shall** make a determination and finding on the basis of the report filed or ~~may~~ hold a hearing on its own motion. If any such opinion is contested, the court shall hold a hearing on the issue. The court shall determine the issue of mental fitness to proceed and may impanel a jury of six persons to assist in making the determination. The report or reports may be received in evidence at any hearing on the issue but the party contesting any opinion therein shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue.

~~[8-]~~ 9. At a hearing on the issue pursuant to subsection ~~[7]~~ 8 of this section, the accused is presumed to have the mental fitness to proceed. The burden of proving that the accused does not have the mental fitness to proceed is by a preponderance of the evidence and the burden of going forward with the evidence is on the party raising the issue. The burden of going forward shall be on the state if the court raises the issue.

~~[9-]~~ 10. If the court determines that the accused lacks mental fitness to proceed, the criminal proceedings shall be suspended and the court shall commit him or her to the director of the department of mental health. **The director of the department, or his or her designee, shall notify the court and parties of the conditions and the secure location of treatment unless an unsecured location has otherwise been authorized by the court.** After the person has been committed, legal counsel for the department of mental health shall have standing to file motions and participate in hearings on the issue of involuntary medications.

~~[10-]~~ 11. Any person committed pursuant to subsection ~~[9]~~ 10 of this section shall be entitled to the writ of habeas corpus upon proper petition to the court that committed him or her. The issue of the mental fitness to proceed after commitment under subsection ~~[9]~~ 10 of this section may also be raised by a motion filed by the director of the department of mental health or by the state, alleging the mental fitness of the accused to proceed. A report relating to the issue of the accused's mental fitness to proceed may be attached thereto. When a motion to proceed is filed, legal counsel for the department of mental health shall have standing to participate in hearings on such motions. If the motion is not contested by the accused or his or her counsel or if after a hearing on a motion the court finds the accused mentally fit to proceed, or if he or she is ordered discharged from the director's custody upon a habeas corpus hearing, the criminal proceedings shall be resumed.

~~[11-]~~ 12. The following provisions shall apply after a commitment as provided in this section:

(1) Six months after such commitment, the court which ordered the accused committed shall order an examination by the head of the facility in which the accused is committed, or a qualified designee, to ascertain whether the accused is mentally fit to proceed and if not, whether there is a substantial probability that the accused will attain the mental fitness to proceed to trial in the foreseeable future. The order shall direct that written report or reports of the examination be filed with the clerk of the court within thirty days and the clerk shall deliver copies to the prosecuting attorney or circuit attorney and to the accused or his or her counsel. The report required by this subsection shall conform to the requirements under subsection 3 of this section ~~[with the additional requirement that~~ ~~it]~~ **and shall** include an opinion, if the accused lacks mental fitness to proceed, as to whether there is a substantial probability that the accused will attain the mental fitness to proceed in the foreseeable future;

(2) Within ten days after the filing of the report, both the accused and the state shall, upon written request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, of their own choosing and at their own expense. An examination performed pursuant to this subdivision shall be completed and filed with the court within thirty days unless the court, for good cause, orders otherwise. A copy shall be furnished to the opposing party;

(3) If neither the state nor the accused nor his or her counsel requests a second examination relative to fitness to proceed or contests the findings of the report referred to in subdivision (1) of this subsection, the court may make a determination and finding on the basis of the report filed, or may hold a hearing on its own motion. If any such opinion is contested, the court shall hold a hearing on the issue. The report or reports may be received in evidence at any hearing on the issue but the party contesting any opinion therein relative to fitness to proceed shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue;

(4) If the accused is found mentally fit to proceed, the criminal proceedings shall be resumed;

(5) If it is found that the accused lacks mental fitness to proceed but there is a substantial probability the accused will be mentally fit to proceed in the reasonably foreseeable future, the court shall continue such commitment for a period not longer than six months, after which the court shall reinstitute the proceedings required under subdivision (1) of this subsection;

(6) If it is found that the accused lacks mental fitness to proceed and there is no substantial probability that the accused will be mentally fit to proceed in the reasonably foreseeable future, the court shall dismiss the charges without prejudice and the accused shall be discharged, but only if proper proceedings have been filed under chapter 632 or chapter 475, in which case those sections and no others will be applicable. The probate division of the circuit court shall have concurrent jurisdiction over the accused upon the filing of a proper pleading to determine if the

accused shall be involuntarily detained under chapter 632, or to determine if the accused shall be declared incapacitated under chapter 475, and approved for admission by the guardian under section 632.120 or 633.120, to a mental health or developmental disability facility. When such proceedings are filed, the criminal charges shall be dismissed without prejudice if the court finds that the accused is mentally ill and should be committed or that he or she is incapacitated and should have a guardian appointed. The period of limitation on prosecuting any criminal offense shall be tolled during the period that the accused lacks mental fitness to proceed.

~~[12.]~~ **13.** If the question of the accused's mental fitness to proceed was raised after a jury was impaneled to try the issues raised by a plea of not guilty and the court determines that the accused lacks the mental fitness to proceed or orders the accused committed for an examination pursuant to this section, the court may declare a mistrial. Declaration of a mistrial under these circumstances, or dismissal of the charges pursuant to subsection ~~[4]~~ **12** of this section, does not constitute jeopardy, nor does it prohibit the trial, sentencing or execution of the accused for the same offense after he or she has been found restored to competency.

~~[13.]~~ **14.** The result of any examinations made pursuant to this section shall not be a public record or open to the public.

~~[14.]~~ **15.** No statement made by the accused in the course of any examination or treatment pursuant to this section and no information received by any examiner or other person in the course thereof, whether such examination or treatment was made with or without the consent of the accused or upon his or her motion or upon that of others, shall be admitted in evidence against the accused on the issue of guilt in any criminal proceeding then or thereafter pending in any court, state or federal. A finding by the court that the accused is mentally fit to proceed shall in no way prejudice the accused in a defense to the crime charged on the ground that at the time thereof he or she was afflicted with a mental disease or defect excluding responsibility, nor shall such finding by the court be introduced in evidence on that issue nor otherwise be brought to the notice of the jury.

556.021. 1. An infraction does not constitute a criminal offense and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

2. Except as otherwise provided by law, the procedure for infractions shall be the same as for a misdemeanor.

3. If a person fails to appear in court either solely for an infraction or for an infraction which is committed in the same course of conduct as a criminal offense for which the person is charged, or if a person fails to respond to notice of an infraction from the central violations bureau established in section 476.385, the court may issue a default judgment for court costs and fines for the infraction which shall be enforced in the same manner as other default judgments, including enforcement under sections 488.5028 and 488.5030, unless the court determines that good cause or excusable neglect exists for the person's failure to appear for the infraction. The notice of entry of default judgment and the amount of fines and costs imposed shall be sent to the person by first class mail. The default judgment may be set aside for good cause if the person files a motion to set aside the judgment within six months of the date the notice of entry of default judgment is mailed.

4. Notwithstanding subsection 3 of this section or any provisions of law to the contrary, a court may issue a warrant for failure to appear for any violation ~~[which]~~ **that is classified or charged** as an infraction; **except that, a court shall not issue a warrant for failure to appear for any violation that is classified or charged as an infraction under chapter 307.**

5. Judgment against the defendant for an infraction shall be in the amount of the fine authorized by law and the court costs for the offense."; and

Further amend said bill, Pages 39-41, Section 558.031, Lines 1-68, by deleting all of said lines and inserting in lieu thereof the following:

"558.031. 1. A sentence of imprisonment shall commence when a person convicted of an offense in this state is received into the custody of the department of corrections or other place of confinement where the offender is sentenced.

2. Such person shall receive credit toward the service of a sentence of imprisonment for all time in prison, jail or custody after ~~[conviction]~~ **the offense occurred** and before the commencement of the sentence, when the time in custody was related to that offense~~]; and the circuit court may, when pronouncing sentence, award credit for time spent in prison, jail, or custody after the offense occurred and before conviction toward the service of the sentence of imprisonment, except:~~

~~(1) Such credit shall only be applied once when sentences are consecutive;~~
~~(2) Such credit shall only be applied if the person convicted was in custody in the state of Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and~~
~~(3) As provided in section 559.100].~~ **This credit shall be based upon the certification of the sheriff as provided in subdivision (3) of subsection 2 of section 217.305 and may be supplemented by a certificate of a sheriff or other custodial officer from another jurisdiction having held the person on the charge of the offense for which the sentence of imprisonment is ordered.**

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

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

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

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

7. Subsection 2 of this section shall be applicable to offenses ~~[occurring]~~ **for which the offender was sentenced** on or after August 28, ~~[2021]~~ **2023**.

8. The total amount of credit given shall not exceed the number of days spent in prison, jail, or custody after the offense occurred and before the commencement of the sentence."; and

Further amend said bill, Pages 41-42, Section 565.003, Lines 1-17, by deleting said section and lines and inserting in lieu thereof the following:

"565.240. 1. A person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, telephone number, or any other personally identifiable information of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person.

2. The offense of unlawful posting of certain information over the internet is a class C misdemeanor, unless the person knowingly posts on the internet the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or of any immediate family member of such law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, intending to cause great bodily harm or death, or threatening to cause great bodily harm or death, in which case it is a class E felony, **and if such intention or threat results in bodily harm or death to such person or immediate family member, the offense of unlawful posting of certain information over the internet is a class D felony.";** and

Further amend said bill, Pages 46-48, Section 571.015, Lines 1-48, by deleting said lines and inserting in lieu there of the following:

"571.015. 1. Any person who commits any felony under the laws of this state by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also guilty of the offense of armed criminal action; **the offense of armed criminal action shall be an unclassified felony** and, upon conviction, shall be punished by imprisonment by the department of corrections for a term of not less than three years and not to exceed fifteen years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term of

not less than five years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of three calendar years.

2. Any person convicted of a second offense of armed criminal action under subsection 1 of this section shall be punished by imprisonment by the department of corrections for a term of not less than five years and not to exceed thirty years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years.

3. Any person convicted of a third or subsequent offense of armed criminal action under subsection 1 of this section shall be punished by imprisonment by the department of corrections for a term of not less than ten years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be no less than fifteen years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of ten calendar years."; and

Further amend said bill, Page 61, Section 579.088, Line 7, by inserting after said section and line the following:

"590.192. 1. There is hereby established the "Critical Incident Stress Management Program" within the department of public safety. The program shall provide services for peace officers **and firefighters** to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers **and firefighters** affected by a critical incident. For purposes of this section, a "critical incident" shall mean any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's physical integrity or the physical integrity of someone else.

2. All peace officers **and firefighters** shall be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider shall send a notification to the peace officer's commanding officer **or firefighter's fire protection district director** that he or she completed such check-in.

3. Any information disclosed by a peace officer **or firefighter** shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer **or firefighter** unless:

(1) A program representative reasonably believes the disclosure is necessary to prevent harm to a person who received services or to prevent harm to another person;

(2) The person who received the services provides written consent to the disclosure; or

(3) The person receiving services discloses information that is required to be reported under mandatory reporting laws.

4. (1) There is hereby created in the state treasury the "988 Public Safety Fund", which shall consist of moneys appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely by the department of public safety for the purposes of providing services for peace officers **and firefighters** to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event pursuant to subsection 1 of this section. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers **or firefighters** affected by a critical incident. The director of public safety may prescribe rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section

536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

(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.

590.653. 1. Each city, county and city not within a county may establish a civilian review board, **division of civilian oversight, or any other entity which provides civilian review or oversight of police agencies**, or may use an existing civilian review board **or division of civilian oversight or other named entity** which has been appointed by the local governing body, with the authority to investigate allegations of misconduct by local law enforcement officers towards members of the public. The members shall not receive compensation but shall receive reimbursement from the local governing body for all reasonable and necessary expenses.

2. The board, **division, or any other such entity**, shall have the power ~~[to receive, investigate, make]~~ **solely limited to receiving, investigating, making** findings and ~~[recommend]~~ **recommending** disciplinary action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, **division, or other entity** and the basis therefor, shall be submitted to the chief law enforcement official. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such findings or recommendations. **Only the powers specifically granted herein are authorized and any and all authority granted to future or existing boards, divisions, or entities outside the scope of the powers listed herein are expressly preempted and void as a matter of law.**"; and

Further amend said bill, Page 67, Section 595.209, Line 220, by inserting after said section and line the following:

"600.042. 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

(4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

(5) Develop programs and administer activities to achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

(7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate;

(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of the state public defender system and the responsibilities of division directors, district defenders, deputy district defenders, assistant public defenders and other personnel;

(9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the ~~[state general revenue]~~ **public defender - federal and other fund**;

(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;

(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system.

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

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

(3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

(1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.

6. There is hereby created within the state treasury the "Public Defender - Federal and Other Fund", which shall be funded annually by appropriation, and which shall contain moneys received from any other funds from government grants, private gifts, donations, bequests, or any other source to be used for the purpose of funding local offices of the office of the state public defender. The state treasurer shall be the custodian of the fund and shall approve disbursements from the fund upon the request of the director of the office of state public defender. Any interest or other earnings with respect to amounts transferred to the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund."; and

Further amend said bill, Page 79, Section 610.140, Line 369, by inserting after said section and line the following:

"650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime [~~solely as a result of DNA profiling analysis~~] may be paid restitution. The individual may receive an amount of one hundred **seventy-nine** dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term "actually innocent" shall mean:

- (1) The individual was convicted of a felony for which a final order of release was entered by the court;
- (2) All appeals of the order of release have been exhausted;
- (3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the parole board in connection with the crime for which the person has been exonerated. Regardless of whether any other basis may exist for the revocation of the person's probation or parole at the time of conviction for the crime for which the person is later determined to be actually innocent, when the court's or the parole board's sole stated reason for the revocation in its order is the conviction for the crime for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive evidence that ~~their~~ **the person's** probation or parole was revoked in connection with the crime for which the person has been exonerated; and
- (4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, **or after an evidentiary hearing and finding in a habeas corpus proceeding or a proceeding held pursuant to section 547.031 which** demonstrates a person's innocence of the crime for which the person is in custody.

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than ~~thirty-six~~ **sixty-five** thousand ~~five hundred~~ dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831 **and may also be awarded other nonmonetary relief, including counseling, housing assistance, and personal financial literary assistance.**

2. If a **person receives DNA testing** and the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, shall:

- (1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and
- (2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may ~~only~~ be filed **only** by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction. Upon **the court's** granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and ~~only~~ available **only** to the parties or by order

of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever, and no such inquiry shall be made for information relating to an expungement under this section.

650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

- (1) "Board", the Missouri 911 service board established in section 650.325;
- (2) "Public safety answering point", the location at which 911 calls are answered;
- (3) "Telecommunicator **first responder**", any person employed as an emergency ~~telephone worker~~ call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.

650.330. 1. The board shall consist of fifteen members, one of which shall be chosen from the department of public safety, and the other members shall be selected as follows:

- (1) One member chosen to represent an association domiciled in this state whose primary interest relates to municipalities;
- (2) One member chosen to represent the Missouri 911 Directors Association;
- (3) One member chosen to represent emergency medical services and physicians;
- (4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;
- (5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;
- (6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;
- (7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;
- (8) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;
- (9) One member chosen to represent counties of the second, third, and fourth classification;
- (10) One member chosen to represent counties of the first classification, counties with a charter form of government, and cities not within a county;
- (11) One member chosen to represent telecommunications service providers;
- (12) One member chosen to represent wireless telecommunications service providers;
- (13) One member chosen to represent voice over internet protocol service providers; and
- (14) One member chosen to represent the governor's council on disability established under section 37.735.

2. Each of the members of the board shall be appointed by the governor with the advice and consent of the senate for a term of four years. Members of the committee may serve multiple terms. No corporation or its affiliate shall have more than one officer, employee, assign, agent, or other representative serving as a member of the board. Notwithstanding subsection 1 of this section to the contrary, all members appointed as of August 28, 2017, shall continue to serve the remainder of their terms.

3. The board shall meet at least quarterly at a place and time specified by the chairperson of the board and it shall keep and maintain records of such meetings, as well as the other activities of the board. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the board.

4. The board shall:

- (1) Organize and adopt standards governing the board's formal and informal procedures;
- (2) Provide recommendations for primary answering points and secondary answering points on technical and operational standards for 911 services;
- (3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;
- (4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that the board shall not supersede decision-making authority of local political subdivisions in regard to 911 services;

- (5) Provide assistance to the governor and the general assembly regarding 911 services;
- (6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;
- (7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;
- (8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state, including monitoring federal and industry standards being developed for next-generation 911 systems;
- (9) Designate a state 911 coordinator who shall be responsible for overseeing statewide 911 operations and ensuring compliance with federal grants for 911 funding;
- (10) Elect the chair from its membership;
- (11) Apply for and receive grants from federal, private, and other sources;
- (12) Report to the governor and the general assembly at least every three years on the status of 911 services statewide, as well as specific efforts to improve efficiency, cost-effectiveness, and levels of service;
- (13) Conduct and review an annual survey of public safety answering points in Missouri to evaluate potential for improved services, coordination, and feasibility of consolidation;
- (14) Make and execute contracts or any other instruments and agreements necessary or convenient for the exercise of its powers and functions, including for the development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;
- (15) Develop a plan and timeline of target dates for the testing, implementation, and operation of a next-generation 911 system throughout Missouri. The next-generation 911 system shall allow for the processing of electronic messages including, but not limited to, electronic messages containing text, images, video, or data;
- (16) Administer and authorize grants and loans under section 650.335 to those counties and any home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants that can demonstrate a financial commitment to improving 911 services by providing at least a fifty percent match and demonstrate the ability to operate and maintain ongoing 911 services. The purpose of grants and loans from the 911 service trust fund shall include:
 - (a) Implementation of 911 services in counties of the state where services do not exist or to improve existing 911 systems;
 - (b) Promotion of consolidation where appropriate;
 - (c) Mapping and addressing all county locations;
 - (d) Ensuring primary access and texting abilities to 911 services for disabled residents;
 - (e) Implementation of initial emergency medical dispatch services, including prearrival medical instructions in counties where those services are not offered as of July 1, 2019; and
 - (f) Development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;
- (17) Develop an application process including reporting and accountability requirements, withholding a portion of the grant until completion of a project, and other measures to ensure funds are used in accordance with the law and purpose of the grant, and conduct audits as deemed necessary;
- (18) Set the percentage rate of the prepaid wireless emergency telephone service charges to be remitted to a county or city as provided under subdivision (5) of subsection 3 of section 190.460;
- (19) Retain in its records proposed county plans developed under subsection 11 of section 190.455 and notify the department of revenue that the county has filed a plan that is ready for implementation;
- (20) Notify any communications service provider, as defined in section 190.400, that has voluntarily submitted its contact information when any update is made to the centralized database established under section 190.475 as a result of a county or city establishing or modifying a tax or monthly fee no less than ninety days prior to the effective date of the establishment or modification of the tax or monthly fee;
- (21) Establish criteria for consolidation prioritization of public safety answering points;
- (22) In coordination with existing public safety answering points, by December 31, 2018, designate no more than eleven regional 911 coordination centers which shall coordinate statewide interoperability among public safety answering points within their region through the use of a statewide 911 emergency services network; ~~and~~

(23) Establish an annual budget, retain records of all revenue and expenditures made, retain minutes of all meetings and subcommittees, post records, minutes, and reports on the board's webpage on the department of public safety website; and

(24) Promote and educate the public about the critical role of telecommunicator first responders in protecting the public and ensuring public safety.

5. The department of public safety shall provide staff assistance to the board as necessary in order for the board to perform its duties pursuant to sections 650.320 to 650.340. The board shall have the authority to hire consultants to administer the provisions of sections 650.320 to 650.340.

6. The board shall promulgate rules and regulations that are reasonable and necessary to implement and administer the provisions of sections 190.455, 190.460, 190.465, 190.470, 190.475, and sections 650.320 to 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. 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, 2017, shall be invalid and void.

650.340. 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

2. Initial training requirements for ~~[telecommunicators]~~ **telecommunicator first responders** who answer 911 calls that come to public safety answering points shall be as follows:

- (1) Police telecommunicator **first responder**, 16 hours;
- (2) Fire telecommunicator **first responder**, 16 hours;
- (3) Emergency medical services telecommunicator **first responder**, 16 hours;
- (4) Joint communication center telecommunicator **first responder**, 40 hours.

3. All persons employed as a telecommunicator **first responder** in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator **first responder**. Such persons shall complete at least twenty-four hours of ongoing training every three years by such persons or organizations as provided in subsection 6 of this section.

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator **or a telecommunicator first responder** after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator **or telecommunicator first responder**.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the committee that such person has completed training in another state which is at least as stringent as the training requirements of subsection 2 of this section.

6. The board shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. This section shall not apply to an emergency medical dispatcher or **dispatch** agency as defined in section 190.100, or a person trained by an entity accredited or certified under section 190.131, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134."; and

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

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

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

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 189, 36 & 37, Page 1, In the Title, Line 5, by deleting the words "criminal laws" and inserting in lieu thereof the words "public safety"; and

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

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

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Buchheit-Courtway	Burger
Busick	Byrnes	Casteel	Chappell	Christ
Christofanelli	Coleman	Cook	Copeland	Davidson
Davis	Deaton	Diehl	Dinkins	Evans
Falkner	Farnan	Gragg	Gregory	Griffith
Haden	Haffner	Haley	Hardwick	Hausman
Henderson	Hicks	Hinman	Hovis	Hudson
Hurlbert	Jones	Justus	Kalberloh	Kelley 127
Kelly 141	Knight	Lewis 6	Lonsdale	Lovasco
Mayhew	McGaugh	McGirl	McMullen	Morse
Murphy	Myers	O'Donnell	Patterson	Perkins
Peters	Pollitt	Pouche	Reedy	Reuter
Richey	Riggs	Riley	Roberts	Sassmann
Schnelting	Schulte	Schwadron	Seitz	Sharpe 4
Shields	Smith 155	Smith 163	Sparks	Stacy
Stephens	Thomas	Thompson	Titus	Toalson Reisch
Van Schoiack	Veit	Waller	West	Wilson
Mr. Speaker				

NOES: 045

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bosley	Brown 27	Brown 87
Burnett	Burton	Butz	Collins	Doll
Ealy	Fogle	Fountain Henderson	Hein	Ingle
Johnson 12	Johnson 23	Lavender	Lewis 25	Mackey
Mann	Merideth	Mosley	Nickson-Clark	Nurrenbern
Plank	Proudie	Quade	Sander	Sauls
Sharp 37	Steinhoff	Strickler	Taylor 84	Terry
Unsicker	Walsh Moore	Weber	Woods	Young

PRESENT: 000

ABSENT WITH LEAVE: 021

Bland Manlove	Clemens	Crossley	Cupps	Francis
Gallick	Gray	Houx	Keathley	Marquart
Matthiesen	Oehlerking	Owen	Parker	Phifer
Smith 46	Stinnett	Taylor 48	Voss	Windham
Wright				

VACANCIES: 001

On motion of Representative Roberts, **SS SCS SBs 189, 36 & 37, as amended**, was read the third time and passed by the following vote:

AYES: 109

Allen	Amato	Atchison	Baker	Banderman
Bangert	Baringer	Billington	Black	Boggs
Bonacker	Boyd	Bromley	Brown 149	Brown 16
Brown 27	Buchheit-Courtway	Burger	Burton	Busick
Butz	Byrnes	Casteel	Chappell	Christ
Christofanelli	Coleman	Cook	Copeland	Cupps
Davidson	Deaton	Diehl	Dinkins	Evans
Falkner	Farnan	Francis	Gragg	Gregory
Griffith	Haden	Haffner	Haley	Hardwick
Hausman	Henderson	Hicks	Hinman	Hovis
Hudson	Hurlbert	Ingle	Johnson 23	Jones
Justus	Kalberloh	Kelley 127	Kelly 141	Knight
Lewis 6	Lonsdale	Matthiesen	Mayhew	McGaugh
McGill	McMullen	Morse	Murphy	Myers
Nurrenbern	O'Donnell	Patterson	Perkins	Peters
Pollitt	Pouche	Reedy	Reuter	Richey
Riggs	Riley	Roberts	Sassmann	Sauls
Schnelting	Schulte	Schwadron	Seitz	Sharp 37
Sharpe 4	Shields	Smith 155	Smith 163	Sparks
Stacy	Stephens	Taylor 48	Thomas	Thompson
Titus	Toalson Reisch	Unsicker	Van Schoiack	Waller
West	Wilson	Young	Mr. Speaker	

NOES: 011

Bland Manlove	Bosley	Collins	Davis	Doll
Lovasco	Plank	Proudie	Sander	Taylor 84
Terry				

PRESENT: 026

Adams	Anderson	Appelbaum	Aune	Brown 87
Burnett	Ealy	Fogle	Fountain Henderson	Gray
Hein	Johnson 12	Lavender	Lewis 25	Mackey
Mann	Merideth	Mosley	Nickson-Clark	Quade
Smith 46	Steinhoff	Strickler	Walsh Moore	Weber
Woods				

ABSENT WITH LEAVE: 016

Barnes	Clemens	Crossley	Gallick	Houx
Keathley	Marquart	Oehlerking	Owen	Parker
Phifer	Stinnett	Veit	Voss	Windham
Wright				

VACANCIES: 001

Speaker Plocher declared the bill passed.

SS SB 540, relating to members of the armed forces, was taken up by Representative Griffith.

Representative Griffith moved that the title of **SS SB 540** be agreed to.

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

House Amendment No. 1

AMEND Senate Substitute for Senate Bill No. 540, Page 1, In the Title, Line 3, by deleting the phrase "members of the armed forces" and inserting in lieu thereof the word "taxation"; and

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

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Buchheit-Courtway	Burger
Busick	Byrnes	Casteel	Chappell	Christ
Christofanelli	Coleman	Cook	Copeland	Cupps
Davidson	Davis	Deaton	Diehl	Dinkins
Evans	Falkner	Farnan	Francis	Gregory
Griffith	Haden	Haffner	Haley	Hardwick
Hausman	Henderson	Hicks	Hinman	Hovis
Hudson	Hurlbert	Jones	Justus	Kalberloh
Kelley 127	Kelly 141	Knight	Lewis 6	Lonsdale
Lovasco	Matthiesen	Mayhew	McGaugh	McMullen
Morse	Myers	O'Donnell	Owen	Perkins
Peters	Pollitt	Pouche	Reedy	Reuter
Richey	Riley	Roberts	Sassmann	Schnelting
Schulte	Schwadron	Seitz	Shields	Smith 155
Smith 163	Sparks	Stacy	Stephens	Taylor 48
Thomas	Thompson	Titus	Toalson Reisch	Van Schoiack
Veit	Waller	West	Wilson	Wright
Mr. Speaker				

NOES: 046

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Brown 27	Brown 87	Burnett
Burton	Butz	Clemens	Collins	Doll
Ealy	Fogle	Fountain Henderson	Gray	Hein
Ingle	Johnson 12	Johnson 23	Lavender	Lewis 25
Mann	Merideth	Mosley	Nickson-Clark	Nurrenbern
Plank	Proudie	Quade	Sander	Sauls
Sharp 37	Smith 46	Steinhoff	Strickler	Taylor 84
Terry	Unsicker	Walsh Moore	Weber	Woods
Young				

PRESENT: 000

ABSENT WITH LEAVE: 020

Bland Manlove	Bosley	Crossley	Gallick	Gragg
Houx	Keathley	Mackey	Marquart	McGill
Murphy	Oehlerking	Parker	Patterson	Phifer
Riggs	Sharpe 4	Stinnett	Voss	Windham

VACANCIES: 001

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

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

House Amendment No. 2

AMEND Senate Substitute for Senate Bill No. 540, Pages 1-2, Section 42.312, Lines 1-30, by deleting all of said section and lines and inserting in lieu thereof the following:

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, **for all calendar years ending on or before December 31, 2023**, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. **Except as otherwise provided in subsection 3 of this section and section 137.078, for all calendar years beginning on or after January 1, 2024, the assessor shall annually assess all personal property at thirty-two and eight-tenths percent of its true value in money as of January first of each calendar year.** The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-

numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than two hundred hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (7) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(a) For real property in subclass (1), nineteen percent;

(b) For real property in subclass (2), twelve percent; and

(c) For real property in subclass (3), thirty-two percent.

(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is

changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is deemed to be real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is deemed to be real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. **(1) To determine the true value in money for motor vehicles**, the assessor of each county and each city not within a county shall use the ~~trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.]~~ **trade-in value published in the current or any of the three immediately previous years' October issue of a nationally recognized automotive trade publication selected by the state tax commission. The assessor shall not use a value that is greater than the average trade-in value for such motor vehicle in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than the average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which, in the assessor's judgment, will fairly estimate the true value in money of the motor vehicle.**

(2) For all tax years beginning on or after January 1, 2025, the assessor shall apply the following depreciation schedule to the trade-in value of the motor vehicle as determined pursuant to subdivision (1) of this subsection:

Years since manufacture	Percent Depreciation
Current	15
1	25
2	32.5
3	39.3
4	45.3
5	50.8
6	55.7
7	60.1
8	64.1
9	67.7
10	71

11	75.2
12	79.2
13	83.2
14	87.2
15	90
Greater than 15	99.9% or a minimum value of \$300, whichever is higher

Notwithstanding the provisions of this subdivision to the contrary, in no case shall the assessed value of a motor vehicle, as depreciated pursuant to this subdivision, be less than three hundred dollars.

(3) To implement the provisions of this subsection without large variations from the method in effect prior to January 1, 2024, the assessor shall assume that the last valuation tables used prior to October 1, 2024, are fair valuations and these valuations shall be depreciated from the table provided in subdivision (2) of this subsection until the end of their useful life. The state tax commission shall secure an annual appropriation from the general assembly for the publication used pursuant to subdivision (1) of this subsection. The state tax commission or the state of Missouri shall be the registered user of the publication with rights to allow all assessors access to the publication. The publication shall be available to all assessors by December fifteenth of each year.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

14. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

15. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 14 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

16. Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer or taxpayer's mine property. For purposes of this subsection, "mine property" shall mean all real property that is in use or readily available as a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444.

137.1050. 1. For the purposes of this section, the following terms shall mean:

(1) "Eligible credit amount", the difference between an eligible taxpayer's real property tax liability on such taxpayer's homestead for a given tax year, minus the real property tax liability on such homestead in the year that the taxpayer became an eligible taxpayer;

(2) "Eligible taxpayer", a Missouri resident who:

(a) Is eligible for Social Security retirement benefits;

(b) Is an owner of record of a homestead or has a legal or equitable interest in such property as evidenced by a written instrument; and

(c) Is liable for the payment of real property taxes on such homestead;

(3) "Homestead", real property actually occupied by an eligible taxpayer as the primary residence.

An eligible taxpayer shall not claim more than one primary residence;

(4) "Real property tax liability", the amount of revenue derived from the tax imposed on an eligible taxpayer's homestead that is:

(a) Collected by the county in which such eligible taxpayer's homestead is located; and

(b) Available under state law for appropriation by such county in such county's annual budget for county expenditures.

2. Any county authorized to impose a property tax may grant a property tax credit to eligible taxpayers residing in such county in an amount equal to the taxpayer's eligible credit amount, provided that:

(1) Such county adopts an ordinance authorizing such credit; or

(2) (a) A petition in support of a referendum on such a credit is signed by at least five percent of the registered voters of such county voting in the last gubernatorial election and the petition is delivered to the governing body of the county, which shall subsequently hold a referendum on such credit.

(b) The ballot of submission for the question submitted to the voters pursuant to paragraph (a) of this subdivision shall be in substantially the following form:

Shall the County of _____ exempt senior citizens from increases in the property tax liability due on such seniors citizens' primary residence?

YES

NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the credit shall be in effect.

3. A county granting an exemption pursuant to this section shall apply such exemption when calculating the eligible taxpayer's property tax liability for the tax year. The amount of the credit shall be noted on the statement of tax due sent to the eligible taxpayer by the county collector.

4. For the purposes of calculating property tax levies pursuant to section 137.073, the total amount of credits authorized by a county pursuant to this section shall be considered tax revenue, as such term is defined in section 137.073, actually received by the county.

143.022. 1. As used in this section, "business income" means the income greater than zero arising from transactions in the regular course of all of a taxpayer's trade or business and shall be limited to the Missouri source net profit from the combination of the following:

(1) The total combined profit as properly reported to the Internal Revenue Service on each Schedule C, or its successor form, filed; ~~and~~

(2) The total partnership and S corporation income or loss properly reported to the Internal Revenue Service on Part II of Schedule E, or its successor form;

(3) The total combined profit as properly reported to the Internal Revenue Service on each Schedule F, or its successor form, filed; and

(4) The total combined profit as properly reported to the Internal Revenue Service on each Form 4835, or its successor form, filed.

2. In addition to all other modifications allowed by law, there shall be subtracted from the federal adjusted gross income of an individual taxpayer a percentage of such individual's business income, to the extent that such amounts are included in federal adjusted gross income when determining such individual's Missouri adjusted gross income **and are not otherwise subtracted or deducted in determining such individual's Missouri taxable income.**

3. In the case of an S corporation described in section 143.471 or a partnership computing the deduction allowed under subsection 2 of this section, taxpayers described in subdivision (1) or (2) of this subsection shall be allowed such deduction apportioned in proportion to their share of ownership of the business as reported on the taxpayer's Schedule K-1, or its successor form, for the tax period for which such deduction is being claimed when determining the Missouri adjusted gross income of:

(1) The shareholders of an S corporation as described in section 143.471;

(2) The partners in a partnership.

4. The percentage to be subtracted under subsection 2 of this section shall be increased over a period of years. Each increase in the percentage shall be by five percent and no more than one increase shall occur in a calendar year. The maximum percentage that may be subtracted is twenty percent of business income. Any increase in the percentage that may be subtracted shall take effect on January first of a calendar year and such percentage shall continue in effect until the next percentage increase occurs. An increase shall only apply to tax years that begin on or after the increase takes effect.

5. An increase in the percentage that may be subtracted under subsection 2 of this section shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

6. The first year that a taxpayer may make the subtraction under subsection 2 of this section is 2017, provided that the provisions of subsection 5 of this section are met. If the provisions of subsection 5 of this section are met, the percentage that may be subtracted in 2017 is five percent."; and

Further amend said bill, Page 4, Section 143.175, Line 38, by inserting after all of said section and line the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law, sections 281.220 to 281.310, which

are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. For the purposes of this subdivision, subdivision (5) of this subsection, and section 144.054, as well as the definition in subdivision (9) of subsection 1 of section 144.010, the term "product" includes telecommunications services and the term "manufacturing" shall include the production, or production and transmission, of telecommunications services. The preceding sentence does not make a substantive change in the law and is intended to clarify that the term "manufacturing" has included and continues to include the production and transmission of "telecommunications services", as enacted in this subdivision and subdivision (5) of this subsection, as well as the definition in subdivision (9) of subsection 1 of section 144.010. The preceding two sentences reaffirm legislative intent consistent with the interpretation of this subdivision and subdivision (5) of this subsection in *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), and accordingly abrogates the Missouri supreme court's interpretation of those exemptions in *IBM Corporation v. Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) to the extent inconsistent with this section and *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005). The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption. The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;

(18) All sales of insulin, and all sales, rentals, repairs, and parts of durable medical equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories including parts, and hospital beds and accessories and ambulatory aids including parts, and all sales or rental of manual and powered wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters including parts, and reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" shall mean:

(a) New or used farm tractors and such other new or used farm machinery and equipment, including utility vehicles used for any agricultural use, and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment and rotary mowers used for any agricultural purposes. For the purposes of this subdivision, "utility vehicle" shall mean any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than eighty inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three thousand five hundred pounds or less, traveling on four or six wheels;

(b) Supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile; and

(c) One-half of each purchaser's purchase of diesel fuel therefor which is:

a. Used exclusively for agricultural purposes;

b. Used on land owned or leased for the purpose of producing farm products; and

c. Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or

master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4071, 4081, [4091,] 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (4) of this subsection;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales

and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(38) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(39) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(40) All materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(42) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as defined in section 306.010;

(43) Any new or used aircraft sold or delivered in this state to a person who is not a resident of this state or a corporation that is not incorporated in this state, and such aircraft is not to be based in this state and shall not remain in this state more than ten business days subsequent to the last to occur of:

(a) The transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state; or

(b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations that are completed contemporaneously with the transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state;

(44) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision, "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(45) All internet access or the use of internet access regardless of whether the tax is imposed on a provider of internet access or a buyer of internet access. For purposes of this subdivision, the following terms shall mean:

(a) "Direct costs", costs incurred by a governmental authority solely because of an internet service provider's use of the public right-of-way. The term shall not include costs that the governmental authority would have incurred if the internet service provider did not make such use of the public right-of-way. Direct costs shall be determined in a manner consistent with generally accepted accounting principles;

(b) "Internet", computer and telecommunications facilities, including equipment and operating software, that comprises the interconnected worldwide network that employ the transmission control protocol or internet protocol, or any predecessor or successor protocols to that protocol, to communicate information of all kinds by wire or radio;

(c) "Internet access", a service that enables users to connect to the internet to access content, information, or other services without regard to whether the service is referred to as telecommunications, communications, transmission, or similar services, and without regard to whether a provider of the service is subject to regulation by the Federal Communications Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of

this subdivision, internet access also includes: the purchase, use, or sale of communications services, including telecommunications services as defined in section 144.010, to the extent the communications services are purchased, used, or sold to provide the service described in this subdivision or to otherwise enable users to access content, information, or other services offered over the internet; services that are incidental to the provision of a service described in this subdivision, when furnished to users as part of such service, including a home page, electronic mail, and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity; a home page electronic mail and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity that are provided independently or that are not packed with internet access. As used in this subdivision, internet access does not include voice, audio, and video programming or other products and services, except services described in this paragraph or this subdivision, that use internet protocol or any successor protocol and for which there is a charge, regardless of whether the charge is separately stated or aggregated with the charge for services described in this paragraph or this subdivision;

(d) "Tax", any charge imposed by the state or a political subdivision of the state for the purpose of generating revenues for governmental purposes and that is not a fee imposed for a specific privilege, service, or benefit conferred, except as described as otherwise under this subdivision, or any obligation imposed on a seller to collect and to remit to the state or a political subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer by such a governmental entity. The term tax shall not include any franchise fee or similar fee imposed or authorized under sections 67.1830 to 67.1846 or section 67.2689; Section 622 or 653 of the Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573; or any other fee related to obligations of telecommunications carriers under the Communications Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent that:

- a. The fee is not imposed for the purpose of recovering direct costs incurred by the franchising or other governmental authority from providing the specific privilege, service, or benefit conferred to the payer of the fee; or
- b. The fee is imposed for the use of a public right-of-way based on a percentage of the service revenue, and the fee exceeds the incremental direct costs incurred by the governmental authority associated with the provision of that right-of-way to the provider of internet access service.

Nothing in this subdivision shall be interpreted as an exemption from taxes due on goods or services that were subject to tax on January 1, 2016;

(46) All purchases by a company of solar photovoltaic energy systems, components used to construct a solar photovoltaic energy system, and all purchases of materials and supplies used directly to construct or make improvements to such systems, provided that such systems:

- (a) Are sold or leased to an end user; or
- (b) Are used to produce, collect and transmit electricity for resale or retail;

(47) All sales of used tangible personal property purchased by a consumer for use or consumption, and not for resale, for valuable consideration directly from a seller at an auction of used tangible personal property or from another consumer. For the purposes of this section, "used tangible personal property" is any tangible personal property that is sold a second time at an auction or any number of additional subsequent times after the initial point of sale at an auction, upon which a sales tax is levied. The term "used tangible personal property" shall not include motor vehicles, trailers, boats, or outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state's executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an "affiliated person" means any person that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code, as amended.

144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

- (1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale or other transfer of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsection 2 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section 144.020;

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state;

(8) Tangible personal property purchased by a consumer for use or consumption, and not for resale, for valuable consideration directly from a seller at an auction of used tangible personal property or from another consumer. For the purposes of this section, "used tangible personal property" is any tangible personal property that is sold a second time at an auction or any number of additional subsequent times after the initial point of sale at an auction, upon which a sales tax is levied. The term "used tangible personal property" shall not include motor vehicles, trailers, boats, or outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri.

Section B. Because immediate action is necessary to protect taxpayers from inflated values and rapidly increasing prices, the repeal and reenactment of section 137.115 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 137.115 of section A of this act shall be in full force and effect upon its passage and approval."; and

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

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

House Amendment No. 1

to

House Amendment No. 2

AMEND House Amendment No. 2 to Senate Substitute for Senate Bill No. 540, Page 1, Line 4, by deleting all of said line and inserting in lieu thereof the following:

""135.1310. 1. This section shall be known and may be cited as the "Child Care Contribution Tax Credit Act".

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

(1) "Child care", the same as defined in section 210.201;

(2) "Child care desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population are located at least one-half mile away from a child care provider in urbanized areas or at least ten miles away in rural areas;

(3) "Child care provider", a child care provider as defined in section 210.201 that is licensed under section 210.221, or that is unlicensed and that is registered with the department of elementary and secondary education;

(4) "Contribution", an eligible donation of cash, stock, bonds or other marketable securities, or real property;

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

(6) "Person related to the taxpayer", an individual connected with the taxpayer by blood, adoption, or marriage, or an individual, corporation, partnership, limited liability company, trust, or association

controlled by, or under the control of, the taxpayer directly, or through an individual, corporation, limited liability company, partnership, trust, or association under the control of the taxpayer;

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

(8) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under chapter 143 and chapter 148, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under chapter 143;

(9) "Tax credit", a credit against the taxpayer's state tax liability;

(10) "Taxpayer", a corporation as defined in section 143.441 or 143.471, any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or individuals or partnerships subject to the state income tax imposed by the provisions of chapter 143.

3. For all tax years beginning on or after January 1, 2023, a taxpayer may claim the tax credit authorized in this section against the taxpayer's state tax liability for the tax year in which a verified contribution was made in an amount up to seventy-five percent of the verified contribution to a child care provider. Any tax credit issued shall not be less than one hundred dollars and shall not exceed two hundred thousand dollars per tax year.

(1) The child care provider receiving a contribution shall, within sixty days of the date it received the contribution, issue the taxpayer a contribution verification and file a copy of the contribution verification with the department. The contribution verification shall be in the form established by the department and shall include the taxpayer's name, taxpayer's state or federal tax identification number or last four digits of the taxpayer's Social Security number, amount of tax credit, amount of contribution, legal name and address of the child care provider receiving the tax credit, the child care provider's federal employer identification number, the child care provider's departmental vendor number or license number, and the date the child care provider received the contribution from the taxpayer. The contribution verification shall include a signed attestation stating the child care provider will use the contribution solely to promote child care.

(2) The failure of the child care provider to timely issue the contribution verification to the taxpayer or file it with the department shall entitle the taxpayer to a refund of the contribution from the child care provider.

4. A donation is eligible when:

(1) The donation is used directly by a child care provider to promote child care for children twelve years of age or younger, including by acquiring or improving child care facilities, equipment, or services, or improving staff salaries, staff training, or the quality of child care;

(2) The donation is made to a child care provider in which the taxpayer or a person related to the taxpayer does not have a direct financial interest; and

(3) The donation is not made in exchange for care of a child or children in the case of an individual taxpayer that is not an employer making a contribution on behalf of its employees.

5. A child care provider that uses the contribution for an ineligible purpose shall repay to the department the value of the tax credit for the contribution amount used for an ineligible purpose.

6. The tax credits authorized by this section shall not be refundable and shall not be transferred, sold, or otherwise conveyed. Any amount of approved tax credits that a taxpayer is prohibited by this subsection from using for the tax year in which the credit is first claimed may be carried back to the taxpayer's immediately prior tax year and carried forward to the taxpayer's subsequent tax year for up to five succeeding tax years.

7. Notwithstanding any provision of subsection 6 of this section to the contrary, a taxpayer that is exempt, under 26 U.S.C. Section 501(c)(3), and any amendments thereto, from all or part of the federal income tax shall be eligible for a refund of its tax credit issued under this section, without regard to whether it has incurred any state tax liability. Such exempt taxpayer may claim a refund of the tax credit on its tax return required to be filed under the provisions of chapter 143, exclusive of the return for the withholding of tax under sections 143.191 to 143.265. If such exempt taxpayer is not required to file a tax return under the provisions of chapter 143, the exempt taxpayer may claim a refund of the tax credit on a refund claim form prescribed by the department of revenue. The department of revenue shall prescribe such forms, instructions, and rules as it deems appropriate to carry out the provisions of this subsection.

8. (1) The cumulative amount of tax credits authorized under this section shall not exceed twenty million dollars for each calendar year. The department shall approve tax credit applications on a first-come, first-served basis until the cumulative tax credit authorization limit is reached for the calendar year. A taxpayer shall apply to the department for the child care contribution tax credit by submitting a copy of the contribution verification provided by a child care provider to such taxpayer. Upon receipt of the contribution verification, the department shall issue a tax credit certificate to the applicant.

(2) If the maximum amount of tax credits allowed in any calendar year as provided under subdivision (1) of this subsection is authorized, the maximum amount of tax credits allowed under subdivision (1) of this subsection shall be increased by fifteen percent, provided that all such increases in the allowable amount of tax credits shall be reserved for contributions made to child care providers located in a child care desert. The director of the department shall publish such adjusted amount.

9. The tax credits allowed under this section shall be considered a domestic and social tax credit under subdivision (5) of subsection 2 of section 135.800.

10. All action and communication undertaken or required under this section shall be exempt from section 105.1500.

11. The department may promulgate rules to implement and administer 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 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

12. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset December 31, 2029, unless reauthorized by an act of the general assembly;

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

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

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department of revenue's ability to redeem tax credits authorized on or before the date the program authorized under this section expires, or a taxpayer's ability to redeem such tax credits.

135.1325. 1. This section shall be known and may be cited as the "Employer Provided Child Care Assistance Tax Credit Act".

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

(1) "Child care desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population are located at least one-half mile away from a child care provider in urbanized areas or at least ten miles away in rural areas;

(2) "Child care facility", a child care facility as defined in section 210.201 that is licensed under section 210.221, or that is unlicensed and that is registered with the department of elementary and secondary education;

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

(4) "Employer matching contribution", a contribution made by the taxpayer to a cafeteria plan, as that term is used in 26 U.S.C. Section 125, of an employee of the taxpayer, that matches a dollar amount or percentage of the employee's contribution to the cafeteria plan, but this term does not include the amount of any salary reduction or other compensation foregone by the employee in connection with the cafeteria plan;

(5) "Qualified child care expenditure", an amount paid of reasonable costs incurred that meet any of the following:

(a) To acquire, construct, rehabilitate, or expand property that will be, or is, used as part of a child care facility that is either operated by the taxpayer or contracted with by the taxpayer and which does not constitute part of the principal residence of the taxpayer or any employee of the taxpayer;

(b) For the operating costs of a child care facility of the taxpayer, including costs relating to the training of employees, scholarship programs, and for compensation to employees;

(c) Under a contract with a child care facility to provide child care services to employees of the taxpayer; or

(d) As an employer matching contribution, but only to the extent such employer matching contribution is restricted by the taxpayer solely for the taxpayer's employee to obtain child care services at a child care facility and is used for that purpose during the tax year;

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

(7) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143 and chapter 148, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143;

(8) "Tax credit", a credit against the taxpayer's state tax liability;

(9) "Taxpayer", a corporation as defined in section 143.441 or 143.471, any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or individuals or partnerships subject to the state income tax imposed by the provisions of chapter 143.

3. For all tax years beginning on or after January 1, 2023, a taxpayer may claim a tax credit authorized in this section in an amount equal to thirty percent of the qualified child care expenditures paid or incurred with respect to a child care facility. The maximum amount of any tax credit issued under this section shall not exceed two hundred thousand dollars per taxpayer per tax year.

4. A facility shall not be treated as a child care facility with respect to a taxpayer unless the following conditions have been met:

(1) Enrollment in the facility is open to employees of the taxpayer during the tax year; and

(2) If the facility is the principal business of the taxpayer, at least thirty percent of the enrollees of such facility are dependents of employees of the taxpayer.

5. The tax credits authorized by this section shall not be refundable or transferable. The tax credits shall not be sold, assigned, or otherwise conveyed. Any amount of approved tax credits that a taxpayer is prohibited by this subsection from using for the tax year in which the credit is first claimed may be carried back to the taxpayer's immediately prior tax year and carried forward to the taxpayer's subsequent tax year for up to five succeeding tax years.

6. Notwithstanding any provision of subsection 5 of this section to the contrary, a taxpayer that is exempt, under 26 U.S.C. Section 501(c)(3), and any amendments thereto, from all or part of the federal income tax shall be eligible for a refund of its tax credit issued under this section, without regard to whether it has incurred any state tax liability. Such exempt taxpayer may claim a refund of the tax credit on its tax return required to be filed under the provisions of chapter 143, exclusive of the return for the withholding of tax under sections 143.191 to 143.265. If such exempt taxpayer is not required to file a tax return under the provisions of chapter 143, the exempt taxpayer may claim a refund of the tax credit on a refund claim form prescribed by the department of revenue. The department of revenue shall prescribe such forms, instructions, and rules as it deems appropriate to carry out the provisions of this subsection.

7. (1) The cumulative amount of tax credits authorized under this section shall not exceed twenty million dollars for each calendar year. The department shall approve tax credit applications on a first-come, first-served basis until the cumulative tax credit authorization limit is reached for the calendar year.

(2) If the maximum amount of tax credits allowed in any calendar year as provided under subdivision (1) of this subsection is authorized, the maximum amount of tax credits allowed under subdivision (1) of this subsection shall be increased by fifteen percent, provided that all such increases in the allowable amount of tax credits shall be reserved for qualified child care expenditures for child care facilities located in a child care desert. The director of the department shall publish such adjusted amount.

8. A taxpayer who has claimed a tax credit under this section shall notify the department within sixty days of any cessation of operation, change in ownership, or agreement to assume recapture liability as such terms are defined by 26 U.S.C. Section 45F, in the form and manner prescribed by department rule or instruction. If there is a cessation of operation or change in ownership relating to a child care facility, the taxpayer shall repay the department the applicable recapture percentage of the credit allowed under this section, but this recapture amount shall be limited to the tax credit allowed under this section. The recapture amount shall be considered a tax liability arising on the tax payment due date for the tax year in which the

cessation of operation, change in ownership, or agreement to assume recapture liability occurred and shall be assessed and collected under the same provisions that apply to a tax liability under chapter 143 or chapter 148.

9. The tax credit allowed under this section shall be considered a domestic and social tax credit under subdivision (5) of subsection 2 of section 135.800.

10. All action and communication undertaken or required under this section shall be exempt from section 105.1500.

11. The department may promulgate rules to implement and administer 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 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

12. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset December 31, 2029, unless reauthorized by an act of the general assembly;

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

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

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department of revenue's ability to redeem tax credits authorized on or before the date the program authorized under this section expires, or a taxpayer's ability to redeem such tax credits.

135.1350. 1. This section shall be known and may be cited as the "Child Care Providers Tax Credit Act".

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

(1) "Capital expenditures", expenses incurred by a child care provider, during the tax year for which a tax credit is claimed under this section, for the construction, renovation, or rehabilitation of a child care facility to the extent necessary to operate a child care facility and comply with applicable child care facility regulations promulgated by the department of elementary and secondary education;

(2) "Child care desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population are located at least one-half mile away from a child care provider in urbanized areas or at least ten miles away in rural areas;

(3) "Child care facility", a child care facility as defined in section 210.201 that is licensed under section 210.221, or that is unlicensed and that is registered with the department of elementary and secondary education;

(4) "Child care provider", a child care provider as defined in section 210.201 that is licensed under section 210.221, or that is unlicensed and that is registered with the department of elementary and secondary education;

(5) "Department", the department of elementary and secondary education;

(6) "Eligible employer withholding tax", the total amount of tax that the child care provider was required, under section 143.191, to deduct and withhold from the wages it paid to employees during the tax year for which the child care provider is claiming a tax credit under this section, to the extent actually paid;

(7) "Employee", an employee, as that term is used in subsection 2 of section 143.191, of a child care provider who worked for the child care provider for an average of at least ten hours per week for at least a three-month period during the tax year for which a tax credit is claimed under this section and who is not an immediate family member of the child care provider;

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

(9) "State tax liability", any liability incurred by the taxpayer under the provisions of chapter 143, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions;

(10) "Tax credit", a credit against the taxpayer's state tax liability;

(11) "Taxpayer", a corporation as defined in section 143.441 or 143.471, any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or an individual or partnership subject to the state income tax imposed by the provisions of chapter 143.

3. For all tax years beginning on or after January 1, 2024, a child care provider with three or more employees may claim a tax credit authorized in this section in an amount equal to the child care provider's eligible employer withholding tax, and may also claim a tax credit in an amount up to thirty percent of the child care provider's capital expenditures. No tax credit for capital expenditures shall be allowed if the capital expenditures are less than one thousand dollars. The amount of any tax credit issued under this section shall not exceed two hundred thousand dollars per child care provider per tax year.

4. To claim a tax credit authorized under this section, a child care provider shall submit to the department, for preliminary approval, an application for the tax credit on a form provided by the department and at such times as the department may require. If the child care provider is applying for a tax credit for capital expenditures, the child care provider shall present proof acceptable to the department that the child care provider's capital expenditures satisfy the requirements of subdivision (1) of subsection 2 of this section. Upon final approval of an application, the department shall issue the child care provider a certificate of tax credit.

5. The tax credits authorized by this section shall not be refundable and shall not be transferred, sold, assigned, or otherwise conveyed. Any amount of credit that exceeds the child care provider's state tax liability for the tax year for which the tax credit is issued may be carried back to the child care provider's immediately prior tax year or carried forward to the child care provider's subsequent tax year for up to five succeeding tax years.

6. Notwithstanding any provision of subsection 5 of this section to the contrary, a child care provider that is exempt, under 26 U.S.C. Section 501(c)(3), and any amendments thereto, from all or part of the federal income tax shall be eligible for a refund of its tax credit issued under this section, without regard to whether it has incurred any state tax liability. Such exempt child care provider may claim a refund of the tax credit on its tax return required to be filed under the provisions of chapter 143, exclusive of the return for the withholding of tax under sections 143.191 to 143.265. If such exempt child care provider is not required to file a tax return under the provisions of chapter 143, the exempt child care provider may claim a refund of the tax credit on a refund claim form prescribed by the department of revenue. The department of revenue shall prescribe such forms, instructions, and rules as it deems appropriate to carry out the provisions of this subsection.

7. (1) The cumulative amount of tax credits authorized under this section shall not exceed twenty million dollars for each calendar year. The department shall approve tax credit applications on a first-come, first-served basis until the cumulative tax credit authorization limit is reached for the calendar year.

(2) If the maximum amount of tax credits allowed in any calendar year as provided under subdivision (1) of this subsection is authorized, the maximum amount of tax credits allowed under subdivision (1) of this subsection shall be increased by fifteen percent, provided that all such increases in the allowable amount of tax credits shall be reserved for child care providers located in a child care desert. The director of the department shall publish such adjusted amount.

8. The tax credit authorized by this section shall be considered a domestic and social tax credit under subdivision (5) of subsection 2 of section 135.800.

9. All action and communication undertaken or required with respect to this section shall be exempt from section 105.1500. Notwithstanding section 32.057 or any other tax confidentiality law to the contrary, the department of revenue may disclose tax information to the department for the purpose of the verification of a child care provider's eligible employer withholding tax under this section.

10. The department may promulgate rules and adopt statements of policy, procedures, forms, and guidelines to implement and administer 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 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

11. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset December 31, 2029, unless reauthorized by an act of the general assembly;

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

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

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department of revenue's ability to redeem tax credits authorized on or before the date the program authorized under this section expires, or a taxpayer's ability to redeem such tax credits.

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's"; and

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

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Atchison	Baker	Banderman	Billington
Black	Boggs	Bonacker	Boyd	Bromley
Brown 149	Brown 16	Buchheit-Courtway	Burger	Busick
Byrnes	Chappell	Christ	Christofanelli	Coleman
Cook	Copeland	Cupps	Davidson	Davis
Deaton	Diehl	Dinkins	Evans	Falkner
Farnan	Francis	Gregory	Griffith	Haden
Haffner	Haley	Hardwick	Hausman	Henderson
Hicks	Hinman	Hovis	Hudson	Hurlbert
Jones	Justus	Kalberloh	Kelley 127	Kelly 141
Knight	Lewis 6	Lonsdale	Lovasco	Mayhew
McGaugh	McGill	McMullen	Morse	Murphy
Myers	O'Donnell	Owen	Patterson	Perkins
Peters	Pollitt	Pouche	Reedy	Reuter
Richey	Riley	Roberts	Sassmann	Schnelting
Schulte	Schwadron	Seitz	Sharpe 4	Smith 155
Smith 163	Sparks	Stacy	Stephens	Taylor 48
Thomas	Thompson	Titus	Toalson Reisch	Van Schoiack
Veit	Waller	West	Wilson	Wright
Mr. Speaker				

NOES: 045

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bosley	Brown 27	Brown 87
Burnett	Burton	Butz	Clemens	Collins
Doll	Fogle	Fountain Henderson	Gray	Hein
Ingle	Johnson 12	Lavender	Lewis 25	Mann
Matthiesen	Mosley	Nickson-Clark	Nurrenbern	Plank
Proudie	Quade	Sander	Sauls	Sharp 37
Smith 46	Steinhoff	Strickler	Taylor 84	Terry
Unsicker	Walsh Moore	Weber	Woods	Young

PRESENT: 000

3294 *Journal of the House*

ABSENT WITH LEAVE: 021

Amato	Bland Manlove	Casteel	Crossley	Ealy
Gallick	Gragg	Houx	Johnson 23	Keathley
Mackey	Marquart	Merideth	Oehlerking	Parker
Phifer	Riggs	Shields	Stinnett	Voss
Windham				

VACANCIES: 001

On motion of Representative Shields, **House Amendment No. 1 to House Amendment No. 2** was adopted.

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 094

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Burger	Busick
Byrnes	Casteel	Chappell	Christ	Christofanelli
Coleman	Cook	Cupps	Davidson	Davis
Deaton	Diehl	Dinkins	Evans	Falkner
Farnan	Francis	Gragg	Gregory	Griffith
Haden	Haffner	Haley	Hardwick	Hausman
Henderson	Hicks	Hovis	Hudson	Hurlbert
Jones	Justus	Kalberloh	Kelley 127	Kelly 141
Knight	Lewis 6	Lonsdale	Lovasco	Mayhew
McGaugh	McGill	McMullen	Morse	Murphy
Myers	O'Donnell	Owen	Patterson	Perkins
Peters	Pouche	Reedy	Reuter	Richey
Riley	Roberts	Sassmann	Schnelting	Schulte
Schwadron	Seitz	Sharpe 4	Shields	Smith 163
Sparks	Stacy	Stephens	Taylor 48	Thomas
Thompson	Titus	Toalson Reisch	Van Schoiack	Waller
West	Wilson	Wright	Mr. Speaker	

NOES: 043

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bosley	Brown 27	Burnett
Burton	Butz	Clemens	Collins	Doll
Ealy	Fogle	Fountain Henderson	Gray	Hein
Johnson 12	Lavender	Mann	Matthiesen	Merideth
Nickson-Clark	Nurrenbern	Plank	Proudie	Quade
Sander	Sauls	Sharp 37	Smith 46	Steinhoff
Strickler	Taylor 84	Terry	Unsicker	Walsh Moore
Weber	Woods	Young		

PRESENT: 000

ABSENT WITH LEAVE: 025

Bland Manlove	Brown 87	Buchheit-Courtway	Copeland	Crossley
Gallick	Hinman	Hou	Ingle	Johnson 23
Keathley	Lewis 25	Mackey	Marquart	Mosley
Oehlerking	Parker	Phifer	Pollitt	Riggs
Smith 155	Stinnett	Veit	Voss	Windham

VACANCIES: 001

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

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Buchheit-Courtway	Burger
Busick	Byrnes	Chappell	Christ	Christofanelli
Coleman	Cook	Copeland	Cupps	Davidson
Davis	Deaton	Diehl	Evans	Farnan
Francis	Gragg	Griffith	Haden	Haffner
Haley	Hardwick	Hausman	Henderson	Hicks
Hinman	Hovis	Hudson	Hurlbert	Jones
Justus	Kalberloh	Kelley 127	Kelly 141	Knight
Lewis 6	Lonsdale	Lovasco	Matthiesen	Mayhew
McGaugh	McGirl	McMullen	Morse	Murphy
O'Donnell	Owen	Patterson	Perkins	Peters
Pollitt	Pouche	Reedy	Reuter	Riley
Roberts	Sassmann	Schnelting	Schulte	Schwadron
Seitz	Sharpe 4	Shields	Smith 155	Smith 163
Sparks	Stacy	Stephens	Taylor 48	Thomas
Thompson	Titus	Toalson Reisch	Van Schoiack	Veit
Waller	West	Wilson	Wright	Mr. Speaker

NOES: 042

Adams	Anderson	Appelbaum	Aune	Bangert
Barnes	Bosley	Brown 27	Burnett	Burton
Butz	Clemens	Collins	Doll	Ealy
Fogle	Fountain Henderson	Gray	Hein	Johnson 12
Lavender	Lewis 25	Mann	Merideth	Nickson-Clark
Nurrenbern	Plank	Proudie	Quade	Sander
Sauls	Sharp 37	Smith 46	Steinhoff	Strickler
Taylor 84	Terry	Unsicker	Walsh Moore	Weber
Woods	Young			

PRESENT: 000

3296 *Journal of the House*

ABSENT WITH LEAVE: 025

Baringer	Bland Manlove	Brown 87	Casteel	Crossley
Dinkins	Falkner	Gallick	Gregory	Houx
Ingle	Johnson 23	Keathley	Mackey	Marquart
Mosley	Myers	Oehlerking	Parker	Phifer
Richey	Riggs	Stinnett	Voss	Windham

VACANCIES: 001

On motion of Representative Griffith, **SS SB 540, as amended**, was read the third time and passed by the following vote:

AYES: 122

Allen	Amato	Anderson	Atchison	Aune
Baker	Banderman	Bangert	Baringer	Barnes
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Brown 27	Buchheit-Courtway
Burger	Burton	Busick	Butz	Byrnes
Chappell	Christ	Christofanelli	Coleman	Cook
Copeland	Cupps	Davidson	Davis	Deaton
Diehl	Dinkins	Ealy	Evans	Falkner
Farnan	Fogle	Francis	Gragg	Gregory
Griffith	Haden	Haffner	Haley	Hardwick
Hausman	Hein	Henderson	Hicks	Hinman
Hovis	Hudson	Ingle	Johnson 12	Jones
Justus	Kalberloh	Kelley 127	Kelly 141	Knight
Lavender	Lewis 6	Lonsdale	Lovasco	Mackey
Matthiesen	Mayhew	McGaugh	McGirl	McMullen
Morse	Murphy	Myers	Nurrenbern	O'Donnell
Owen	Patterson	Perkins	Peters	Pollitt
Pouche	Quade	Reedy	Reuter	Riley
Roberts	Sander	Sassmann	Sauls	Schnelting
Schulte	Schwadron	Seitz	Sharp 37	Sharpe 4
Shields	Smith 155	Smith 163	Smith 46	Sparks
Steinhoff	Stephens	Taylor 48	Thomas	Thompson
Titus	Toalson Reisch	Van Schoiack	Veit	Waller
Weber	West	Wilson	Woods	Wright
Young	Mr. Speaker			

NOES: 005

Burnett	Hurlbert	Richey	Stacy	Taylor 84
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PRESENT: 021

Adams	Appelbaum	Bland Manlove	Bosley	Clemens
Collins	Doll	Fountain Henderson	Gray	Johnson 23
Lewis 25	Mann	Merideth	Mosley	Nickson-Clark
Plank	Proudie	Strickler	Terry	Unsicker
Walsh Moore				

ABSENT WITH LEAVE: 014

Brown 87	Casteel	Crossley	Gallick	Houx
Keathley	Marquart	Oehlerking	Parker	Phifer
Riggs	Stinnett	Voss	Windham	

VACANCIES: 001

Speaker Plocher declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 101

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Buchheit-Courtway	Burger
Busick	Byrnes	Casteel	Christ	Christofanelli
Coleman	Cook	Copeland	Cupps	Davidson
Davis	Deaton	Diehl	Dinkins	Evans
Falkner	Farnan	Francis	Gragg	Gregory
Griffith	Haden	Haffner	Haley	Hardwick
Hausman	Henderson	Hicks	Hinman	Hovis
Hudson	Hurlbert	Jones	Justus	Kalberloh
Kelley 127	Kelly 141	Knight	Lewis 6	Lonsdale
Lovasco	Matthiesen	Mayhew	McGaugh	McGill
McMullen	Morse	Murphy	Myers	O'Donnell
Owen	Patterson	Perkins	Peters	Pollitt
Pouche	Reedy	Reuter	Richey	Riggs
Riley	Roberts	Sassmann	Schnelting	Schulte
Schwadron	Seitz	Sharpe 4	Shields	Smith 155
Smith 163	Sparks	Stacy	Stephens	Taylor 48
Thomas	Thompson	Titus	Toalson Reisch	Van Schoiack
Veit	Waller	West	Wilson	Wright

Mr. Speaker

NOES: 050

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bland Manlove	Bosley	Brown 27
Brown 87	Burnett	Burton	Butz	Chappell
Clemens	Collins	Doll	Ealy	Fogle
Fountain Henderson	Gray	Hein	Ingle	Johnson 12
Johnson 23	Lavender	Lewis 25	Mackey	Mann
Merideth	Mosley	Nickson-Clark	Nurrenbern	Plank
Proudie	Quade	Sander	Sauls	Sharp 37
Smith 46	Steinhoff	Strickler	Taylor 84	Terry
Unsicker	Walsh Moore	Weber	Woods	Young

PRESENT: 000

ABSENT WITH LEAVE: 011

Crossley	Gallick	Houx	Keathley	Marquart
Oehlerking	Parker	Phifer	Stinnett	Voss
Windham				

VACANCIES: 001

COMMITTEE REPORTS

Committee on Budget, Chairman Smith (163) reporting:

Mr. Speaker: Your Committee on Budget, which reviewed tax credits pursuant to Section 33.282, RSMo, begs leave to report it has examined the same and has adopted the accompanying motion by the following vote:

Ayes (25): Black, Boggs, Brown (149), Cupps, Deaton, Evans, Gregory, Hausman, Hein, Kalberloh, Kelly (141), Lewis (6), O'Donnell, Owen, Reuter, Richey, Riggs, Sharpe (4), Shields, Smith (163), Steinhoff, Taylor (84), Taylor (48), Voss and West

Noes (5): Burnett, Fogle, Lavender, Merideth and Nurrenbern

Present (4): Boyd, Ealy, Proudie and Windham

Absent (3): Christ, Crossley and Sander

Fiscal Year 2024 Tax Credit Motion

Having reviewed the estimates of new tax credits for Fiscal Year 2024 submitted to the Chairman of the House Budget Committee by the Budget Director pursuant to Section 33.282, RSMo, the Committee on Budget, under the authority of said section, hereby approves those estimated new tax credits for any tax year beginning on or after July 1, 2023 and on or before June 30, 2024, with the following exceptions:

1. No credits are approved for grape and wine producers, pursuant to Section 135.700, RSMo, for any tax year beginning on or after July 1, 2023 and on or before June 30, 2024;
2. No credits are approved for qualified beef, pursuant to Section 135.679, RSMo, for any tax year beginning on or after July 1, 2023 and on or before June 30, 2024;
3. An amount of credits no greater than 72.5% of the federal low-income housing tax credit allocation to Missouri are approved for Missouri low-income housing projects that are not financed with tax-exempt bond issuance, pursuant to Sections 135.350 through 135.363, RSMo, for any tax year beginning on or after July 1, 2023 and on or before June 30, 2024, provided that said amount shall be increased by:
 - (1) Any amount of state tax credits that are recaptured under the provisions of Section 135.355, RSMo; and
 - (2) \$6,000,000, reduced by the amount of credits authorized for projects that are financed with tax-exempt bond issuance; andFurther provided that up to 100% of all credits issued shall be issued under the accelerated redemption pilot program. Projects selected for the pilot program will be issued credits equal to the federal Low-Income Housing Tax Credit (LIHTC) credits for the first five years of the redemption period, with the remainder of state LIHTC credits equally distributed over years six through ten;
4. No more than \$6,000,000 of credits are approved for Missouri low-income housing projects that are financed with tax-exempt bond issuance, pursuant to Sections 135.350 through 135.363, RSMo, for any tax year beginning on or after July 1, 2023 and on or before June 30, 2024;
5. No more than \$120,000,000 of credits are approved for historic structures rehabilitation, pursuant to Sections 253.545 through 253.559, RSMo, for any tax year beginning on or after July 1, 2023 and on or before June 30, 2024;
6. No more than \$12,000,000 of credits are approved for new and expanded business facilities, pursuant to Sections 135.100 through 135.155, RSMo, for any tax year beginning on or after July 1, 2023 and on or before June 30, 2024.

The Committee on Budget directs the Chairman of the Committee to report adoption of this Motion to the Chief Clerk of the House and request that the Motion be printed in the Journal of the House.

Committee on Consent and House Procedure, Chairman Pouche reporting:

Mr. Speaker: Your Committee on Consent and House Procedure, to which was referred **HR 1815**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (5): Appelbaum, Falkner, Hovis, Johnson (12) and Pouche

Noes (0)

Absent (4): Buchheit-Courtway, Evans, Sharp (37) and Thompson

Committee on Fiscal Review, Chairman Houx reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HS HCS SS SCS SB 133**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (5): Houx, Hudson, Kelly (141), Owen and Pollitt

Noes (2): Baringer and Fogle

Absent (0)

Committee on Rules - Administrative Oversight, Chairman Francis reporting:

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **SCS SB 13**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (5): Baker, Francis, Griffith, Houx and Myers

Noes (0)

Present (1): Smith (46)

Absent (4): Bland Manlove, Copeland, Haden and Mackey

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **SS SB 80**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (5): Baker, Francis, Griffith, Houx and Myers

Noes (0)

Present (1): Smith (46)

Absent (4): Bland Manlove, Copeland, Haden and Mackey

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS SS#2 SCS SB 88**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (5): Baker, Francis, Griffith, Houx and Myers

Noes (0)

Present (1): Smith (46)

Absent (4): Bland Manlove, Copeland, Haden and Mackey

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **SS SB 115**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (4): Francis, Griffith, Haden and Myers

Noes (2): Mackey and Smith (46)

Absent (4): Baker, Bland Manlove, Copeland and Houx

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS SB 122**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Copeland, Francis, Griffith, Haden, Myers and Smith (46)

Noes (1): Mackey

Absent (3): Baker, Bland Manlove and Houx

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS SS SB 148**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (7): Copeland, Francis, Griffith, Haden, Mackey, Myers and Smith (46)

Noes (0)

Absent (3): Baker, Bland Manlove and Houx

Mr. Speaker: Your Committee on Rules - Administrative Oversight, to which was referred **HCS SS SB 213**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (7): Copeland, Francis, Griffith, Haden, Mackey, Myers and Smith (46)

Noes (0)

Absent (3): Baker, Bland Manlove and Houx

Committee on Rules - Regulatory Oversight, Chairman Gregory reporting:

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **SJR 21**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Gregory, Ingle, O'Donnell, Riley, Roberts and Strickler

Noes (0)

Absent (4): Cupps, Evans, Haffner and Proudie

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HCS SS SB 245**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (9): Cupps, Evans, Gregory, Haffner, Ingle, O'Donnell, Proudie, Roberts and Strickler

Noes (0)

Absent (1): Riley

Mr. Speaker: Your Committee on Rules - Regulatory Oversight, to which was referred **HCS SS SCS SBs 411 & 230**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Cupps, Evans, Haffner, O'Donnell, Riley and Roberts

Noes (3): Gregory, Ingle and Strickler

Absent (1): Proudie

REFERRAL OF SENATE JOINT RESOLUTIONS

The following Senate Joint Resolutions were referred to the Committee indicated:

SS SJR 3 - Fiscal Review

SJR 21 - Fiscal Review

SJR 26 - Fiscal Review

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SS SB 80 - Fiscal Review

HCS SS#2 SCS SB 88 - Fiscal Review

HCS SS SCS SBs 411 & 230 - Fiscal Review

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 72**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 72 with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 11, as amended, House Amendment Nos. 2 and 3 to House Amendment No. 12, House Amendment No. 12, as amended, and House Amendment No. 13, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 72, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 72;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 72 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Senator Curtis Trent
/s/ Senator Tony Luetkemeyer
/s/ Senator Mary Elizabeth Coleman
/s/ Senator Karla May
/s/ Senator Steven Roberts

FOR THE HOUSE:

/s/ Representative Phil Christofanelli
/s/ Representative David Evans
/s/ Representative Brad Banderman
/s/ Representative Marlon Anderson
/s/ Representative Robert Sauls

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 109**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 109, with House Amendment Nos. 1, 2, 3, 4, 5, & 6, House Amendment No. 1 to House Amendment No. 7, and House Amendment No. 7, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 109, as amended;
2. That the Senate recede from its position on Senate Bill No. 109;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 109 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Senator Mike Bernskoetter
/s/ Senator Holly Thompson Rehder
/s/ Senator Sandy Crawford
/s/ Senator Tracy McCreery
/s/ Senator Barbara Washington

FOR THE HOUSE:

/s/ Representative Dan Houx
/s/ Representative Jeff Knight
/s/ Representative Bob Bromley
/s/ Representative Emily Weber
/s/ Representative Yolanda Young

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE BILL NO. 222**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 222, with House Amendment Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as amended, House Amendment Nos. 1 & 2 to House Amendment No. 8, House Amendment No. 8, as amended, House Amendment Nos. 1, 2, & 3 to House Amendment No. 9, House Amendment No. 9, as amended, House Amendment Nos. 1 & 2 to House Amendment No. 10, House Amendment No. 10, as amended, House Amendment Nos. 11 & 12, House Amendment No. 1 to House Amendment No. 13, House Amendment No. 13, as amended, House Amendment No. 14, House Amendment No. 1 to House Amendment No. 15, House Amendment No. 15, as amended, House Amendment No. 1 to House Amendment No. 17, House Amendment No. 17, as amended, and House Amendment No. 18, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 222, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 222;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 222 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Senator Curtis Trent
/s/ Senator Tony Luetkemeyer
/s/ Senator Mary Elizabeth Coleman
/s/ Senator Doug Beck
/s/ Senator Tracy McCreery

FOR THE HOUSE:

/s/ Representative Chris Brown
/s/ Representative Cameron Parker
/s/ Representative Alex Riley
/s/ Representative Raychel Proudie
/s/ Representative Gretchen Bangert

REFERRAL OF CONFERENCE COMMITTEE REPORTS

The following Conference Committee Reports were referred to the Committee indicated:

CCR HCS SS SCS SB 72, as amended - Fiscal Review
CCR HCS SB 109, as amended - Fiscal Review
CCR HCS SS SB 222, as amended - Fiscal Review

BILLS DROPPED FROM INFORMAL CALENDAR

Pursuant to Rule 47, the following bills, having remained on the Informal Calendar for ten legislative days, were laid on the table and dropped from the Calendar: **HCS HB 109, HB 775, HCS HB 959, HCS HB 960, HCS HB 968 and HCS HB 1129.**

ADJOURNMENT

On motion of Representative Patterson, the House adjourned until 10:00 a.m., Thursday, May 11, 2023.

COMMITTEE HEARINGS

FISCAL REVIEW

Thursday, May 11, 2023, 9:45 AM, House Lounge.
Executive session may be held on any matter referred to the committee.
Pending bill referral.

FISCAL REVIEW

Friday, May 12, 2023, 9:45 AM, House Lounge.
Executive session may be held on any matter referred to the committee.
Pending bill referral.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Thursday, May 11, 2023, 8:00 AM, Joint Hearing Room (117).
Department of Health and Senior Services proposed rules in Chapter 19 CSR 100-1.
A vote may be taken to hold a closed meeting pursuant to Section 610.021 (1) relating to communications between a public governmental body and its attorney.
Executive session may follow.

CANCELLED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Friday, May 12, 2023, 8:00 AM, Joint Hearing Room (117).

Department of Health and Senior Services proposed rules in Chapter 19 CSR 100-1. A vote may be taken to hold a closed meeting pursuant to Section 610.021 (1) relating to communications

between a public governmental body and its attorney.

Executive session may follow.

HOUSE CALENDAR

SEVENTY-FIRST DAY, THURSDAY, MAY 11, 2023

HOUSE BILLS FOR PERFECTION - INFORMAL

HCS HB 992, with HA 1, pending - Lewis (6)

HB 152 - Thomas

HB 369 - West

HCS HB 355, (Legislative Review 4/4/23) - Davidson

HCS HB 736 - Riggs

HB 920 - Anderson

HCS HBs 348, 285 & 407 - Coleman

HB 44, (Legislative Review 3/21/23) - Haley

HB 67, (Legislative Review 3/21/23) - Terry

HB 487, (Legislative Review 3/21/23) - Francis

HB 528, (Legislative Review 3/21/23) - Murphy

HB 547, (Legislative Review 3/21/23) - Roberts

HS HB 1021 - Baker

HB 1055, (Legislative Review 3/21/23) - Mayhew

HB 512 - Mayhew

HCS HB 584 - Owen

HCS HB 586 - Owen

HCS HB 824 - O'Donnell

HB 1154, with HA 1, pending - Houx

HB 102 - Baringer

HB 212 - Smith (46)

HCS HB 271 - Riley

HB 436 - Nickson-Clark

HCS HB 714 - Kelly (141)

HB 999 - Anderson

HB 1078 - Chappell

HCS HB 464 - Gregory

HB 1052 - Haffner

HB 234 - Bangert

HCS HB 250 - Haley

HCS HB 262 - Sander

HCS HB 336 - Boggs

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HCS HBs 404 & 501 - Haden
HCS HB 580 - Houx
HB 1028 - Smith (155)
HB 770 - Thompson
HB 571 - Allen
HCS HB 157 - O'Donnell
HCS HB 342 - Pouche
HCS HB 425 - Perkins
HB 513 - Mayhew
HCS HB 134 - Hudson
HCS HBs 604 & 180 - Reedy
HB 696 - Hovis
HB 1370 - Mayhew
HCS HBs 185 & 281 - Murphy
HB 516 - Mayhew

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 11 - Schnelting

HOUSE BILLS FOR THIRD READING

HCS HB 367 - Seitz

HOUSE BILLS FOR THIRD READING - INFORMAL

HCS HB 48 - Haley
HCS HBs 700 & 445 - Hardwick
HCS HB 719, E.C. - Riley

HOUSE BILLS FOR THIRD READING - CONSENT

HB 746 - Sauls

SENATE JOINT RESOLUTIONS FOR THIRD READING

SS SJR 3, (Fiscal Review 5/10/23) - Davidson
SJR 21, (Fiscal Review 5/10/23) - Reuter
SJR 26, (Fiscal Review 5/10/23) - Hausman

SENATE BILLS FOR THIRD READING

SS SB 227 - Evans
SB 63 - Perkins
HCS SS SB 82, (Fiscal Review 5/9/23) - Riley
HCS SS SB 116 - Houx

HCS SS SCS SB 129 - Murphy
HCS SS SCS SB 100, (Fiscal Review 5/9/23) - Deaton
SS SB 35, (Fiscal Review 5/9/23) - Evans
SCS SB 13 - Owen
SS SB 80, (Fiscal Review 5/10/23) - O'Donnell
HCS SS#2 SCS SB 88, (Fiscal Review 5/10/23) - Christofanelli
HCS SB 122 - Schwadron
HCS SS SB 148 - Mosley
HCS SS SB 213 - Kelly (141)
HCS SS SB 245 - Evans
HCS SS SCS SBs 411 & 230, (Fiscal Review 5/10/23) - Deaton

SENATE BILLS FOR THIRD READING - INFORMAL

HS HCS SS SCS SB 133 - Baker
HCS SS#2 SCS SBs 4, 42 & 89, (Fiscal Review 4/27/23) - Christofanelli
HCS SS SCS SBs 56 & 61, as amended - Hovis
HCS SS#3 SB 22, E.C. - Evans
HCS SS SB 23, E.C. - O'Donnell
HCS SS SB 25, as amended, with HA 5 as amended, pending - McGirl
SS SCS SB 41 - Cook
SB 34 - Baker

SENATE CONCURRENT RESOLUTIONS FOR THIRD READING

SCR 10 - Patterson
SCS SCR 4 - Schnelting
SCR 6 - Brown (16)

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HBs 115 & 99 - Shields
SS#3 HCS HB 268, as amended (Fiscal Review 5/9/23) - Riley
SCS HCS HBs 802, 807 & 886, (Fiscal Review 5/10/23) - Dinkins

BILLS CARRYING REQUEST MESSAGES

SS SCS HCS HB 655, as amended (request Senate recede/grant conference) - Knight

BILLS IN CONFERENCE

CCR SS SCS HCS HBs 903, 465, 430 & 499, as amended (Fiscal Review 5/4/23), E.C. - Haffner
CCR SS SCS SB 127, with HA 1, HA 2, HA 1 HA 3, HA 3, as amended, HA 4, HA 1 HA 5,
HA 2 HA 5, and HA 5, as amended (Fiscal Review 5/5/23) - Francis
CCR HCS SB 186, as amended (Fiscal Review 5/5/23) - Riley

CCR HCS SS SB 222, as amended (exceeded differences) (Fiscal Review 5/10/23) - Brown (16)
CCR HCS SS SCS SBs 45 & 90, as amended, E.C. - Stinnett
HCS SB 247, as amended - Baker
CCR HCS SS SB 111, as amended - Griffith
CCR HCS SS SCS SB 72, as amended (Fiscal Review 5/10/23) - Christofanelli
CCR SB 20, with HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7, HA 8, HA 9,
and HA 10 - Hovis
CCR HS HCS SS#2 SCS SB 96, as amended (Fiscal Review 5/9/23) - Baker
CCR HCS SS SCS SB 157, as amended - Coleman
CCR HCS SB 109, as amended (Fiscal Review 5/10/23) - Houx
HCS SCS SB 187, as amended - Owen
HCS SB 47, as amended - Riley

HOUSE RESOLUTIONS

HCS HR 12 - Owen

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 3001 - Smith (163)
CCS SS SCS HCS HB 3002 - Smith (163)
CCS SS SCS HCS HB 3003 - Smith (163)
CCS SCS HCS HB 3004 - Smith (163)
CCS SCS HCS HB 3005 - Smith (163)
CCS SCS HCS HB 3006 - Smith (163)
CCS SCS HCS HB 3007 - Smith (163)
CCS SS SCS HCS HB 3008 - Smith (163)
CCS SCS HCS HB 3009 - Smith (163)
CCS SS SCS HCS HB 3010 - Smith (163)
CCS SS SCS HCS HB 3011 - Smith (163)
CCS SS SCS HCS HB 3012 - Smith (163)
CCS SCS HCS HB 3013 - Smith (163)
SCS HCS HB 3017 - Smith (163)
SCS HCS HB 3018 - Smith (163)
SCS HCS HB 3019 - Smith (163)
SS SCS HCS HB 3020 - Smith (163)