Truly Agreed and Finally Passed Bill Summaries

2021

HB1 - Board of Fund Commissioners (Public Debt)

Sponsor

Rep. Cody Smith (R)

HB2 - Department of Elementary and Secondary Education

Sponsor

Rep. Cody Smith (R)

HB3 - Department of Higher Education and Workforce Development

Sponsor

Rep. Cody Smith (R)

HB4 - Department of Revenue and Department of Transportation

Sponsor

Rep. Cody Smith (R)

HB5 - Office of Administration and Employee Benefits

Sponsor

Rep. Cody Smith (R)

HB6 - Department of Agriculture, Department of Natural Resources, and Department of Conservation

Sponsor

Rep. Cody Smith (R)

HB7 - Appropriates money for the Departments of Economic Development; Commerce and Insurance; and Industrial Relations

Sponsor

Rep. Cody Smith (R)

HB8 - Department of Public Safety

Sponsor

Rep. Cody Smith (R)

HB9 - Department of Corrections

Sponsor

Rep. Cody Smith (R)

HB10 - Department of Mental Health and Department of Health and Senior Services

Sponsor

Rep. Cody Smith (R)

HB11 - Department of Social Services - Support Divisions, Family Support Division, Children's Division, Youth Services, and MO HealthNet Division

Sponsor

Rep. Cody Smith (R)

HB12 - Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Judiciary, General Assembly, and State Public Defender

Sponsor

Rep. Cody Smith (R)

HB13 - Statewide Real Estate

Sponsor

Rep. Cody Smith (R)

HB15 - Appropriates money for supplemental purposes

Sponsor

Rep. Cody Smith (R)

Summary

HB16 - Appropriates money for supplemental purposes

Sponsor

Rep. Cody Smith (R)

HB17 - Reappropriations

Sponsor

Rep. Cody Smith (R)

HB18 - Appropriates money for maintenance and repair of state property

Sponsor

Rep. Cody Smith (R)

HB19 - Appropriates money for capital improvements

Sponsor

Rep. Cody Smith (R)

HB69 - Changes the law regarding the sale of metals

Sponsor

Rep. Hardy Billington (R)

Summary

SCS/HCS#2/HB 69 - This act modifies provisions relating to certain metals.

PRECIOUS METALS (407.292)

Under current law, each item purchased by a buyer of precious metal shall be retained in an unaltered condition for 5 full working days. Under this amendment, such metal shall remain in an unaltered state for a period of 10 days that the buyer is open to the public.

Finally, records of buyer transactions shall be made available upon request and shall be made available at the location where the transaction occurred. The buyer shall not keep law enforcement officials, governmental entities, or any other concerned entities or persons from accessing such records during the buyer's normal business hours.

This provision is similar to SB 946 (2020).

COPPER PROPERTY (Section 407.297)

No person shall engage in the business of a copper property peddler, as such term is defined in the act, in the city of St. Louis without first obtaining a license from the city and complying with the provisions of the act.

The requirements for the application for a license are set forth in the act. No license shall be granted to any person who has been convicted of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the 2 years prior to the date of application.

The city has the power and authority to revoke a copper property peddler's license for any willful violation of the act.

This provision shall only be effective when the city is actively issuing licenses to copper property peddlers.

This provision is similar to SCS/SB 38 (2021), SCS/SB 608 (2020), SCS/SB 492 (2019), and HB 395 (2013).

RECORDS FOR THE SALE OF METAL (Section 407.300)

This act requires records of sales of certain metals to be maintained for 3 years rather than 2 years. A transaction that includes a detached catalytic converter shall occur at the fixed place of business of the purchaser. A detached catalytic converter shall be maintained for 5 business days before it is altered, modified, disassembled, or destroyed.

Anyone licensed for selling motor vehicle parts as set forth in statute who is knowingly purchases a stolen detached catalytic converter shall be subject to penalties as set forth in the act.

Currently, every purchaser or collector of, or dealer in, junk, scrap metal, or any second hand property is required to maintain written or electronic records for each purchase or trade in which certain types of material are obtained for value, with exceptions. This act repeals the exception to the records requirement for any transaction for which the total amount paid for all regulated material purchased or sold does not exceed $50, unless the material is a catalytic converter.

The records requirement of the act does not apply to transactions for which the seller has an existing business relationship with the purchaser and for which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state or by the U.S. government or agency thereof, and a copy is retained by the purchaser.

The act also specifies that transactions for metal that is a minor part of heating and cooling equipment shall not be subject to the records requirement of the act.

This provision is similar to HCS/HB 1153 (2021).

OFFENSE OF STEALING (Section 570.030)

The offense of stealing shall be a Class E felony if the property is a catalytic converter.

HB85 - Establishes the "Second Amendment Preservation Act," which creates additional protections to the right to bear arms

Sponsor

Rep. Jered Taylor (R)

Summary

SS/SCS/HCS/HB 85 & 310 - This act creates the "Second Amendment Preservation Act", and lists various declarations of the Missouri General Assembly regarding the United States Constitution and the scope of the federal government's authority. In addition, the act declares that federal supremacy does not apply to federal laws that restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition within the state because such laws exceed the scope of the federal government's authority. Laws necessary for the regulation of the land and the United States Armed Forces are excluded from the types of federal firearms laws that exceed federal authority.

This act declares as invalid all federal laws that infringe on the right to bear arms under the Second Amendment to the U.S. Constitution and Article I, Section 23 of the Missouri Constitution. Some laws declared invalid under this act include certain taxes, certain registration and tracking laws, certain prohibitions on the possession, ownership, use, or transfer of a specific type of firearm, and confiscation orders as provided in the act.

The act declares that it is the duty of the courts and law enforcement agencies to protect the rights of law-abiding citizens to keep and bear arms.

Under this act, no public officer or state or local employee has the authority to enforce firearms laws declared invalid by the act. However, state employees may accept aid from federal officials in an effort to enforce Missouri laws. Sovereign immunity shall not be an affirmative defense under this act.

Any public officer or state or local employee who tries to enforce the firearms law declared invalid by the act or any person who acts under the color of law to deprive a Missouri citizen of rights or privileges ensured by the federal and state constitutions shall be subject to a civil penalty of $50,000 per employee hired by the law enforcement agency. In such an action attorney's fees and costs may be awarded.

Additionally, a person shall have standing to pursue an action for injunctive relief in the circuit court of the county in which the action allegedly occurred or in the circuit court of Cole County. The court shall hold a hearing on the motion for a temporary restraining order and preliminary injunction within 30 days of service of the petition.

It shall not be a violation of this act to provide aid to federal officials who are in pursuit of a suspect when there is a demonstrable criminal nexus with another state or county and the suspect is not a citizen of this state or is not present in this state. It shall not be a violation of this act to aid a federal prosecution for felony crimes involving a weapons violation against a person or for felony crimes involving a weapons violation and a controlled substance violation if such violation is a Class A or B felony.

The provisions of this act shall be applicable to offenses occurring on or after August 28, 2021.

This act contains a severability clause and an emergency clause.

This act is identical to SS/SB 39 (2021) and similar to SB 588 (2020), SB 367 (2019), HB 786 (2019), HB 1760 (2018), and similar to provisions in HB 1439 (2014).

HB271 - Changes the laws regarding local government

Sponsor

Rep. John Wiemann (R)

Summary

CCS/SS#2/SCS/HCS/HB 271 - This act modifies provisions relating to local governments.

MISSOURI LOCAL GOVERNMENT EXPENDITURE DATABASE (Sections 37.1090 to 37.1098)

This act establishes the "Missouri Local Government Expenditure Database". The database shall be available free of charge on the Office of Administration's website and shall include information about expenditures made during each fiscal year that begins after December 31, 2022.

The database shall include the following information: the amount of the expenditure; the date the expenditure was paid; the vendor to whom the expenditure was paid, unless such information is confidential; the purpose of the expenditure; and the municipality or county that made or requested the expenditure.

A municipality or county may choose to voluntarily participate in the database. Each municipality or county participating in the database shall provide electronically transmitted information to the Office of Administration biannually as provided in the act.

Additionally, if 5% of the registered voters in a municipality or county request to participate, the municipality or county shall participate in the database. Residents may request participation by submitting a written letter by certified mail to the governing body of the municipality or county and the Office of Administration. After receiving the requisite number of requests, a municipality or county shall begin participating in the database, but is not required to report expenditures incurred before one complete 6 month reporting period.

The Office of Administration shall provide financial reimbursement to any participating municipality or county for actual expenditures incurred from participation in the database.

This act provides that no later than one year after the database is implemented, the Office of Administration shall provide on it's website an opportunity for public comment on the utility of the database.

Finally, each municipality or county that has a website shall display on its website a prominent internet link to the database.

These provisions are identical to provisions in SS#2/SCS/HCS/HB 1854 (2020) and HB 1933 (2020).

REGULATION OF COUNTY PROPERTY (Section 49.266)

Currently, the county commissions in first, second, and fourth class counties are authorized to promulgate regulations concerning the use of county property. This act authorizes the county commission in all first, second, third, and fourth class counties to promulgate such regulations.

This act is identical to SB 170 (2021) and to provisions in SS#2/SCS/HCS/HB 1854 (2020), SB 747 (2020), SB 464 (2019), HB 1269 (2018), and HB 1210 (2017).

COUNTY COURTHOUSES (Sections 49.310 & 476.083)

Currently, the county commission in counties of the first, second, or fourth classification may by order or ordinance promulgate reasonable regulations concerning the use of county property, the hours, conditions, methods, and manner of such use and the regulation of pedestrian and vehicular traffic and parking. This act provides that the county commission in all noncharter counties may promulgate such orders or ordinances.

In absence of any local agreement, any courthouse that contains both county offices and court facilities, the presiding judge of the circuit may establish rules and procedures for court facilities and areas necessary for court-related usage. The county commission shall have authority over all other areas of the courthouse.

These provisions are identical to provisions in HB 678 (2021).

DOCUMENTS TO COUNTY TREASURERS (Section 50.166)

Under current law, a county clerk may transmit in the form of a warrant the amount due for a grant, salary, pay, and expenses to the county treasurer.

This act provides that, upon request, the county treasurer shall have access to any financially relevant document in the possession of any county official for the purposes of processing a warrant. If the warrant is received in the absence of a check, then the county treasurer shall have access to the information necessary to process the warrant.

Additionally, no official of any county shall refuse a request from the county treasurer for access to or a copy of any document in the possession of a county office that is financially relevant to the salaries of county officers and assistants; however, a county official may redact, remove, or delete any personal identifying information before submission to the county treasurer. Finally, no county treasurer shall refuse to release funds for the payment of any properly approved expenditure.

These provisions are identical to provisions in SS/SCS/SB 27 (2021) and substantially similar to SCS/SB 576 (2020).

SALARIES OF 2ND CLASS COUNTY CORONERS (Section 50.327)

Under current law, the compensation for non-charter county coroners is based on salary schedules established by law.

Under this act, upon majority approval of the salary commission, the annual compensation of a county coroner may be increased up to $14,000 greater than the compensation provided by the salary schedule established by law.

This provision is identical to SB 233 (2021) and to a provision in the truly agreed to and finally passed SS#2/SCS/HCS/HB 1854 (2020), which was vetoed by the Governor, and substantially similar to SB 837 (2020).

COUNTY BUDGET OFFICERS (Section 50.530)

This amendment repeals the provision that in Cass County the presiding commissioner shall be the budget officer unless the county commission designates the county clerk as the budget officer.

COMPETITIVE BID PROCESS OF COUNTIES (Sections 50.660 & 50.783)

Under current law, all contracts and purchases made by a county shall be given to the lowest and best bidder after opportunity for competition, except that advertising is not required in the case of contracts or purchases involving an expenditure of less than $6,000. It is not necessary to obtain bids on any purchases in the amount of $6,000 or less made from any one person or corporation during any period of ninety days.

Additionally, the county commission may waive the requirement of competitive bidding, except on any single feasible source purchase where the estimated expenditure is over $6,000, the commission shall post notice of the proposed purchase and advertise the commission's intent in at least one daily and one weekly newspaper in regular circulation.

This act changes the threshold from $6,000 to $12,000 for these expenditures. It shall not be necessary to advertise or obtain bids for expenditures less than $12,000.

These provisions are identical to SB 324 (2021).

BOND REQUIREMENTS FOR COUNTY RECORDERS OF DEEDS (Sections 59.021 and 59.100)

The act provides that each candidate for county recorder shall provide to the election authority a copy of an affidavit from a surety company authorized to do business in this state that indicates the candidate is able to satisfy the bond requirements of the office.

Additionally, under current law, all recorders of deeds elected in first, second, and third classification counties shall enter into bond with the state for an amount set by the county commission of not be less than one thousand dollars, with sufficient sureties. Under this act, these provisions shall only apply to recorders of deeds elected prior to January 1, 2022. For all recorders of deeds elected after December 31, 2021, in first, second, and third classification, counties shall enter into bond with the state for an amount set by the county commission of not be less than five thousand dollars, with sufficient sureties.

These provisions are identical to provisions in SCS/HCS/HB 685 (2021), SS/SCS/SB 27 (2021), and SCS/SB 62 (2021) and substantially similar to SB 987 (2020), the truly agreed to and finally passed SS#2/SCS/HCS/HB 1854 (2020), which was vetoed by the Governor, and SB 468 (2019).

BOONE COUNTY PROPERTY MAINTENANCE AND NUISANCE CODES (Section 64.207)

This act authorizes Boone County to adopt property maintenance regulations and ordinances as provided in the act. The unavailability of a utility service due to nonpayment is not a violation of the property maintenance code.

Under this act, the property maintenance code must require the county commission to create a process for selecting a designated officer to respond to written complaints of the condition of a rented residence that threaten the health or safety of the tenants. When a written complaint is filed, the owner of any rental residence must be served with a notice specifying the condition alleged in the complaint and state a reasonable date by which abatement of the condition must commence. If work to abate the condition does not commence as determined by the designated officer, the complaint shall be given a hearing before the county commission. If the county commission finds that the rented residence has a dangerous condition that is harmful to the health, safety, or welfare of the tenant, the county commission shall issue an order that the condition be abated. If the owner violates an order issued by the county commission the owner may be punished by a penalty, which shall not exceed a Class C misdemeanor. (Section 64.207)

These provisions are identical to HB 607 (2021) and HCS/HB 2336 (2020) and to a provision contained in HCS/SCS/SB 725 (2020) and SS#2/SCS/HCS/HB 1854 (2020).

PUBLIC HEALTH ORDERS ISSUED BY LOCAL GOVERNMENTS (Sections 67.265 & 192.300)

A political subdivision shall not issue a public health order, defined in the act as an order, ordinance, rule, or regulation issued in response to an actual or perceived threat to public health for the purpose of preventing the spread of a contagious disease, during a state of emergency declared by the governor that directly or indirectly closes, partially closes, or places restrictions on the opening of or access to any one or more businesses, churches, schools, or other places of gathering or assembly for a period of time longer than 30 calendar days in a 180-day period. Such orders may be extended more than once upon a simple majority vote of the political subdivision's governing body.

A political subdivision shall not issue a public health order of general applicability during a time other than a state of emergency that directly or indirectly closes an entire classification of businesses, churches, schools, or other places of gathering or assembly for a period of time longer than 21 days in a 180-day period. Such orders may be extended more than once upon a two-thirds vote of the political subdivision's governing body.

The governing bodies of the political subdivisions issuing orders under this act shall at all times have the authority to terminate an order issued or extended under this section upon a simple majority vote of the body.

No rule promulgated by the Department of Health and Senior Services shall authorize a local public health official to create or enforce any public health orders inconsistent with this act.

Finally, this act modifies provisions that a county health board shall not impose standards or requirements on a agricultural operation that are inconsistent with, in addition to, different from, or more stringent that any other law or regulation concerning such agricultural operations.

These provisions contain an emergency clause.

This provision is similar to provisions in SS#2/SCS/SBs 12, 20, 21, 31, 56, 67, & 68 (2021) and HCS#2/HB 75 (2021).

NUISANCE ORDINANCES IN FRANKLIN COUNTY (Section 67.398)

This act adds that Franklin County may enact ordinances to provide for the abatement of a condition of any lot that has the presence of a nuisance or debris of any kind.

SENIOR CITIZENS' SERVICES FUND (Sections 67.990 & 67.993)

Under current law, counties and the City of St. Louis may collect a tax for a Senior Citizens' Services Fund. This act provides that deposits in such a fund shall be expended only upon approval of the board of directors and, if in a county, only in accordance with the fund budget approved by the county.

Additionally, this act provides that the board of directors of the City of St. Louis may solicit, accept, and expend grants from private or public entities and enter into agreements to effectuate such grants so long as the transaction is in the best interest of the programs provided by the board and the proceeds are used exclusively to fund such programs.

This provision is identical to SB 592 (2021) and HB 666 (2021).

COUNTY CONVENTION AND SPORTS FACILITIES AUTHORITY (Sections 67.1153 & 67.1158)

This act provides that the commissioners of a county convention and sports facilities authority shall be appointed by the county executive of the county in which the authority is created with the advice and consent of the county legislative body. If there is no county executive, then the commissioners shall be appointed by the governing body of the county.

Additionally, under current law, counties that have established a county convention and sports facilities authority may impose a transient guest tax. This act provides that after the effective date of such tax, the county may enter into an agreement with the authority for the authority to collect the tax.

Finally, any tax collected by the authority shall be due on the first day of the next calendar quarter. If any taxes are not paid within 30 days after the due date, the authority may collect 1% interest per month on the unpaid taxes and a penalty of 2% per month on the unpaid tax. Any suits to enforce the collection of the tax shall be filed and prosecuted only by the authority. The authority shall be entitled to recover costs and attorney's fees incurred in collecting the tax.

POLITICAL SUBDIVISION LINEAR FOOT FEES (Section 67.1847)

This act provides that a political subdivision, including a grand-fathered political subdivision, shall not charge a linear foot fee for the use of its right-of-way to a telecommunications company provided that a political subdivision that was charging linear foot fees as of May 1, 2021, may collect a fee of no more than 5% of gross telecommunications service revenue in lieu of linear foot fees and such gross revenue fee is in addition to any permit fees imposed to recover actual rights-of-way management costs.

This provision is similar to SB 55 9 (2021).

TAXES, LICENSES, AND FEES ON CERTAIN SERVICES (Section 67.2680)

Under this act, the state or any other political subdivision shall not impose any new tax, license, or fee in addition to any tax, license, or fee already authorized on or before August 28, 2021, on satellite or streaming video services.

This provisions is identical to a provision in SS/SCS/SB 108 (2021).

BROADBAND INFRASTRUCTURE IMPROVEMENT DISTRICTS (Section 71.1000)

This act allows two or more municipalities to form a broadband infrastructure improvement district for the delivery of broadband internet service to the residents of such municipalities. A district created

under the act shall have to power partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities as set forth in the act.

A district may finance the provision or expansion of broadband internet service through grants, loans, bonds, user fees, or a sales tax, not to exceed one percent. The act also sets forth the composition and operation of the district governing board.

This provision is identical to provisions in SS/SCS/SB 108 (2021) and similar to HB 735 (2021) and SB 874 (2020).

ST. LOUIS CITY LICENSE COLLECTOR (Section 82.390)

This act provides that beginning January 1, 2022, the license collector of St. Louis City shall receive a salary of $125,000 per year and such salary may be annually increased by an amount equal to the annual salary adjustment for employees of St. Louis City as approved by the board of aldermen.

This provision is identical to SB 612 (2021).

POLICE COMMISSIONERS (Section 84.400)

This act provides that a member of the Kansas City Board of Police Commissioners or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, accept that such board member may accept a per diem or reimbursement for necessary expenses for attending meetings.

This provision is identical to a provision in SS/SCS/SBs 53 & 60 (2021).

RETAIL ELECTRIC SUPPLIERS (Sections 91.025, 386.800, 393.106, 394.020, & 394.315)

This act provides that in the event that a retail electric supplier is providing service to a structure located within a municipality that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

Additionally, in the absence of an approved territorial agreement, the municipally owned utility shall apply to the Public Service Commission for an order assigning nonexclusive service territories and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located within one mile outside of the boundaries of the proposed expanded service territory. In granting the applicant's request, the Commission shall give due regard to territories previously served by the other electric service suppliers and the wasteful duplication of electric service facilities.

Any municipally owned electric utility may extend its electric service territory to include areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities in the area proposed to be annexed, the majority of the existing developers, landowners, or prospective electric customers may submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations as provided in the act. These provisions shall also apply in the event an electrical corporation rather than a municipally owned electric utility is providing electric service in the municipality.

This act also changes the term "fair and reasonable compensation" to be two hundred percent, rather than four hundred percent, of gross revenues less gross receipts taxes received by the affected electric service supplier from the 12 month period preceding the approval of the municipality's governing body. Additionally, this act changes the definition of the population of a "rural area" to be increased by 6% every ten years after each census beginning in 2030.

Nothing in this act shall be construed as otherwise conferring upon the Public Service Commission jurisdiction over the service, rates, financing, or management of any rural electric cooperative or any municipally owned electric utility.

COUNTY BOARD OF PUBLIC WORKS (Section 91.450)

This act allows residents of a county that receive services from a board of public works in certain cities to be appointed to serve on such board.

This provision is identical to the introduced SB 725 (2020).

FILING PERIODS FOR CERTAIN CANDIDATES (Section 115.127)

Under current law, the period for filing a declaration of candidacy in certain political subdivisions and special districts is from 8:00 a.m. on the 16th Tuesday prior to the election until 5:00 p.m. on the 11th Tuesday prior to the election. Additionally, the opening date for filing a declaration of candidacy in Kansas City, and any political subdivision or special district within Kansas City, is 8:00 a.m. on the 15th Tuesday prior to the election until 5:00 p.m. on the 11th Tuesday prior to the election.

This act makes the filing period for declarations of candidacy in all political subdivisions and special districts that have not otherwise required a filing period by law or charter to be 8:00 a.m. on the 17th Tuesday prior to the election until 5:00 p.m. on the 14th Tuesday prior to the election.

These provisions are identical to provisions in SS/SCS/SB 27 (2021) and substantially similar to SB 815 (2020), a provision in the truly agreed to SS#2/SCS/HCS/HB 1854 (2020), and SB 402 (2019), and HB 595 (2019).

PUBLIC FUNDS IN ELECTIONS (Section 115.646)

This act prohibits the contribution or expenditure of public funds by any school district or by any officer, employee, or agent of any school district:

• To support or oppose the nomination or election of any candidate for public office;

• To support or oppose the passage or defeat of any ballot measure;

• To any committee supporting or opposing candidates or ballot measures; or

• To pay debts or obligations of any candidate or committee previously incurred for the above purposes.

The act additionally prohibits the contribution or expenditure of public funds by any officer, employee, or agent of any political subdivision to pay debts or obligations of any candidate or committee previously incurred for the purposes described above.

Any purposeful violation of this act is punishable as a class four election offense.

This provision is identical to a provision in SS#2/SCS/HCS/HB 1854 (2020), which was vetoed by the Governor, and similar to SB 802 (2020).

PERSONAL PROPERTY TAX LISTS (Section 137.280)

This act allows a county assessor, upon request of a taxpayer, to send personal property tax lists and notices in electronic form.

This provision is identical to a provision in HC/SB 365 (2021).

COUNTY COLLECTOR PENALTIES (Section 139.100)

Current law requires a county collector to assess penalties on property tax payments not made as of January 1. For all property tax liabilities incurred on or after January 1, 2020, and on or before December 31, 2020, this act allows the St. Louis County collector to enter into an agreement with any taxpayer for the payment of such taxes, including a waiver or reduction of penalties, provided that any such agreement requires such taxes to be paid not later January 8, 2021. If the penalties are waived or reduced, the portion of the penalties and interest paid may be credited to the taxpayer. The county

may then reduce on a pro-rata basis any distributions to taxing jurisdictions by the amount of any penalties waived or reduced.

This provision contains an emergency clause.

COMMON SEWER DISTRICTS (Section 204.569)

Under current law, when an unincorporated sewer subdistrict of a common sewer district has been formed, the board of trustees of the common sewer district shall have the power to issue bonds, and the issuance of such bonds shall require the assent of 4/7 of the voters of the subdistrict on the question. This act states that as an alternative to such vote, if the subdistrict is a part of a common sewer district located in whole or in part in certain counties, bonds may be issued for such subdistrict if the question receives the written assent of 3/4 of the customers, as such term is defined in the act, of the subdistrict.

This provision is identical to a provision in SS/SB 44 (2021).

REIMBURSEMENTS FROM THE DEPARTMENT OF CORRECTIONS (Section 221.105)

Under current law, the Department of Corrections shall issue a reimbursement to a county for the actual cost of incarceration of a prisoner not to exceed certain amounts as provided in the act. However, the amount shall not be less than the amount appropriated in the previous fiscal year.

This act repeals the provision that the amount reimbursed to counties shall not be less than the amount appropriated in the previous fiscal year.

This provision is identical to SB 511 (2021).

COPPER PROPERTY (Section 407.297)

No person shall engage in the business of a copper property peddler, as such term is defined in the act, in the city of St. Louis without first obtaining a license from the city and complying with the provisions of the act.

The requirements for the application for a license are set forth in the act. No license shall be granted to any person who has been convicted of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the 2 years prior to the date of application.

The city has the power and authority to revoke a copper property peddler's license for any willful violation of the act.

This provision shall only be effective when the city is actively issuing licenses to copper property peddlers.

This provision is substantially similar to provisions in SCS/SB 318 (2021) and identical to a provision contained in SCS/HCS#2/HB 69 (2021), and is similar to SCS/SB 608 (2020), SCS/SB 492 (2019), and HB 395 (2013).

RECORDS FOR THE SALE OF METAL (Section 407.300)

This act requires records of sales of certain metals to be maintained for 3 years rather than 2 years. A transaction that includes a detached catalytic converter shall occur at the fixed place of business of the purchaser. A detached catalytic converter shall be maintained for 5 business days before it is altered, modified, disassembled, or destroyed.

Anyone licensed for selling motor vehicle parts as set forth in statute who is knowingly purchases a stolen detached catalytic converter shall be subject to penalties as set forth in the act.

Currently, every purchaser or collector of, or dealer in, junk, scrap metal, or any second hand property is required to maintain written or electronic records for each purchase or trade in which certain types of material are obtained for value, with exceptions. This act repeals the exception to the records requirement for any transaction for which the total amount paid for all regulated material purchased or sold does not exceed $50, unless the material is a catalytic converter.

The records requirement of the act does not apply to transactions for which the seller has an existing business relationship with the purchaser and for which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state or by the U.S. government or agency thereof, and a copy is retained by the purchaser.

The act also specifies that transactions for metal that is a minor part of heating and cooling equipment shall not be subject to the records requirement of the act.

This provision is substantially similar to provisions in SCS/SB 318 (2021) and identical to a provision contained in SCS/HCS#2/HB 69 (2021) and is similar to HCS/HB 1153 (2021).

ONLINE APPLICATIONS OF THE COUNTY RECORDER OF DEEDS (Section 451.040)

This act provides that applicants for a marriage license may present an application for the license to the recorder of deeds in person or electronically through an online process.

Additionally, in the event a recorder of deeds utilizes an online process to accept applications for a marriage license or to issue a marriage license and the applicants' identity has not been verified in person, the recorder shall have a two-step identity verification process or other process that verifies the identity of the applicants. Finally, the recorder shall not accept applications for or issue marriage licenses through an online process unless both applicants are at least 18 years of age and at least one of the applicants is a resident of the county in which the application was submitted.

These provisions are identical to provisions SCS/HCS/HB 685 (2021) and SS/SCS/SB 27 (2021), SCS/SB 62 (2021), and HB 144 (2021).

COMPENSATION OF COURT REPORTERS (Section 485.060)

This act provides that the annual salary of each court reporter for a circuit judge shall be adjusted by a percentage based on each court reporter's cumulative years of service with the circuit courts.

This provision is identical to a provision in HCS/HB 1242 (2021) and similar to HB 707 (2021), a provision in HCS/SS/SCS/SB 594 (2020), in HCS/SCS/SB 662 (2020), in HCS/SCS/SB 725 (2020), in HCS/HB 1819 (2020), SB 908 (2020), and HB 2191 (2020).

ADDITIONAL SURCHARGE FOR KANSAS CITY MUNICIPAL COURTHOUSE (Section 488.2235)

Under current law, in additional to all other court costs for municipal ordinance violations, Kansas City may collect additional court costs up to $5 per case filed before a municipal division judge.

This act extends the sunset provision to August 28, 2026.

OFFENSE OF STEALING (Section 570.030)

The offense of stealing shall be a class E felony if the property is a catalytic converter.

This provision is identical to a provision contained in SCS/HCS#2/HB 69 (2021).

VACCINATION REQUIREMENTS (Section 1)

This act provides that no county, city, town, or village receiving public funds shall require documentation of an individual having received a vaccination against COVID-19 in order for the individual to access transportation system or services or any other public accommodations.

HB273 - Modifies provisions relating to professional registration

Sponsor

Rep. Tom Hannegan (R)

Summary

SS#2/SCS/HB 273 - This act modifies provisions related to professional registration.

MILITARY LICENSE RECIPROCITY

Current law provides that any person who for at least one year has held a valid, current license issued by another state, a U.S. territory, or the District of Columbia, which allows the person to legally practice an occupation or profession in such jurisdiction may apply for an equivalent Missouri license through the appropriate oversight body, subject to procedures and limitations provided in current law.

This act allows any person who holds a valid, current license issued by a branch or unit of the military to also apply for an equivalent Missouri license. (Section 324.009)

These provisions are identical to HB 476 (2021).

PROFESSIONAL LICENSING OF INDIVIDUALS WITH CRIMINAL RECORDS

Under current law, an individual with a criminal record may petition a licensing authority for a determination of whether the criminal record will disqualify the individual from obtaining a professional license. This act requires licensing authorities to notify the petitioner in writing of the grounds and reasons if the authority determines that the petitioner is disqualified. This act also removes an exemption for certain licensing authorities listed in current law from the petition requirements. (Sections 324.012.2(3) and 324.012.7)

This act also removes a provision in current law requiring licensing authorities to only list criminal convictions directly related to the licensed occupation for purposes of the Fresh Start Act of 2020. (Former section 324.012.6(1))

These provisions are identical to SCS/SB 308 (2021).

OCCUPATIONAL THERAPY LICENSURE COMPACT

This act adopts the Occupational Therapy Licensure Compact.

The Compact allows eligible occupational therapists and occupational therapy assistants licensed in member states to practice in other member states, subject to the requirements and limitations described in the Compact.

The Compact establishes procedures for a licensee to apply for a new home state license in a member state of primary residence based on their licensure in another member state. Active-duty military personnel and their spouses shall retain home state licensure during the period of active duty service without having to maintain residency.

Under the Compact, only a home state may take adverse action on the home state license, while remote member states may take adverse action against the licensee's privilege to practice in the remote state. The Compact provides procedures for how member states shall coordinate in various aspects of adverse actions and investigations.

The Compact establishes the Occupational Therapy Compact Commission as a joint public agency to implement and administer the Compact. The Commission may collect an annual assessment on member states or impose fees on other parties to cover its costs.

The Compact creates qualified immunity from suit and liability for agents of the Commission for negligent misconduct within the scope of the agents' work with the Commission. Such agents shall also be entitled to representation and indemnity in civil actions for such misconduct.

Under the Compact, the Commission shall develop a data system containing information on all licensees related to licensure, adverse actions, and investigations. Member states shall report certain information, as described in the Compact, to the Commission for use in the data system.

Legislatures of member states may reject any rule promulgated by the Commission by a majority of such legislatures enacting a statute or resolution.

The Compact provides procedures for oversight, dispute resolution, and enforcement of the Compact, including procedures for default and termination of membership. The Commission may also sue a member state in federal court to enforce compliance with the Compact, its rules, and its bylaws.

The Compact shall become effective upon its enactment in at least ten states.

The Compact supercedes all other laws that conflict with provisions of the Compact to the extent of the conflict. (Section 324.087)

These provisions are identical to SB 330 (2021).

APPLICATION OF THE DIETITIAN PRACTICE ACT

Current law provides that, for purposes of provisions of law regulating the practice of nutrition and dietetics, "medical nutrition therapy" shall mean nutritional diagnostic, therapy, and counseling services furnished by a registered dietitian or register dietitian nutritionist. Under this act, "medical nutrition therapy" shall instead mean the provision of nutrition care services for the treatment or management of a disease or medical condition. (Section 324.200)

Under this act, no provision of law governing licensed dieticians shall interfere with any person credentialed in the field of nutrition providing advice, counseling, or evaluations related to food, diet, or nutrition within his or her scope of practice if such services do not constitute medical nutrition therapy under the Dietician Practice Act.

Prior to performing any service to which the law governing licensed dieticians does not apply under the act, a credentialed non-dietician shall provide his or her name, title, business address and telephone number, a statement that he or she is not a licensed dietician, a statement that his or her information or advice may constitute alternative care, and his or her qualifications. (Section 324.206)

These provisions are substantially similar to SB 232 (2021) and HCS/HB 475 (2021) and are similar to SB 893 (2020) and HB 2000 (2020).

ARCHITECTS

Current law sets forth the practice of an architect in Missouri as any person who renders or offers to render or represent himself or herself as willing or able to render service or creative work which requires architectural education, training and experience.

Under this act, the practice of architecture is modified to include the rendering or offering to render services in connection with the design and construction of public and private buildings, structures and shelters, site improvements, in whole or part, which have as their principal purpose human occupancy or habitation. The act sets forth the services that may be included in the practice of architecture. Only a person with the required architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri. (Section 327.091)

Current law prohibits any person from practicing architecture in Missouri unless and until such person is licensed or certificated to practice architecture in the state. Current law also exempts certain persons from this requirement.

This act repeals provisions exempting persons who render architectural service in connection with the construction, remodeling, or repairing of certain commercial or industrial buildings or structures or structures containing less than two thousand square feet. All other persons exempt from the licensing requirement may engage in the practice of architecture, provided such person does not use the title "architect" or other terms set forth in the act that indicate or imply that such person is or holds himself or herself out to be an architect. This act also exempts any person who renders architectural services in connection with the construction, remodeling, or repairing of any building or structure used exclusively for agriculture purposes from the licensing requirement.

Current law also exempts any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building set forth in the act, provided such person indicates on any documents furnished in connection with such services that the person is not a licensed architect. This act repeals certain privately owned buildings from the list of buildings such person may provide services for, and adds any one building which provides for the employment, assembly, housing, sleeping, or eating of not more than 9 persons, contains less than 2,000 square feet and is not part of another building structure. (Section 327.101)

Current law permits any person to apply for licensure as an architect who holds a certified Intern Development Program record with the National Council of Architectural Registration Boards. Under this act, such person may also hold a certified Architectural Experience Program record. (Section 327.131)

These provisions are identical to provisions in SCS/SB 257 (2021).

PROFESSIONAL ENGINEERS

Current law prohibits any person from practicing as a professional engineer in Missouri unless and until such person is licensed or certificated to practice engineering in the state. Current law also exempts certain persons from this requirement, including any person who is a regular full-time employee of a person, who performs professional engineering work for the person's employer if certain conditions are met.

Under this act, such exempted persons shall not use the title "professional engineer" or other terms set forth in the act that indicate or imply that such person is or holds himself or herself out to be a professional engineer. This act also exempts any person who renders professional engineering services in connection with the construction, remodeling, or repairing of any privately owned building, as set forth in the act, and professional engineering services rendered in connection with a building or structure used exclusively for agriculture, so long as the person rendering either such type of services indicates on any documents furnished in connection with such services that the person is not a licensed professional engineer.

Any person who renders engineering services in connection with the remodeling of any privately owned, multiple family dwelling house, flat, or apartment containing 3 or 4 families is also exempt, provided certain conditions are met. (Section 327.191)

This act repeals provisions in current law requiring any person entitled to be licensed as a professional engineer to be licensed within 4 years after the date on which he or she is entitled to be licensed, and providing that if such person is not licensed within that time, the Engineering Division of the Board may require him or her to take and satisfactorily pass an examination before issuing him or her a license. (Section 327.241)

These provisions are identical to provisions in SCS/SB 257 (2021).

LANDSCAPE ARCHITECTS

Current law permits any person who is of good moral character, 21 years of age, who has a degree in landscape architecture, and has at least three years of landscape architectural experience to apply to the Board for licensure as a professional landscape architect.

This act repeals the age requirement, and also provides that an applicant who may not have a degree in landscape architecture may instead have an education which, in the opinion of the Board, equals or exceeds the education received by a graduate of an accredited school. This act also requires an applicant to have taken and passed all sections of the landscape architectural registration examination administered by the Council of Landscape Architectural Registration Boards. (Section 327.612)

These provisions are identical to provisions in SCS/SB 257 (2021) and are substantially similar to SB 992 (2020).

SHAMPOOING

This act prohibits the Division of Professional Registration from requiring a person who engages solely in shampooing under the supervision of a licensed barber or cosmetologist to have a license as a barber or cosmetologist. (Section 329.034)

These provisions are similar to HB 1758 (2020), HB 349 (2019), HB 1400 (2018), and HB 2308 (2018).

PRISONER COMPLAINTS AGAINST A PSYCHOLOGIST'S LICENSE

Under current law, if the State Committee of Psychologists finds merit to a complaint made by a prisoner under the care and control of the Department of Corrections or who has been ordered to be taken into custody, detained, or held as a sexually violent predator, and takes further investigative action, no documentation may appear on file nor may any disciplinary action be taken in regards to the licensee's license unless there are grounds for the denial, revocation, or suspension of a license.

This act includes complaints made by individuals who have been ordered to be evaluated in a criminal proceeding involving mental illness.

Under this act, a psychologist subject to the complaint by an individual who has been ordered to be evaluated in a criminal proceeding involving mental illness prior to August 28, 2021, may submit a written request to destroy all documentation regarding the complaint, and notify any other licensing board in another state, or any national registry who had been notified of the complaint, that the Committee found the complaint to be unsubstantiated. (Section 337.068)

These provisions are identical to SB 9 (2021), SB 556 (2020), and SB 451 (2019) and are substantially similar to HB 441 (2019) and HB 2709 (2018).

ADVERTISEMENTS FOR REAL ESTATE COMPANIES

Under this act, the Missouri Real Estate Commission may cause a complaint to be filed with the Administrative Hearing Commission against any licensed or previously licensed real estate broker, salesperson, broker-salesperson, appraiser, or appraisal manager for advertisements or solicitations which include a name or team name that uses the terms "realty", "brokerage", "company", or any other terms that can be construed to advertise a real estate company other than the licensee or a licensed business entity with whom the licensee is associated.

The Commission may consider the context of the advertisement or solicitation when determining whether there has been a violation of this act. (Section 339.100)

These provisions are identical to SB 473 (2021).

PAYMENTS TO BUSINESSES OWNED BY REAL ESTATE LICENSEES

Under this act, a real estate broker may pay compensation directly to a business entity, as defined in the act, owned by a licensed real estate salesperson or broker-salesperson formed for the purpose of receiving compensation earned by such licensee.

The business entity shall not be required to be licensed and may be co-owned by an unlicensed spouse, a licensed spouse associated with the same broker as the licensee, or one or more other licensees associated with the same broker as the licensee. (Section 339.150)

These provisions are identical to SB 435 (2021).

CONTINUING EDUCATION CREDITS FOR INSURANCE PRODUCERS

This act specifies that an insurance producer's active participation in a local, regional, state, or national professional insurance association may be approved by the Director of the Department of Commerce and Insurance for up to four hours of continuing education credit per biannual reporting period.

Credit granted under these provisions shall not be used to satisfy continuing education hours required to be in a classroom or classroom-equivalent setting, or to satisfy ethics education requirements. (Section 375.029)

These provisions are identical to SB 548 (2021) and HB 1114 (2021) and are similar to HCS/HB 1647 (2020).

ATHLETIC AGENTS

This act modifies provisions of the Uniform Athlete Agents Act.

Current law defines an athlete agent as an individual who enters into an agency contract with a student athlete or recruits or solicits a student athlete to enter into an agency contract.

Under this act, an athlete agent is defined as an individual who directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization. An athlete agent shall also mean a person providing certain services to a student athlete, as set forth in the act, including serving the student in an advisory capacity on a matter related to finance, business pursuits, or career management decisions, unless such person is an employee of an educational institution acting exclusively as an employee of the institution.

An athlete agent shall not include an individual who acts solely on behalf of a professional sports team or organization, or is a licensed, registered, or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless such person meets certain requirements set forth in the act. (Section 436.218)

Under this act, an applicant for registration as an athlete agent shall submit an application to the Director of the Division of Professional Registration that shall be in the name of an individual and shall include certain information set forth in the act, including each social media account with which the applicant or the applicant's business or employer is affiliated.

An applicant who is registered as an athlete agent in another state may apply for registration as an athlete agent, by submitting certain information to the Director.

The Director shall issue a certificate of registration to an applicant registered in another state who applies for registration under the act, if the Director determines that the application and registration requirements of the other state are substantially similar to or more restrictive than the requirements of this act, and if the registration has not been revoked or suspended and no action is pending against the applicant or the applicant's registration in any state.

The Director shall cooperate with any national organizations concerned with athlete agent issues and agencies in other states that register athlete agents to develop a common registration form, and to determine which states have laws substantially similar to or more restrictive than this act. The Director shall also exchange any information related to actions taken against registered athlete agents or their registrations with such organizations. (Section 436.227)

An athlete agent registered under the provisions of this act may renew his or her registration as set forth in the act or, if the registration in the other state has been renewed, by submitting to the Director copies of the application for renewal in the other state and the renewed registration from the other state. The Director shall renew the registration if he or she determines that the application and registration requirements of the other state are substantially similar to or more restrictive than the requirements of this act, and if the registration has not been revoked or suspended and no action is pending against the applicant or the applicant's registration in any state. (Section 436.230)

An agency contract shall contain a statement that the athlete agent is registered as an athlete agent in this state and shall include a list of any other states in which the athlete is registered as an athlete agent.

This act modifies the text required in an agency contract, and requires such contract to be accompanied by a separate record signed by the student athlete or, if the student athlete is a minor, by the parent or guardian of a student athlete acknowledging that signing the contract may result in the loss of the student athlete's eligibility to participate in the student athlete's sport.

If an agency contract is voided, by a student athlete, or by the parent or guardian of a minor student athlete, any consideration received by the student athlete from the athlete agent under the contract shall not be required to be returned.

If a student athlete is a minor, an agency contract shall be signed by the parent or guardian of the minor. (Section 436.242)

If an athlete agent enters into an agency contract with a student athlete, and the student athlete then enrolls in an educational institution, such athlete agent shall notify the athletic director of the institution of the existence of a contract within 72 hours of learning the student has enrolled.

If an athlete agent has a relationship with a student athlete before such student enrolls in an educational institution and receives a scholarship, the athlete agent shall notify the athletic director of the institution of such relationship within 10 days of enrollment.

An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with the student athlete in an attempt to influence such student to enter into an agency contract, or another individual to have such person influence the student to enter into an agency contract.

If a communication or attempted communication is initiated by a student athlete or another individual on behalf of the student athlete, the athlete agent shall give notice in a record to the athletic director at the educational institution at which the student athlete is enrolled within 10 days of the communication.

An educational institution that becomes aware of a violation of the act by an athlete agent shall notify the Director of the violation and any professional league or players' association with which the educational institution is aware the agent is licensed or registered. (Section 326.245)

An athlete agent, under this act, shall not intentionally provide any student athlete with false information with the intent to influence such athlete to enter into an agency contract, nor shall any agent furnish anything of value to an individual if to do so may result in the loss of the student athlete's eligibility to participate in a sport unless certain requirements are met.

An athlete agent also may not intentionally initiate contact, directly or indirectly, with a student athlete to recruit or solicit the student athlete to enter into an agency contract, encourage another individual to perform any of the actions set forth in the act, or encourage another individual to assist any other individual performing the listed acts. (Section 436.254)

An educational institution or a student athlete, under this act, may bring an action for damages against an athlete agent if the institution or athlete is adversely affected, as defined in the act, by an act or omission of the athlete agent. This act repeals the provision allowing a former student athlete to bring an action for damages.

This act repeals provisions of current law setting forth the damages that may be claimed by an educational institution. Under this act, a plaintiff who prevails in an action under this act may recover actual damages, costs, and reasonable attorney's fees. An athlete agent found liable under this act forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the athlete agent by or on behalf of the student athlete.

Any violation of this act shall be considered an unfair trade practice. (Section 436.260)

Any individual who violates the provisions of this act shall be guilty of a Class A misdemeanor. Any individual who commits a knowing violation shall be guilty of a Class E felony. Any such person shall also be liable for a civil penalty up to $100,000. (Section 436.263)

This act repeals the provision providing that the commission of certain acts by an athlete agent shall be a Class B misdemeanor. (Section 436.257)

These provisions are identical to SCS/SB 263 (2021) and are substantially similar to SB 1016 (2020) and HCS/HBs 2100 and 1532 (2020).

SA 1 - THIS AMENDMENT ALLOWS A PHARMACIST TO DISPENSE MEDICATION FOR HIV POSTEXPOSURE PROPHYLAXIS SUBJECT TO A WRITTEN PROTOCOL AUTHORIZED BY A LICENSED PHYSICIAN.

SUCH PROPHYLAXIS SHALL INCLUDE DRUGS APPROVED BY THE FOOD AND DRUG ADMINISTRATION THAT MEET THE SAME CLINICAL ELIGIBILITY RECOMMENDATIONS

PROVIDED IN CURRENT HIV GUIDELINES PUBLISHED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

THE STATE BOARD OF REGISTRATION FOR THE HEALING ARTS AND THE STATE BOARD OF PHARMACY SHALL JOINTLY PROMULGATE RULES AND REGULATIONS FOR THE ADMINISTRATION OF THIS AMENDMENT AND SHALL NOT DO SO SEPARATELY.

THIS AMENDMENT IS IDENTICAL TO SCS/SB 79 (2021) AND IS SIMILAR TO HB 2304 (2020).

HB297 - Allows Southeast Missouri State University to develop a statewide mission

Sponsor

Rep. Wayne Wallingford (R)

Summary

SOUTHEAST STATEWIDE MISSION (Sections 174.281 & 174.453 RSMo.)

This bill designates Southeast Missouri State University (SEMO) as an institution with a statewide mission in visual and performing arts, computer science, and cybersecurity.

The bill modifies provisions relating to the Board of Governors for SEMO as outlined in the bill.

STUDENT RIGHT TO KNOW ACT (Sections 161.625 & 173.035)

The bill creates the "Students' Right to Know Act", which, beginning January 1, 2022, requires the Department of Higher Education and Workforce Development (DHEWD) to annually collect and compile specified information to help high school students make more informed decisions about their futures and ensure they are adequately aware of the costs of four-year college and alternative career paths. The document must be available to the Department of Elementary and Secondary Education for distribution to public school guidance counselors by October 15th each year. The information provided by the public institutions is also required to be available on the website of the Department of Higher Education and Workforce Development.

MISSOURI EDUCATION PROGRAM (Sections 166.400-166.440, 166.456, 166.461, 166.502, and 209.610)

This bill changes the name of the "Missouri Education Savings Program" to the "Missouri Education Program".

This bill provides to parents of any "qualified children", as defined in the bill as; born or adopted after January 1, 2021 and a Missouri resident at time of birth, and at the time of grant application, a scholarship grant of $100 in a savings account established under Sections 166.400 to 166.456, RSMo known as the "Missouri Education Savings Program".

The bill establishes the "Show Me Child Development Account Program" (MCSAP) and creates the "Missouri Children's Development Account Program Fund". The fund shall receive from the State Treasurer a portion of the interest derived from the investment of funds as outlined in the bill not to exceed .35% of the total of the average daily fund balance in the State Treasury.

The Department of Health and Senior Services will notify the Treasurer's office upon certification of live birth in the state and provide relevant information as outlined. The Treasurer's office will notify parents about this program and provide opportunity for the parent to exclude any child.

The bill allows the State Treasurer to receive contributions from any person or legal entity on behalf of, and make grants to, eligible children to pay for qualified higher education expenses.

The Treasurer shall establish a separate savings account for each qualified child under this bill and shall deposit scholarship seed money, contributions, and interest earnings as specified. Any amount in such a savings account that is not expended for qualified higher education expenses by the qualified child's 30th birthday will revert back to the Program Fund.

The Fund shall receive a portion of the interest derived from the investment of funds as outlined in the bill. Moneys in the Fund shall be used to provide scholarship seed money and to pay for personal service, equipment, and other expenses of the Treasurer related to administration.

REDUCED RESTRICTION ON DEALING IN REAL PROPERTY (Section 172.020)

The bill will allow universities to subdivide, sell, or convey title to land located within a university campus. NORTHWEST MISSOURI STATE UNIVERSITY (Sections 174.283 & 174.450)

The bill designates Northwest Missouri State University as an institution with a statewide mission in educator preparation, emergency and disaster management, and profession-based learning. Current law provides that public institutions of higher education charged with a statewide mission shall be governed by a board of governors as described in current law. Under this bill, Northwest Missouri State University shall continue to be governed by its board of regents.

REMOVING TUITION CAP RESTRICTION (Section 173.1003)

The bill will allow community colleges and public universities to exceed the percentage change limitations for tuition currently established in Section 173.1003, RSMo., after July 1, 2022. The bill

requires public institutions that utilize differentiated tuition to notify the DHEWD and to no longer utilize required course fees.

ADVANCED PLACEMENT COURSE CREDIT (Section 173.1352)

The bill requires public institutions of higher learning to adopt and implement policies, as outlined in the bill, that will give undergraduate course credit to entering freshman students for each advanced placement (AP) examination upon which such student achieves a score of three or higher. The Coordinating Board for Higher Education will consult with the Department of Elementary and Secondary Education to identify correlations between subject matter and content in courses and examinations in the AP program, and shall make that information public on the Board's website.

This bill includes similar language as found in HB 2151 (2020), HB 355 (2021), HCS for HB 627 (2021), HB 908 (2021) HCS for HB 856 (2021) and HB 1208 (2021) .

HB345 - Modifies provisions relating to the enforcement of arbitration awards and intervention in court proceedings for insurance companies

Sponsor

Rep. Bruce DeGroot (R)

Summary

SS/HB 345 - This act modifies provisions relating to civil actions, including arbitration awards, covenants not to execute, contracts to limit recovery, and intervention in court proceedings for insurance companies.

ARBITRATION AWARDS (SECTION 435.415)

This act provides that no arbitration award for personal injury, bodily injury, or death shall be binding, admissible in evidence, or provide the basis for any judgment or decree against any insurer, as defined in the act, unless the insurer has agreed in writing to the arbitration proceeding. Additionally, any such arbitration award shall not be subject to garnishment, enforcement, or collection from any insurer unless the insurer has agreed in writing to the written arbitration agreement. Unless otherwise required by the insurance contract, an insurer's election to not participate in arbitration shall not constitute or be construed as bad faith. These provisions shall not apply to any arbitration required by statute or arbitration agreements preceding the date of injury or loss.

COVENANTS NOT TO EXECUTE, CONTRACTS TO LIMIT RECOVERY, AND INTERVENTION FOR INSURERS (SECTION 537.065)

Currently, any person having an unliquidated claim for damages against a tort-feasor may enter into a contract with the tort-feasor or any insurer to limit judgments to specified assets provided that the insurer has the opportunity to defend the tort-feasor without reservation but refuses to do so. This act provides that such person may enter into a contract with the tort-feasor or any insurer if the insurer has refused to withdraw a reservation of rights or declined coverage for such unliquidated claim.

Under current law, the insurer shall be provided with written notice of the execution of the contract and shall have 30 days to intervene before a judgment may be entered against a tort-feasor who has entered into such a contract. This act provides that for actions seeking a judgment on a claim against a tort-feasor pending at the time of execution of the contract, the tort-feasor is required to provide the insurer with a copy of the executed contract and a copy of the action within 30 days of execution of the contract. For actions which were pending at the time of execution but were later dismissed, the tort-feasor shall provide the insurer with a copy of the executed contract and the action within 30 days of any refiling of the action or the filing of any subsequent action seeking a judgment on the claim. If no action is pending at the time of the execution of any contract, the tort-feasor shall provide notice within 30 days after notice of any action. Judgment shall not be entered against any tort-feasor until the insurer has received written notice for at least 30 days. Furthermore, the act specifies that the insurers have the unconditional right to intervene in any pending civil action involving the claim for damages within 30 days of receiving notice.

This act provides that insurers intervening in a court proceeding where the tort-feasor has contracted to limit his or her liability to specified assets shall have all the same rights and defenses as are afforded to defendants. Additionally, the intervenor shall have reasonable and sufficient time to meaningfully assert its position. No stipulations, scheduling orders, or other orders affects the rights of intervenors and that were entered prior to intervention shall be binding upon the intervenor. These provisions shall not alter or reduce an intervening insurer's obligations to any insureds other than the tort-feasor, including any co-insureds.

All terms of any covenant not to execute or of any contract to limit recovery to specified assets shall be in writing and signed by the parties. No unwritten terms shall be enforceable against any party, insurer, or any other person.

In actions for bad faith, any agreement between the tort-feasor and the claimant shall be admissible in evidence. Furthermore, the exercise of any rights under this act shall not constitute or be construed as bad faith.

This act is similar to provisions in SS/SB 3 (2021), SB 179 (2021), in SS#1/SCS/SB 591 (2020), in HCS/SCS/SB 662 (2020), SCS/SB 726 (2020), SCS/HCS/HB 2049 (2020), SCS/SB 49 (2019), HB 120 (2019), and in SCS/HB 186 (2019).

HB349 - Establishes the "Missouri Empowerment Scholarship Accounts Program."

Sponsor

Rep. Phil Christofanelli (R)

Summary

This bill creates the "Missouri Empowerment Scholarship Accounts Program" and specifies that any taxpayer may claim a tax credit, not to exceed 50% of the taxpayer's state tax liability, for any qualifying contribution to an educational assistance organization. The cumulative amount of tax credits issued in any one calendar year begins at $50 million and may be adjusted by the state treasurer annually based upon inflation with a maximum cap of $75 million. The State Treasurer shall establish procedures for tax credits to be awarded to an educational assistance organization (EAO)on a first come first served basis, and if an EAO fails to use allocated credits the State Treasurer may reallocate credits to ensure that taxpayers may claim all available credits annually. Taxpayers making contributions may not designate the student that receives a scholarship, and EAO's shall meet certain requirements and provide specified information during an annual audit.

The State Treasurer shall provide a standardized format for a receipt to be issued by the EAO to indicate the value of a contribution received as well as a standardized format for EAOs to report the information. The State Treasurer or State Auditor may conduct an investigation if he or she possesses evidence of fraud committed by the EAO. The EAO may be barred from participating in the program if it is found to have intentionally and substantially failed to comply with certain requirements. In addition, the State Treasurer shall issue a report on the Missouri Empowerment Scholarship Accounts program five years after its effective date.

Each EAO will ensure that grants are distributed in a prioritized order, with students having an approved individualized education plan (IEP) or living in a household whose total annual income meets the income standard for free and reduced price lunches being the first priority. Each EAO shall ensure that student recipients are tested to measure learning gains in math and English, and report these results along with graduation rates, college attendance, and a parental survey as specified in the bill. The state treasurer shall provide this data to the public via a state website after the 3rd year of collection.

A qualified student may receive a grant to be deposited in the student's Missouri Empowerment Scholarship Account if he or she is a resident of Missouri and resides in any county with a charter form of government or any city with at least 30,000 inhabitants, and has an IEP or has attended a public school as specified in the bill, is entering Kindergarten or first grade, or is attending school for the first time. Missouri Empowerment Scholarship Accounts are renewable on an annual basis. Moneys deposited into the account shall be used for specified services and fees, but may not be payments to any person related within the third degree of consanguinity to the qualified student. If a qualified student withdraws from the program, is disqualified from the program, or graduates, the student's account shall be closed and remaining funds shall be returned to the EAO for redistribution to other qualified students.

Beginning in the 2023-24 school year the bill requires the State Treasurer to conduct or contract for annual audits of empowerment scholarship accounts to ensure compliance.

Any person who is found to have knowingly used moneys granted under the provisions of this bill other than the purposes provided, shall be guilty of a class A misdemeanor.

The bill becomes effective in the fiscal year that the appropriation for pupil transportation under Section 163.161, RSMo., equals or exceeds 40% of the projected amount necessary to fully fund the public transportation state aid. Any year that transportation funding falls below this threshold no new scholarships shall be awarded.

The bill allows school districts for qualified students that receive a scholarship and leave their resident district to continue to be counted for state aid purposes for five years, or until criteria outlined in the bill are met. This provision will end five years after the effective date of the bill.

HB362 - Modifies provisions relating to Government Transparency

Sponsor

Rep. Bruce DeGroot (R)

Summary

This bill establishes the "Government Lending Transparency Act". The bill requires each administering agency to report on all state lending programs and credit support programs to the Auditor. Each administering agency shall report annually to the Auditor before August 31st the total dollar amount of all lending programs administered by the agency as well as the total amount of debt supported by credit support programs administered by the agency. This bill also requires each administered agency to report to the Auditor reasonable estimates of the costs of likely defaults on lending programs and credit support programs administered by the agency, using equivalent private market debts to evaluate the likelihood and costs of defaults when possible. The bill requires the Auditor to make an annual report compiling the data received from the administering agencies and submit the report to the General Assembly annually before December 15th. Intentional or knowing failure to comply with any reporting requirement contained in these provisions shall be punishable by a fine of up to $2,000.

This bill requires the Office of the Child Advocate to create a safety reporting system for employees of the children's division to report information regarding the safety of those served by the Children's Division and the safety of the Division's Employees. The bill specifies under what circumstances the identity of the individual who reports to the system shall be confidential.

Under this bill, a defendant cannot be charged a fee for obtaining a police report, probable cause statement, or any video relevant to a traffic stop or arrest for the purposes of preparing for a proceeding for a municipal ordinance violation or any other proceeding before a municipal court if the charge carries the possibility of 15 days or more in jail or confinement. The defendant can submit a written request for discovery for such record to the prosecutor.

This bill allows a public governmental body to close records related to security and evacuation procedures, including software or surveillance companies that secure the building, for public governmental property. The bill allows a public governmental body to close records if the records are related to email addresses and telephone numbers submitted to a public governmental body by individuals or entities for the sole purpose of receiving electronic or other communications. This bill also allows a public governmental body to close records of utility usage and bill records for customers of public utilities unless the customer requests them or authorizes their release.

Currently, public governmental bodies are required to provide access to and, upon request, furnish copies of public records, with specified exceptions. This amendment states that a request for public records shall be considered withdrawn if the requestor fails to remit all fees within 30 days of a request for payment of the fees by the public governmental body, prior to making the copies. If the same or a substantially similar request for public records is made within six months after the expiration of the 30 day period, then the public governmental body may request payment of the same fees made for the original request that has expired in addition to any allowable fees necessary to fulfill the subsequent request.

HB369 - Modifies the provisions related to land management.

Sponsor

Rep. Tim Taylor (R)

Summary

SS/HCS/HB 369 - This act modifies provisions relating to land management, including the purchase of cemeteries, control of feral swine on land, liability of landowners, and searches of private property.

Purchase of the Antioch Cemetery (Section 253.387)

This act authorizes the Department of Natural Resources to acquire by purchase or gift the Antioch Cemetery in Clinton, Missouri, to be operated and maintained by the Division of State Parks within the Department. The Department shall make adequate provisions for the proper care, maintenance, and safekeeping of the property.

The Department is required to allow for burials to continue until all plots have been purchased. The Department shall charge no more than $100 per burial to be credited to the "Antioch Cemetery Fund", established in the act. The Department shall not be liable for additional costs associated with the burial.

This provision is identical to a provision in HCS/SCS/SB 40 (2021), SB 396 (2021), and HB 395 (2021) and is similar to HB 1556 (2020).

Feral Swine (Sections 270.170, 270.180, 270.260, 270.270, and 270.400)

This act modifies provisions relating to feral swine.

The act removes the phrase "or sheep" from provisions of law relating to certain animals running at large.

The act repeals a definition for "feral hog" and replaces it with a definition for "feral swine". Additionally, the term "feral hog" is replaced with "feral swine" throughout the act.

Any person who recklessly or knowingly releases any swine to live in a wild or feral state may be sentenced to pay a fine up to $2,000.

Provisions of law relating to the release of feral swine shall not be construed to criminalize the release of domestic swine into a facility under a Department of Conservation permit or to hinder the ability to transport domestic swine to market or slaughter.

Any person possessing or transporting feral swine on or through public land is guilty of a Class A misdemeanor. Any person shall be found guilty of a Class E felony if he or she has previously been found guilty of possessing or transporting feral swine on or through public land within ten years of the date of the occurrence of the present offense and is subsequently found guilty.

Provisions of law relating to the possession or transportation of feral swine shall not apply to the possession of the offspring of domestic swine that are unintentionally sired by feral swine and are reported to the state veterinarian as set forth in the act.

Any person who takes or kills a feral swine on public or private land without the consent of the landowner or with the use of an artificial light or thermal imagery is guilty of a Class A misdemeanor.

Finally, the act repeals rulemaking authority for the Director of the Department of Agriculture for health standards for certain wild swine and repeals provisions of law creating the Animal Health Fund.

These provisions are identical to SCS/HCS/HB 508 (2021) and are similar to SCS/SB 236 (2021), SB 1059 (2020), and HCS/HB 1798 (2020).

Liability of Landowners for Recreational Purposes (Section 537.346)

This act provides that no owner of land shall be liable for a trespasser's injuries that occur on his or her residential area or noncovered land if such area or land is adjacent to a park or trail and the trespasser accessed the area or land from the adjacent park or trail.

This provision is identical to a provision in SCS/SB 306 (2021), in HCS/SB 377 (2021), in HS/HCS/HB 441 (2021), HCS/HB 519 (2021), and HB 1070 (2021).

Liability of Landowners for Wildlife Management Programs (Section 537.347)

Currently, a landowner who invites or permits any person to enter onto his or her land for recreational use in compliance with a state-administered recreational access program does not extend any assurance that the premises are safe, confer a duty requiring special or reasonable care, or assume liability for injuries caused by any condition on the premises or by an act or omission of any other person. This act extends these provisions to landowners of property used for recreational purposes in compliance with a state-administered wildlife management program.

This provision is identical to HCS/SB 377 (2021), HB 573 (2021), a provision in SCS/SB 306 (2021), and in HCS/HB 519 (2021).

Liability of Landowners for Prescribed Burns (Section 537.354)

This act establishes the Prescribed Burning Act, which specifies that no landowner or agent of a landowner shall be liable for damages caused by a prescribed burning conducted in accordance with a prescribed burn plan or the resulting smoke of such a prescribed burning unless the landowner or agent is proven to be negligent. Additionally, unless proven to be negligent, no certified burn manager shall be liable for damages caused by a prescribed burning or the resulting smoke conducted in accordance with a prescribed burn plan.

This act shall not apply to any property, land, right-of-way, or easement owned by a public utility, municipally-owned utility, rural electric cooperative, corporation organized for the purpose of supplying electric energy, or electric corporations operating under a cooperative business plan. Additionally, this act shall not apply to any property, land, right-of-way, or easement appurtenant or incidental to lands controlled by any railroad.

This provision is substantially similar to SCS/SB 301 (2021) and is similar SCS/SB 661 (2020), HCS/HB 1547 (2020), and HB 978 (2019).

Surveillance and Searches of Private Property (Section 542.525)

This act provides that no employee of a state agency or a political subdivision shall place any surveillance camera or game camera on private property without first obtaining consent from the landowner or his or her designee, a search warrant pursuant to law, or permission from the highest ranking law enforcement chief or officer of the agency or political subdivision, provided that permission of the highest ranking law enforcement chief or officer is valid only when the camera is facing a location that is open to public access or use and the camera is located within 100 feet of the intended surveillance location.

This provision is similar to a provision in the perfected HCS/HB 682 (2021) and HB 1166 (2021).

SA #1: MODIFIES LIABILITY OF OWNERS OF LAND USED FOR RECREATIONAL PURPOSES AND PROVIDES IMMUNITY FROM LIABILITY FOR INHERENT RISKS OF CAMPING ON PRIVATE CAMPGROUNDS

HB402 - Prohibits publishing of the names of lottery winners

Sponsor

Rep. Jay Mosley (D)

Summary

This bill prohibits the Lottery Commission, state lottery, any contracted organization, or any of their employees from publishing the name, address, or identifying information of a lottery winner in printed or electronic form for distribution or sale to the public. An individual may permit public disclosure of his or her information by providing written release to the state lottery on a form provided by the state lottery if requested.

This bill contains a penalty provision. Any violation of these provisions is a class A misdemeanor.

HB429 - Authorizes an income tax deduction for the provision of child foster care services

Sponsor

Rep. Hannah Kelly (R)

Summary

ADOPTION TAX CREDIT (Sections 135.325-135.335, 135.800 & 191.975 RSMo)

This bill renames and alters the current "Special Needs Adoption Tax Credit Act" to the "Adoption Tax Credit Act".

Currently, any person residing in this state who proceeds in good faith with the adoption of a special needs child who is a resident or ward of a resident of this state is eligible for a $10,000 nonrefundable tax credit for nonrecurring adoption expenses for each child. Additionally, any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child is eligible to receive a tax credit of up to $10,000 for nonrecurring adoption expenses for each child, except that only one $10,000 credit is available for each special needs child that is adopted. This tax credit is capped at $6 million for a tax year.

Beginning January 1, 2022, this bill removes the special needs and residency requirements for adoptions to be eligible for the tax credit. Priority will be given to applications to claim the tax credit for special needs children who are residents or wards of residents of this state at the time the adoption is initiated. The House Committee Substitute changes the bills definition of "handicap" to "disability" and modifies the definition of "special needs child". The bill defines a "child" as any individual under 18 years old or over 18 but is physically or mentally incapable of caring for themselves.

FOSTER CARE EXPENSE TAX DEDUCTION (Section 143.1170)

Beginning on January 1, 2022, a taxpayer will be allowed a tax deduction for expenses incurred directly by the taxpayer in providing care as a foster parent to one or more children in this state. The amount of the deduction will be equal to the amount of expenses directly incurred by the taxpayer in providing such care; provided that:

(1) If the taxpayer provides care as a foster parent for at least six months during the tax year, the total amount of the deduction claimed under this bill will not exceed $5,000 per taxpayer, or $2,500 per individual if married and filing separately; and

(2) If the taxpayer provides care as a foster parent for less than six months during the tax year, the maximum deduction limits described will still apply, but the limits will be reduced on a pro rata basis.

The Department of Revenue will collaborate with the Children's Division of the Department of Social Services in order to establish and implement a procedure to verify that a taxpayer claiming the deduction is a foster parent.

Each taxpayer claiming the deduction must file an affidavit with their income tax return. The affidavit will affirm that they are a foster parent and that they are entitled to the deduction in the amount claimed on their tax return.

BIRTH MATCH PROGRAM - (Sections 193.075, 210.150 & 210.156)

This language establishes the "Birth Match Program" which requires data sharing between the Children's Division of the Departments of Social Services and the State Registrar's office to compare birth reports with reports of parents who have been convicted of certain crimes or have a termination of parental rights in order to ensure the safety of the child and provide services, if needed. The State Registrar shall provide to the Division the birth record information of children born to such individuals.

The Division shall verify the identity of the parent and if that identity is verified, the Division shall provide the appropriate local office with information regarding the birth of the child. Appropriate local Division personnel shall initiate contact with the family, or make a good faith effort to do so, to determine if the parent or family has a need for services and provide such voluntary and timelimited services as appropriate. The Division shall document the results of such contact and services provided, if any, in the Division's information system. Identifying information and records created and exchanged under this bill shall be closed records and shall only be used as specified in the bill.

CHILD PLACEMENT (Sections 211.447, 453.014, 453.030, 453.040 & 453.070)

The bill changes the age threshold for abandoned infant or abandoned child from one year or under to under three years old and sets a time frame of six months prior to a petition of termination of parental rights to be considered for willful, substantial, and continual neglect by the parent clarifying current language. This adds felonies, to the current felony chapters for which a parent, if guilty and the victim is a child, shall lose parental rights, along with if the child has been in foster care for 15 months out of the previous 22 months.

Currently, persons who are granted with the authority to place minor children for adoption are required to comply with rules and regulations promulgated by the Department of Social Services and the Department of Health and Senior Services for placement.

This language specifies that such persons are required to comply with the rules and regulations promulgated by the Children's Division within the Department of Social Services.

Currently, the Department of Social Services promulgates rules and regulations related to assessments of petitioners for adoption. This changes that to the Children's Division within the Department of Social Services The language repeals payment for adoption legal fees by the prospective adoptive parents for a birth parent and allows the court to determine if representation is needed for the birth parent in an adoption proceedings Currently, consent to the adoption of a child is required by a parent unless the child is under the age of one and the parent, for at least six months, has neglected to provide the child with necessary care and protection. This changes the age from over one year old to three years of age or older

CHILD CUSTODY (Section 452.375)

This language directs the court to award custody to a person related by consanguinity to the child when both parents are deemed unfit and the court is determining third party custody priority.

HB430 - Modifies provisions relating to benevolent tax credits

Sponsor

Rep. Hannah Kelly (R)

Summary

SS/SCS/HCS/HB 430 - This act modifies provisions relating to benevolent tax credits.

ADOPTION TAX CREDITS

Current law authorizes the Special Needs Adoption Tax Credit for nonrecurring expenses relating to the adoption of a special needs child. This act modifies such program by renaming it the Adoption Tax Credit, and by expanding such program to allow tax credits for nonrecurring expenses relating to the adoption of any child adopted on or after January 1, 2022, regardless of whether such child is a special needs child. Beginning July 1, 2021, this act increases the annual limit on the amount of tax

credits that may be authorized from two million dollars to six million dollars. (Sections 135.325 to 135.335, 135.800, 191.975)

These provisions are identical to provisions contained in SS/SB 327 (2021) and SCS/HCS/HB 429 (2021).

DOMESTIC VIOLENCE SHELTER TAX CREDIT

Current law authorizes a tax credit for contributions to domestic violence shelters in an amount equal to fifty percent of the contribution, with the maximum annual amount of tax credits limited to $2 million. This act increases the tax credit from fifty percent of the amount contributed to seventy percent beginning July 1, 2022, and removes the limit on the cumulative amount of tax credits claimed by all taxpayers in a fiscal year beginning July 1, 2022. This act also shortens the ability to carry forward any unused credit from four years to one year.

This act also adds a definition of "rape crisis center" to allow taxpayers to receive tax credits for contributions to such facilities. (Section 135.550)

This provision is identical to a provision contained in SB 155 (2021) and SS/SCS/SB 648 (2020), and is substantially similar to SB 958 (2020) and to a provision contained in SS#2/SB 704 (2020).

MATERNITY HOME TAX CREDIT

Current law authorizes a tax credit for contributions to maternity homes in an amount equal to fifty percent of the contribution, with the maximum annual amount of tax credits limited to $3.5 million. This act increases the tax credit from fifty percent of the amount contributed to seventy percent beginning July 1, 2022, removes the limit on the cumulative amount of tax credits claimed by all taxpayers in a fiscal year beginning July 1, 2022, and removes the sunset provision. (Section 135.600)

This provision is identical to a provision contained in SB 155 (2021).

HB432 - Establishes the Birth Match Program

Sponsor

Rep. Hannah Kelly (R)

Summary

SCS/HS/HB 432 - This act modifies several provisions relating to the protection of vulnerable persons, including: (1) sheltered workshops; (2) the Alzheimer's State Plan Task Force; (3) the birth match program; (4) child care benefits; (5) MO HealthNet antipsychotic medication; (6) nutrition assistance programs; (7) unaccompanied youth; (8) child care facilities; (9) children in the custody of

the state; (10) the Missouri Food Security Task Force; (11) child hearing aids; and (12) modification of prior custody orders or visitation.

SHELTERED WORKSHOPS (Section 178.935)

In order to prevent the curtailment of employment opportunities for disabled persons working at sheltered workshops, the Department of Elementary and Secondary Education shall permit sheltered workshops to pay such disabled persons commensurate wages, defined as wages based on the disabled person's productivity in proportion to the productivity of an experienced non-disabled person in a similar job and that may be lower than the state minimum wage. The sheltered workshop shall provide written assurance to the Department that such wages shall be reviewed and adjusted periodically and no sheltered workshop shall be permitted to reduce the agreed-upon wage rate for a period of two years after approval without prior authorization from the Department.

This provision is identical to SB 582 (2021).

ALZHEIMER'S STATE PLAN TASK FORCE (Section 191.116)

This act establishes the "Alzheimer's State Plan Task Force" in the Department of Health and Senior Services, which shall consist of 21 members as specified in the act. The task force shall assess and maintain a state plan to overcome the challenges of Alzheimer's disease, including assessing the existing services and resources available for persons with Alzheimer's disease and their families and identifying opportunities for Missouri to coordinate with federal entities. The task force shall deliver a report to the Governor and General Assembly by June 1, 2022, and shall supplement the report annually thereafter. The task force shall expire on December 31, 2026.

This provision is identical to SB 523 (2021) and substantially similar to provisions in SCS/HCS/HB 1683 (2020) and SB 823 (2020).

BIRTH MATCH PROGRAM (Sections 193.075, 210.150, and 210.156)

Under this act, the Children's Division shall make available to the State Registrar the identifying information of certain individuals, within the previous ten years, whose parental rights have been terminated due to child abuse or neglect, individuals who pled or were found guilty of murder or manslaughter when the victim was a child, and individuals who pled guilty or were found guilty of certain sexual offenses against a child. The State Registrar shall provide to the Division the birth record information of children born to such individuals. The Division shall verify the identity of the parent and if that identity is verified, the Division shall provide the appropriate local office with information regarding the birth of the child. Appropriate local Division personnel, or local providers designated by the Division, shall initiate contact with the family, or make a good faith effort to do so, to determine if the parent or family has a need for services and provide such voluntary and time-limited services as appropriate. The Division shall document the results of such contact and services provided, if any, in the Division's information system. Identifying information and records created and exchanged under this act shall be closed records and shall only be used as specified in the act.

These provisions are identical to provisions in the truly agreed to and finally passed SS/SCS/HCS/HB 429 (2021) and the perfected SS/SB 327 (2021).

CHILD CARE BENEFITS (Section 208.053)

This act modifies an expired law relating to the "Hand-Up" pilot program, which was designed to ensure that certain participating recipients continued to receive child care subsidy benefits while paying a premium when their income surpassed the eligibility level for full benefits to continue. This act requires the Children's Division, subject to appropriations and by July 1, 2022, to implement a new pilot program in Jackson County, Clay County, and Greene County. The program shall be designed so that applicants may receive transitional child care benefits without first being eligible for full child care benefits, as long as the applicant's income falls within the income limits established through annual appropriations. The Division shall track the number of recipients in the program and the effectiveness of the program in encouraging recipients to secure employment with incomes greater than the maximum for full child care benefits. The report shall be issued to the General Assembly by September 1, 2023, and each September thereafter.

This act repeals provisions relating to the establishment and utilization of a "Hand-Up Premium Fund" in the State Treasury for premiums collected under the previous pilot program.

These provisions will expire on August 28, 2024, unless reauthorized.

These provisions are identical to SB 206 (2021) and SB 584 (2020), substantially similar to HCS/HB 1311 (2018), and similar to SB 965 (2018).

MO HEALTHNET ANTIPSYCHOTIC MEDICATION (Sections 208.226 and 208.227)

Currently, no restrictions to access shall be imposed that preclude the availability of any individual atypical antipsychotic monotherapy for the treatment of certain disorders in MO HealthNet participants. Under this act, no such restrictions shall be imposed for any individual antipsychotic medication. Additionally, this act modifies current law regarding the MO HealthNet Division's requirements to issue a provider update regarding cost considerations when enumerating treatment and utilization principles, as well as repeals language regarding the Division's adherence to certain principles when implementing new policies and clinical edits for antipsychotic drugs.

This provision is identical to SB 173 (2021), SB 666 (2020), and HB 867 (2019).

NUTRITION ASSISTANCE PROGRAMS (Sections 208.1060 and 210.276)

This act requires the Department of Social Services to submit a state plan to the U.S. Department of Agriculture for a "Farm to Food Bank Project" and to contract with any qualified food bank for the purpose of operating the project.

This provision is identical to SB 562 (2021).

Under this act, Missouri shall have no stricter requirements than federal regulations for participants in administering the program for at-risk school children through the federal Child and Adult Care Food Program. Facilities shall not be required to be licensed child care providers to participate in the program, as long as minimum health and safety standards are met and documented.

This provision is identical to SCS/SB 563 (2021).

UNACCOMPANIED YOUTH ((Sections 210.115 and 210.121)

Under this act, for the purposes of providing or accessing supportive services or verifying the status of a youth as unaccompanied or homeless, the fact that a child is an unaccompanied youth, as defined in federal law, is not, in and of itself, a sufficient basis for reporting child abuse or neglect, unless the child is under 16 years of age or is incapacitated.

Additionally, an unaccompanied youth may access supportive services, as defined in the act, so long as the youth is verified as an unaccompanied youth. Acceptable documentation for verification shall include: (1) a statement signed by a licensed mental health professional, licensed social worker, or licensed counselor of a government or nonprofit agency that receives public or private funding to provide services to homeless people; (2) a statement signed by a local educational agency liaison for homeless children and youth or a school social worker or counselor; or (3) a statement signed by an attorney representing the youth in any legal matter.

A person who acts in good faith to accept a statement from a director or designee of a government or nonprofit agency and who is without actual knowledge that such statement is fraudulent or otherwise invalid, shall not be liable in any civil or criminal action for providing shelter or supportive services without having obtained permission from the minor's parent or guardian. The service provider shall not be relieved from liability for negligence or criminal acts on the basis of this act.

These provisions are identical to HCS/HB 1276 (2021) and substantially similar to SCS/SB 536 (2021).

CHILD CARE FACILITIES (Sections 210.211 and B)

This act excludes from the number of children counted toward the maximum number of children for which a family child care home is licensed up to two children who are five years or older and who are related within the third degree of consanguinity or affinity to, adopted by, or under court appointed guardianship or legal custody of a child care provider who is responsible for the daily operation of a licensed family child care home organized as a legal entity in Missouri. If more than one member of the legal entity is responsible for the daily operation of the family child care home, then the related children of only one such member shall be excluded. A family child care home caring for such children shall provide notice to parents or guardians as specified in the act. Additionally, nothing in the act

shall prohibit the Department of Health and Senior Services from enforcing existing licensing regulations, including supervision requirements and capacity limitations based on the amount of child care space available.

This provision has an emergency clause.

This provision is identical to SCS/SB 132 (2021) and similar to SB 1026 (2020) and HB 1257 (2020).

CHILDREN IN THE CUSTODY OF THE STATE (Section 210.1225)

Under this act, the Children's Division shall take physical custody of a child who is in the legal custody of the Division and who is hospitalized but no longer in need of medical care. If the Division fails to take physical custody of the child, then the Division shall reimburse the hospital at the same rate the hospital would receive per day for an inpatient admission.

Additionally, if the Division requests transportation of a child to an emergency, the hospital to which the child is transported or any subsequent psychiatric hospital to which the child is transferred shall be allowed to administer emergency psychiatric treatment.

This provision is identical to SB 561 (2021) and substantially similar to HB 1147 (2021).

MISSOURI FOOD SECURITY TASK FORCE (Section 261.450)

This act establishes the Missouri Food Security Task Force, to be comprised of 25 members as set forth in the act. The task force shall report a summary of its activities and recommendations to the Governor and the General Assembly before August 28th of each year, and shall terminate on December 31, 2023, or may be extended until December 31, 2025, as determined necessary by the Department of Agriculture.

This provision is identical to SCS/SB 441 (2021) and similar to HB 597 (2021) and HB 2108 (2020).

CHILD HEARING AIDS (Section 376.1228)

This act requires health benefit plans delivered, issued, continued, or renewed on or after January 1, 2022, to provide coverage to children under 18 years of age for those hearing aids which are covered for children receiving benefits under MO HealthNet.

This provision is identical to the perfected SS/SCS/SB 43 (2021) and similar to HB 289 (2021).

MODIFICATION OF PRIOR CUSTODY ORDERS OR VISITATION (Section 452.410)

This provision modifies current law relating to the modification of a prior child custody decree by changing and adding intersectional references to current statutory provisions relating to child custody, visitation, and grandparent visitation.

This provision is identical to a provision in HCS/SS/SCS/SB 71 (2021).

SA#1: ESTABLISHES "THE MISSOURI COMMISSION ON AUTISM SPECTRUM DISORDERS"

SA#2: PROHIBITS CERTAIN OFFENDERS OF SEX CRIMES FROM BEING NEAR CERTAIN PROPERTIES

SA#3: REQUIRES THE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION TO DEVELOP AND PUBLIC SCHOOLS TO ADOPT POLICIES PROVIDING ACCOMMODATIONS FOR NURSING MOTHERS

SA#4: MODIFIES PROVISIONS RELATING TO INSURANCE COVERAGE FOR MENTAL HEALTH CONDITIONS

SA#5: MODIFIES PROVISIONS RELATING TO A CHILD'S RIGHT TO COUNSEL

SA#6: MODIFIES PROVISIONS RELATING TO THE USE OF SECLUSION AND RESTRAINT TECHNIQUES ON ELEMENTARY AND SECONDARY STUDENTS

SA#7: MODIFIES PROVISIONS RELATING TO INSPECTION OF CHILD CARE FACILITIES

SA#8: PERMITS RECORDING CERTAIN MEETINGS BY A STUDENT'S PARENT OR LEGAL GUARDIAN

SA#9: MODIFIES PROVISIONS RELATING TO STEP THERAPY

HB476 - Modifies provisions relating to occupational license reciprocity for military members

Sponsor

Rep. Derek Grier (R)

Summary

This bill relates to professional registration.

PESTICIDE CERTIFICATION AND TRAINING (Sections 281.015, 281.020, 281.025,281.030,281.035,281.037,281.038,281.040,281.045,281.048, 281.050,281.055,281.060,281.063,281.065,281.070,281.075,281.085, and 281.101, RSMo)

The bill modifies provisions relating to pesticide certification and training.

This bill repeals a provision allowing the Director of the Department of Agriculture to provide by regulation for the one-time emergency purchase and use of a restricted use pesticide by a private applicator. The Director may, by regulation, classify licenses, including a license for noncertified restricted use pesticide applicators.

No individual shall engage in the business of supervising the determination of the need for the use of any pesticide on the lands of another without a certified commercial applicator's license issued by the Director. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of any restricted pesticide on the land of another unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified commercial applicator in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.

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

No pesticide technician shall use or determine the need for the use of any pesticide unless there is a certified commercial applicator, certified in categories as specified by regulation, working from the same physical location as the licensed pesticide technician. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

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

A private applicator shall qualify for a certified private applicator's license or a certified provisional applicator's license by attending an approved program, completing an approved certification course, or passing a certification examination as listed in the bill.

The University of Missouri extension may collect reasonable fees for training and study materials, for attendance of a certification training program, and for an online certification training program. Such fees shall be assessed based on the majority decision of a review committee convened every five years by the Director. The committee shall be composed of members as specified in the bill.

A certified private applicator holding a valid license may renew their license for five years upon successful completion of recertification training or by passing the required private applicator certification examination.

On the date of the certified provisional private applicator's 18th birthday, his or her license will automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire five years from date of issuance and may then be renewed as a certified private applicator's license without charge or additional fee.

A provision allowing a private applicator to apply for a permit for the one-time emergency purchase and use of restricted use pesticides is repealed.

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

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

The bill creates provisions relating to the use of restricted pesticides. An application for a noncertified restricted use pesticide applicator's license shall follow requirements as set forth in the bill and once licensed, a restricted use pesticide applicator shall use pesticides as set forth in the bill, including when under supervision of another individual licensed by the Department of Agriculture.

Each pesticide dealership location or outlet from which restricted use pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user shall have at least one individual licensed as a pesticide dealer. No individual shall be issued more than one pesticide dealer license. Each mobile salesperson possessing restricted use pesticides for distribution or sale shall be licensed as a pesticide dealer.

The bill requires each applicant for a pesticide dealer's license to pass a pesticide dealer examination provided by the Director.

Licensed certified applicators, licensed noncertified restricted use pesticide applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the Department within 10 days of any conviction of or plea to any offense listed in the bill.

The Director may issue a pesticide applicator certification on a reciprocal basis with other states without examination to a nonresident who is licensed as a certified applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state.

The bill repeals a provision stating that a nonresident applying for certain pesticide licenses to operate in Missouri shall designate the Secretary of State as the agent of such nonresident upon whom process may be served unless the nonresident has designated a Missouri resident agent.

The bill prohibits any person to use or supervise the use of pesticides that are canceled or suspended. It is unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides. Additionally, it is unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or aid and abet any person in an attempt to steal examinations or examination materials, cheat on examinations, or evade recertification or retraining requirements.

MILITARY OCCUPATIONAL SPECIALTY (Section 324.009)

This bill includes a Military Occupational Specialty as a type of licensure when applying for licensure in Missouri in the same occupation under Missouri's Reciprocity Laws.

DENIAL OF LICENSURE (Section 324.012)

Currently, an individual with a criminal record may petition a licensing authority for a determination of whether the criminal record will disqualify the individual from obtaining a professional license. This bill requires licensing authorities to notify the petitioner in writing of the grounds and reasons if the authority determines that the petitioner is disqualified. This bill also removes an exemption for certain licensing authorities listed in current law from the petition requirements. This bill also removes a provision in current law requiring licensing authorities to only list criminal convictions directly related to the licensed occupation for purposes of the Fresh Start Act of 2020.

OCCUPATIONAL THERAPY LICENSURE COMPACT (Section 324.087)

This bill adopts the Occupational Therapy Licensure Compact.

The Compact allows eligible occupational therapists and occupational therapy assistants licensed in member states to practice in other member states, subject to the requirements and limitations described in the Compact.

The Compact establishes procedures for a licensee to apply for a new home state license in a member state of primary residence based on their licensure in another member state. Active-duty military personnel and their spouses shall retain home state licensure during the period of active duty service without having to maintain residency.

Under the Compact, only a home state may take adverse action on the home state license, while remote member states may take adverse action against the licensee's privilege to practice in the remote state.

The Compact provides procedures for how member states shall coordinate in various aspects of adverse actions and investigations. The Compact establishes the Occupational Therapy Compact Commission as a joint public agency to implement and administer the Compact. The Commission may collect an annual assessment on member states or impose fees on other parties to cover its costs.

The Compact creates qualified immunity from suit and liability for agents of the Commission for negligent misconduct within the scope of the agents' work with the Commission. Such agents shall also be entitled to representation and indemnity in civil actions for such misconduct.

Under the Compact, the Commission shall develop a data system containing information on all licensees related to licensure, adverse actions, and investigations. Member states shall report certain information, as described in the Compact, to the Commission for use in the data system.

Legislatures of member states may reject any rule promulgated by the Commission by a majority of such legislatures enacting a statute or resolution.

The Compact provides procedures for oversight, dispute resolution, and enforcement of the Compact, including procedures for default and termination of membership. The Commission may also sue a member state in federal court to enforce compliance with the Compact, its rules, and its bylaws.

The Compact shall become effective upon its enactment in at least 10 states.

The Compact supersedes all other laws that conflict with provisions of the Compact to the extent of the conflict.

DIETITIANS (Sections 324.200 and 324.206)

This bill allows a person credentialed in the field of nutrition to provide advice, counseling, or evaluations in matters of food, diet, or nutrition to the extent such acts are within the scope of practice listed by the credentialing body and do not constitute medical nutrition therapy, as long as the person does not hold himself or herself out as a dietitian. Such individuals are required to provide certain specified information to their clients. The bill also changes the definition of "medical nutrition therapy".

ARCHITECTS, PROFESSIONAL ENGINEERS, AND LANDSCAPE ARCHITECTS (Sections 327.011, 327.091, 327.101, 327.131, 327.191, 327.241, and 327.612)

Current law specifies that the practice of an architect in Missouri as any person who renders or represents himself or herself as willing or able to render service or creative work which requires architectural education, training, and experience. This bill instead sets forth the practice of architecture as rendering or offering to render services in connection with the design and construction of public and private buildings, structures, shelters, and site improvements which have as their principal purpose human occupancy or habitation. Only a person with the required architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri.

Currently, the law allows certain people to perform specified architectural work without a license. The bill allows an exception for people who render architectural services in connection with buildings used exclusively for agricultural purposes.

This bill also removes the exception for people who work on privately-owned commercial buildings that contain less than 10 people, or people who work on privately-owned buildings of less than 2,000 square feet, and instead allows the exception only for people who work on any one building that contains less than 10 people, contains less than 2,000 square feet, and is not part of another building.

Currently the law requires a person who applies for licensure as an architect to hold a certified Intern Development Program record with the National Council of Architectural Registration Boards. The bill allows a person to apply if he or she holds a certified Architectural Experience Program record. Currently the law allows certain people to perform specified professional engineering work without a license. The bill allows an exception for people who render professional engineering services in connection with buildings used exclusively for agricultural purposes. The bill also allows an exception for persons who work on a privately-owned:

(1) Dwelling house;

(2) Multiple-family dwelling house containing no more than two families;

(3) Single building that contains less than 10 people, contains less than 2,000 square feet, and is not part of another building; and

(4) Multiple-family dwelling house containing three or four families, as long as the work does not affect safety features of the building.

This bill clarifies that an applicant for an engineer-intern or a professional engineer can take the engineering exam before having acquired at least four years of satisfactory engineering experience.

The bill removes a provision requiring a professional engineer to be licensed within four years of being eligible for licensure. The bill removes a provision requiring an applicant as a landscape architect to be 21 years old. This bill allows an applicant as a landscape architect to possess education that equals or exceeds the education received by a graduate of an accredited school in lieu of having a degree from an accredited school. The bill adds a requirement that an applicant pass all sections of the landscape architectural registration examination from the Council of Landscape Architectural Registration Boards.

PSYCHOLOGISTS (Sections 337.068)

Currently, if the State Committee of Psychologists finds merit to a complaint made by a prisoner under the care and control of the Department of Corrections or who has been ordered to be taken into custody, detained, or held as a sexually violent predator, and takes further investigative action, no documentation may appear on file nor may any disciplinary action be taken in regards to the licensee's license unless there are grounds for the denial, revocation, or suspension of a license.

This bill includes complaints made by individuals who have been ordered to be evaluated in a criminal proceeding involving mental illness. This bill specifies that a psychologist subject to the complaint by an individual who has been ordered to be evaluated in a criminal proceeding involving mental illness prior to August 28, 2021, may submit a written request to destroy all documentation regarding the complaint, and notify any other licensing board in another state, or any national registry who had been notified of the complaint, that the Committee found the complaint to be unsubstantiated.

HIV POSTEXPOSURE PROPHYLAXIS (Sections 338.010 and 338.730)

Allows a pharmacist to dispense medication for HIV post exposure prophylaxis if dispensed following a written protocol authorized by a licensed physician.

RX CARES FOR MISSOURI(PROGRAM (Section 338.710)

This bill extends the RX Cares for Missouri Program until 2026.

REAL ESTATE BROKERS (Sections 339.100 and 339.150)

The bill allows a real estate broker to pay compensation directly to a business entity, as defined in the bill, owned by a licensed real estate salesperson or broker-salesperson formed for the purpose of receiving compensation earned by such licensee.

The business entity shall not be required to be licensed and may be co-owned by an unlicensed spouse, a licensed spouse associated with the same broker as the licensee, or one or more other licensees associated with the same broker as the licensee.

Under this bill, the Missouri Real Estate Commission may cause a complaint to be filed with the Administrative Hearing Commission against any licensed or previously licensed real estate broker, salesperson, broker-salesperson, appraiser, or appraisal manager for advertisements or solicitations which include a name or team name that uses the terms "realty", "brokerage", "company", or any other terms that can be construed to advertise a real estate company other than the licensee or a licensed business entity with whom the licensee is associated. The Commission may consider the context of the advertisement or solicitation when determining whether there has been a violation of this bill.

These provisions have an effective of January 1, 2024.

HB557 - Establishes provisions relating to the protection of children

Sponsor

Rep. Rudy Veit (R)

Summary

This bill adds a process by which an "exempt-from-licensure residential care facility", as defined in the bill, is required to notify the Department of Social Services (DSS) of their existence and compliance with provisions that protect the safety of the children in residence. These include: fire and safety inspections, local health department inspections, background checks, medical records for all residents, and information about schools serving the children. The bill provides courts the power to expand on orders to produce children in a facility if there is cause to believe there has been abuse or neglect.

This bill creates a process for DSS to provide background checks for licensed residential care facilities or child placing agencies and for residential care facilities subject to the notification requirements of Sections 210.1250 to 210.1286, RSMo. Fingerprints are valid for 5 years and DSS will provide results to the applicant and to the facility or agency. The bill outlines what will make an applicant ineligible and provides applicants the right to appeal.

When there are allegations of abuse or neglect in the residential facility, the bill outlines how the Department can petition a court for an order for a home to present a child that is the subject of a child abuse investigation. The bill specifies that any case in which a referral is made to a juvenile officer for removal of a child, a referral may also be made to the Attorney General.

The bill further details that failure to comply with these provisions may result in fines, misdemeanor charges for failure to conduct background checks, and potential removal of children.

The bill specifies that the Department may promulgate necessary rules that include a fee to cover the cost of the notification process. However, it is not permitted to regulate any religious program, curriculum, or ministry.

The bill includes an emergency clause for immediate implementation to protect children.

HB574 - Prohibits the inspection of certain grounds or facilities in Missouri to enforce the laws of a state other than Missouri

Sponsor

Rep. Kent Haden (R)

Summary

This bill specifies that the Missouri Department of Agriculture, Department of Natural Resources, the United States Department of Agriculture, the county sheriff and any other federal or Missouri state agency with statutory or regulatory authority have exclusive authority to inspect the grounds or facilities in Missouri used for the production of eggs, milk or other dairy products, or raising of livestock. Unless requested by the owner of the facility, no other entity may inspect the grounds or facilities to enforce or carry out the laws or administrative rules of the state or that of another state.

The provisions of this bill do not apply to inspections in a charter county, except St. Charles County, or the cities of St. Louis or Kansas City, on any further processing component of a production agriculture farm, or on any searches carried out under the Department of Conservation's regulations.

No testimony or evidence offered regarding conditions or events at the described facilities by anyone other than those authorized may be admissible in any criminal prosecution unless the testimony is offered by someone who is authorized by the owner to be present at the facility or grounds, a person who entered pursuant to a valid search warrant, or a person who observed the condition or event from public land or private land owned or rented by such person.

HB604 - Modifies provisions regarding the regulation of insurance

Sponsor

Rep. Kurtis Gregory (R)

Summary

SCS/HB 604 - This act modifies provisions relating to insurance.

CERTIFICATES OF SELF-INSURANCE (Section 303.220)

This act specifies that a religious denomination that has more than 25 members with motor vehicles and "discourages", rather than "prohibits", its members from purchasing insurance, as being contrary to its religious tenets, may obtain a certificate of self-insurance from the Director of the Department of Revenue.

This provision is identical to SB 29 (2021) and SB 915 (2020), and substantially similar to HB 1851 (2020).

PETROLEUM STORAGE TANK INSURANCE FUND (Section 319.131)

Under current law, the Petroleum Storage Tank Insurance Fund assumes costs of 3rd-party claims and cleanup of contamination caused by releases from petroleum storage tanks and pays legal defense costs for eligible 3rd-party claims. This act specifies that the legal defense costs are separate from other coverage limits and allows the Fund to set a limit for such coverage.

These provisions are identical to SB 310 (2021) and provisions in SS/SB 6 (2021).

CONTINUING EDUCATION CREDITS FOR INSURANCE PRODUCERS (Section 375.029)

This act specifies that an insurance producer's active participation in a local, regional, state, or national professional insurance association may be approved by the Director of the Department of Commerce and Insurance for up to four hours of continuing education credit per biannual reporting period.

Credit granted under these provisions shall not be used to satisfy continuing education hours required to be in a classroom or classroom-equivalent setting, or to satisfy ethics education requirements.

These provisions are substantially similar to SB 548 (2021) and HB 1114 (2021), and similar to HCS/HB 1647 (2020).

CREDIT FOR REINSURANCE AS AN ASSET OR REDUCTION FROM LIABILITY OF AN INSURER (Section 375.246)

The act authorizes the Director of the Department of Commerce and Insurance to promulgate certain rules, as specified in the act, to establish requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance agreements described in the act, or the circumstances under which credit will be reduced or eliminated. (Sections 375.246.1 and 375.246.2).

In addition to as currently provided by law, credit for reinsurance shall be allowed when the reinsurance is ceded to an assuming insurer meeting certain conditions. (Section 375.246.1(6)(a)). The assuming insurer shall have its head office or be domiciled in, as applicable, and licensed in a reciprocal jurisdiction, as such term is defined in the act. (Section 375.246.1(6)(a)a). The assuming insurer shall have and maintain minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction in an amount to be set forth by the Director by rule. If the assuming insurer is an association, it shall maintain the same, net of liabilities, and a central fund containing an amount to be set forth by rule. (Section 375.246.1(6)(a)b). The assuming insurer shall have and maintain a minimum solvency or capital ratio, as applicable, which shall be set forth by rule. If the assuming insurer is an association, it shall have and maintain a minimum solvency and capital ratio in the reciprocal jurisdiction where the insurer has its head office or is domiciled, as applicable, and is also licensed. (Section 375.246.1(6)(a)c). The assuming insurer shall agree and provide adequate assurance to the Director that it will provide prompt written notice and explanation to the Director if it falls below minimum capital and surplus requirements outlined in the act, or if any regulatory action is taken against it for serious noncompliance with the law. The assuming insurer shall consent in writing to the jurisdiction of the courts of this state and to the appointment of the Director as agent for service of process. The Director may require that the consent for service of process be provided for and included in each reinsurance agreement. These provisions shall not alter the capacity of the parties to a reinsurance agreement to agree to enforceable alternative dispute resolution mechanisms. The assuming insurer shall consent in writing to pay all final judgments obtained by a ceding insurer or its legal successor, where enforcement is sought, which have been declared enforceable in the jurisdiction where the judgment was obtained. Each reinsurance agreement shall require the assuming insurer to provide security, in an amount equal to 100% of the assuming insurer's liabilities attributable to reinsurance under the agreement, if the assuming insurer resists enforcement of an enforceable final judgment or arbitration award. The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement involving this state's ceding insurers, and shall agree to notify the ceding insurer and the Director and to provide security as specified by rule in an amount equal to 100% of the assuming insurer's liabilities to the ceding insurer should the assuming insurer enter into such a solvent scheme of arrangement. (Section 375.246.1(6)(a)d). The assuming insurer or its legal successor shall provide, if requested by the Director, certain documentation as specified by rule. (Section 375.246.1(6)(a)e). The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements as specified by rule. (Section 375.246.1(6)(a)f). The assuming insurer's supervisory authority shall confirm to the Director on an annual basis that the assuming insurer complies with the minimum capital and surplus or solvency or capital ratio requirements specified in this act. (Section 375.246.1(6)(a)g). Nothing in these provisions precludes an assuming insurer from providing the Director with information on a voluntary basis. (Section 375.246.1(6)(a)h).

This act requires the Director to create and publish a list of reciprocal jurisdictions. (Section 375.246.1(6)(b)). The Director's list shall contain any jurisdiction meeting the definitions provided in the act and shall consider any other reciprocal jurisdiction included on the list published by the National Association of Insurance Commissioners (NAIC). The Director may approve additional jurisdictions under rules promulgated by the Director. (Section 375.246.1(6)(b)a). The Director may remove a jurisdiction from the list upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, except that the Director shall not remove a non-United States jurisdiction that is subject to a covered agreement, as defined in the act, or a United States jurisdiction that meets the requirements for NAIC accreditation. (Section 375.246.1(6)(b)b).

The Director shall create and publish a list of assuming insurers that have satisfied the conditions set forth in this act and to which cessions shall be granted credit as specified in the act. The Director may add an assuming insurer to the list if an NAIC accredited jurisdiction has added the assuming insurer to such a list, or if the eligible assuming insurer submits certain information to the Director, as

provided in the act, and complies with any additional requirements the Director may adopt that are not in conflict with an applicable covered agreement. (Section 375.246.1(6)(c)).

If the Director determines an assuming insurer no longer meets one or more requirements for recognition under the act, the Director may revoke or suspend the insurer's eligibility for recognition in accordance with the act. (Section 375.246.1(6)(d)). While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the date of suspension shall qualify for credit, except to the extent that the assuming insurer's obligations are secured as provided by law. (Section 375.246.1(6)(d)a). If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of revocation with respect to any reinsurance agreement entered into by the insurer, before or after the revocation, except to the extent the insurer's obligations are secured as provided by law. (Section 375.246.1(6)(d)b).

If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer or its representative may seek a court order requiring that the assuming insurer post security for all outstanding liabilities. (Section 375.246.1(6)(e)).

Nothing in this act shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by law. (Section 375.246.1(6)(f)).

Credit may be taken under this act only for reinsurance agreements entered into, amended, or renewed on or after December 31, 2021, and only with respect to losses incurred and reserves reported on or after the later of: the date on which the assuming insurer has met applicable eligibility requirements, or the effective date of the new reinsurance agreement, amendment, or renewal. (Section 375.246.1(6)(g)). Nothing in this act shall alter or impair a ceding insurer's right to take credit for reinsurance under the act as long as the reinsurance qualifies for credit under another applicable provision of law. (Section 375.246.1(6)(g)a). Nothing in this act shall limit or in any way alter the capacity of parties to any reinsurance agreement to renegotiate the agreement. (Section 375.246.1(6)(g)b).

The act authorizes the Director to adopt rules and regulations applicable to reinsurance agreements relating to certain life insurance policies, variable annuities with guaranteed benefits, long-term care insurance policies, and such other life and health insurance and annuity products as to which the NAIC adopts model rules with respect to credit for reinsurance. (Section 375.246.4(2)(a)). A rule adopted under these provisions regarding life insurance policies may apply to any treaty containing policies issued on or after January 1, 2015, or policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with a treaty on or after January 1, 2015. (Section 375.246.4(2)(b)). A rule adopted under these provisions may require the ceding insurer, in calculating the amounts or forms of security required to be held, to use the NAIC valuation manual to the extent applicable. (Section 375.246.4(2)(c)). Regulations adopted under this authority shall not apply to an assuming insurer that: meets the conditions set forth in this act or, if this state has not fully implemented the provisions of this act, is operating in at least 5 states that have implemented the provisions of this act; is certified in this state; or maintains at least $250,000,000 in capital and surplus as specified in the act and is licensed in at least 26 states, or licensed in at least 10 states and licensed or accredited in at least 35 states. (Section 375.246.4(2)(d)). The authority to adopt regulations under these provisions does not limit the Director's authority to otherwise adopt regulations relating to credit for reinsurance. (Section 375.246.4(2)(e)).

These provisions are identical to provisions in SS/SB 6 (2021), and substantially similar to SB 634 (2020), HB 1619 (2020), and provisions in HCS/SB 551 (2020).

ISSUANCE OF FUNDING AGREEMENTS (Section 376.2080)

This act specifies that life insurance companies may issue funding agreements, defined in the act as an agreement for an insurer to accept and accumulate funds and to make one or more payments at future dates in amounts not based on mortality or morbidity contingencies of the person to whom the funding agreement is issued. Funding agreements shall not be deemed to constitute a security. The issuance of a funding agreement shall be deemed to be doing insurance business.

These provisions are substantially similar to SB 90 (2021), provisions in SS/SB 6 (2021), SB 698 (2020), and HB 1618 (2020).

EXPLANATIONS OF REFUSAL TO WRITE AUTOMOBILE INSURANCE (Section 379.120)

Under current law, if any insurer refuses to write a policy of automobile insurance, the insurer must send to the applicant a written explanation of the refusal which clearly states the reason for the refusal and that the applicant may be eligible for coverage through the assigned risk plan if other insurance is not available.

This act exempts insurers from these requirements if the applicant is written on a policy of insurance issued by an affiliate or subsidiary insurer within the same insurance holding company system.

These provisions are identical to SB 294 (2021) and SB 1074 (2020), and provisions in SS/SB 6 (2021).

GROUP PERSONAL LINES PROPERTY AND CASUALTY INSURANCE (Sections 379.1800 to 379.1824)

The act specifies that no policy of group personal lines property and casualty insurance shall be issued or delivered in the state unless it conforms to one of the categories described in the act. (Section 379.1800.1)

The act describes policies issued to an employer or trustees of a fund established by an employer (Section 379.1800.1(1)), policies issued to a labor union or similar employee organization (Section 379.1800.1(2)), policies issued to a trust, or trustees of a fund, established by two or more employers or by one or more labor unions or similar employee organizations or by a combination thereof (Section 379.1800.1(3)), and policies issued to an association or to a trust, or trustees of a fund, established for the benefit of members of one or more associations. (Section 379.1800.1(4)). For each, the act specifies persons' eligibility for coverage under the policies, and the sources of funds from which the policy premiums may be paid. For policies issued for the benefit of an association or associations, the act further requires that the association or associations have at the outset least 100

members, have been organized and maintained in good faith for purposes other than obtaining insurance, and have been in active existence for at least 1 year. (Section 379.1800.1(4)). The association or associations' constitution and bylaws shall require that the association shall meet at least annually to further the purposes of the members, shall collect dues or solicit member contributions, and shall provide members with voting privileges and representation on the governing board and committees. (Section 379.1800.1(4)). Lastly, if compensation of any kind will be paid to the policyholder in connection with a group policy issued for the benefit of an association or associations, the insurer shall notify prospective insureds as required in the act. (Section 379.1800.1(4)(c)c)

Group personal lines property and casualty insurance issued to a group other than one described above shall meet additional requirements. (Section 379.1800.2). No such policy shall be issued or delivered in this state unless the Director of the Department of Commerce and Insurance finds that the issuance of the group policy is not contrary to the best interest of the public, would result in economies of acquisition or administration, and that the benefits are reasonable in relation to the premiums charged. (Section 379.1800.2(1)). No policy issued or delivered in another state shall offer coverage in this state unless the Director, or another state with comparable requirements, determines these additional requirements have been met. (Section 379.1800.2(2)). Premiums for these plans shall be paid from funds that are contributed by the policyholder, by covered persons, or by both. (Section 379.1800.2(3)). If compensation is to be paid to the policyholder in connection with the group policy, the insurer shall notify prospective insureds as specified in the act. (Section 379.1800.2(4)).

For all group personal lines property and casualty insurance, master policies shall be issued to the policyholders, and eligible employees or members insured under a master policy shall be issued certificates of coverage setting forth a statement as to the insurance protection to which they are entitled. (Section 379.1803.1). No master policy or certificate of insurance, nor any subsequent amendments to the policy forms, shall be issued or delivered in this state unless the forms and any amendments thereto have met the applicable filing requirements of this state. (Section 379.1803.2). The master policy shall set forth coverages, exclusions, and conditions of the insurance provided, together with the terms and conditions of the agreement between the policyholder and insurer, as provided in the act. (Section 379.1803.3). If the master policy provides for remittance of premiums by the policyholder, failure by the policyholder to remit premiums timely paid by an employee or member shall not be considered nonpayment of premium by the employee or member. (Section 379.1803.4).

The master policy shall provide a basic package of coverages and limits that are available to all eligible employees or members, including at least the minimum coverages and limits required in the employee's or member's state of residence or in the state where the subject property is located, and may offer additional coverages or limits to qualified employees or members for an increased premium. (Section 379.1806.1). The master policy shall provide coverage for all eligible employees or members who elect coverage during their initial period of eligibility, which may be up to 31 days. Employees or members who do not elect coverage during the initial period and later request coverage shall be subject to the insurer's underwriting standards. (Section 379.1806.2). Coverage under a master policy may be reduced only as to all members of a class, and shall never be reduced to a level below the limits required by applicable law. (Section 379.1806.3). Coverage under the master policy may be terminated as to an employee or member only for reasons specified in the act. (Section 379.1806.4). If optional coverages or limits are required by law to be available, the policyholder's acceptance or rejection of them on behalf of the group shall be binding on the employees or members. If the policyholder rejects any coverages or limits that are required by law to be provided unless rejected by the named insured, notice of the rejection shall be given to the employees or members upon or before delivery of their certificates of coverage. (Section 379.1806.5). The act prohibits the stacking of coverages or limits under a master policy, except that state law shall apply with regard to the stacking of coverages for separate certificates of coverage issued to relatives living in the same household. (Section 379.1806.6).

No master policy or certificate of insurance shall be issued or delivered in this state unless the rating plan and amendments thereto have met applicable filing requirements of this state. (Section 379.1809.1). Group insurance premium rates shall not be deemed to be unfairly discriminatory if adjusted to reflect past and prospective loss experience or group expense factors, or if averaged broadly among persons covered under the master policy. The rates likewise shall not be deemed unfairly discriminatory if they do not reflect individual rating factors including surcharges and discounts required for individual personal lines property and casualty policies. (Section 379.1809.2). Experience refunds or dividends may be paid to the policyholder of a group personal lines property and casualty policy if justified by the insurer's experience under that policy. However, if an experience refund or dividend is paid, it shall be applied for the sole benefit of the insured employees or members to the extent it exceeds the policyholder's contribution to premiums for the applicable period. (Section 379.1809.3).

An insurer issuing or delivering group personal lines property and casualty insurance shall maintain separate statistics as to the loss and expense experience pertinent thereto. (Section 379.1812.1). No insurer shall issue or deliver a policy if purchasing insurance is a condition of employment or membership in the group, or if any employee or member shall be penalized for nonparticipation. (Section 379.1812.2). The act prohibits insurers from issuing or delivering a policy if the purchase is contingent on purchase of other insurance, product, or services, or on the purchase of additional coverage under the policy, except as specified in the act. (Section 379.1812.3). The insurer's experience from the policies shall be included in the determination of its participation in residual market plans. (Section 379.1812.4). For purposes of premium taxes, the insurer shall allocate premiums in accordance with the rules for individual personal lines policies, except that the allocation may be based on an annual survey of the insureds. Premiums shall be apportioned among states without differentiation between the source of payment. (Section 379.1812.5)

The act requires persons acting as an insurance broker or agent in connection with the policies to be licensed in this state as an insurance producer, except as otherwise specified in the act (Section 379.1815.1), and provides that the signature of a licensed producer residing in this state shall not be required for issuance or delivery of a policy. (Section 379.1815.2).

Regarding termination of coverage, the act requires insurers to give 30 days written notice, as specified in the act, to persons whose coverage is being terminated for reasons other than by their own request or a failure to pay premiums. (Section 379.1818.1). The employee or member whose coverage is terminated shall be entitled to be issued a comparable individual policy if he or she applies and pays the first premium within 30 days of receiving the notice. (Section 379.1818.2). These notice and replacement policy provisions shall not apply if the master policy is replaced within 30 days. (Section 379.1818.3).

The act further requires insurers to be duly authorized, specifies that the act is not applicable to mass marketing of individual policies, excludes certain credit insurance, specifies that it does not apply to or modify motor vehicle insurance or any policies issued by nonadmitted insurers as provided by law, and provides that it shall not modify the authority of the Director with respect to consumer complaints or disputes. (Section 379.1821).

These provisions shall take effect on January 1, 2022. A master policy or certificate of insurance that is lawfully in effect at that time shall comply with this act within 12 months of such date. (Section 379.1824).

These provisions are similar to SB 209 (2021), provisions in SS/SB 6 (2021), and SB 843 (2020), and similar to HB 2085 (2020), provisions in HB 1634 (2020), and provisions in HCS/SB 551 (2020).

SETTLEMENTS INVOLVING MINORS (Sections 436.700 and 507.184)

This act creates the "Missouri Statutory Thresholds for Settlements Involving Minors Act" which allows persons having legal custody over a minor to enter into settlement agreements with a person or entity against whom the minor has a claim if following requirements are met:

(1) A conservator or guardian ad litem has not been appointed for the minor;

(2) The total amount of the claim, including reimbursement of medical expenses, liens, reasonable attorneys' fees and costs, is $35,000 or less if paid in cash, by draft, or if paid by the purchase of a premium for an annuity;

(3) The moneys paid pursuant to the settlement follow the requirements of this act; and

(4) The person entering into the settlement agreement completes an affidavit or statement that attests that the person has made a reasonable inquiry and that the minor will be fully compensated by the settlement or that there is no practical way to obtain additional amounts from the person or entity.

The limit of $35,000 for the total amount of the claim shall be increased by inflation every five years beginning January 1, 2027. The affidavit or statement shall be maintained by the attorney representing the person entering into the settlement agreement on behalf of the minor for at least six years in accordance with the Missouri Supreme Court Rules of Professional Conduct.

As set forth in the act, the payments from the settlement agreement shall be deposited into a uniform transfer to minors account for the sole benefit of the minor, shall be paid by direct payment to a provider of an annuity with the minor as the sole beneficiary, or shall be paid into a trust account or trust subaccount established by the Children's Division of the Department of Social Services for those minors in the custody of the state. The moneys in the minor's saving account, trust account, or trust subaccount may not be withdrawn, removed, paid out, or transferred to any person, including the minor, unless pursuant to court order, the minor attains 18 years of age, at the direction of a duly appointed conservator, at the direction of the custodian for the uniform transfer to minors account, or upon the minor's death.

The signature of the person entering into the settlement agreement on behalf of the minor is binding on the minor without the need for further court approval or review and has the same force and effect as if the minor were a competent adult entering into the agreement.

This act provides that a person, including any insurer of a person, acting in good faith in entering into a settlement agreement on behalf of a minor pursuant to this act shall not be liable to the minor for the moneys paid in the settlement or for any other claims arising out of the settlement of the claim. Additionally, any person or entity against whom a minor has a claim that settles the claim with the minor in good faith pursuant to this act shall not be liable to the minor for any claims arising from the settlement of the claim.

The provision of current law regarding settlements contracted by a next friend, guardian ad litem or guardian or conservator shall not be construed as prohibiting settlements made pursuant to this act or as requiring court approval of settlements made pursuant to this act.

These provisions are identical to SCS/SB 295 (2021).

HB661 - Modifies provisions relating to disqualifications from driving a commercial motor vehicle

Sponsor

Rep. Becky Ruth (R)

Summary

This bill requires the Department of Revenue to establish a system in which persons who own multiple farm vehicles can elect to have the vehicles placed on the same registration renewal schedule.

All farm vehicles included in the fleet of a registered farm vehicle fleet owner shall be registered during April or on a prorated basis, as specified in the bill. The bill allows the owner of a farm vehicle fleet to add a farm vehicle or transfer plates to a fleet vehicle. The owner must pay a transfer fee of $2 for each vehicle transferred.

Farm vehicles registered under this provision shall be issued a special license plate with the phrase "Farm Fleet Vehicle" and be issued multiyear license plates that do not require a renewal tab. The Director of Revenue shall issue a registration certificate or other proof of payment of the annual or biennial fee that must be carried in the vehicle for which it is issued.

This bill disqualifies any person from driving a commercial motor vehicle for life if they are convicted of using a commercial motor vehicle in the commission of a felony involving severe forms of trafficking in persons. The bill also changes various laws in which a motor vehicle odometer reading certification is or is not required.

Currently, the first time a certificate of ownership is sought for a vehicle that is at least seven years old at the time of application and the value of which is less than $3,000, the certificate may be issued if the application is accompanied by certain documents, including an odometer reading certification if

the vehicle is less than 10 years old. The bill changes the requirement for the odometer reading certification from 10 to 20 years old.

Motor vehicle dealers are required to make a monthly report to the Department of Revenue regarding vehicles or trailers sold, taxes collected, etc., which includes an odometer reading for vehicles that are less than 10 years old. This bill changes this provision to require an odometer reading for any vehicle that is less than 20 years old.

The crime of odometer fraud in the third degree is changed to occur upon the operation of a motor vehicle less than 20 years old, increased from 10 years old.

The provisions of Sections 407.511 to 407.556, RSMo, regarding odometer fraud, currently do not apply to a motor vehicle that is 10 or more years old. The bill now limits that exception to motor vehicles that are 20 or more years old.

HB685 - Changes the requirements to run for certain public office

Sponsor

Rep. Jason Chipman (R)

Summary

This bill lowers the minimum age requirement to 21 years for holding various county offices and special district board memberships. Included in the offices and districts affected are: county clerk; county auditor; county coroner; county surveyor; seven-director school board; ambulance district board; sewer district trustee; public water supply district board; emergency telephone services board; hospital district board; public water supply district board; fire protection district board; court clerk; and mayor for third or fourth class cities.

The bill also requires a person appointed to elective public office not be delinquent in the payment of state income tax, personal property tax, municipal tax or real property tax. A residency requirement for the Office of Attorney General is also repealed.

This bill creates an exception to dissolving candidate committees for any person holding a municipal or school district office.

The bill authorizes county treasurers to access specified information needed to process warrants. It also removes a requirement that the presiding commissioner of Cass county be the budget officer unless the county commission designates the county clerk as the budget officer.

The bill provides that each candidate for county recorder shall provide to the election authority a copy of an affidavit from a surety company authorized to do business in this state that indicates the

candidate is about to satisfy the bond requirements of the office. Additionally, under current law, all recorders of deeds elected in first, second, and third classification counties shall enter into bond with the state for an amount set by the county commission. However, this amount shall not be less than $1000 with sufficient sureties. Under this bill, these provisions shall only apply to recorders of deeds elected prior to January 1, 2022.

The bill provides that all recorders of deeds elected after December 31, 2021, in first, second, and third classification counties shall enter into bond with the state for an amount set by the county commission of not less than $5000 with sufficient sureties. The bill provides that applicants for a marriage license may present an application for the license to the recorder of deeds in person or electronically through an online process. Additionally, in the event a recorder of deeds utilizes an online process to accept applications for a marriage license or to issue a marriage license and the applicants' identity has not been verified in person, the recorder shall have a two-step identity verification process or other process that verifies the identity of the applicants. Finally, the recorder shall not accept applications for or issue marriage licenses through an online process unless at least one of the applicants is a resident of the county in which the application was submitted.

HB697 - Modifies provisions for property assessment contracts for energy efficiency

Sponsor

Rep. Bruce DeGroot (R)

Summary

This bill modifies provisions relating to the Property Assessment Clean Energy (PACE) Act.

DEFINITIONS (Section 67.2800, RSMo)

This bill modifies the term "assessment contract" to state that property owners may enter into assessment contracts to finance energy efficiency improvements with a Clean Energy Development Board for a period of up to 20 years not to exceed the weighted average useful life of the qualified improvements. This bill adds the terms "director", "division", and "program administrator".

COLLECTION OF SPECIAL ASSESSMENTS (Section 67.2815)

A Clean Energy Development Board must provide a copy of each signed assessment contract to the city or county collector and assessor. Additionally, the special assessments must be collected by the city or county collector.

Portions of the PACE Act, as described in this bill, only apply to PACE Programs for projects to improve residential properties of four or fewer units. Any Clean Energy Development Board formed to improve commercial properties, properties owned by non-profit or not-for-profit entities, governmental

properties, or nonresidential properties in excess of four residential units will be exempt from portions of the PACE Act, as described in this bill, and portions of the program will not apply to the commercial PACE Programs and Commercial PACE Assessment Contracts of any Clean Energy Development Board Engaged in both commercial and residential property programs. Any Clean Energy Development Board that ceases to finance new projects to improve residential properties of four or fewer units before January 1, 2022, will be exempt from the portions of the PACE Act, as described in this bill.

PACE PROGRAM FOR RESIDENTIAL PROPERTIES (Section 67.2816)

Municipalities that have created, joined, or withdrawn from a residential PACE Program or District must inform the Director of the Division of Finance by submitting a copy of the enabling ordinance or withdrawal ordinance to the Division.

Clean Energy Development Boards offering residential property programs and the program administrators are subject to examination by the Division of Finance. The Division must conduct an examination of each Clean Energy Development Board at least once every 24 months and such other times as the Director may determine. The Clean Energy Development Board will have the opportunity to respond to any findings in the examination. A final examination report will be delivered to the Clean Energy Development Board and sponsoring municipality and will be made available to the public with certain information redacted.

If the Director finds that a Clean Energy Development Board or its administrator has failed to comply with provisions of the PACE Act, he or she may issue a notice to the Board of the charges and notice of a hearing on such charges. If after a hearing, the Director finds the Board or it administrator has failed, refused, or neglected to comply, the Director may order certain relief as specified in the bill, including a civil penalty or forfeiture of up to $500.

A Clean Energy Development Board and its program administrator or agents will be jointly and severally responsible for paying the actual costs of examinations, which the Director will assess upon the completion of an examination.

The Division may refer any matter related to the conduct of a Clean Energy Development Board to the Attorney General as deemed appropriate by the Director.

PACE PROGRAM CONTRACTS FOR RESIDENTIAL PROPERTIES (Sections 67.2817 and 67.2818)

Notwithstanding any other contractual agreement to the contrary, each assessment contract will be reviewed, approved, and executed by the Clean Energy Development Board and these duties must not be delegated.

A Clean Energy Development Board will not approve, execute, submit, or otherwise present for recordation any residential assessment contract unless the Board verifies certain criteria set forth in

the bill are satisfied. The property owner executing a PACE Assessment Contract will have a three-day right to cancel the contract.

The Clean Energy Development Board must advise the property owner in writing that any delinquent assessment will be a lien on the property subject to the assessment contract and that the obligations under the PACE Assessment Contract continue even if the property owner sells or refinances the property.

If the residential property owner pays his or her property taxes and special assessments via a lender or loan servicer's escrow program, the Board must advise the property owner that the residential PACE Assessment will cause the owner's monthly escrow requirements to increase and will increase the owner's total payment to the lender or the loan servicer. The Board will further advise the property owner that if the special assessment results in an escrow shortage the owner will be required to pay the shortage in a lump-sum payment or catch-up the shortage over 12 months.

The Board must also provide a statement providing a brief description of the residential project improvement, the cost of the improvement, and the annual assessment necessary to repay the obligation due on the assessment contract to any first lien holder within three days of the date the contract is recorded.

The Board must maintain a public website with current information about the residential PACE Program.

The Clean Energy Development Board, its agents, contractor, or other third party will not make any representation as to the income tax deductibility of an assessment.

Any federal requirements and consumer protections for property assessed clean energy financing or similar programs apply to residential PACE Assessment Contracts and the Board must consider the financial ability of the property owner to repay the contract. A board may not enter into an assessment contract if the cash price of the project is more than 20% of the true value in money, as determined by the assessor pursuant to Chapter 137, plus 10% of such amount.

The Board that offers residential PACE Projects must provide a disclosure form to homeowners that will show the financing terms of the Assessment Contract. The disclosure form will be presented to a property owner prior to the execution of an assessment contract.

Before a property owner executes an assessment contract, the PACE Board will make an oral confirmation that at least one owner of the property has a copy of the assessment contract documents, the financing estimate and disclosure form, and the right to cancel form. An oral confirmation will also be made of the key terms of the assessment contract, in plain language, and an acknowledgment must be obtained from the property owner or authorized representative to whom the oral confirmation is given.

PACE PROGRAM CONTRACTORS (Section 67.2819)

Contractors or other third parties cannot advertise the availability of residential assessment contracts that are administered by a board or solicit property owners on behalf of the PACE Board, unless the contractor maintains his or her permits and agrees to act in accordance with advertising laws.

The bill sets limitations on what incentives or information the Board will provide to a contractor.

A contractor must not provide a different price for a project financed as a residential PACE Project than the contractor would provide if paid in cash by the property owner.

EFFECTIVE DATE (Section 67.2840)

Certain provisions of the bill will be effective and apply to the residential PACE Programs of Clean Energy Development Boards and participating municipalities after January 1, 2022.

Certain provisions of the bill will be effective and apply to residential PACE Assessment Contracts entered into after January 1, 2022.

HB734 - Creates provisions allowing electrical corporations to issue bonds to finance energy transition costs

Sponsor

Rep. Michael O'Donnell (R)

Summary

SCS/HCS/HB 734 - This act modifies provisions relating to utilities.

ENERGY CONNECTIONS (Section 67.309)

Under this act, no political subdivision shall adopt an ordinance, resolution, regulation, code or policy that prohibits, or has the effect of prohibiting, the connection or reconnection of a utility service based upon the type or source of energy to be delivered to an individual customer.

This provision is identical to a provision contained in the perfected SS/SB 141 (2021) and similar to SB 230 (2021).

RENEWABLE NATURAL GAS (Section 386.895)

This act requires the Public Service Commission to adopt rules for gas corporations to offer a voluntary renewable natural gas program. The Commission shall establish reporting requirements and a process for gas corporations to fully recover incurred costs that are prudent, just, and reasonable associated with a renewable natural gas program. Such recovery shall not be permitted until the project is operational.

Any costs incurred by a gas corporation that are prudent, just, and reasonable shall be recovered by means of an automatic adjustment clause.

An affiliate of a gas corporation shall not be prohibited from making a capital investment in a biogas production project if the affiliate is not a public utility as defined in statute.

This provision is identical to the perfected SS/SB 141 (2021) and substantially similar to HCS/HB 892 (2021).

WHOLESALE ELECTRIC ENERGY (Section 393.106)

This act states that auxiliary power may be purchased on a wholesale basis, under the applicable tariffs of a regional transmission organization instead of under retail service tariffs filed with the Public Service Commission by an electrical corporation, for use at an electric generation facility located in Cass County, which commenced commercial operations prior to August 28, 2021, and which is operated as an independent power producer.

The act also creates definitions for "auxiliary power" and "independent power producer".

This provision is identical to HCS/HB 835 (2021), to a provision contained in the perfected SS#2/SCS/SB 202 (2021), and similar to SB 335 (2021).

RATEMAKING FOR UTILITIES (Section 393.355)

This act modifies the definition of "facility", to remove aluminum smelting facilities, for provisions of law allowing the Public Service Commission to approve a special rate, outside of a general rate proceeding, for certain electrical corporations.

This provision is identical to HB 154 (2021), SB 1040 (2020), and HB 2565 (2020).

FINANCING ORDERS (Section 393.1700)

Under the act, an electrical corporation may petition the Public Service Commission for a financing order, which is an order from the Commission that authorizes the issuance of securitized utility tariff

bonds; the imposition, collection, and periodic adjustments of a securitized utility tariff charge; the creation of securitized utility tariff property; and the sale, assignment, or transfer of securitized utility tariff property to an assignee. A securitized utility tariff charge shall be used to repay, finance, or refinance energy transition costs or qualified extraordinary costs and financing costs that are charges imposed on and part of all retail customer bills.

The time frame for proceedings on a petition for a financing order are set forth in the act. Judicial relief may be had as set forth in law for Commission decisions.

A financing order issued by the Commission shall include elements as set forth in the act.

A financing order issued to an electrical corporation may provide that the creation of the electrical corporation's securitized utility tariff property is conditioned upon, and simultaneous with, the sale or other transfer of the securitized utility tariff property to an assignee and the pledge of the securitized utility tariff property to secure securitized utility tariff bonds.

If a financing order is issued, the electrical corporation shall file a petition or letter at least annually applying the formula-based true-up mechanism requesting administrative approval to make applicable adjustments. The Commission has 30 days from receiving the petition or letter to approve the request or inform the electrical corporation of any mathematical or clerical errors in its calculation.

Once securitized utility tariff bonds are authorized the Commission may not amend, modify, or terminate the financing order by any subsequent action or make changes to securitized utility tariff charges approved in the financing order.

A financing order remains in effect, and securitized utility tariff property under the financing order continues to exist, until securitized utility tariff bonds issued pursuant to the financing order have been paid in full or defeased and, in each case, all Commission-approved financing costs of such securitized utility tariff bonds have been covered in full.

The securitized utility tariff bonds issued pursuant to a financing order shall not be considered to be debt of the electrical corporation other than for federal and state income taxes.

No electrical corporation is required to file a petition for a financing order. A decision not to file for a financing order shall not be admissible in any Commission proceeding or otherwise utilized or relied on by the Commission in certain proceedings.

Debt reflected by the securitized utility tariff bonds shall not be utilized or considered in establishing the electrical corporation's capital structure used to determine any regulatory matter.

The Commission may not, directly or indirectly, consider the existence of securitized utility tariff bonds or the potential use of securitized utility tariff bond financing proceeds in determining the electrical

corporation's authorized rate of return used to determine the electrical corporation's revenue requirement used to set rates.

Electric bills of an electrical corporation that has obtained a financing order and caused securitized utility tariff bonds to be issued shall include specific information set forth in the act.

Securitized utility tariff property specified in a financing order exists until securitized utility tariff bonds issued pursuant to the financing order are paid in full and all financing costs and other costs of such securitized utility tariff bonds have been recovered in full.

If an electrical corporation defaults on any required remittance of securitized utility tariff charges arising from securitized utility tariff property specified in a financing order, a court, upon application by an interested party, shall order the sequestration and payment of the revenues arising from the securitized utility tariff property to the financing parties or their assignees.

Any successor to an electrical corporation shall perform and satisfy all obligations of, and have the same rights under a financing order as, the electrical corporation under the financing order.

The act contains several provisions related to security interests in securitized utility tariff property.

A security interest in securitized utility tariff property is created, valid, and binding and perfected at the later of the time:

• The financing order is issued;

• A security agreement is executed and delivered by the debtor granting such security interest;

• The debtor has rights in such securitized utility tariff property or the power to transfer rights in such securitized utility tariff property; or

• Value is received for the securitized utility tariff property.

The law governing the validity, enforceability, attachment, perfection, priority, and exercise of remedies with respect to the transfer of an interest or right or the pledge or creation of a security interest in any securitized utility tariff property shall be the laws of Missouri.

The act lists entities that may legally invest any sinking funds, moneys, or other funds in securitized utility tariff bonds.

REPLACEMENT RESOURCES (Section 393.1705)

An electrical corporation may file a petition concurrently with a petition filed for a financing order for investment in replacement resources, as such term is defined in the act, and the Commission shall approve such investment as set forth in the act. Such approval shall constitute an affirmative and binding determination by the Commission, to be applied in all subsequent proceedings respecting the rates of the electrical corporation, that such investment is prudent and reasonable, that the replacement resource is necessary for the electrical corporation's provision of electric service to its customers, and that such investment shall be reflected in the revenue requirement used to set the electrical corporation's base rates. The approval is subject only to the Commission's authority to determine that the electrical corporation did not manage or execute the project in a reasonable and prudent manner in some respect and the Commission's authority to disallow for ratemaking purposes only that portion of the investment that would not have been incurred had the unreasonable or imprudent management or execution of the project not occurred.

The changes in the electrical corporation's revenue requirement that shall be deferred to a regulatory asset or liability shall only consist of items listed in the act.

The time frame for proceedings on a petition to have investment in replacement resources approved is set forth in the act.

RATEMAKING PRINCIPLES AND TREATMENT (Section 393.1715)

An electrical corporation may petition the Commission for a determination of the ratemaking principles and treatment, as proposed by the corporation, that will apply to the reflection in base rates of the electrical corporation's capital and noncapital costs associated with one or more of the corporation's coal-fired facilities.

If the Commission fails to issue a determination within 215 days that a petition for a determination of ratemaking principles and treatment is filed, the ratemaking principles and treatment proposed by the petitioning electrical corporation shall be deemed to have been approved by the Commission.

The factors and circumstances to which such principles and treatment apply are listed in the act. If the electrical corporation determines that one or more major factor or circumstance has changed in a manner that warrants a change in the approved ratemaking principles and treatment, then it shall file a notice in the docket within 45 days of such determination.

A party that has concerns about the proposed changes in principles and treatment shall file a notice of its concerns within 30 days of the electrical corporation's filing. If a party believes that one or more factor or circumstance warrants a change in the approved principles and treatment and the electrical corporation does not agree, such party shall file a notice within 45 days, and such notice shall include information as listed in the act.

An electrical corporation shall be permitted to retain coal-fired generating assets in rate base and recover costs associated with operating the coal-fired assets that remain in service to provide greater certainty that generating capacity will be available to provide essential service to customers, including during extreme weather events, and the Commission shall not disallow any portion of such cost recovery on the basis that such coal-fired generating assets operate at a low capacity factor, or are off-line and providing capacity only, during normal operating conditions.

These provisions are identical to provisions contained in the perfected SS#2/SCS/SB 202 (2021).

UNIFORM COMMERCIAL CODE (Section 400.9-109)

Article 9 of the Uniform Commercial Code relating to secured transactions shall not apply to the creation, perfection, priority, or enforcement of any sale, assignment of, pledge of, security interest in, or other transfer of, any interest or right or portion of any interest or right in any securitized utility tariff property, except as expressly provided in the act.

This provision is identical to a provision contained in the perfected SS#2/SCS/SB 202 (2021).

SA #1: MODIFIES SERVICE TERRITORY AGREEMENTS FOR RETAIL ELECTRIC SERVICE SUPPLIERS.

SA #2: MODIFIES PROVISIONS RELATING TO THE ISSUANCE OF BONDS FOR CERTAIN COMMON SEWER DISTRICTS.

SA #3: MODIFIES PROVISIONS RELATING TO THE ASSESSMENT OF CERTAIN PUBLIC UTILITY PROPERTY AND PROVIDES A DEPRECIATION TABLE FOR THE PURPOSES OF ASSESSING ALL REAL AND TANGIBLE PERSONAL PROPERTY ASSOCIATED WITH A PROJECT THAT USES WIND ENERGY DIRECTLY TO GENERATE ELECTRICITY.

HCR4 - Formally denounces the infamous Dred Scott decision

Sponsor

Rep. Raychel Proudie (D)

Summary

This resolution calls upon the General Assembly to condemn the March 22, 1852, Dred Scott decision issued by the Missouri Supreme Court.

This bill is similar to HCR 74 (2020).

HJR35 - Modifies provisions for the State Treasurer's ability to invest

Sponsor

Rep. Aaron Griesheimer (R)

Summary

Upon voter approval, this proposed Constitutional amendment would authorize the State Treasurer to invest certain funds not necessary for current expenses in obligations of the United States government or any agency or instrumentality thereof maturing and becoming payable not more than seven years from the date of purchase, municipal securities possessing one of the five highest long term ratings or the highest short term rating issued by a nationally recognized rating agency and maturing and becoming payable not more than five years from the date of purchase, and may also invest in other reasonable and prudent financial instruments and securities as otherwise provided by law.

SB2 - Modifies provisions relating to the Missouri Works program

Sponsor

Sen. Dan Hegeman (R)

Summary

SS/SB 2 - This act modifies the Missouri Works program to provide that, for qualified military projects, the benefit shall be based on part-time and full-time jobs created by the project.

This act contains an emergency clause.

This act is substantially similar to SB 1057 (2020) and to provisions contained in HCS/SS#2/SB 704 (2020), SS/SCS/SB 718 (2020), and SS#2/SCS/HCS/HB 1854 (2020).

SB5 - Modifies provisions relating to taxation

Sponsor

Sen. Paul Wieland (R)

Summary

HCS/SB 5 - This act modifies several provisions relating to taxation.

COMMUNITY IMPROVEMENT DISTRICTS

Current law requires a petition for the creation of a community improvement district (CID) to include a five year plan describing the improvements to be made in the district. This act requires such plan to include the anticipated sources of funds and the term of such sources used to pay the costs of such improvements. This act also limits the duration of a CID to twenty-seven years for CIDs formed after August 28, 2021.

Upon the creation of a district, this act requires the municipal clerk of the municipality to report in writing to the State Auditor in addition to the Missouri Department of Economic Development. (Section 67.1421)

For CIDs established after August 28, 2021, in which there are no registered voters, this act requires at least one director to be a person who resides within the municipality, is registered to vote, has no financial interest in any real property or business operating within the CID, and to not be a relative within the second degree of consanguinity to an owner of real property or a business operating within the CID. (Section 67.1451)

This act requires all construction contracts entered into after August 28, 2021, and that are in excess of $5,000 shall be competitively bid and shall be awarded to the lowest and best bidder. (Section 67.1461)

In its annual report filed with the Department of Economic Development, this act requires a CID to include the dates the district adopted its annual budget, submitted its proposed annual budget to the municipality, and submitted its annual report to the municipal clerk. (Section 67.1471)

These provisions are substantially similar to HB 213 (2021) and to provisions contained in HS/HCS/HB 441 (2021).

AIM ZONES

Under current law, no advanced industrial manufacturing (AIM) zone may be established after August 28, 2023. This act extends such date to August 28, 2030. (Section 68.075)

This act is identical to SB 636 (2020) and HB 2334 (2020), and to a provision contained in HCS/SS/SCS/SB 570 (2020), HCS/SS/SCS/SB 594 (2020), HCS/SB 686 (2020), HCS/SCS/SB 725 (2020), HCS/SB 782 (2020), and HCS/SCS/SB 867 (2020).

TAX INCREMENT FINANCING

This act modifies several provisions relating to tax increment financing.

This act modifies the definitions of "blighted area" and "conservation area", and creates new definitions for "port infrastructure projects", "retail area", and "retail infrastructure projects". (Section 99.805)

This act modifies local tax increment financing projects by providing that a study shall be conducted by a land use planner, urban planner, licensed architect, licensed commercial real estate appraiser, or licensed attorney, which details how the area meets the definition of an area eligible to receive tax increment financing.

This act also provides that retail areas, as defined in the act, shall not receive tax increment financing unless such financing is exclusively utilized to fund retail infrastructure projects, as defined in the act, or unless such area is a blighted or conservation area. (Section 99.810)

Current law requires cities, towns, and villages located in St. Louis County, St. Charles County, or Jefferson County to establish a twelve member commission that shall include six members appointed by the county executive or presiding commissioner prior to the adoption of any resolution or ordinance approving tax increment financing projects. This act adds Cass County to such list of counties. (Section 99.820)

This act prohibits new projects from being authorized in any Greenfield area. (Section 99.843)

This act also prohibits new projects from being authorized in an area designated as a flood plain by the Federal Emergency Management Agency unless such projects are located in 1) Jackson, Platte, Clay, or Cole counties; 2) the cities of Springfield, St. Joseph, or Hannibal, 3) in a port district, provided such financing is utilized for port infrastructure projects; or 4) in a levee or drainage district created prior to August 28, 2021. Projects in flood plains shall not be authorized in St. Charles County unless the redevelopment area actually abuts a river or major waterway, as described in the act. (Section 99.847)

Current law allows districts and counties imposing a property tax for the purposes of providing emergency services to be entitled to reimbursement from the special allocation fund of a portion of the district's or county's tax increment. For projects approved after August 28, 2021, this act modifies such provision to allow reimbursement to ambulance districts, fire protection districts, and governing bodies operating a 911 center providing dispatch services and which impose economic activity taxes for such purposes. (Section 99.848)

These provisions are identical to SS/SB 22 (2021), are substantially similar to HB 1612 (2020), HCS/SS/SCS/SB 108 (2019), and HB 698 (2019), and to provisions contained in HCS/SS/SCS/SB 570 (2020), HCS/SCS/SB 616 (2020), and HCS/SS#2/SB 704 (2020), and are similar to SB 871 (2020), SB 311 (2019), HB 32 (2019), and SS/SCS/SB 859 (2018).

INCOME TAXES

For all tax years beginning on or after January 1, 2022, this act provides that no income tax shall be imposed on the first $50,000 of income of any person who is under twenty-three years of age on the first day of the tax year. (Section 143.088)

This provision is identical to a provision contained in HCS/SB 365 (2021) and is substantially similar to HB 1292 (2021).

Current law allows a taxpayer to deduct from his or her Missouri adjusted gross income a portion of his or her federal income taxes paid, exempting federal income tax credits received for the 2020 tax year under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act when determining the amount of federal income tax liability allowable as a deduction. This act also exempts federal income tax credits received for the 2020 tax year under the supplemental CARES Act, as well as any other federal COVID-19-related income tax credits. (Section 143.171)

Current law also requires taxpayers who itemize deductions to include any federal income tax refund amounts in his or her Missouri adjusted gross income if such taxpayer previously claimed a deduction for federal income tax liability on his or her Missouri income tax return. This act provides that any amount of any federal income tax refund attributable to COVID-19-related tax credits in the supplemental CARES ACT, as well as any other federal COVID-19-related income tax credits, shall not be included in the taxpayer's Missouri adjusted gross income. (Section 143.121)

These provisions contain an emergency clause.

These provisions are identical to provisions contained in HCS/SB 365 (2021) and SCS/HB 991 (2021), and are substantially similar to SCS/SBs 405, 522, & 428 (2021), and to a provision contained in HCS/SB 676 (2020), HCS/SS#2/SB 704 (2020), and HCS/SS/SCS/SB 570 (2020).

QUALIFIED RESEARCH EXPENSES TAX CREDIT

A tax credit for a portion of qualified research expenses, as defined in federal law, expired on December 31, 2004. This act reauthorizes such tax credit, which shall be equal to 15% of qualified research expenses, or 20% of qualified research expenses if done in conjunction with a public or private college or university located in this state, as described in the act. Tax credits shall not be issued for any qualified research expenses that exceed 200% of the taxpayer's average qualified research expenses incurred during the three immediately preceding tax years. Tax credits issued under the act shall not be refundable, but may be carried forward for the twelve succeeding tax years, and may be transferred, sold, or assigned. A taxpayer shall not receive tax credits in excess of $300,000 in a calendar year.

This act also authorizes a sales tax exemption for the purchase of qualified research and development equipment and property, as defined in the act.

Tax credits issued under the act shall not exceed ten million dollars in any year, provided that five million dollars of such tax credits shall be reserved for minority business enterprises, women's business enterprises, and small businesses, as defined in the act.

The provisions of this act shall sunset on December 31, 2027, unless reauthorized by the General Assembly. (Section 620.1039)

This provision is substantially similar to SCS/SB 545 (2021) and HB 690 (2021).

MISSOURI WORKS PROGRAM

Current law requires the Department of Economic Development to recapture Missouri Works benefits for a qualifying company that fails to timely file the annual report required by law. This act requires the Department to use multiple means of communication to contact a qualifying company that has failed to file a timely report, and to grant a thirty day extension to such company if requested. A failure to submit the report by the end of the extension shall result in the recapture of Missouri Works benefits for such qualifying company as provided under current law. A qualified company with an annual report due between January 1, 2020, and September 1, 2021, shall not be subject to the recapture of benefits for a failure to timely submit such annual report as long as such report is submitted by November 1, 2021. (Section 620.2020)

This provision contains an emergency clause.

This provision is identical to HCS/HBs 1339 & 1324 (2021) and to a provision contained in HCS/SB 365 (2021), and is similar to SB 227 (2021).

TARGETED INDUSTRIAL MANUFACTURING ENHANCEMENT ZONES

This act establishes the "Targeted Industrial Manufacturing Enhancement Zones Act".

This act allows any two or more contiguous or overlapping political subdivisions, as defined in the act, to create targeted industrial manufacturing enhancement (TIME) zones for the purpose of completing infrastructure projects to promote economic development. Prior to the creation of a TIME zone, each political subdivision shall propose an ordinance or resolution that sets forth the names of the political subdivisions which will form the zone, the general nature of the proposed improvements, the estimated cost of such improvements, the boundaries of the proposed TIME zone, and the estimated number of new jobs to be created in the TIME zone. The political subdivisions shall hold a public hearing prior to approving the ordinance or resolution creating the TIME zone.

This act allows the zone board governing the TIME zone to retain twenty-five percent of withholding taxes on new jobs created within the TIME zone to fund improvements made in the TIME zone. Prior to retaining such withholding taxes, the zone board shall enter into an agreement with the Department of Economic Development. Such agreement shall specify the estimated number of new jobs to be

created, the estimated average wage of new jobs to be created, the estimated net fiscal impact of the new jobs, the estimated costs of improvements, and the estimated amount of withholding tax to be retained over the period of the agreement. The Department shall not approve an agreement unless the zone board commits to the creation of a certain number of new jobs, as described in the act.

The term of such agreement shall not exceed ten years. A zone board may apply to the Department for approval to renew any agreement. In determining whether to approve the renewal of an agreement, the Department shall consider the number of new jobs created and the average wage and net fiscal impact of such new jobs, and the outstanding improvements to be made within the TIME zone, the funding necessary to complete such improvements, and any other factor the Department requires. The Department may approve the renewal of an agreement for a period not to exceed ten years. If a zone board has not met the new job creation requirement s by the end of the agreement, the Department shall recapture the withholding taxes retained by the zone board.

The zone board shall submit an annual report to the Department and to the General Assembly, as described in the act.

No political subdivision shall establish a TIME zone with boundaries that overlap the boundaries of an advanced industrial manufacturing (AIM) zone.

The total amount of withholding taxes retained by TIME zones under this act shall not exceed $5 million per year.

No new TIME zone shall be created after August 28, 2024. (Section 620.2250)

This provision is identical to HCS/HB 379 (2021) and to a provision contained in SCS/SB 174 (2021), HCS/SS/SCS/SB 594 (2020), HCS/SS/SCS/SB 570 (2020), HCS/SCS/SB 725 (2020), and SS#2/SCS/HCS/HB 1854 (2020), and is substantially similar to HCS/HB 1695 (2020).

SB6 - Enacts provisions relating to insurance

Sponsor

Sen. Paul Wieland (R)

Summary

HCS/SS/SB 6 - This act enacts provisions relating to insurance.

OPERATION OF STATE-OWNED VEHICLES (Section 41.201)

This act provides that service members of the Missouri National Guard shall be considered as state employees for the purposes of operating state-owned vehicles for official state business unless the members are called into active federal military service by order of the President of the United States.

This provision is substantially similar to SS/SB 258 (2021), a provision in SCS/SB 120 (2021), and HB 391 (2021).

CERTIFICATES OF SELF-INSURANCE (Section 303.220)

This act specifies that a religious denomination that has more than 25 members with motor vehicles and "discourages", rather than "prohibits", its members from purchasing insurance, as being contrary to its religious tenets, may obtain a certificate of self-insurance from the Director of the Department of Revenue.

This provision is identical to SB 29 (2021), provisions in the perfected HB 604 (2021), SB 915 (2020), and HB 1851 (2020).

MOTOR CLUBS (Sections 304.153, 385.220, 385.320, and 385.450)

This act modifies the existing definition of "motor club" to specify that such term includes entities providing services relating to motor travel, which may include but are not limited to towing services, emergency road services, bail bond services, discount services, theft services, map services, touring services, legal fee reimbursement services in the defense of traffic offenses, and participation in an accident and sickness or accidental death insurance benefit program.

The act also specifies that fees collected from the sale of motor club contracts shall not be subject to premium tax, and provides that motor clubs complying with the provisions of the act shall not be subject to provisions governing insurance companies in this state.

These provisions are identical to SB 89 (2021), SB 1013 (2020) and HB 2465 (2020).

PETROLEUM STORAGE TANK INSURANCE FUND (Section 319.131)

Under current law, the Petroleum Storage Tank Insurance Fund assumes costs of 3rd-party claims and cleanup of contamination caused by releases from petroleum storage tanks and pays legal defense costs for eligible 3rd-party claims. This act specifies that the legal defense costs are separate from other coverage limits and allows the Fund to set a limit for such coverage.

These provisions are identical to SB 310 (2021).

LICENSURE OF INSURANCE PRODUCERS (Sections 375.018 and 384.043)

This act provides that insurance producers' licenses and insurance producers' surplus lines licenses shall be renewed every 2 years on the producer's birth date, rather than every 2 years on the anniversary of the license being issued.

These provisions are identical to HB 1156 (2021), and substantially similar to SB 501 (2021).

CONTINUING EDUCATION CREDITS FOR INSURANCE PRODUCERS (Section 375.029)

This act specifies that an insurance producer's active participation in a local, regional, state, or national professional insurance association may be approved by the Director of the Department of Commerce and Insurance for up to four hours of continuing education credit per biannual reporting period.

Credit granted under these provisions shall not be used to satisfy continuing education hours required to be in a classroom or classroom-equivalent setting, or to satisfy ethics education requirements.

These provisions are substantially similar to SB 548 (2021), HB 1114 (2021), provisions in the perfected HB 604 (2021), and similar to HCS/HB 1647 (2020).

CREDIT FOR REINSURANCE AS AN ASSET OR REDUCTION FROM LIABILITY OF AN INSURER (Section 375.246)

The act authorizes the Director of the Department of Commerce and Insurance to promulgate certain rules, as specified in the act, to establish requirements relating to or setting forth the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance agreements described in the act, or the circumstances under which credit will be reduced or eliminated. (Sections 375.246.1 and 375.246.2).

In addition to as currently provided by law, credit for reinsurance shall be allowed when the reinsurance is ceded to an assuming insurer meeting certain conditions. (Section 375.246.1(6)(a)). The assuming insurer shall have its head office or be domiciled in, as applicable, and licensed in a reciprocal jurisdiction, as such term is defined in the act. (Section 375.246.1(6)(a)a). The assuming insurer shall have and maintain minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction in an amount to be set forth by the Director by rule. If the assuming insurer is an association, it shall maintain the same, net of liabilities, and a central fund containing an amount to be set forth by rule. (Section 375.246.1(6)(a)b). The assuming insurer shall have and maintain a minimum solvency or capital ratio, as applicable, which shall be set forth by rule. If the assuming insurer is an association, it shall have and maintain a minimum solvency and capital ratio in the reciprocal jurisdiction where the insurer has its head office or is domiciled, as applicable, and is also licensed. (Section 375.246.1(6)(a)c). The assuming insurer shall agree and provide adequate assurance to the Director that it will provide prompt written notice and explanation to the Director if it falls below minimum capital and surplus requirements outlined in the act, or if any regulatory action is taken against it for serious noncompliance with the law. The assuming insurer shall consent in writing to the jurisdiction of the courts of this state and to the appointment of the Director as agent for service of process. The Director may require that the consent for service of

process be provided for and included in each reinsurance agreement. These provisions shall not alter the capacity of the parties to a reinsurance agreement to agree to enforceable alternative dispute resolution mechanisms. The assuming insurer shall consent in writing to pay all final judgments obtained by a ceding insurer or its legal successor, where enforcement is sought, which have been declared enforceable in the jurisdiction where the judgment was obtained. Each reinsurance agreement shall require the assuming insurer to provide security, in an amount equal to 100% of the assuming insurer's liabilities attributable to reinsurance under the agreement, if the assuming insurer resists enforcement of an enforceable final judgment or arbitration award. The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement involving this state's ceding insurers, and shall agree to notify the ceding insurer and the Director and to provide security as specified by rule in an amount equal to 100% of the assuming insurer's liabilities to the ceding insurer should the assuming insurer enter into such a solvent scheme of arrangement. (Section 375.246.1(6)(a)d). The assuming insurer or its legal successor shall provide, if requested by the Director, certain documentation as specified by rule. (Section 375.246.1(6)(a)e). The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements as specified by rule. (Section 375.246.1(6)(a)f). The assuming insurer's supervisory authority shall confirm to the Director on an annual basis that the assuming insurer complies with the minimum capital and surplus or solvency or capital ratio requirements specified in this act. (Section 375.246.1(6)(a)g). Nothing in these provisions precludes an assuming insurer from providing the Director with information on a voluntary basis. (Section 375.246.1(6)(a)h).

This act requires the Director to create and publish a list of reciprocal jurisdictions. (Section 375.246.1(6)(b)). The Director's list shall contain any jurisdiction meeting the definitions provided in the act and shall consider any other reciprocal jurisdiction included on the list published by the National Association of Insurance Commissioners (NAIC). The Director may approve additional jurisdictions under rules promulgated by the Director. (Section 375.246.1(6)(b)a). The Director may remove a jurisdiction from the list upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, except that the Director shall not remove a non-United States jurisdiction that is subject to a covered agreement, as defined in the act, or a United States jurisdiction that meets the requirements for NAIC accreditation. (Section 375.246.1(6)(b)b).

The Director shall create and publish a list of assuming insurers that have satisfied the conditions set forth in this act and to which cessions shall be granted credit as specified in the act. The Director may add an assuming insurer to the list if an NAIC accredited jurisdiction has added the assuming insurer to such a list, or if the eligible assuming insurer submits certain information to the Director, as provided in the act, and complies with any additional requirements the Director may adopt that are not in conflict with an applicable covered agreement. (Section 375.246.1(6)(c)).

If the Director determines an assuming insurer no longer meets one or more requirements for recognition under the act, the Director may revoke or suspend the insurer's eligibility for recognition in accordance with the act. (Section 375.246.1(6)(d)). While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the date of suspension shall qualify for credit, except to the extent that the assuming insurer's obligations are secured as provided by law. (Section 375.246.1(6)(d)a). If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of revocation with respect to any reinsurance agreement entered into by the insurer, before or after the revocation, except to the extent the insurer's obligations are secured as provided by law. (Section 375.246.1(6)(d)b).

If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer or its representative may seek a court order requiring that the assuming insurer post security for all outstanding liabilities. (Section 375.246.1(6)(e)).

Nothing in this act shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree on requirements for security or other terms in that reinsurance agreement, except as expressly prohibited by law. (Section 375.246.1(6)(f)).

Credit may be taken under this act only for reinsurance agreements entered into, amended, or renewed on or after December 31, 2021, and only with respect to losses incurred and reserves reported on or after the later of: the date on which the assuming insurer has met applicable eligibility requirements, or the effective date of the new reinsurance agreement, amendment, or renewal. (Section 375.246.1(6)(g)). Nothing in this act shall alter or impair a ceding insurer's right to take credit for reinsurance under the act as long as the reinsurance qualifies for credit under another applicable provision of law. (Section 375.246.1(6)(g)a). Nothing in this act shall limit or in any way alter the capacity of parties to any reinsurance agreement to renegotiate the agreement. (Section 375.246.1(6)(g)b).

The act authorizes the Director to adopt rules and regulations applicable to reinsurance agreements relating to certain life insurance policies, variable annuities with guaranteed benefits, long-term care insurance policies, and such other life and health insurance and annuity products as to which the NAIC adopts model rules with respect to credit for reinsurance. (Section 375.246.4(2)(a)). A rule adopted under these provisions regarding life insurance policies may apply to any treaty containing policies issued on or after January 1, 2015, or policies issued prior to January 1, 2015, if risk pertaining to such pre-2015 policies is ceded in connection with a treaty on or after January 1, 2015. (Section 375.246.4(2)(b)). A rule adopted under these provisions may require the ceding insurer, in calculating the amounts or forms of security required to be held, to use the NAIC valuation manual to the extent applicable. (Section 375.246.4(2)(c)). Regulations adopted under this authority shall not apply to an assuming insurer that: meets the conditions set forth in this act or, if this state has not fully implemented the provisions of this act, is operating in at least 5 states that have implemented the provisions of this act; is certified in this state; or maintains at least $250,000,000 in capital and surplus as specified in the act and is licensed in at least 26 states, or licensed in at least 10 states and licensed or accredited in at least 35 states. (Section 375.246.4(2)(d)). The authority to adopt regulations under these provisions does not limit the Director's authority to otherwise adopt regulations relating to credit for reinsurance. (Section 375.246.4(2)(e)).

These provisions are substantially similar to SB 634 (2020), HB 1619 (2020), and provisions in HCS/SB 551 (2020).

ASSOCIATION HEALTH PLANS (Section 376.421)

This act repeals the requirements that in order for an association to be issued a policy of group health insurance, the association shall have been organized and maintained for purposes other than obtaining health insurance, and that the association shall have been in existence for at least 2 years.

This provision is identical to SB 475 (2021).

ISSUANCE OF FUNDING AGREEMENTS (Section 376.2080)

This act specifies that life insurance companies may issue funding agreements, defined in the act as an agreement for an insurer to accept and accumulate funds and to make one or more payments at future dates in amounts not based on mortality or morbidity contingencies of the person to whom the funding agreement is issued. Funding agreements shall not be deemed to constitute a security. The issuance of a funding agreement shall be deemed to be doing insurance business.

These provisions are similar to SB 90 (2021), SB 698 (2020) and HB 1618 (2020).

EXPLANATIONS OF REFUSAL TO WRITE AUTOMOBILE INSURANCE (Section 379.120)

Under current law, if any insurer refuses to write a policy of automobile insurance, the insurer must send to the applicant a written explanation of the refusal which clearly states the reason for the refusal and that the applicant may be eligible for coverage through the assigned risk plan if other insurance is not available.

This act exempts insurers from these requirements if the applicant is written on a policy of insurance issued by an affiliate or subsidiary insurer within the same insurance holding company system.

These provisions are identical to SB 294 (2021) and SB 1074 (2020).

GROUP PERSONAL LINES PROPERTY AND CASUALTY INSURANCE (Sections 379.1800 to 379.1824)

The act specifies that no policy of group personal lines property and casualty insurance shall be issued or delivered in the state unless it conforms to one of the categories described in the act. (Section 379.1800.1)

The act describes policies issued to an employer or trustees of a fund established by an employer (Section 379.1800.1(1)), policies issued to a labor union or similar employee organization (Section 379.1800.1(2)), policies issued to a trust, or trustees of a fund, established by two or more employers or by one or more labor unions or similar employee organizations or by a combination thereof (Section 379.1800.1(3)), and policies issued to an association or to a trust, or trustees of a fund, established for the benefit of members of one or more associations. (Section 379.1800.1(4)). For each, the act specifies persons' eligibility for coverage under the policies, and the sources of funds from which the policy premiums may be paid. For policies issued for the benefit of an association or associations, the act further requires that the association or associations have at the outset least 100 members, have been organized and maintained in good faith for purposes other than obtaining insurance, and have been in active existence for at least 1 year. (Section 379.1800.1(4)). The association or associations' constitution and bylaws shall require that the association shall meet at least annually to further the purposes of the members, shall collect dues or solicit member contributions, and shall provide members with voting privileges and representation on the governing board and committees. (Section 379.1800.1(4)). Lastly, if compensation of any kind will be paid to the policyholder in connection with a group policy issued for the benefit of an association or associations, the insurer shall notify prospective insureds as required in the act. (Section 379.1800.1(4)(c)c)

Group personal lines property and casualty insurance issued to a group other than one described above shall meet additional requirements. (Section 379.1800.2). No such policy shall be issued or delivered in this state unless the Director of the Department of Commerce and Insurance finds that the issuance of the group policy is not contrary to the best interest of the public, would result in economies of acquisition or administration, and that the benefits are reasonable in relation to the premiums charged. (Section 379.1800.2(1)). No policy issued or delivered in another state shall offer coverage in this state unless the Director, or another state with comparable requirements, determines these additional requirements have been met. (Section 379.1800.2(2)). Premiums for these plans shall be paid from funds that are contributed by the policyholder, by covered persons, or by both. (Section 379.1800.2(3)). If compensation is to be paid to the policyholder in connection with the group policy, the insurer shall notify prospective insureds as specified in the act. (Section 379.1800.2(4)).

For all group personal lines property and casualty insurance, master policies shall be issued to the policyholders, and eligible employees or members insured under a master policy shall be issued certificates of coverage setting forth a statement as to the insurance protection to which they are entitled. (Section 379.1803.1). No master policy or certificate of insurance, nor any subsequent amendments to the policy forms, shall be issued or delivered in this state unless the forms and any amendments thereto have met the applicable filing requirements of this state. (Section 379.1803.2). The master policy shall set forth coverages, exclusions, and conditions of the insurance provided, together with the terms and conditions of the agreement between the policyholder and insurer, as provided in the act. (Section 379.1803.3). If the master policy provides for remittance of premiums by the policyholder, failure by the policyholder to remit premiums timely paid by an employee or member shall not be considered nonpayment of premium by the employee or member. (Section 379.1803.4).

The master policy shall provide a basic package of coverages and limits that are available to all eligible employees or members, including at least the minimum coverages and limits required in the employee's or member's state of residence or in the state where the subject property is located, and may offer additional coverages or limits to qualified employees or members for an increased premium. (Section 379.1806.1). The master policy shall provide coverage for all eligible employees or members who elect coverage during their initial period of eligibility, which may be up to 31 days. Employees or members who do not elect coverage during the initial period and later request coverage shall be subject to the insurer's underwriting standards. (Section 379.1806.2). Coverage under a master policy may be reduced only as to all members of a class, and shall never be reduced to a level below the limits required by applicable law. (Section 379.1806.3). Coverage under the master policy may be terminated as to an employee or member only for reasons specified in the act. (Section 379.1806.4). If optional coverages or limits are required by law to be available, the policyholder's acceptance or rejection of them on behalf of the group shall be binding on the employees or members. If the policyholder rejects any coverages or limits that are required by law to be provided unless rejected by the named insured, notice of the rejection shall be given to the employees or members upon or before delivery of their certificates of coverage. (Section 379.1806.5). The act prohibits the stacking of coverages or limits under a master policy, except that state law shall apply with regard to the stacking of coverages for separate certificates of coverage issued to relatives living in the same household. (Section 379.1806.6).

No master policy or certificate of insurance shall be issued or delivered in this state unless the rating plan and amendments thereto have met applicable filing requirements of this state. (Section 379.1809.1). Group insurance premium rates shall not be deemed to be unfairly discriminatory if adjusted to reflect past and prospective loss experience or group expense factors, or if averaged broadly among persons covered under the master policy. The rates likewise shall not be deemed unfairly discriminatory if they do not reflect individual rating factors including surcharges and discounts

required for individual personal lines property and casualty policies. (Section 379.1809.2). Experience refunds or dividends may be paid to the policyholder of a group personal lines property and casualty policy if justified by the insurer's experience under that policy. However, if an experience refund or dividend is paid, it shall be applied for the sole benefit of the insured employees or members to the extent it exceeds the policyholder's contribution to premiums for the applicable period. (Section 379.1809.3).

An insurer issuing or delivering group personal lines property and casualty insurance shall maintain separate statistics as to the loss and expense experience pertinent thereto. (Section 379.1812.1). No insurer shall issue or deliver a policy if purchasing insurance is a condition of employment or membership in the group, or if any employee or member shall be penalized for nonparticipation. (Section 379.1812.2). The act prohibits insurers from issuing or delivering a policy if the purchase is contingent on purchase of other insurance, product, or services, or on the purchase of additional coverage under the policy, except as specified in the act. (Section 379.1812.3). The insurer's experience from the policies shall be included in the determination of its participation in residual market plans. (Section 379.1812.4). For purposes of premium taxes, the insurer shall allocate premiums in accordance with the rules for individual personal lines policies, except that the allocation may be based on an annual survey of the insureds. Premiums shall be apportioned among states without differentiation between the source of payment. (Section 379.1812.5)

The act requires persons acting as an insurance broker or agent in connection with the policies to be licensed in this state as an insurance producer, except as otherwise specified in the act (Section 379.1815.1), and provides that the signature of a licensed producer residing in this state shall not be required for issuance or delivery of a policy. (Section 379.1815.2).

Regarding termination of coverage, the act requires insurers to give 30 days written notice, as specified in the act, to persons whose coverage is being terminated for reasons other than by their own request or a failure to pay premiums. (Section 379.1818.1). The employee or member whose coverage is terminated shall be entitled to be issued a comparable individual policy if he or she applies and pays the first premium within 30 days of receiving the notice. (Section 379.1818.2). These notice and replacement policy provisions shall not apply if the master policy is replaced within 30 days. (Section 379.1818.3).

The act further requires insurers to be duly authorized, specifies that the act is not applicable to mass marketing of individual policies, excludes certain credit insurance, specifies that it does not apply to or modify motor vehicle insurance or any policies issued by nonadmitted insurers as provided by law, and provides that it shall not modify the authority of the Director with respect to consumer complaints or disputes. (Section 379.1821).

These provisions shall take effect on January 1, 2022. A master policy or certificate of insurance that is lawfully in effect at that time shall comply with this act within 12 months of such date. (Section 379.1824).

These provisions are similar to SB 209 (2021), SB 843 (2020), HB 2085 (2020), provisions in HB 1634 (2020), and provisions in HCS/SB 551 (2020).

INSURANCE HOLDING COMPANIES - GROUP CAPITAL RATIOS AND LIQUIDITY STRESS TESTS (Sections 382.010, 382.110, 382.176, 382.177, and 382.230)

This act requires insurers subject to registration to file annual group capital calculations in accordance with National Association of Insurance Commissioners (NAIC) instructions. The report shall be filed with the Director of Insurance for the lead state for the holding company, as determined in accordance with NAIC procedures. The act exempts certain insurance holding companies from this requirement, as described in the act. (Section 382.176.1). The lead state Director of Insurance shall require group capital calculations for U.S. operation of any non-U.S. based insurance holding company where it is deemed appropriate for oversight, solvency monitoring, and marketplace competitiveness purposes. (Section 382.176.2). The lead state Director may exempt or accept limited filings from insurers under the act in accordance with criteria specified by regulation. (Section 382.176.3). If the lead state Director of Insurance determines a holding company system no longer qualifies for an exemption under the act, the holding company shall file the group capital calculation at the next filing date unless given an extension by the Director. (Section 382.176.4).

Insurers subject to registration and also within the scope of the NAIC liquidity stress test framework shall file the results of a specific year's liquidity stress test with the lead state Director of Insurance as determined by NAIC procedures, as described in the act. (Section 382.177).

The act specifies that information, documents and copies obtained by or provided to the Director of Insurance or any other person in the course of certain examinations, investigations, or reports shall be considered proprietary and to contain trade secrets. The Director of Insurance shall maintain the confidentiality of the group capital calculation, and the group capital ratio produced within the calculation, and any group capital information received from a holding company supervised by the Federal Reserve Board or any U.S. group-wide supervisor. For purposes of information received for a liquidity stress test, the Director shall maintain the confidentiality of the liquidity stress test results, supporting disclosures, and any liquidity stress test information received from an insurance holding company supervised by the Federal Reserve Board and non-U.S. group-wide supervisors. (Section 382.230.1).

The act modifies provisions specifying with whom and under what circumstances the Director may share and receive proprietary and trade secret information, including with regard to subsidiaries and affiliates of the NAIC, and third-party consultants designated by the Director. (Section 382.230.3).

Lastly, the act specifies that the group capital calculation and resulting group capital ratio, and the liquidity stress test and its results and supporting disclosures, are regulatory tools for assessing risk and solvency, and are not intended as a means to rank insurers or holding companies. The act accordingly prohibits statements and notices containing representations of this information or associated calculations; provided however, that an insurer may publish announcements in a written publication to rebut statements shown to the Director to be materially false regarding this information. (Section 382.230.7).

These provisions are identical to HCS/HB 1126 (2021).

SB26 - Creates provisions relating to public safety

Sponsor

Sen. Bill Eigel (R)

Summary

CCS/HCS/SS/SCS/SB 26 - This act modifies provisions relating to public safety.

DEPARTMENT OF CORRECTIONS (Sections 56.380, 56.455, 105.950, 149.071, 149.076, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 217.845, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 575.206, 589.042, 650.055, & 650.058)

This act replaces the "Department of Corrections and Human Resources" with "Department of Corrections" and the "board of probation and parole" with the "Division of Probation and Parole" or the "Parole Board".

This act also adds that the chairperson of the board shall employ employees as is necessary to carry out duties, serve as the appointing authority over such employees, and provide for appropriate training to members and staff.

This act repeals the provision that the chairperson of the board shall also be the Director of the Division of Probation and Parole. These provisions are substantially similar to SB 862 (2020).

These provisions are identical to provisions in SS/SB 212 (2021).

LOCAL LAW ENFORCEMENT BUDGETS (Section 67.030)

Under current law, the governing body of each political subdivision may revise, alter, increase, or decrease items in a proposed budget. This act provides that any taxpayer of a political subdivision may initiate an action for injunctive relief, which the court shall grant, if the governing body of such political subdivision decreases the budget for its law enforcement agency, excluding school officers of school districts, by an amount exceeding more than 12% relative to the proposed budgets of other departments of the political subdivision over a five year aggregate amount.

These provisions are identical to provisions in SCS/SB 66 (2021).

BATTERY-CHARGED FENCES (Section 67.301)

This act provides that no city, county, town, village, or political subdivision may adopt or enforce an ordinance, order, or regulation that requires a permit for the installation or use of a battery-charged

fence in addition to an alarm system permit issued by such city, county, town, village, or political subdivision. Additionally, such political subdivisions shall not adopt an ordinance or order that imposes installation requirements for such fences or alarm systems or prohibit the use of a battery-charged fence.

As used in this act, a battery-charged fence is a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal to summon law enforcement in response to a burglary. Such fence must be located on a property not designated for residential use, produce not more than 12 volts of direct current, as well as meet other specifications as provided in the act.

This provision is identical to SB 470 (2021).

PHYSICAL SECURITY MEASURES (Section 67.494)

No political subdivision shall enact any ordinance that regulates the physical security measures around private property, except that a political subdivision may regulate the aesthetics of physical security measures, access to public right-of-way, structural soundness of physical security measures, or changes to the drainage of a property.

This provision is identical to HB 1331 (2021).

POLICE COMMISSIONERS (Section 84.400)

This act provides that a member of the Kansas City board of police commissioners or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member may accept a per diem or reimbursement for necessary expenses for attending meetings.

These provisions are identical to provisions in SCS/SBs 53 & 60 (2021).

EMERGENCY SERVICES (Section 190.307 & 650.335)

This act adds that a public agency that operates an emergency system shall have sovereign immunity and official immunity from civil damages.

Additionally, if a county has an elected emergency services board, the elected emergency service board shall be eligible for loan funds or other financial assistance.

This provision is identical to HB 1161.

ELIGIBILITY FOR PAROLE (Sections 217.690 & 217.692)

This act provides that any offender sentenced to a term of imprisonment amounting to 15 years or more or multiple terms that amount to 15 years or more who was under 18 years of age at the time of the commission of the offense may be eligible for parole after serving 15 years of incarceration regardless of whether the case is final for the purpose of appeal. Such person may be eligible for reconsideration hearings in accordance with Parole Board regulations.

These provisions are identical to HB 636 (2021).

PESTICIDE CERTIFICATION AND TRAINING (Sections 281.015-281.101):

This act modifies provisions relating to pesticide certification and training.

The act creates and modifies several definitions related to pesticides.

The act repeals a provision allowing the Director of the Department of Agriculture to provide by regulation for the one-time emergency purchase and use of a restricted use pesticide by a private applicator.

The Director may, by regulation, classify licenses, including a license for noncertified restricted use pesticide applicators.

No individual shall engage in the business of supervising the determination of the need for the use of any pesticide on the lands of another without a certified commercial applicator's license issued by the Director.

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

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

No pesticide technician shall use or determine the need for the use of any pesticide unless there is a certified commercial applicator, certified in categories as specified by regulation, working from the same physical location as the licensed pesticide technician. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

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

A private applicator shall qualify for a certified private applicator's license or a certified provisional applicator's license by attending an approved program, completing an approved certification course, or passing a certification examination as listed in the act.

The University of Missouri extension may collect reasonable fees, for training and study materials, for attendance of a certification training program, and for an online certification training program. Such fees shall be assessed based on the majority option decision of a review committee convened every 5 years by the Director. Such fees shall not exceed $75 unless certain members of the review committee vote unanimously in favor of setting a higher fee. The committee shall be composed of members as set forth in the act.

A certified private applicator holding a valid license may renew such license for 5 years upon successful completion of recertification training or by passing the required private applicator certification examination.

On the date of the certified provisional private applicator's 18th birthday, his or her license will automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire 5 years from date of issuance and may then be renewed as a certified private applicator's license without charge or additional fee.

A provision allowing a private applicator to apply for a permit for the one-time emergency purchase and use of restricted use pesticides is repealed.

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

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

The act creates provisions relating to the use of restricted pesticides. An application for a noncertified restricted use pesticide applicator's license shall follow requirements as set forth in the act and once licensed, a restricted use pesticide applicator shall use pesticides as set forth in the act, including when under supervision of another individual licensed by the Department of Agriculture.

Each pesticide dealership location or outlet from which restricted use pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user shall have at least one individual licensed as a pesticide dealer. Any individual possessing restricted use pesticides and selling or holding and offering for sale such pesticides from a motor vehicle shall be licensed as a pesticide dealer. No individual shall be issued more than one pesticide dealer license.

Each applicant for a pesticide dealer's license shall pass a pesticide dealer examination provided by the Director.

Licensed certified applicators, licensed noncertified restricted use pesticide applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the Department within 10 days of any conviction of or plea to any offense listed in the act.

The Director may issue a pesticide applicator certification on a reciprocal basis with other states without examination to a nonresident who is licensed as a certified applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state.

The act repeals a provision stating that a nonresident applying for certain pesticide licenses to operate in Missouri shall designate the Secretary of State as the agent of such nonresident upon whom process may be served unless the nonresident has designated a Missouri resident agent.

The act prohibits any person to use or supervise the use of pesticides that are cancelled or suspended. It is unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides. Additionally, it is unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or aid and abet any person in an attempt to steal examinations or examination materials, cheat on examinations, or evade recertification or retraining requirements.

These provisions shall become effective on January 1, 2024.

These provisions are similar to SCS/SB 491 (2021), HCS/HB 1125 (2021), SB 1082 (2020), and HB 2532 (2020).

DISPLAY OF FIXED, FLASHING, OR ROTATING LIGHTS (Sections 304.022 and 307.175)

This act allows coroners, medical examiners, and forensic investigators of the county medical examiner's office or a similar entity to display emergency lights on their vehicles or equipment when responding to a crime scene, motor vehicle accident, workplace accident, or any location where their services are requested by law enforcement, and accordingly modifies the definition of "emergency vehicle" for purposes of motorists' obligation to yield to emergency vehicles displaying emergency lighting.

These provisions are identical to provisions in HCS/SS/SB 89 (2021) and provisions in HCS/HB 307 (2021), and similar to HB 380 (2021).

SALE OF ALCOHOL BY FELONY OFFENDERS (Sections 311.060, 311.660, and 313.220)

This act provides that the Supervisor of Liquor Control shall not prohibit a person from participating in the sale of alcohol solely on the basis of being found guilty of a felony offense.

This act repeals the provision requiring an employer that has a liquor license to report to the Division of Liquor Control within the Department of Public Safety any employee who has been convicted of a felony. Additionally, the Missouri Gaming Commission shall not prohibit a person from participating in the sale of lottery tickets solely on the basis of being found guilty of a criminal offense, but the person is not eligible to be a licensed lottery game retailer.

These provisions are identical to HB 316 (2021) and to provisions in HCS/SS/SCS/SB 600 (2020) and HB 1468 (2020).

GAMBLING BOATS (Sections 313.800, 313.805, and 313.812)

Current law defines "excursion gambling boat" as a boat, ferry, or other floating facility. This act modifies such definition to include nonfloating facilities, which are defined as any structure within 1,000 feet of the Missouri or Mississippi rivers that contains at least 2,000 gallons of water beneath or inside the facility.

This act also modifies current law relating to the licensure of excursion gambling boats to allow for nonfloating facilities.

This act is identical to HB 507 (2021) and SB 506 (2021).

SURVEILLANCE CAMERAS (Section 542.525)

This act provides that no employee of a state agency or a political subdivision shall place any surveillance camera or game camera on private property without first obtaining consent from the landowner or his or her designee, a search warrant pursuant to law, or permission from the highest ranking law enforcement chief or officer of the agency or political subdivision, provided that

permission of the highest ranking law enforcement chief or officer is valid only when the camera is facing a location that is open to public access or use and the camera is located within 100 feet of the intended surveillance location.

This provision is identical to SCS/SB 449 (2021).

OFFENSES INELIGIBLE FOR PROBATION (Section 557.045)

This act adds to the offenses ineligible for probation any dangerous felony where the victim is a law enforcement officer, firefighter, or an emergency service provider while in the performance of his or her duties.

These provisions are identical to provisions in SCS/SB 66 (2021).

SPECIAL VICTIMS (Section 565.058)

Any special victim as defined by law shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue.

Additionally, any special victim may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if said petition alleges that he or she would be endangered by such disclosure.

These provisions are identical to provisions in HCS/SS/SB 26 (2021).

OFFENSE OF UNLAWFUL TRAFFIC INTERFERENCE (Section 574.045)

This act creates the offense of unlawful traffic interference if, with the intention to impede vehicular traffic, the person walks, stands, sits, kneels, lays, or places an object in a manner that blocks passage by a vehicle on any public street or highway.

The offense of unlawful traffic interference on a public street or highway is an infraction for the first violation. Any second violation that occurs is a class B misdemeanor. A third or subsequent violation is a class E felony.

The offense is of unlawful traffic interference on a public street, highway, or interstate highway while part of an unlawful assembly is an infraction for the first violation. Any second violation that occurs is a Class A misdemeanor. Any third or subsequent violation is a Class D felony.

These provisions are similar to SB 9 (2020 Extra Special Session) and HB 288 (2019).

VANDALISM (Section 574.085)

Under current law, a person commits the offense of institutional vandalism if he or she knowingly vandalizes certain structures. This act provides that a person shall be guilty of a Class E felony if he or she knowing vandalizes any public monument or structure on public property.

These provisions are identical to provisions in SCS/SB 66 (2021).

OFFENSE OF INTERFERENCE WITH A HEALTH CARE FACILITY (Section 574.203)

This act provides that a person, excluding any person who is developmentally disabled, commits the offense of interference with a health care facility if the person willfully or recklessly interferes with a health care facility or employee of a health care facility by: (1) Causing a peace disturbance while inside a health care facility; (2) Refusing an order to vacate a health care facility when requested to by an employee; or (3) Threatening to inflict injury on the patients or employees, or to inflict damage on the facility.

Such offense is a Class D misdemeanor for the first offense and a Class C misdemeanor for any second or subsequent offense.

These provisions are identical to provisions in HCS/SS/SB 26 (2021) and HCS/HB 1022 (2021).

OFFENSE OF INTERFERENCE WITH AN AMBULANCE SERVICE (Section 574.204)

This act provides that a person commits the offense of interference with an ambulance service if the person acts alone or in concert with others to willfully or recklessly interfere with access to or from an ambulance or willfully disrupt any ambulance service by threatening to inflict injury on any person providing ambulance services or damage the ambulance. Such offense is a class D misdemeanor for the first offense and a Class C misdemeanor for any second or subsequent offense.

These provisions are identical to provisions in HCS/HB 1022 (2021).

PEACE OFFICER LICENSURE (Sections 590.030)

Under current law, all licensed peace officers, as a condition of licensure, must obtain continuing law enforcement education and maintain a current address of record on file with the POST Commission.

This act provides that in addition to those requirements for licensure, peace officers must submit to being fingerprinted on or before January 1, 2022, and every six years thereafter and also submit to fingerprinting for the purposes of a criminal history background check and enrollment in the state and federal Rap Back Program.

Additionally, any time a peace officer is commissioned with a different law enforcement agency he or she must submit to being fingerprinted. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the peace officer's law enforcement agency. The Rap Back enrollment shall be for the purposes of peace officer disciplinary reports as required by law. Law enforcement officers and law enforcement agencies shall take all necessary steps to maintain officer enrollment in Rap Back for as long as an officer is commissioned with that agency. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022.

These provisions are identical to provisions in SCS/SB 289 (2021) and similar to HB 839 (2021).

988 PUBLIC SAFETY FUND (Section 590.192)

This act creates the "988 Public Safety Fund" within the state treasury and shall be used by the Department of Public Safety for the purposes of providing services for peace officers 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.

LAW ENFORCEMENT OFFICER DISCIPLINARY ACTIONS (Section 590.502)

This act provides that when a law enforcement officer who reasonably believes he or she is under investigation which could lead to disciplinary action, demotion, dismissal, transfer, or placement that could lead to economic loss, the investigation shall include the following conditions:

• The law enforcement officer shall be informed in writing of the existence and nature of the alleged violation and who will be conducting the investigation;

• Any complaint filed shall be supported by a written statement outlining the complaint;

• Any investigation shall be conducted for a reasonable length of time and only while the officer is on duty unless reasonable circumstances prevent such questioning while on duty;

• Prior to an interview session the law enforcement officer shall be informed that he or she is being ordered to answer questions under threat of disciplinary action and that the officer's answers to the questions will not be used against the officer in a criminal proceeding.

• Any investigation shall be conducted at a secure location at the agency that is conducting the investigation or the office of the officer unless the officer consents to another location;

• The law enforcement officer shall be questioned by up to two investigators and shall be informed of the name and rank of each questioning officer;

• Law enforcement officers shall not be threatened, harassed, or promised rewards for answering questions, except that a law enforcement officer may be compelled to give protected statements to an investigator under direct control of the agency;

• Law enforcement officers are entitled to have an attorney or duly authorized representative present during questioning and prior to the questioning the officer and his or her representative shall have the opportunity to review the complaint;

• A complete record of the investigation shall be kept by the agency and a copy shall be provided to the officer upon request;

• The agency conducting the investigation shall have 90 days to complete such investigation and may extend the investigation under certain circumstances;

• The officer shall be informed in writing within 5 days of the conclusion of the investigative findings and any recommendations for further action; and

• A complete record of the administrative investigation shall be kept by the law enforcement agency and all records shall be confidential and not subject to disclosure under Sunshine Law, except by lawful subpoena or court order.

Any law enforcement officer suspended without pay shall be entitled to a full due process hearing as provided in the act. Any decision following the hearing shall be in writing and shall include findings of fact.

This act provides that law enforcement officers shall have the opportunity to provide a written responses to any adverse materials in their personnel file.

Law enforcement officers shall have the right to compensation for any economic loss incurred during an investigation if the officer is found to have committed no misconduct.

Employers shall defend and indemnify law enforcement officers against civil claims made against an officer while the officer was acting within his or her duties as a law enforcement officer. If any criminal convictions arise out of the same conduct, the employer is no longer obligated to defend the officer in the civil claim. Law enforcement officers shall not be disciplined or dismissed as a result of the

assertion of their constitutional rights in any judicial proceeding, unless the officer admits to wrong-doing.

This act provides that a law enforcement officer may bring an action for enforcement of these provisions in the circuit court for the county in which the law enforcement agency or governmental body has its principal place of business. Upon a finding by a preponderance of the evidence that a law enforcement agency or governmental body has purposely violated this act, the court shall void any action taken in violation of this section. Suit for enforcement shall be brought within one year from which the violation is ascertainable.

Finally, a law enforcement agency that has substantially similar or grater procedures shall be deemed in compliance with this act.

These provisions are similar to SB 1053 (2020) and HB 1889 (2020).

POLICE USE OF FORCE DATABASE (Section 590.1265)

This act establishes the "Police Use of Force Transparency Act of 2021."

Each law enforcement agency shall, at least annually, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation (FBI).

Additionally, each law enforcement agency shall submit such information to the Department of Public Safety. The personally identifying information of individual peace officers shall not be included in the reports. The Department of Public Safety shall, no later than June 30, 2022, develop standards and procedures governing the collection and reporting of use-of-force data. The standards shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the FBI.

The Department of Public Safety shall publish the data reported by law enforcement agencies in a publicly available report. Finally, the Department of Public Safety shall undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than January 1, 2025. The report shall be updated at least every five years.

These provisions are substantially similar to provisions in SCS/SB 74 (2020) and similar to HB 998 (2021) and HB 59 (2021).

EXPUNGEMENT (Section 610.140)

Under current law, any rights that were restricted as a collateral consequence of a person's criminal record shall be restored upon issuance of the order of expungement. This act adds that if a person was convicted of a federal misdemeanor crime of domestic violence, an order of expungement granted under this act shall be considered a complete removal of all effects of the expunged conviction.

This provision is identical to SB 540 (2021).

SB36 - Establishes the Capitol Complex Tax Credit Act

Sponsor

Sen. Mike Bernskoetter (R)

Summary

SB 36 - This act creates the Capitol Complex Tax Credit Act.

The Capitol Complex Fund is authorized to receive any eligible monetary donation, as defined in the act, and shall be segregated into two accounts: a rehabilitation and renovation account, and a maintenance account. Ninety percent of the revenues deposited into the fund shall be placed in the rehabilitation and renovation account and seven and one-half percent of revenues deposited in the fund shall be placed in the maintenance account. The remaining two and one-half percent of the funds may be used for the purposes of fundraising, advertising, and administrative costs.

The choice of projects for which money is to be used, as well as the determination of the methods of carrying out the project and the procurement of goods and services, shall be made by the Commissioner of Administration. No moneys shall be released from the fund for any expense without the approval of the Commissioner of Administration.

For all taxable years beginning on or after January 1, 2021, any qualified donor, as defined in the act, shall be allowed a credit against any state income tax (except employer withheld taxes) or state taxes imposed on financial institutions for an amount equal to fifty percent of the monetary donation amount. Any amount of tax credit that exceeds the qualified donor's state income tax liability may be refunded or carried forward for the following four years.

For all taxable years beginning on or after January 1, 2021, a qualified donor shall be allowed a credit against any state income tax (except employer withheld taxes) or state taxes imposed on financial institutions for an amount equal to thirty percent of the value of the eligible artifact donation, as defined in the act. Any amount of tax credit that exceeds the donor's tax liability shall not be refunded for artifacts, but the credit may be carried forward for four subsequent years.

The Department of Economic Development shall not issue tax credits for donations to the Capitol Complex Fund in excess of $10 million per year in the aggregate. Donations received in excess of the cap shall be placed in line for tax credits the following year. Alternatively, a donor may donate without receiving the credit or may request that their donation is returned.

Tax credits issued for donations under this act are not subject to any fee. Tax credits issued under this act may be assigned, transferred, sold, or otherwise conveyed.

This act shall sunset August 28, 2027, unless reauthorized by the General Assembly.

This act is identical to SCS/SB 586 (2020) and HCS/HB 1713 (2020), and to a provision contained in HCS/SS/SCS/SB 570 (2020), HCS/SCS/SB 616 (2020), and HCS/SS#2/SB 704 (2020), and is substantially similar to SB 255 (2019) and to a provision contained in SB 545 (2018), HB 2691 (2018) and SCS/SB 6 (2017).

SB44 - Establishes provisions related to water and sewer infrastructure

Sponsor

Sen. Bill White (R)

Summary

HCS/SS/SB 44 - This act modifies provisions relating to utilities.

ENERGY CONNECTIONS (Section 67.309):

Under this act, no political subdivision shall adopt an ordinance, resolution, regulation, code or policy that prohibits, or has the effect of prohibiting, the connection or reconnection of a utility service based upon the type or source of energy to be delivered to an individual customer. Utility services shall include natural gas, propane gas, electricity, and any other form of energy provided to an end user customer.

This provision is similar to a provision contained in the perfected SS/SB 141 (2021), SB 230 (2021), and to a provision contained in SCS/HCS/HB 734 (2021).

SERVICE TERRITORIES OF RETAIL ELECTRIC SERVICE PROVIDERS (Sections 91.025, 386.800, 393.106, 394.020, & 394.315):

This act modifies provisions relating to service territories of retail electric service providers.

This act provides that in the event that a retail electric supplier is providing service to a structure located within a municipality that has ceased to be a rural area, and such structure is demolished and replaced by a new structure, such retail electric service supplier may provide permanent service to the new structure upon the request of the owner of the new structure.

Additionally, in the absence of an approved territorial agreement, the municipally owned utility shall apply to the Public Service Commission for an order assigning nonexclusive service territories and concurrently shall provide written notice of the application to other electric service suppliers with electric facilities located within one mile outside of the boundaries of the proposed expanded service territory. In granting the applicant's request, the Commission shall give due regard to territories previously served by the other electric service suppliers and the wasteful duplication of electric service facilities.

Any municipally owned electric utility may extend its electric service territory to include areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities in the area proposed to be annexed, the majority of the existing developers, landowners, or prospective electric customers may submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations as provided in the act. These provisions shall also apply in the event an electrical corporation rather than a municipally owned electric utility is providing electric service in the municipality.

This act also changes the term "fair and reasonable compensation" to be two hundred percent, rather than four hundred percent, of gross revenues less gross receipts taxes received by the affected electric service supplier from the 12 month period preceding the approval of the municipality's governing body. Additionally, this act changes the definition of the population of a "rural area" to be increased by 6% every ten years after each census beginning in 2030.

Nothing in this act shall be construed as otherwise conferring upon the Public Service Commission jurisdiction over the service, rates, financing, or management of any rural electric cooperative or any municipally owned electric utility.

These provisions are substantially similar to provisions contained in SS#2/SCS/HCS/HB 271 (2021).

Throughout the act, the term "electric supplier" is changed to "electric service supplier".

Under this act, at the time that a municipally owned utility applies to the Public Service Commission for an order assigning nonexclusive service territories, such utility shall concurrently provide written notice of the application to other electric service suppliers with electric facilities located within one mile outside of the boundaries of the proposed expanded service territory. In granting the applicant's request, the Commission shall consider territories previously granted to or served by other electric service suppliers and the duplication of electric service facilities.

Any municipally owned electric utility may extend pursuant to lawful annexation its electric service territory to include areas where another electric service supplier is not currently serving a structure but has existing electric service facilities located in or within one mile outside the boundaries of the area proposed to be annexed, provided it first notifies in writing the affected electric service supplier within 60 days prior to the effective date of the proposed annexation. If the affected electric service supplier objects, it shall follow procedures set forth in the act.

Responsibility for payment of fees set by the Commission to carry out its duties related to determining service territories under the act shall be on the parties to the proceeding as ordered by the Commission in each case.

Nothing in the act shall give the Commission jurisdiction over the service, rates, financing, accounting, or management of any rural electric cooperative or municipally owned electric utility.

If an electrical corporation is providing electric service within a municipality and the corporation has previously received a certificate of convenience and necessity from the Commission to provide electric service in the annexed area or the area proposed to be annexed, certain provisions of the act shall apply equally to the electrical corporation as if it were a municipally owned utility.

Nothing in the act shall be construed to preclude a municipality having a population of at least 1,500 inhabitants as of August 28, 2021, from requiring a rural electric cooperative to obtain a franchise to provide electric service, or to impose a sales tax, within the boundaries of the municipality.

Finally, the act modifies the definition of "rural area" as the term is used in provisions of law relating to rural electric cooperatives.

ASSESSMENT OF CERTAIN PUBLIC UTILITY PROPERTY (Sections 153.030 & 153.034):

Beginning January 1, 2022, this act provides that any real and personal property owned by a public utility company that was constructed using chapter 100 financing shall, upon the transfer of such property to the public utility company, be assessed upon the local tax rolls. Any property consisting of land and buildings shall be assessed pursuant to current law relating to the assessment of such property in general, and all other business or personal property shall be assessed pursuant to the depreciation schedule provided under current law.

This provision is identical to SCS/SB 92 (2021) and substantially similar to HB 2680 (2020).

COMMON SEWER DISTRICTS (Section 204.569):

Under current law, when an unincorporated sewer subdistrict of a common sewer district has been formed, the board of trustees of the common sewer district shall have the power to issue bonds, and the issuance of such bonds shall require the assent of 4/7 of the voters of the subdistrict on the question. This act states that as an alternative to such vote, if the subdistrict is a part of a common sewer district located in whole or in part in certain counties, bonds may be issued for such subdistrict if the question receives the written assent of 3/4 of the customers, as such term is defined in the act, of the subdistrict.

This provision is identical to SB 558 (2021) and to a provision contained in the perfected SS/SB 44 (2021).

ASSESSMENTS AGAINST PUBLIC UTILITIES (Section 386.370):

Currently, the Public Service Commission can assess no more than 0.25% of the total gross intrastate operating revenues against all utilities subject to the jurisdiction of the Commission for the cost of regulating such utilities. This act changes the assessment rate to no more than 0.315% of the total gross intrastate operating revenues of such utilities.

This provision is identical to a provision contained in the perfected SS#2/SCS/SB 202 (2021) and similar to SCS/SB 280 (2021).

COMPETITIVE BIDDING (Section 393.358):

Currently, water corporations with more than 1,000 customers are required to use a competitive bidding process for no less than 10% of the corporation's external expenditures for planned infrastructure projects on the water corporation's distribution system. Under this act, such competitive bidding process shall be used for 20% of the corporation's external expenditures for such projects.

WATER AND SEWER INFRASTRUCTURE (Sections 393.1500-393.1509):

The act establishes the Missouri Water and Infrastructure Act, which specifies that a water or sewer corporation that provides water or sewer service to more than 8,000 customer connections may file a petition and proposed rate schedules with the Public Service Commission to create or change a water and sewer infrastructure rate adjustment (WSIRA) that provides for the recovery of pretax revenues associated with eligible infrastructure system projects.

The WSIRA shall not produce revenues in excess of 15% of the water or corporation's base revenue requirement approved by the Commission in the corporation's most recent general rate proceeding, with certain exceptions.

The WSIRA and any future changes shall meet specific requirements set forth in the act.

The Commission shall not approve a WSIRA for a water or sewer corporation that has not had a general rate proceeding decided or dismissed in the 3 years before the filing of a WSIRA petition unless the water or sewer corporation has filed for or is the subject of a new general rate proceeding.

In the event a water or sewer corporation is collecting infrastructure system repalcement surcharge revenues that were approved before August 28, 2021, when a WSIRA is filed, the approved infrastructure system replacement surcharge revenues shall be included in the new WSIRA filing. In no event shall a customer be charged both an infrastructure system repalcement surcharge and a WSIRA.

At the time the water or sewer corporation files a petition for a WSIRA, it shall submit proposed WSIRA rate schedules and supporting documentation, and the corporation shall also serve the Office of Public Counsel with a copy of the petition, rate schedules, and documentation. Upon the filing of a petition, the Commission shall conduct an examination of the proposed WSIRA, as specified in the act.

The Commission may hold a hearing on the petition and any associated WSIRA rate schedules. If the Commission finds that a petition complies with the requirements set forth in the act, the Commission shall enter an order authorizing the water or sewer corporation to implement the WSIRA. A corporation may petition the Commission for a change in its WSIRA no more than two times in every 12-month period.

The act lists what information the Commission may consider in determining the appropriate pretax revenues and how the WSIRA is calculated. If this information is unavailable and the Commission is not provided such information on an agreed-upon basis, the Commission shall utilize the overall pretax weighted average cost of capital last authorized for the water or sewer corporation in a general rate proceeding regarding a WSIRA or an infrastructure system replacement surcharge. At the end of each 12-month calendar year that a WSIRA is in effect, the corporation shall reconcile the differences between the revenues from a WSIRA and the appropriate pretax revenues found by the Commission for that period and submit the reconciliation and proposed WSIRA to the Commission for approval to recover or credit the difference.

A water or sewer corporation that has a WSIRA shall file revised WSIRA schedules when new base rates and charges become effective following a general rate proceeding that includes the WSIRA eligible costs in the base rates. Once the eligible costs are included in the water or sewer corporation's base rates, the corporation shall reconcile any previously unreconciled WSIRA revenues to ensure that revenues resulting from the WSIRA match as closely as possible the appropriate pretax revenues.

A water or sewer corporation's filing of a petition to establish or change a WSIRA is not considered a request for a general increase in the corporation's base rates and charges.

Commission approval of a petition to establish or change a WSIRA shall in no way be binding upon the Commission in determining the ratemaking treatment to be applied to eligible infrastructure system projects during a subsequent general rate proceeding when the Commission may undertake to review the prudence of such costs. If, during a subsequent general rate proceeding, the Commission disallows recovery of costs associated with eligible infrastructure system projects previously included in a WSIRA, the water or sewer corporation shall offset its WSIRA in the future as necessary to recognize and account for any such overcollections.

Nothing in the act impairs the authority of the Commission to review the reasonableness of the rates or charges of a water or sewer corporation, including review of the prudence of eligible infrastructure system replacements made by a water or sewer corporation.

The Commission may take into account any change in business risk to the water or sewer corporation from implementation of the WSIRA in setting the corporation's allowed return in a general rate proceeding in addition to any other changes in business risk experienced by the corporation.

These provisions shall expire on December 31, 2031.

These provisions are similar to HB 397 (2021), SB 592 (2020), HCS/HB 2094 (2020), SB 377 (2019), and HCS/HB 633 (2019).

RURAL ELECTRIC COOPERATIVES (Section 394.120):

Under the act, the board of directors of a rural electric cooperative shall have the power to set the time and place of the annual meeting and also to provide for voting by proxy, electronic means, by mail, or any combination thereof, and to prescribe the conditions under which such voting shall be exercised. The meeting requirement may be satisfied through virtual means.

This provision expires on August 28, 2022.

This provision is identical to a provision contained in the perfected SS/SB 333 (2021) and in the perfected SS#2/SCS/SB 202 (2021).

HA #1: CHANGES THE ASSESSMENT RATE AGAINST PUBLIC UTILITIES FROM NO MORE THAN 0.38% OF THE TOTAL GROSS INTRASTATE OPERATING REVENUES OF SUCH UTILITIES TO NO MORE THAN 0.315%.

SB45 - Creates new provisions relating to certain firefighters who contracted certain types of cancer as a result of employment as a firefighter

Sponsor

Sen. Lincoln Hough (R)

Summary

SS/SB 45 - This act allows for the creation of a Voluntary Firefighter Cancer Benefits Pool by three or more political subdivisions. Under the act, any political subdivision may make contributions to a Voluntary Firefighter Cancer Benefits Pool. The board of trustees of any pool created for the purposes of this act is subject to the Sunshine Law. The pool is allowed to make payments to covered individuals based upon the type of cancer with which the covered individual was diagnosed.

Benefits may be reduced by 25% if the covered individual used a tobacco product within the 5 years immediately preceding the cancer diagnosis.

If any individual that receives benefits under this act thereafter receives workers' compensation benefits for the same injury, then the workers' compensation benefits or death benefits shall be reduced 100% by any benefits received from the pool under this act.

Furthermore, the employer in any workers' compensation claim shall be subrogated to the right of the employee or to the dependent or domestic partner to receive benefits from the 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 pool under this act. Any receipt of benefits from the pool under this act shall be treated as an advance payment by the employer, on account of any future installments of workers' compensation benefits.

Any pool created for the purposes of this act may accept or apply for grants or donations from any private or public source. Furthermore, any such pool may apply for grants from the state fire marshal. This provision expires June 30, 2023.

The act also amends a provision of law relating to disbursement of grants to volunteer fire protection association workers' compensation insurance premiums for volunteer firefighters. Current law requires the State Fire Marshal to disburse such grants to any applying association. This act permits such disbursement.

SB49 - Modifies provisions relating to public safety

Sponsor

Sen. Justin Brown (R)

Summary

HCS/SCS/SB 49 - This act modifies provisions relating to public safety.

BOAT DEALERS (Section 301.550)

This act waives the requirement that an entity must sell at least 6 vessels or vessel trailers in a calendar year in order to qualify as a boat dealer, provided the entity is a licensed boat manufacturer that custom manufactures boats for use with biological research and management equipment for fisheries, or for use with scientific sampling and for geological or chemistry purposes.

PERMANENT VESSEL REGISTRATION (Section 306.030)

This act provides that vessels may be issued a permanent certificate of number upon payment of 3 times the amount required for a 3-year certificate of number and 3 times any processing fee applicable to a 3-year certificate of number. Permanent certificates of number shall not be transferred to any other person or vessel, or displayed on any vessel other than the vessel for which it was issued, and shall continue in force and effect until terminated or discontinued as provided by law. (Section 306.030.6).

These provisions are identical to provisions in the perfected SS/SB 46 (2021).

PERMITTED BOAT DOCKS, AND OBSTRUCTIONS CAUSED BY VESSELS (Section 306.221)

This act prohibits vessels positioned within 100 feet of a permitted boat dock from being anchored in a manner that obstructs ingress or egress of watercraft to or from the dock, unless authorized by the boat dock permit holder. The act also provides that no person shall secure a vessel to or enter upon a private permitted boat dock unless authorized to do so by the boat dock permit holder, or as specified in the act. A violation of these provisions shall be an infraction.

This act also specifies that operating or positioning a vessel in a manner that obstructs or impedes the normal flow of traffic on the waters of this state shall be an infraction, rather than a Class C misdemeanor for a first offense or a Class B misdemeanor for a second or subsequent offense.

These provisions are similar to HB 871 (2021).

NEW MOTOR VEHICLE SAFETY INSPECTIONS (Section 307.380)

This act exempts new motor vehicles from the requirement that motor vehicles receive a safety inspection immediately prior to their sale regardless of any current certificate of inspection and approval.

This provision is identical to HB 687 (2021), a provision in HCS/SS/SCS/SB 4 (2021), and a provision in the perfected SS/SB 46 (2021).

MISSOURI CYBERSECURITY ACT (Section 650.125)

This act establishes the "Missouri Cybersecurity Commission" within the Department of Public Safety for the purpose of identifying risk to state and critical infrastructure with regard to cyber attacks. The commission shall be funded by appropriation, and any expenditure constituting more than 10% of the commission's annual appropriation shall be based on a competitive bid process. The commission shall advise the Governor on the state of cybersecurity in the state, obtain data from certain public entities specified in the act, and make recommendations to reduce the state's risk of cyber attack. The commission shall present an annual report to the Governor by December 31st of each year, which shall be held confidential.

SB51 - Establishes provisions relating to civil actions arising from COVID-19 pandemic

Sponsor

Sen. Tony Luetkemeyer (R)

Summary

SS#2/SCS/SBs 51 & 42 - This act establishes provisions of law relating to liability in COVID-19 related actions.

COVID-19 EXPOSURE ACTION (Section 537.1005)

No individual or entity engaged in businesses, services, activities, or accommodations shall be liable in any COVID-19 exposure action, as defined in the act, unless the plaintiff can prove by clear and convincing evidence that:

(1) The individual or entity engaged in recklessness or willful misconduct that caused an actual exposure to COVID-19; and

(2) The actual exposure caused personal injury to the plaintiff.

Additionally, no religious organization, as defined in the act, shall be liable in any COVID-19 exposure action, unless the plaintiff can prove intentional misconduct.

There is a rebuttable presumption of an assumption of risk by a plaintiff in an exposure claim when the individual or entity posts and maintains signs in a clearly visible location at the entrance of the premises or provides written notice containing the warning notice specified in the act. No religious organization shall be required to post or maintain a sign or provide written notice containing the warning notice.

Any adoption or change to a policy, practice, or procedure by an individual to address or mitigate the spread of COVID-19 after the exposure shall not be considered evidence of liability or culpability. Additionally, nothing in this provision shall require an individual or entity to establish a written or published policy addressing the spread of COVID-19, including any policy requiring or mandating vaccination or requiring proof of vaccination.

No individual or entity shall be held liable for the acts or omissions of a third party unless the individual or entity has an obligation under general common law principles or the third party was an agent of the individual or entity.

A COVID-19 exposure action shall not be commenced in any Missouri court later than two years after the date of the actual, alleged, feared, or potential exposure to COVID-19.

COVID-19 MEDICAL LIABILITY ACTION (Section 537.1010)

A health care provider, as defined in the act, shall not be liable in a COVID-19 medical liability action, as defined in the act, unless the plaintiff can prove recklessness or willful misconduct by the health care provider and that the personal injury was caused by such recklessness or willful misconduct. An elective procedure that is delayed for good cause shall not be considered recklessness or willful misconduct.

A COVID-19 medical liability action may not be commenced in any Missouri court later than one year after the date of the discovery of the alleged harm, damage, breach, or tort unless tolled for proof of fraud, intentional concealment, or the presence of a foreign body which has no therapeutic or diagnostic purpose or effect.

COVID-19 PRODUCTS LIABILITY ACTION (Section 537.1015)

No individual or entity who designs, manufactures, imports, distributes, labels, packages, leases, sells, or donates a covered product, as defined in the act, shall be liable in a COVID-19 products liability action, as defined in the act, if the individual or entity:

(1) Does not make the covered product in the ordinary course of business;

(2) Does make the covered product in the ordinary course of business and the emergency required the product to be made in a modified manufacturing process that is outside the ordinary course of business; or

(3) Does make the covered product in the ordinary course of business and use of the covered product is different from its recommended purpose and used in response to the COVID-19 emergency.

For a plaintiff to prevail in a COVID-19 products liability action, the plaintiff shall prove, by clear and convincing evidence, recklessness or willful misconduct by the individual or entity and that such recklessness or misconduct caused the personal injury.

This act shall not apply to any fraud in connection with the advertisement of a covered product. This provision applies to any claim for damages that has a causal relationship with the administration to or use by an individual of a covered product. Additionally, this provision shall apply only to covered products administered or used for the treatment of or protection against COVID-19 and applies to any such covered product regardless of whether the product is obtained by donation, commercial sale, or any other means of distribution by federal, state, or local officials or by the private sector.

A COVID-19 products liability action shall not be commenced later than two years after the date of the alleged harm, damage, breach, or tort unless tolled for proof of fraud or intentional concealment.

PUNITIVE DAMAGES IN COVID-19 RELATED ACTIONS (Sections 537.1020)

Punitive damages may be awarded in any COVID-19 related action, but shall not exceed an amount in excess of nine times the amount of compensatory damages.

APPLICATION OF THIS ACT (Sections 537.1035)

The provisions of this act expire four years after the effective date of this act.

This act creates a new cause of action and replaces any such common law cause of action. Furthermore, this act preempts and supersedes any state law related to the recovery for personal injuries covered under a COVID-19 related action unless the provisions of state law impose stricter limits on damages or liabilities for personal injury. The provisions of this act shall not expand any liability or limit any defense otherwise available.

This act shall not be construed to:

(1) Affect the applicability of the Workers' Compensation Law and chapters of law relating to discriminatory practices, employee-employer relations, and landlord-tenant relations for residential property;

(2) Impair, limit, or affect the authority of the state or local government to bring any criminal, civil, or administrative enforcement actions against any individual or entity nor shall it affect causes of action for intentional discrimination;

(3) Require or mandate a vaccination or affect the applicability of any provision of law creating a cause of action for a vaccine-related personal injury;

(4) Prohibit an individual or entity engaged in businesses, services, activities, or accommodations from instituting a cause of action regarding an order issued by the state or local government that requires an individual or entity to temporarily or permanently cease the operation of such business;

(5) Affect the applicability of any provision of law providing a cause of action for breach of a contract insuring against business interruption or for failure or refusal to pay a contract insuring against business interruption;

(6) Affect the applicability of any provision of law providing a cause of action alleging price gouging, non-educational related canceled events, or payment of membership fees; and

(7) Affect the applicability of any provision of law providing a cause of action for breach of a contract against an educational institution for the refund of tuition or costs.

This act contains an emergency clause.

SB53 - Modifies provisions relating to the administration of justice

Sponsor

Sen. Tony Luetkemeyer (R)

Summary

CCS/HCS/SS/SCS/SBs 53 & 60 - This act modifies provisions relating to public safety.

ATTORNEY GENERAL RESIDENCY REQUIREMENT (Section 27.010)

This act repeals the requirement that the Attorney General must reside in Jefferson City, Missouri.

These provisions are identical to provisions in SS/SCS/HCS/HB 59 (2021) and SS#2/SCS/HCS/HB 27 (2021) and substantially similar to SCS/SB 314 (2021) and HCS/HB 1787 (2020).

BASE SALARY SCHEDULES FOR COUNTY OFFICIALS (Section 50.327)

Under current law, the salary schedule for a county sheriff shall be set as a base schedule according to law and the salary commission may increase the compensation of a county sheriff up to $6,000 greater than the salary schedule. This act repeals the provisions relating to the salary schedule for county sheriffs.

Additionally, this act repeals the provision that the salary commission of any third class county may amend the base schedules of county officials to include certain assessed valuation factors.

This provision has a delayed effective date.

This provision is identical to a provision in HCS/SS/SB 212 (2021) and to SCS/SB 510 (2021).

DEPARTMENT OF CORRECTIONS (Sections 56.380, 56.455, 105.950, 149.071, 149.076, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 217.845, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 575.206, 589.042, 650.055, & 650.058)

This act replaces the "Department of Corrections and Human Resources" with "Department of Corrections" and the "board of probation and parole" with the "Division of Probation and Parole" or the "Parole Board".

This act also adds that the chairperson of the board shall employ employees as is necessary to carry out duties, serve as the appointing authority over such employees, and provide for appropriate training to members and staff.

This act repeals the provision that the chairperson of the board shall also be the Director of the Division of Probation and Parole.

These provisions are substantially similar to provisions in HCS/SS/SB 212 (2021) and SS/SCS/HCS/HB 59 (2021).

COURT COSTS COLLECTED BY SHERIFFS (Section 57.280)

Under current law, sheriffs who serve any summons, writ, or other order of the court may collect fees in civil cases. These court fees are collected by the court clerk and held in certain state and local funds.

This act provides that a charge of up to $50 may be received by a sheriff for service of any summons, writ, or order for an eviction proceeding. All charges shall be collected by the sheriff prior to the service being rendered and paid to the county treasurer. The funds shall be held in a fund established by the county treasurer and may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties.

These provisions are identical to provisions in SS/SCS/HCS/HB 59 (2021) and substantially similar to SB 404 (2021).

COMPENSATION OF COUNTY SHERIFFS (Section 57.317)

This act provides that the county sheriff in any first and second class county shall receive an annual salary equal to 80% computed by a salary schedule as provided in the act.

Additionally, this act provides that the county sheriff in any third or fourth class county shall receive an annual salary computed by a salary schedule as provided in the act. The salary schedule shall be based off a percentage of the salary of associate circuit judges.

Finally, this act provides that the county sheriff in any county other than a charter county shall not receive an annual compensation less than the compensation provided under this act.

This provision has a delayed effective date.

These provisions are substantially similar to provisions in HCS/SS/SB 212 (2021) and to SCS/SB 510 (2021).

POLICE COMMISSIONERS (Section 84.400)

This act provides that a member of the Kansas City Board of Police Commissioners or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, accept that such board member may accept a per diem or reimbursement for necessary expenses for attending meetings.

KANSAS CITY POLICE DEPARTMENT RESIDENCY REQUIREMENTS (Section 84.575)

This act provides that the Board of Police Commissioners in Kansas City shall not require, as a condition of employment, that any currently employed or prospective law enforcement officer or other employee reside within any jurisdictional limit. Any current residency requirement in effect on or before August 28, 2021, shall not apply and shall not be enforced.

Additionally, the Board of Police Commissioners may impose a residency rule, but the rule or requirement shall be no more restrictive than requiring such personnel to reside within sixty miles from the nearest city limit.

EXPOSING OTHERS TO SERIOUS INFECTIOUS OR COMMUNICABLE DISEASES (Sections 191.677,545.940, 575.155, & 575.157)

Under current law, it is illegal for a person knowingly infected with HIV to donate blood, organs, tissue, or sperm, unless for medical research, as well as illegal for such person to act recklessly in exposing another person to HIV without their knowledge and consent.

This act modifies those provisions to make it unlawful for a person knowingly infected with a serious infectious or communicable disease to: (1) donate blood, organs, tissue, or sperm, unless for medical research or as deemed medically appropriate by a licensed physician; (2) knowingly expose another person to the disease through an activity that creates a substantial risk of transmission; or (3) act in a reckless manner by exposing another person to the disease through an activity that creates a substantial risk of disease transmission. A "serious infectious or communicable disease" is defined as a non-airborne or non-respiratory disease spread from person to person that is fatal or causes disabling long-term consequences in the absence of lifelong treatment and management. The penalty for donation of blood, organs, tissue, or sperm while knowingly infected with the disease or knowingly exposing another person to the disease shall be a Class D felony, rather than the current Class B felony, and a Class C felony, rather than the current Class A felony, if the victim contracts the disease. The penalty for recklessly exposing another person is a Class A misdemeanor.

It shall be an affirmative defense to this offense if the person exposed to the disease knew that the infected person was infected with the disease at the time of the exposure and consented to the exposure.

This act specifies the actions to be taken during a judicial proceeding to protect the identifying information of the victim and the defendant from public release, except as otherwise specified. Additionally, this amendment changes similar provisions involving exposure of persons in correctional centers, jails, or certain mental health facilities to HIV or hepatitis B or C to exposure to a serious infectious or communicable disease when the nature of the exposure to the bodily fluid has been scientifically shown to be a means of transmission of the disease.

These provisions are identical to provisions in SCS/HB 530 & HCS/HB 292 (2021) and substantially similar to HCS/HB 755 (2021) and SCS/SB 65 (2021) and similar to HB 1691 (2020).

MEDICATION-ASSISTANT TREATMENT PROGRAMS (Section 191.1165)

This act also modifies the list of covered medications for MO Health Net medication-assistant treatment programs in to include formulations of buprenorphine other than tablets and formulations of naltrexone including extended-release injectable formulations. These provisions are identical to SCS/SB 521 (2021) and substantially similar to SB 814 (2020) and a provision in SB 507 (2019).

These provisions are identical to provisions in HCS/SS/SB 212 (2021).

JUSTICE FOR SURVIVORS ACT (Sections 192.2520 & 197.135)

This act requires the statewide coordinator for the telehealth network for forensic examinations of victims of sexual offenses to regularly consult with Missouri-based stakeholders and clinicians regarding the training programs offered by the network, as well as the implementation and operation of the network. Current law permits the training to be offered online or in person and this act requires that the training be made available online and permits it to be offered in person. Providers shall not be required to utilize this training, so long as the training utilized by providers is, at a minimum, equivalent to the network's training.

Current law requires licensed hospitals to perform forensic examinations of victims of sexual offenses beginning January 1, 2023. Under this act, such requirement shall only occur beginning January 1, 2023, or no later than 6 months after the establishment of the telehealth network, whichever is later. Finally, no individual hospital shall be required to comply with these provisions unless and until the Department of Health and Senior Services provides such hospital with access to the network for mentoring and training services without charge.

Finally, victims of sexual offenses who are 14 to 17 years of age may be referred by hospitals to SAFE CARE providers for medical or forensic evaluation and case review.

This provision is identical to SCS/SB 550 (2021).

JURISDICTION OF JUVENILE COURT (Sections 211.012, 211.438, & 211.439)

This act clarifies that, for purposes of the law and jurisdiction of the juvenile court, a person shall not be considered a child if at the time of the alleged violation such person was considered an adult according to the then existing law. This act repeals provisions relating to the age of certification of a child as an adult.

This provision contains an emergency clause.

This provision is identical to a provision in HB 1242 (2021).

JUVENILE DETENTION (Section 211.072)

This act provides that a juvenile, under the age of 18, who has been certified to stand trial as an adult, if currently placed in a secure juvenile detention, shall remain in juvenile detention, pending finalization of the judgment and completion of appeal, if any, of the judgment dismissing the juvenile petition to allow for prosecution under the general law, unless otherwise ordered by the juvenile court.

Upon any final judgment on appeal of the petition to dismiss prosecution of the juvenile under the general laws, and adult charges being filed, if the juvenile is currently in juvenile detention, the juvenile shall remain in detention unless the juvenile posts bond or the juvenile is transferred to an adult jail.

Additionally, this act provides that if the juvenile officer does not believe detention in a secure juvenile detention facility would be an appropriate placement or would continue to serve as an appropriate placement, the juvenile officer may file a motion in the adult criminal case, requesting that the juvenile be transferred from juvenile detention to jail. The court shall hear evidence relating to the appropriateness of the juvenile remaining in juvenile detention or being transferred to an adult jail. At the hearing, the juvenile, the juvenile's parents and counsel, the prosecuting attorney, and others as provided in the act, shall have the opportunity to present evidence and recommendations.

Following the hearing, the court shall order that the juvenile continue to be held in a secure juvenile detention facility or shall order that the pre-trial certified juvenile be held in an adult jail, but only after the court has made findings that it would be in the best interest of justice to move the pre-trial certified juvenile to an adult jail. The court shall weigh certain factors, as provided in the act, when deciding whether to detain a certified juvenile in an adult jail. In the event the court finds that it is in the best interest of justice to require the certified juvenile to be held in an adult jail, the court shall hold a hearing once every 30 days to determine whether the placement of the certified juvenile in an adult jail is still in the best interest of justice.

This act provides that a juvenile cannot be held in an adult jail for more than 180 days unless the court finds, for good cause, that an extension is necessary or the juvenile waives the 180-day maximum period.

Effective December 21, 2021, all previously certified, pre-trial juveniles, under the age of 18, who had been certified prior to August 28, 2021 shall be transferred from adult jail to a secure juvenile detention facility, unless a hearing is held and the court finds that it would be in the best interest of justice to keep the juvenile in the adult jail. All certified juveniles who are held in adult jails shall continue to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.

If the certified juvenile remains in juvenile detention, the juvenile officer may file a motion to reconsider placement and a hearing shall be held as provided in the act. The court may amend its earlier order in light of the evidence and arguments presented at the hearing if the court finds that it would not be in the best interest of justice for the juvenile to remain in a juvenile detention facility.

The issue of setting or posting bond shall be held in the pre-trial certified juvenile's adult criminal case.

Finally, this act provides that upon attaining the age of 18 or upon conviction on the adult charges, the juvenile shall be transferred from juvenile detention to the appropriate adult facility. Any responsibility for transportation of the certified juvenile who remains in a secure juvenile detention facility shall be handled in the same manner as in all other adult criminal cases where the defendant is in custody.

These provisions are identical to provisions in SCS/SB 440 (2021).

DIVISION OF YOUTH SERVICES (Section 211.181)

No court shall require a child to remain in the custody of the Division of Youth Services for a period which exceeds the child's nineteenth birth date except upon a petition filed by the Division of Youth Services.

This provision contains an emergency clause.

This provision is identical to a provision in HB 1242 (2021).

JUVENILE WAIVER OF RIGHT TO COUNSEL (Section 211.211)

Under this act, when a petition has been filed in a juvenile court under certain provisions of law and a child has waived his or her right to counsel, such waiver may be made in open court and be recorded and in writing. The waiver shall be made knowingly, intelligently, and voluntarily, which shall be determined by the totality of the circumstances, including the child's age, background, experience, emotional stability, and the complexity of the proceedings. Such waiver shall only apply to that

proceeding and in any subsequent proceedings, the child shall be informed of his or her right to counsel.

A child's right to counsel shall not be waived in the following proceedings: (1) at a detention hearing, (2) at a certification or dismissal hearing, (3) at an adjudication hearing for any misdemeanor or felony offense, (4) at a dispositional hearing, or (5) at a hearing on a motion to modify or revoke supervision under certain provisions of law.

This provision is identical to provisions in HCS/HB 218 (2021) and to provisions in SB 305 (2021).

JUVENILE JUSTICE PRESERVATION FUND (Section 211.435)

This act also modifies provisions relating to the "Juvenile Justice Preservation Fund." This act moves such fund from the state treasury into each county's circuit court for the purpose of implementing and maintaining the expansion of juvenile court jurisdiction to 18 years of age. The funds shall consist of surcharges collected for traffic violations and other donations or appropriations.

Funds currently held by the state treasurer in the Juvenile Justice Preservation Fund shall be payable and revert to the circuit court's fund in the county of origination. Expenditures from the county circuit court fund shall be made at the discretion of the juvenile office for the circuit court and shall be used for the expansion of the juvenile court's jurisdiction. Funds shall not be expended for capital improvements or to replace or reduce the responsibilities of the county or state to provide funding for juvenile treatment services.

This provision contains an emergency clause.

This provision is identical to a provision in HB 1242 (2021).

INMATE CANTEEN FUND (Section 217.195)

Under current law, the chief administrative officer of a correctional center may operate a canteen or commissary for the use and benefit of the offenders with the approval of the Division Director. Each correctional center keeps revenues received from the canteen or commissary to purchase the goods sold and other operating expenses.

Under this act, the Director of the Department of Corrections must approve the creation and operation of any canteen or commissary. This act also creates the "Inmate Canteen Fund" in the state treasury which shall consist of funds received from the inmate canteens. Any proceeds generated from this fund shall be expended solely for the purpose of improving inmate recreational, religious, educational, and reentry services.

This act repeals the current "Inmate Canteen Fund", which receives the remaining funds from sales of the canteen or commissary.

These provisions are identical to SB 128 (2021), SB 864 (2020), and SB 434 (2019) and similar to HCS/HB 303 (2019).

INMATE FEMININE HYGIENE PRODUCTS (Section 217.199 & 221.065)

This act provides that Director of Corrections and any sheriff or jailer who holds a person in custody shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female offenders while confined in any correctional center or jail. The General Assembly may appropriate funds to assist with the funding of this requirement. This provision contains an emergency clause. This provision identical to HB 318 (2021).

These provisions contain an emergency clause.

These provisions are identical to provisions in HCS/SS/SB 212 (2021).

ALTERNATIVE SENTENCING (Sections 217.777 & 559.120)

This act provides that the Department of Corrections shall administer a community corrections program to encourage the establishment of local sentencing alternatives for offenders to promote opportunities for nonviolent primary caregivers to care for their dependent children.

These provisions are identical to HB 531 (2021).

FEDERAL STIMULUS FUNDS TO INMATES (Section 217.845)

This act provides that offenders who receive funding from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act shall use such funds to make restitution payments ordered by a court resulting from a conviction of a violation of any local, state, or federal law. These provisions are identical to provisions in SCS/SB 374 (2021).

DEPARTMENT OF CORRECTIONS REIMBURSEMENTS TO COUNTIES (Section 221.105)

Under current law, the Department of Corrections shall issue a reimbursement to a county for the actual cost of incarceration of a prisoner not to exceed certain amounts as provided in the act. However, the amount shall not be less than the amount appropriated in the previous fiscal year.

This act repeals the provision that the amount reimbursed to counties shall not be less than the amount appropriated in the previous fiscal year.

This provision is identical to a provision in SS#2/SCS/HCS/HB 271 (2021).

COUNTY CORONER EMERGENCY VEHICLES (Sections 304.022 & 307.175)

This act allows coroners, medical examiners, and forensic investigators of the county medical examiner's office or a similar entity to display emergency lights on their vehicles or equipment when responding to a crime scene, motor vehicle accident, workplace accident, or any location where their services are requested by law enforcement, and accordingly modifies the definition of "emergency vehicle" for purposes of motorists' obligation to yield to emergency vehicles displaying emergency lighting.

This provision is identical to provisions in HCS/HB 307 (2021).

HEAD START BUSES (Section 304.050)

This act provides that Head Start buses that are certified by the Highway Patrol as meeting certain inspection requirements, operated by the holder of a validly-endorsed commercial driver's license who meets certain medical requirements, and transporting students to and from Head Start shall be included in the statute regarding traffic control for school bus loading, stopping, and passing purposes.

These provisions have a delayed effective date.

These provisions are identical to HB 257 (2021) and HCS/SS/SB 89 (2021).

CHILD CUSTODY ORDERS (Section 452.410)

This act modifies current law relating to the modification of a prior child custody decree by changing and adding intersectional references to current statutory provisions relating to child custody, visitation, and grandparent visitation.

These provisions are identical to provisions in HCS/SS/SCS/SB 71.

OFFENSE OF STALKING (Section 455.010)

Under current law relating to the issuance of orders of protection, "stalking" is defined as a pattern of conduct composed of two or more acts over a period of time that serves no legitimate purpose and may include following the other person or unwanted communication or contact. This act modifies that definition to mean two or more acts that serve no legitimate purpose including, but not limited to, acts in which the stalker directly, indirectly, or through a third party follows, monitor, observes, surveils, threatens, or communicates to a person by any action, method, or device.

These provisions are identical to HCS/HB 292 (2021).

ORDERS OF PROTECTION (Sections 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, & 455.523)

Under this act, adult protection orders and child protection orders, full or ex parte, may be granted to restrain or enjoin an individual from committing or threatening to commit abuse against a pet. A protection order may include an order of possession of the pet where appropriate, as well as any funds needed to cover the medical costs resulting from abuse of the pet. "Pet" is defined in this act as a living creature maintained by a household member for companionship and not for commercial purposes.

These provisions are identical to provisions in SS/SCS/SB 71 (2021) and SCS/HCS/HB 744 (2021), HB 2626 (2020), and SB 959 (2020).

Under current law, a court may issue a full adult order of protection, after a hearing, for at least 180 days and not exceeding one year. Under this act, if the court finds, after an evidentiary hearing, that the respondent poses a serious danger to the physical or mental health of the petitioner or a minor household member, the protective order shall be valid for at least two years and not more than ten years. The full order may be renewed annually for a period of at least 180 days and not more than one year from the expiration date of the previously issued order; except, in cases where the court finds the respondent poses a serious danger to the petitioner or a minor household member, then the order may be renewed periodically and shall be valid for at least two years and up to the life of the respondent. The court may include a provision that any full order of protection shall be automatically renewed for any term of renewal as set forth in this act.

If a court finds that the respondent poses a serious risk to the petitioner or a minor household member, the court shall not modify the order until a period of at least two years from the date of the original full order of protection was issued and only after a hearing and making written findings that the respondent has shown proof of treatment and rehabilitation and no longer poses a serious danger.

Under current law, the clerk issues a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri Uniform Law Enforcement System (MULES) the same day the order is granted and the local law enforcement agency enters the information contained in the order into MULES. Under this act, the court shall provide all the necessary information regarding the order of protection for entry into MULES and the National Crime Information Center (NCIC). The sheriff shall enter the information into MULES within twenty-fours hours and MULES shall forward that information to NCIC, thus making the order viewable in the National Instant Criminal Background Check System (NICS).

These provisions are identical to provisions of SS/SCS/SB 71 (2021), SCS/SB 415 (2021), and SCS/HCS/HB 744 (2021).

GUARDIANSHIP OF A PERSON (Section 475.120)

This act provides that a guardian shall make decisions regarding the adult ward's support, care, education, health, and welfare. A guardian shall exercise authority only as necessitated by the adult ward's limitations and shall encourage the adult ward to participate in decisions.

These provisions are identical to provisions in HCS/SS#2/SCS/SB 27 (2021).

FEES FOR POLICE REPORTS (Section 479.162)

This act provides that in a proceeding for a municipal ordinance violation or any other proceeding in municipal court if the charge carries the possibility of 15 days or more in jail, a defendant shall no be charged any fee for obtaining a police report or probably cause statement. Such police report or probable cause statement shall be provided by the prosecutor upon written request by the defendant during discovery.

These provisions are identical to provisions in HB 177 (2021) and HCS/SS/SB 91 (2021).

VETERANS TREATMENT COURT (Section 488.016)

This act provides that costs for a veterans treatment court shall be fully waived for any person who is an honorably discharged veteran of any branch of the Armed Forces and who successfully completes such veterans treatment court.

This provision is identical to a provision in HCS/SS/SB 91 (2021).

CRIME LABORATORY SURCHARGES (Section 488.029)

This act provides that there shall be assessed and collected a surcharge of $150 in all criminal cases for any controlled substance offense in which a crime laboratory makes an analysis of a controlled substance, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state or if the proceeding as been dismissed by a court.

This provision is identical to a provision in SCS/HCS/HB 530 (2021).

FORFEITURE BY WRONGDOING (Section 491.016)

This act provides that a statement made by a witness, which would otherwise not be admissible, is admissible as substantive evidence in a criminal proceeding when the court finds by a preponderance of evidence that:

• The defendant engaged in or acquiesced to wrongdoing with the purpose of causing the unavailability of the witness;

• The wrongdoing in which the defendant engaged in or acquiesced to has caused or substantially contributed to the unavailability of the witness;

• The state exercised due diligence to secure by subpoena or other means the attendance of the witness, or the witness is unavailable because the defendant caused the death of the witness; and

• The witness fails to appear at the proceeding.

Additionally, this act provides that in a jury trial, the hearing and finding to determine the admissibility of the statement shall be held and found outside the presence of the jury and before the case is submitted to the jury.

This provision is identical to HB 548 (2021) and to a provision in HCS/SS/SB 91 (2021) and substantially similar to SB 402 (2021), HB 2 (First Extraordinary Session 2020) and similar to SB 4 (First Extraordinary Session 2020) and HCS/HB 1964 (2020).

CONFIDENTIALITY OF CRIME STOPPERS ORGANIZATIONS (Section 546.265)

This act provides that no person shall be required to disclose, by way of testimony or otherwise, a privileged communication between a person who submits a report of alleged criminal activity to a crime stoppers organization and the person who accepts the report on behalf of a crime stoppers organization. Additionally, no such person shall be required to produce, under subpoena, any records, documentary evidence, opinions, or decisions relating to such privileged communication in connection with any criminal proceeding or discovery procedure.

This act also provides that any person arrested or charged with a criminal offense may petition the court for an in-camera inspection of the records of a privileged communication concerning the report such person made to the crime stoppers organization. If the court determines the person is entitled to all or part of such records, the court may order production and disclosure as the court deems appropriate.

These provisions are identical to SB 312 (2021) and substantially similar to HB 1552 (2020).

MOTION TO VACATE OR SET ASIDE THE VERDICT (Section 547.031)

This act provides that a prosecuting or circuit attorney may file a motion to vacate or set aside the judgment at any time if he or she has information that the convicted person may be innocent or may have been erroneously convicted. The circuit court in which the person was convicted shall have jurisdiction and authority to consider, hear, and decide the motion. Upon the filing of such a motion, the court shall order a hearing and issue findings of fact and conclusions of law on all issues presented. The Attorney General shall be given notice of hearing of much a motion and shall be permitted to appear, question witnesses, and make arguments in the hearing.

This act provides that the court shall grant the motion of the prosecuting or circuit attorney to vacate or set aside the judgment where the court finds that there is clear and convincing evidence of actual innocence or constitutional error at the original trial or plea that undermines the confidence in the judgment. In considering the motion, the court shall take into consideration the evidence presented at the original trial or plea; the evidence presented at any direct appeal or post-conviction proceedings; and the information and evidence presented at the hearing on the motion.

The prosecuting attorney, circuit attorney, or the defendant shall have the authority and right to file and maintain an appeal of the denial or disposal of such a motion. The Attorney General shall also have the right to intervene in any appeal filed by the prosecuting or circuit attorney or the defendant.

These provisions are identical to provisions in SCS/SB 440 (2021).

CREDIT FOR JAIL TIME AWAITING TRIAL (Section 558.031)

Under current law, a person receives credit toward a sentence of imprisonment for all time in prison, jail, or custody after the offense occurred and before the commencement of the sentence if the time in custody is related to the offense. This act modifies these provisions to require a person to receive credit toward a sentence of imprisonment for all time in prison, jail, or custody after conviction and before commencement of the sentence in the Department of Corrections and the circuit court may 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. This act will be applicable to offenses occurring on or afer August 28, 2021.

These provisions are identical to provisions in SB 343 (2021).

SPECIAL VICTIMS (Section 565.058)

Any special victim as defined by law shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue.

Additionally, any special victim may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if said petition alleges that he or she would be endangered by such disclosure.

These provisions are identical to provisions in HCS/SS/SB 26 (2021).

OFFENSE OF UNLAWFUL POSTING OF CERTAIN INFORMATION ONLINE (Section 565.240)

Under current law, 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, or telephone number 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. Such offense is a Class C misdemeanor.

This act modifies the current offense by adding "any other personally identifiable information" and further provides that if a person knowingly posts the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, or prosecuting attorney, or the information of an immediate family member of such officers, he or she shall be guilty of a Class E felony.

These provisions are identical to SCS/SB 129 (2021).

SEXUAL MISCONDUCT OF POLICE OFFICERS (Section 566.145)

This act provides that a law enforcement officer who engages in sexual conduct with a detainee or prisoner who is in the custody of such officer shall be guilty of a class E felony.

This provision is identical to HB 2708 (2020).

OFFENSE OF USING A LASER POINTER (Section 574.110)

This act provides that a person commits the offense of using a laser pointer if such person knowingly directs a light from a laser pointer at a uniformed safety officer or other first responder as provided in the act. Such offense is a class A misdemeanor.

This provision is identical to a provision in HCS/SS/SB 26 (2021) and HB 876 (2021).

OFFENSE OF INTERFERENCE WITH A HEALTH CARE FACILITY (Section 574.203)

This act provides that a person, excluding any person who is developmentally disabled, commits the offense of interference with a health care facility if the person willfully or recklessly interferes with a health care facility or employee of a health care facility by: (1) Causing a peace disturbance while inside a health care facility; (2) Refusing an order to vacate a health care facility when requested to by an employee; or (3) Threatening to inflict injury on the patients or employees, or to inflict damage on the facility.

Such offense is a Class D misdemeanor for the first offense and a Class C misdemeanor for any second or subsequent offense.

These provisions are identical to provisions in HCS/SS/SB 26 (2021) and HCS/HB 1022 (2021).

OFFENSE OF FAILURE TO EXECUTE A WARRANT (Section 575.180)

This act adds to the offense of failure to execute a warrant that it shall be an affirmative defense that the law enforcement officer acted under exigent circumstances in failing to execute an arrest warrant on a person who has committed a misdemeanor offense for a traffic violation.

This provision is identical to HB 300 (2021).

PEACE OFFICER LICENSURE (Sections 590.030)

Under current law, all licensed peace officers, as a condition of licensure, must obtain continuing law enforcement education and maintain a current address of record on file with the POST Commission.

This act provides that in addition to those requirements for licensure, peace officers must submit to being fingerprinted on or before January 1, 2022, and every six years thereafter and also submit to fingerprinting for the purposes of a criminal history background check and enrollment in the state and federal Rap Back Program.

Additionally, any time a peace officer is commissioned with a different law enforcement agency he or she must submit to being fingerprinted. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the peace officer's law enforcement agency. The Rap Back enrollment shall be for the purposes of peace officer disciplinary reports as required by law. Law enforcement officers and law enforcement agencies shall take all necessary steps to maintain officer enrollment in Rap Back for as long as an officer is commissioned with that agency. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022.

These provisions are identical to provisions in SCS/SB 289 (2021) and similar to HB 839 (2021).

COMMISSIONING REQUIREMENTS OF PEACE OFFICERS (Sections 590.070 and 590.075)

Under current law, the chief executive officer of each law enforcement agency must notify the Director of the POST Commission the circumstances surrounding a law enforcement officer's departure from the law enforcement agency within 30 days of the departure.

This act provides that the chief executive officer of each law enforcement agency shall, prior to commissioning any peace officer, request a certified copy from the Director of all notifications received regarding such peace officer. All notifications provided to the chief executive officer from the Director shall be received within 3 days of the request.

Finally, this act provides that the chief executive officer of each law enforcement agency has absolute immunity from suit for complying with such notification requirements to the Director, unless the chief executive officer presented false information to the Director with the intention of causing reputational harm to the peace officer. If the Director receives any additional notifications regarding the candidate for commissioning within 60 days of a chief executive officer's request, a copy of such notifications shall be forwarded by the director to the requesting chief executive officer within 3 business days following receipt.

CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM (Section 590.192)

This act establishes the "Critical Incident Stress Management Program" within the Department of Public Safety. The program shall provide services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. A "critical incident" is 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.

This act provides that all peace officers 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 that he or she completed such check-in. Any information disclosed by a peace officer shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer, except as in certain instances as provided in the act.

Additionally, this act creates the "988 Public Safety Fund" within the state treasury and shall be used by the Department of Public Safety for the purposes of providing services for peace officers 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.

These provisions are substantially similar to SCS/SB 551 (2021) and to provisions in SS#2/SB 26 (2021) and similar to SB 18 (First Extraordinary Session 2020).

RESPIRATORY CHOKE-HOLDS (Section 590.805)

This act provides that a law enforcement officer shall not knowingly use a respiratory choke-hold unless such use is in defense of the officer or another from serious physical injury or death.

A respiratory choke-hold includes the use of any body part or object to attempt to control or disable by applying pressure to a person's neck with the purpose of controlling or restricting such person's breathing.

POLICE USE OF FORCE DATABASE (Section 590.1265)

This act establishes the "Police Use of Force Transparency Act of 2021."

Starting March 1, 2022, each law enforcement agency shall, at least annually, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation (FBI). Use-of-force incidents shall include fatalities and serious physical injuries that are connected to the use of force by an officer.

Additionally, each law enforcement agency shall submit such information to the Department of Public Safety. The personally identifying information of individual peace officers shall not be included in the reports. The Department of Public Safety shall, no later than October 31, 2021, develop standards and procedures governing the collection and reporting of use-of-force data. The standards shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the FBI.

The Department of Public Safety shall publish the data reported by law enforcement agencies in a publicly available report at least annually starting March 1, 2023. Finally, the Department of Public Safety shall undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than June 30, 2025. The report shall be updated at least every five years.

These provisions are substantially similar to provisions in SCS/SB 74 (2020) and similar to HB 998 (2021) and HB 59 (2021).

CONFIDENTIAL RECORDS (Section 610.120)

Under current law, closed records shall be available to certain people and organizations, including law enforcement agencies for the issuance of permits to people seeking such permits to purchase or possess a firearm.

This act repeals the provision that law enforcement agencies for the issuance of permits to people seeking such permits to purchase or possess a firearm shall have access to closed records.

This provision is identical to a provision in HCS/HB 251 (2021).

ARREST RECORDS ELIGIBLE FOR EXPUNGEMENT (Section 610.122)

Under current law, a record of arrest shall only be eligible for expungement if the person who was arrested has no prior or subsequent misdemeanor or felony convictions and no civil action is pending relating to the arrest sought to be expunged. This act repeals the provision that a person who was arrested has to have no prior convictions.

This provision is identical to HB 902 (2021).

EXPUNGEMENT OF RECORDS (Section 610.140)

Under current law, a person who has been convicted of the offense of unlawful use of weapons, except for a person who was found guilty prior to January 1, 2017, of carrying a concealed weapon in a place where firearms are restricted, shall not be eligible for expungement.

This act adds that a person who was convicted of the offense of unlawful use of weapons when he or she exhibits in the presence of one or more person any weapon readily capable of lethal use in an angry or threatening manner shall be eligible for expungement.

This provision is identical to a provision in HCS/HB 251 (2021).

This act also changes the time a petition for expungement can be filed from seven years to three years, if the offense is a felony, from the date the petitioner completed any disposition of sentence imposed. This act changes the time a petition for expungement can be filed from three years to one year, if the offense is a misdemeanor, from the date the petitioner completed any disposition of sentence imposed.

Additionally, under current law, any rights that were restricted as a collateral consequence of a person's criminal record shall be restored upon issuance of the order of expungement. This act adds that if a person was convicted of a federal misdemeanor crime of domestic violence, an order of expungement granted under this act shall be considered a complete removal of all effects of the expunged conviction.

This provision is identical to SB 540 (2021).

SB57 - Modifies provisions relating to funding to certain organizations to deter criminal behavior

Sponsor

Sen. Karla May (D)

Summary

SS/SCS/SB 57 - This act creates provisions relating to funding to certain organizations to deter criminal behavior.

CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM (Section 590.192)

This act establishes the "Critical Incident Stress Management Program" within the Department of Public Safety. The program shall provide services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. A "critical incident" is 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.

This act provides that all peace officers 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 that he or she completed such check-in. Any information disclosed by a peace officer shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer, except as in certain instances as provided in the act.

Additionally, this act creates the "988 Public Safety Fund" within the state treasury and shall be used by the Department of Public Safety for the purposes of providing services for peace officers 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.

These provisions are identical to provisions in SS/SCs/SBs 53 & 60 (2021) and substantially similar to SCS/SB 551 (2021) and to provisions in SS#2/SB 26 (2021) and similar to SB 18 (First Extraordinary Session 2020).

ECONOMIC DISTRESS ZONE FUND (Section 650.550)

This act establishes the "Economic Distress Zone Fund" which shall be a fund used solely by the Department of Public Safety to provide funding to organizations registered with the IRS as a 501(c)(3) corporation that provide services to residents of the state in areas of high incidents of crime and deteriorating infrastructure, as defined in the act, for the purpose of deterring criminal behavior in such areas. If money appropriated to the fund exceeds $3 million dollars, excluding any money made available by gift or otherwise, such money shall revert to general revenue.

This provision shall sunset on August 28, 2024.

This provision is identical to SCS/SB 488 (2021) and substantially similar to SB 986 (2020).

SB63 - Modifies provisions relating to the monitoring of certain controlled substances

Sponsor

Sen. Holly Rehder (R)

Summary

SS/SB 63 - This act establishes the "Joint Oversight Task Force of Prescription Drug Monitoring" within the Office of Administration, with members selected from the Board of Registration for the Healing Arts, the Board of Pharmacy, the Board of Nursing, and the Missouri Dental Board. The Task Force shall enter into a contract with a vendor, through a competitive bid process, to collect and maintain patient controlled substance prescription dispensation information submitted by dispensers throughout the state as specified in the act. Such information shall be retained by the vendor for no more than 3 years before deletion from the program.

The Task Force may apply for and accept any grants or other moneys to develop and maintain the program and shall work cooperatively with the MO HealthNet Division to apply for and accept federal moneys and other grants for the program.

The vendor shall treat patient dispensation information and any other individually identifiable patient information submitted under this act as protected health information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and any regulations promulgated thereunder. Such information shall only be accessed and utilized in accordance with the privacy and security provisions of HIPAA and the provisions of this act. Such information shall also be considered a closed record under state law.

The patient dispensation information submitted under this act shall only be utilized for the provision of health care services to the patient. Prescribers, dispensers, and other health care providers shall be permitted to access a patient's dispensation information collected by the vendor in the course of providing health care services to the patient. The vendor shall also provide dispensation information to the individual patient, upon his or her request. The MO HealthNet Division shall have access to dispensation information for MO HealthNet recipients.

The vendor shall provide patient dispensation information to any health information exchange operating in the state, upon the request of the health information exchange and at a cost not to exceed the cost of the technology connection or recurring maintenance of the connection. Any health information exchange receiving information under this act shall comply with the provisions of this act regarding privacy and security and permitted uses of dispensation information.

The Task Force may provide data to public and private entities for statistical, research, or educational purposes after removing identifying information.

No patient dispensation information shall be provided to law enforcement or prosecutorial officials or any regulatory body, professional or otherwise, for purposes other than those explicitly set forth in HIPAA and any regulations promulgated thereunder. No dispensation information shall be used to prevent an individual from owning or obtaining a firearm or as the basis for probable cause to obtain an arrest or search warrant as part of a criminal investigation.

Dispensers who knowingly fail to submit the required information or who knowingly submit incorrect dispensation information shall be subject to a penalty of $1,000 per violation. Any persons who are authorized to have patient dispensation information under this act and who purposefully disclose such information or who purposefully use it in a manner and for a purpose in violation of this act shall be guilty of a Class E felony.

These provisions shall supercede any local law, ordinance, order, rule, or regulation in this state for the purpose of monitoring the prescription or dispensation of prescribed controlled substances within the state. Any such program operating prior to August 28, 2021, shall cease operation when the vendor's program is available for utilization by dispensers throughout the state. The Task Force may enter into an agreement with such program to transfer patient dispensation information from the program to the program operated by the vendor under this act.

These provisions are substantially similar to CCS/SS#2/HB 1693 (2020).

This act also modifies the expiration date of the RX Cares for Missouri Program from August 28, 2019, to August 28, 2026.

This provision is identical to SB 519 (2021).

SB71 - Modifies several provisions relating to civil proceedings

Sponsor

Sen. Elaine Gannon (R)

Summary

HCS/SS/SCS/SB 71 - This act modifies several provisions relating to civil proceedings.

Under this act, an interlocutory appeal shall be allowed to a parent, guardian ad litem, or juvenile officer from any order changing or modifying the placement of a child.

This provision is identical to a provision in HCS/SS/SB 327 (2021) and HCS/HB 673 (2021).

This act modifies current law relating to the modification of a prior child custody decree by changing and adding intersectional references to current statutory provisions relating to child custody, visitation, and grandparent visitation.

Under this act, adult protection orders and child protection orders, full or ex parte, may be granted to restrain or enjoin an individual from committing or threatening to commit abuse against a pet. A protection order may include an order of possession of the pet where appropriate, as well as any funds needed to cover the medical costs resulting from abuse of the pet. "Pet" is defined in this act as a living creature maintained by a household member for companionship and not for commercial purposes.

These provisions are substantially similar to provisions in HCS/HB 744 (2021), HB 2626 (2020), and SB 959 (2020).

Under current law relating to the issuance of orders of protection, "stalking" is defined as a pattern of conduct composed of two or more acts over a period of time that serves no legitimate purpose and may include following the other person or unwanted communication or contact. This act modifies that definition to mean two or more acts that serve no legitimate purpose including, but not limited to, acts in which the stalker directly, indirectly, or through a third party follows, monitor, observes, surveils, threatens, or communicates to a person by any action, method, or device.

This provision is identical to HCS/HB 292 (2021).

Under current law, a court may issue a full adult order of protection, after a hearing, for at least 180 days and not exceeding one year. Under this act, if the court finds, after an evidentiary hearing, that the respondent poses a serious danger to the physical or mental health of the petitioner or a minor household member, the protective order shall be valid for at least two years and not more than ten years. The full order may be renewed annually for a period of at least 180 days and not more than one year from the expiration date of the previously issued order; except, in cases where the court finds the respondent poses a serious danger to the petitioner or a minor household member, then the order may be renewed periodically and shall be valid for at least two years and up to the life of the respondent. The court may include a provision that any full order of protection shall be automatically renewed for any term of renewal as set forth in this act.

If a court finds that the respondent poses a serious risk to the petitioner or a minor household member, the court shall not modify the order until a period of at least two years from the date of the original full order of protection was issued and only after a hearing and making written findings that the respondent has shown proof of treatment and rehabilitation and no longer poses a serious danger.

Under current law, the clerk issues a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri Uniform Law Enforcement System (MULES) the same day the order is granted and the local law enforcement agency enters the information contained in the order into MULES. Under this act, the court shall provide all the necessary information regarding the order of protection for entry into MULES and the National Crime Information Center

(NCIC). The sheriff shall enter the information into MULES within twenty-fours hours and MULES shall forward that information to NCIC, thus making the order viewable in the National Instant Criminal Background Check System (NICS).

These provisions are identical to SCS/SB 415 (2021) and substantially similar to provisions in HCS/HB 744 (2021).

SB72 - Creates a number of state designations, memorial highways, and the Missouri Medal of Honor Recipients Fund

Sponsor

Sen. Karla Eslinger (R)

Summary

HCS/SB 72 - This act designates the first full week in September of each year as "Fox Trotter Week" in Missouri.

This act is identical to HB 2082 (2020).

This act further designates "The Gateway Arch" in St. Louis as the official state monument.

SB86 - Creates new provisions prohibiting the use of public funds to influence elections

Sponsor

Sen. Dan Hegeman (R)

Summary

CCS/SB 86 - This act prohibits the contribution or expenditure of public funds by any school district or by any officer, employee, or agent of any school district:

• To support or oppose the nomination or election of any candidate for public office;

• To support or oppose the passage or defeat of any ballot measure;

• To any committee supporting or opposing candidates or ballot measures; or

• To pay debts or obligations of any candidate or committee previously incurred for the above purposes.

The act additionally prohibits the contribution or expenditure of public funds by any officer, employee, or agent of any political subdivision to pay debts or obligations of any candidate or committee previously incurred for the purposes described above.

Any purposeful violation of this act is punishable as a class four election offense.

This provision is identical to provisions in CCS/SS#2/SCS/HCS/HB 271, SCS/SB 282 (2021), and SS#2/SCS/HCS/HB 1854 (2020), which was vetoed by the Governor.

The act also creates new provisions relating to educational assistance organizations (EAOs). Specifically, notwithstanding the provisions of the truly agreed to and finally passed HB 349 (2021) to the contrary, the act prohibits the annual increase to the cumulative amount of tax credits that can be issued for purposes of contributions to EAOs when the amount of tax credits reaches $50 million. Furthermore, the cumulative amount of tax credits that may be allocated to all taxpayers contributing to EAOs in the first year of the Missouri Empowerment Scholarship Accounts Program shall not exceed $25 million.

The act limits the number of EAOs that can be certified to no more than 10 in any single school year, with no more than 6 having their principal place of business in:

· Greene County;

· Jackson County;

· St. Charles County;

· St. Louis County; and

· St. Louis City.

The act creates the Missouri Empowerment Scholarship Accounts Board. The State Treasurer is permitted to delegate duties assigned to him under the truly agreed to and finally passed HB 349 (2021) to the Board.

Four percent of the total qualifying contributions received by each EAO per calendar year is required to be deposited in the Missouri Empowerment Scholarship Accounts Fund to be used by the State

Treasurer for marketing and administrative expenses or the costs incurred in administering the program, whichever is less.

SB106 - Modifies provisions relating to financial institutions

Sponsor

Sen. Sandy Crawford (R)

Summary

SS/SCS/SB 106 - This act modifies various provisions relating to financial institutions.

STATE BANKING AND SAVINGS AND LOAN BOARD

(Section 361.097)

Under current law, two members of the State Banking and Savings and Loan Board are required to have at least 5 years of active bank management experience. This act requires at least three members to have at least 5 years of active bank or association management experience at an institution chartered under state law.

ELECTRONIC POSTINGS

(Section 361.110)

Current law requires the Director of the Division of Finance to keep a bulletin board in his or her office containing various statements of information concerning corporations and persons doing business in the state. This act modifies that requirement by requiring such statements to be posted on the Division of Finance website instead, to be updated each Monday. All such statements shall be public documents and at all reasonable times shall be retained by the Division, open to public inspection, and available on the Division website.

This provision is substantially similar to a provision in SB 362 (2021).

BANKING REGULATIONS

(Sections 362.044 - 362.765)

The act permits electronic notification of annual or special stockholders' meetings. (Section 362.044)

The act permits directors of a bank or trust company to attend board meetings by telephonic conference call or video conferencing, and such directors may be counted as part of the quorum, provided the bank or trust company has a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System of the Federal Financial Institution Examination Counsel. The meeting minutes must reflect that a director appeared remotely and that he or she received notice of the meeting, received board meeting information required by law, was alone when participating in the hearing, and was able to hear the meeting clearly.

The act permits the Director of the Division of Finance to promulgate additional regulations to provide for the integrity of the board of directors' operations when directors attend board meetings remotely and for the safety and soundness of the bank and trust company's operation.

The act repeals a provision providing a remedy for when a bank, trust company, or director fails to follow the procedures for directors who are not physically present and counted toward the board's quorum. (Section 362.247)

Current law requires the oath taken by every elected director of a bank or trust company to be immediately transmitted to the Director of Finance to be filed and preserved in that office. This act repeals that requirement and requires the oath to be retained with the official records of the board of directors. (Section 362.250)

The act requires the inclusion of the relevant information relative to the amount or penal sum of the bonds or policies and the sureties or underwriters thereon on a form provided by the Division of Finance and retained and preserved by the bank or trust company. The Director of Finance shall publish an annual tiered schedule of minimum levels of coverages. (Section 362.340)

The act permits a bank or trust company to merge with one or more of its nonbank subsidiaries or affiliates pursuant to an agreement of merger in the manner described in the act. The Director of Finance must be presented the agreement of merger and approve or decline the agreement within 30 days. If the agreement is declined, the bank or trust company may appeal the decision to the State Banking and Savings and Loan Board. (Section 362.765)

RETAIL INSTALLMENT CONTRACTS - MOTOR VEHICLES

(Sections 365.100 and 365.140)

The act allows the holder of a retail installment contract to charge, finance, and collect a reasonable service fee not to exceed twenty-five dollars for each check, draft, order, or like instrument returned unpaid by a financial institution, plus an amount equal to the actual charge for the return of each check, draft, order, or like instrument returned unpaid. (Section 365.100)

If a retail installment contract is paid in full, the holder shall provide the buyer proof of payment in full which may be by a letter referencing the contract which shall include information identifying the

contract such as the original loan date, account number or other identifying number or code, or by returning the original contract or a copy thereof that is marked as paid in full by the holder, or by returning the original contract or a copy thereof marked by the holder as paid in full. (Section 365.140)

These provisions are substantially similar to provisions in SB 385 (2021).

SAVINGS AND LOAN REGULATIONS

(Sections 369.049 - 369.705)

Current law requires the name of every savings and loan association to include either the words "Savings Association" or "Savings and Loan Association." This act removes such requirement and instead permits it. The act further repeals the prohibition on using the following words in an association name: "National", "Federal", "United States", "Insured", "Guaranteed", "Government", and "Official."

The act permits a savings and loan institution or savings bank to merge with one or more of its subsidiaries or affiliates pursuant to an agreement of merger in the manner described in the act. The Director of Finance must be presented the agreement of merger and approve or decline the agreement within 30 days. If the agreement is declined, the savings and loan institution or savings bank may appeal the decision to the State Banking and Savings and Loan Board.

UNIFORM COMMERCIAL CODE

(Section 400.3-309)

This act modifies the process for how a person not in possession of an instrument can enforce an instrument under the Uniform Commercial Code. Specifically, a person can enforce such an instrument if, in addition to meeting criteria required under current law, the person either was entitled to enforce the instrument when the loss of possession occurred or the person has directly or indirectly acquired ownership of the instrument from a person who was entitled to enforce the instrument when loss of possession occurred.

This provision is identical to HB 518 (2021) and substantially similar to SB 359 (2021).

RATES OF INTEREST IN BUSINESS, COMMERCIAL, AND AGRICULTURAL LOANS

(Sections 408.035 and 408.100)

Current law allows parties to agree in writing to any rate of interest, fees, and other terms and conditions in connection with any business loan of five thousand dollars or more. This act modifies that provision to apply to extensions of credit primarily for business, commercial, or agricultural purposes. (Section 408.035). The act additionally repeals an exemption from a provision allowing any person, firm, or corporation to charge, contract for and receive interest on the unpaid principal balance at rates agreed to by the parties such that it applies to loans which are secured by a lien on nonprocessed farm products, livestock, farm machinery or crops or to loans to corporations.

These provisions are substantially similar to provisions in SB 385 (2021).

PERMISSIBLE FEES INCIDENT TO EXTENSIONS OF CREDIT

(Section 408.140)

The act allows a lender to:

· Charge reasonable and bona fide third-party fees paid out by the lender to any public officer for remote or electronic filing in any public office; and

· Charge a reasonable service fee not to exceed $25 for any check, draft, order, or like instrument returned unpaid by a financial institution, plus an amount equal to the actual charge for the return of each check, draft, order, or like instrument returned unpaid.

The act repeals a provision allowing a lender to collect a fee in advance for allowing the debtor to defer up to three monthly loan payments.

These provisions are substantially similar to provisions in SB 385 (2021).

DEFERMENT OF MONTHLY LOAN PAYMENTS

(Section 408.178)

Current law allows a lender to collect a fee in advance for allowing a debtor to defer monthly loan payments on loans with an original amount of $600 or more. This act repeals the loan amount threshold for this provision such that a lender may collect such a fee on a loan of any amount.

This provision is identical to a provision in SB 385 (2021).

SECOND MORTGAGES

(Sections 408.233 and 408.234)

The act allows the charge of a reasonable and bona fide third-party fee incurred for the remote or electronic filing of the perfection, release, or satisfaction of a security interest related to a second mortgage loan. (Section 408.233)

The act repeals a prohibition on the issuance of a second mortgage loan in an initial principal amount of less than $2,500. (Section 408.234)

These provisions are substantially similar to provisions in SB 385 (2021).

RETAIL TIME CONTRACTS

(Section 408.250)

The act allows reasonable and bona fide third-party fees incurred for remote or electronic filing in connection with any retail time contract.

These provisions are substantially similar to provisions in SB 385 (2021).

LENDER RECOVERY UPON DEFAULT

(Section 408.553)

The act modifies the amount that a lender may collect from a borrower upon default. Specifically, a lender is entitled to recover the amount due and accrued under the agreement, including interest and penalties through the date of payment in full or to the date of final judgment. Following a judgment, the lender may additionally recover the simple interest equivalent of the rate provided in the contract as applied to the amount of the judgment until the date the judgment is paid and satisfied.

These provisions are substantially similar to provisions in SB 385 (2021).

NOTICE OF DEFAULT

(Section 408.554)

Current law requires a default notice issued in the case of a second default on the same loan or transaction or a third default on the same second mortgage to contain a provision notifying the borrower that in case of further default the borrower will have no right to cure. This act repeals that provision.

These provisions are substantially similar to provisions in SB 385 (2021).

LENDERS OF CONSUMER CREDIT LOANS

(Section 367.150)

The act repeals a law requiring lenders of consumer credit loans to file a report with the director of the Division of Finance detailing, among other things, the financial condition of the lender and the total aggregate number and principal amount of loans made by the lender.

This provision is identical to a provision in SB 362 (2021).

This act is substantially similar to HCS/HBs 928 & 927 (2021).

SB120 - Modifies provisions relating to military affairs

Sponsor

Sen. Bill White (R)

Summary

SS/SCS/SB 120 - This act modifies provisions relating to military affairs, including state designations, hiring preferences and classifications for state employment, state agency services, school designations, military protections for motor vehicle insurance, and qualified military projects in the Missouri Works Program.

MILITARY FAMILY MONTH (SECTION 9.297)

This act designates November as "Military Family Month" in Missouri to recognize the daily sacrifices of military families.

This provision is identical to a provision in SS/SCS/SB 718 (2020) and HB 1328 (2020).

SURVIVING SPOUSES IN THE MERIT SYSTEM (SECTION 36.020)

This act modifies the definition of "surviving spouse" in provisions of law relating to the merit system.

This provision is identical to HB 296 (2021), SB 620 (2020), a provision in SS/SCS/SB 718 (2020), in HCS/SB 282 (2019), and in the perfected HB 461 (2019) and is substantially similar to a provision in HCS/SB 587 (2020) and HB 1566 (2020).

HIRING PREFERENCES FOR MISSOURI NATIONAL GUARD MEMBERS (SECTIONS 36.221 AND 105.1204)

This act creates new provisions establishing hiring preferences for current or former members of the Missouri National Guard for purposes of state employment. Specifically, in filling any position of state employment in a state agency, the appointing authority or employing agency shall offer an interview to every applicant who is or was a member of the Missouri National Guard and meets other specified criteria.

This provision is identical to SB 78 (2021), HB 659 (2021), and HB 1491 (2020).

CLASSIFICATION OF MISSOURI NATIONAL GUARD MEMBERS (SECTION 41.201)

This act provides that service members of the Missouri National Guard shall be considered as state employees for the purpose of operating state-owned vehicles for official state business unless they are called into active federal military service by order of the President of the United States.

This provision is identical to the perfected SS/SB 258 (2021) and is substantially similar to HB 391 (2021).

VETERAN QUESTIONS ON STATE AGENCY FORMS (SECTION 42.390)

This act requires that every state agency shall ensure that any form used to collect data from individuals that was first created or subsequently modified on or after August 28, 2021, include the following questions:

(1) Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?

(2) If answering Question 1 in the affirmative, would you like to receive information and assistance regarding the agency's veteran services?

Every state agency shall prepare information regarding applicable services and benefits that are available to veterans and provide such information to those who answer the questions in the affirmative.

PURPLE STAR CAMPUS (SECTION 160.710)

The Department of Elementary and Secondary Education shall designate a school district as a purple star campus if the school district applies and qualifies for the designation. To qualify as a purple star campus, a school district shall:

(1) Designate a staff member as a military liaison to serve as the point of contact between the school district and the military connected student, as defined in the act;

(2) Identify military connected students enrolled in the school district;

(3) Determine appropriate services available to military connected students;

(4) Coordinate programs relevant to military connected students;

(5) Maintain on the school district website an easily accessible webpage that includes resources for military connected students, including information regarding relocation, enrollment, registration, and transferring records to the school district, academic planning, counseling, and the military liaison;

(6) Establish and maintain a transition program led by students, when appropriate, that assists military connected students in transitioning into the school district;

(7) Offer professional development and education for staff members on issues related to military connected students; and

(8) Offer at least one of the following: A resolution showing support for military connected students, recognition of military holidays with relevant events, or a partnership with a local military installation that provides opportunities for active duty military members to volunteer with the school district, speak at an assembly, or host a field trip.

MOTOR VEHICLE INSURANCE (SECTION 379.122)

This act requires the Adjutant General to ensure that members of the state military forces receive notice of certain protections relating to motor vehicle insurance, and encourages the secretaries of the branches of the United States Armed Forces to likewise notify members under their jurisdictions.

The act specifically notes that the term "adverse underwriting decision" shall include a decision to charge an increased premium.

This provision is identical to a provision in SS/SCS/SB 718 (2020) and SB 1036 (2020).

QUALIFIED MILITARY PROJECTS IN THE MISSOURI WORKS PROGRAM (SECTIONS 620.2005 AND 620.2010)

This act modifies the Missouri Works program to provided that, for qualified military projects, the benefit shall be based on part-time and full-time jobs created by the project.

This act contains an emergency clause for these provisions.

This provision is identical to the perfected SS/SB 2 (2021) and is substantially similar to provisions in SS/SCS/SB 718 (2020), in HCS/SS#2/SB 704 (2020), in SS#2/SCS/HCS/HB 1854 (2020) and SB 1057(2020).

SB126 - Modifies provisions relating to the sale of intoxicating liquor

Sponsor

Sen. Justin Brown (R)

Summary

ADVERTISING MATERIALS (Section 311.070.3(7) and 311.070.4(2), RSMo)

Currently, the amount of permanent point-of-sale advertising materials that may be sold or given to a retailer by a distiller, wholesaler, winemaker, or brewer shall not exceed $500 per year, per brand, per retail outlet.

This bill provides that the replacement of similar permanent pointof-sale advertising materials that are damaged and non-functioning shall not apply toward the maximum of $500. Additionally, this bill modifies the definitions of "equipment and supplies", "temporary point-of-sale advertising materials", "permanent pointof-sale advertising materials", and "product display." These provisions are the same as provisions in SS SCS SB 283 and to SCS SB 299 (2021).

NON-REFRIGERATION DISPENSING ACCESSORIES (Section 311.070.3(3), 311.070.4(5), 311.070.4(6), and 311.070.7)

This bill adds the definition of "nonrefrigeration dispensing accessories" which includes beer and gas hoses, faucets, taps, and other accessories necessary to preserve and serve intoxicating liquor that are not self-refrigerating.

Under this bill, a wholesaler or brewer may install nonrefrigeration dispensing accessories at the retail business establishment for the purposes of beer equipment to properly preserve and serve draught beer or premixed distilled spirit beverages. A wholesaler or brewer may also lend, give, rent, sell, install, or repair nonrefrigeration dispensing accessories in order to facilitate the delivery to the retailers. A complete record of non-refrigeration dispensing accessories given, rented, sold, installed, and loaned, and repairs and services made to a retailer shall be retained for a period of not less than one year by the wholesaler, brewer, distiller, or winemaker.

Under this bill, a distiller, wholesaler, winemaker, or brewer may furnish, give, or sell cleaning and sanitation services to a retailer to preserve product integrity of distilled spirits, wine, or malt beverages. These provisions are the same as provisions in SS SCS SB 283 and to SCS SB 299 (2021).

DELIVERY OF CERTAIN LIQUORS BY WHOLESALER (Section 311.070.4(16) to 311.070.4(18))

Currently, a wholesaler may exchange for an equal quantity or allow a credit for certain intoxicating liquor that was delivered in a damaged condition. A wholesaler may also withdraw at the time of delivery certain intoxicating liquor if the wholesaler replaces or provides a credit for the retailer. This bill adds malt liquor to these provisions. Additionally, this bill provides that wholesalers shall distribute consumer advertising specialties, nonrefrigeration dispensing accessories, and other advertising materials to their retailers in a fair and reasonable manner.

These provisions are the same as provisions in SS SCS SB 283 and to SCS SB 299 (2021) and similar to SB 947 (2020), SB 340, HB 634 (2019), and HCS HB 1924 (2018). SUNDAY LIQUOR SALES BY THE DRINK (Sections 311.070, 311.086, 311.089, 311.293, and 311.218)

Currently, establishments may apply for a Sunday by-the-drink license to sell intoxicating liquor by the drink at retail in resort areas and for tourism purposes in St. Louis and Kansas City as well as other cities and counties from the hours of 9 A.M. to 12:00 A.M. This bill modifies the hours that establishments may apply for a Sunday by the drink license to 6 A.M. on Sundays and 1:30 A.M. on Mondays.

These provisions are similar to provisions in SS SCS SB 283 (2021).

SUNDAY LIQUOR SALES FOR OFF PREMISE CONSUMPTION (Section 311.096)

Currently, a person may obtain a license to sell intoxicating liquor by the drink at retail not for consumption on the premises but for consumption in a common eating and drinking area between the hours of 11:00 A.M. and 12:00 A.M. on Sundays.

This bill modifies the hours to 6:00 A.M. on Sundays and 1:30 A.M. on Mondays. This bill also allows such persons to apply for a special permit to remain open between the hours of 1:30 A.M. to 3:00 A.M. on Sundays.

These provisions are the same as provisions in SS SCS SB 283 (2021).

SUNDAY BY-THE-DRINK LICENSES IN CONVENTION TRADE AREAS (Sections 311.174, 311.176, and 311.178)

This bill modifies the time of opening for those licensed to sell intoxicating liquor for consumption on the premises in convention trade areas in Kansas City, North Kansas City, Jackson County, St. Louis County, and St. Louis on Sundays to 6:00 A.M.

These provisions are the same as provisions in SS SCS SB 283 (2021).

SALE OF WINE AND BRANDY (Section 311.190)

This bill modifies the hours a person may sell wine and brandy at retail to 6:00 A.M. on Sundays to 1:30 A.M. on Mondays.

SALE OF MALT LIQUOR (Section 311.200)

This bill modifies the hours a person may sell malt liquor at retail to 6:00 A.M. on Sundays to 1:30 A.M. on Mondays.

These provisions are similar to provisions in SS SCS SB 283 (2021).

TO-GO ALCOHOL (Section 311.202)

This bill provides that the holder of a valid license to sell intoxicating liquor at retail may sell retailer-packaged liquor to a consumer in a container, filled on such premises by any employee who is 21 years of age or older, for off-premises consumption if the:

(1) Container is rigid, durable, leakproof, sealable, and has no openings for straws and contains a certain amount of liquor as provided in the bill; (2) Consumer orders and purchases a meal prepared on the premises at the same time as the consumer purchases the liquor;

(3) Holder of the license provides the consumer with a dated receipt for the purchase of the intoxicating liquor;

(4) Number of alcoholic beverages sold under this section by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee; and

(5) Sealed container is placed in a one-time-use transparent bag that is sealed or the container has been sealed with tamperproof tape.

Additionally, containers shall have a label with the name and address of the business and another label that states, "THIS BEVERAGE CONTAINS ALCOHOL". This bill does not apply to any wholesaler, distributor, or manufacturer of intoxicating liquors.

These provisions are the same as provisions in SS SCS SB 283 (2021) and similar to HBs 547 & 752 (2021) and similar to provisions in HCS SS SB 600 (2020).

LIQUOR PERMITS TO NON-PROFIT ORGANIZATIONS (Section 311.482)

This bill modifies the provisions that if a religious, civic, fraternal, or other non-profit organizations holds an event in which liquor is sold, the sale of liquor on the day of the event may begin at 6:00 A.M.

These provisions are the same as provisions in SS SCS SB 283 (2021) and similar to SB 835 (2020).

LIQUOR CONTROL AGENTS (Section 311.620)

Currently, no person shall be appointed as an agent or inspector for the Department of Liquor Control who is not a resident taxpaying citizen of Missouri for a period of three years previous to his or her appointment and who is not able to pass a physical and mental examination prescribed by a board consisting of the Governor, Lieutenant Governor, Attorney General, and the Supervisor of Liquor Control.

This bill modifies this provision to provide that a person shall not be appointed as an agent if he or she is not a resident taxpaying citizen of the state at the time of his or her appointment. Additionally, the person must pass a physical and mental examination prescribed by the Supervisor of Alcohol and Tobacco. Finally, this bill changes "Supervisor of Liquor Control" and "Department of Liquor" to "Supervisor of Alcohol and Tobacco Control" and "Division of Alcohol and Tobacco Control".

These provisions are the same as SB 372 (2021).

SB153 - Modifies provisions relating to taxation

Sponsor

Sen. Andrew Koenig (R)

Summary

CCS/HCS/SS/SCS/SBs 153 & 97 - This act modifies several provisions relating to taxation.

USE TAX MAPPING

Current law requires the Department of Revenue to create and maintain a mapping feature on its website that displays various sales tax information. This act requires such mapping feature to include use tax information. Political subdivisions collecting a use tax shall send such data to the Department of Revenue by January 1, 2022, and the Department shall implement the mapping feature using the use tax data by July 1, 2022.

By July 1, 2022, the Department shall update the mapping feature to include the total sales tax rate for combined rates of overlapping sales taxes levied and the total use tax rate for combined rates of overlapping use taxes levied.

If the boundaries of a political subdivision in which a sales or use tax has been imposed shall thereafter be changed or altered, the political subdivision shall forward such changes to the Department, as described in the act. (Section 32.310)

This provision is identical to a provision contained in SB 872 (2020) and HB 2172 (2020), and is substantially similar to a provision contained in SS#2/SCS/SB 648 (2020), SB 805 (2020), SCS/HB 1700 (2020), and HB 1895 (2020).

VIDEO SERVICE PROVIDER FEES

This act modifies provisions relating to communications services offered in political subdivisions.

The act modifies the definition of "gross revenues" for provisions of law relating to video service providers.

This act prohibits the state and political subdivisions from imposing a new tax, license, or fee upon the provision of satellite or streaming video services.

Under the act, a franchise entity may collect a video service provider fee equal to not more than 5% of the gross revenues of a video service provider providing service in the geographic area of such franchise entity. The fee shall be phased out as follows:

• Beginning August 28, 2023, 4.5% of gross revenues;

• Beginning August 28, 2024, 4% of gross revenues;

• Beginning August 28, 2025, 3.5% of gross revenues;

• Beginning August 28, 2026, 3% of gross revenues; and

• Beginning August 28, 2027, and continuing thereafter, 2.5% of gross revenues.

Currently, video service providers may identify and collect the amount of the video service provider fee as a separate line item on subscriber bills. Under this act, the fee shall be identified and collected as a separate line item.

The act also creates the Task Force on the Future of Right-of-Way Management and Taxation consisting of 16 members as set forth in the act. The purpose of the Task Force is to study best methods for right-of-way management, taxation of video services, and the future revenue needs of municipalities and political subdivisions as such revenue relates to video services.

The Task Force shall compile a report of its activities for submission to the General Assembly. The report shall be submitted no later than December 31, 2023, and shall include any recommendations which the Task Force may have for legislative action. The Task Force shall expire on December 31, 2023. (Sections 67.2677 to 67.2720)

This provision is identical to SB 163 (2021) and is similar to SCS/SB 526 (2020) and HB 2091 (2020).

COMMUNITY IMPROVEMENT DISTRICTS

Current law requires a petition for the creation of a community improvement district (CID) to include a five year plan describing the improvements to be made in the district. This act requires such plan to include the anticipated sources of funds and the term of such sources used to pay the costs of such improvements. This act also limits the duration of a CID to twenty-seven years for CIDs formed after August 28, 2021.

Upon the creation of a district, this act requires the municipal clerk of the municipality to report in writing to the State Auditor in addition to the Missouri Department of Economic Development. (Section 67.1421)

For CIDs established after August 28, 2021, in which there are no registered voters, this act requires at least one director to be a person who resides within the municipality, is registered to vote, has no financial interest in any real property or business operating within the CID, and to not be a relative

within the second degree of consanguinity to an owner of real property or a business operating within the CID. (Section 67.1451)

This act requires all construction contracts entered into after August 28, 2021, and that are in excess of $5,000 shall be competitively bid and shall be awarded to the lowest and best bidder. (Section 67.1461)

In its annual report filed with the Department of Economic Development, this act requires a CID to include the dates the district adopted its annual budget, submitted its proposed annual budget to the municipality, and submitted its annual report to the municipal clerk. (Section 67.1471)

These provisions are substantially similar to HB 213 (2021) and to provisions contained in HS/HCS/HB 441 (2021).

REDEVELOPMENT DISTRICTS

This act modifies the definition of "blighted area" for the purposes of several redevelopment districts, including Community Improvement Districts, the Housing Authorities Law, Land Clearance for Redevelopment, Downtown and Rural Economic Stimulus Act, the Downtown Revitalization Preservation Program, the Planned Industrial Expansion Law, Enhanced Enterprise Zones, Urban Agriculture Zones, and the Urban Redevelopment Corporations Law. (Sections 67.1401 to 99.320, 99.918 to 135.950, 262.900 to 353.020)

TAX INCREMENT FINANCING

This act modifies the definitions of "blighted area" and "conservation area", and creates new definitions for "port infrastructure projects", "retail area", and "retail infrastructure projects". (Section 99.805)

This act modifies local tax increment financing projects by providing that a study shall be conducted by a land use planner, urban planner, licensed architect, licensed commercial real estate appraiser, or licensed attorney, which details how the area meets the definition of an area eligible to receive tax increment financing.

This act also provides that retail areas, as defined in the act, shall not receive tax increment financing unless such financing is exclusively utilized to fund retail infrastructure projects, as defined in the act, or unless such area is a blighted or conservation area. (Section 99.810)

Current law requires cities, towns, and villages located in St. Louis County, St. Charles County, or Jefferson County to establish a twelve member commission that shall include six members appointed by the county executive or presiding commissioner prior to the adoption of any resolution or ordinance approving tax increment financing projects. This act adds Cass County to such list of counties. (Section 99.820)

For tax increment financing projects approved or amended after December 31, 2021, the City of St. Louis may provide for the deposit of up to 10% of the tax increment financing revenues generated by the project into a Strategic Infrastructure for Economic Growth Fund to be established by the city. Moneys deposited in such fund may be expended by the city for the purpose of funding capital investments in public infrastructure that is located in a census tract that is defined as a low-income community or is eligible to be designated as a Qualified Opportunity Zone under federal law. (Section 99.821)

This act prohibits new projects from being authorized in any Greenfield area. (Section 99.843)

Beginning January 1, 2022, this act also prohibits new projects from being authorized in an area designated as a flood plain by the Federal Emergency Management Agency unless such projects are located in 1) Jackson, Platte, Clay, or Cole counties; 2) the cities of Springfield, St. Joseph, Hannibal, or Jefferson City, 3) in a port district, provided such financing is utilized for port infrastructure projects; or 4) in a levee or drainage district created prior to August 28, 2021. Projects in flood plains shall not be authorized in St. Charles County unless the redevelopment area actually abuts a river or major waterway, as described in the act. (Section 99.847)

Current law allows districts and counties imposing a property tax for the purposes of providing emergency services to be entitled to reimbursement from the special allocation fund of a portion of the district's or county's tax increment. For projects approved after August 28, 2021, this act modifies such provision to allow reimbursement to ambulance districts, fire protection districts, and governing bodies operating a 911 center providing dispatch services and which impose economic activity taxes for such purposes. (Section 99.848)

These provisions are substantially similar to HB 1612 (2020), HCS/SS/SCS/SB 108 (2019), and HB 698 (2019), and to provisions contained in HCS/SS/SCS/SB 570 (2020), HCS/SCS/SB 616 (2020), and HCS/SS#2/SB 704 (2020), and are similar to SB 871 (2020), SB 311 (2019), HB 32 (2019), and SS/SCS/SB 859 (2018).

TAXATION OF AIRCRAFT

Current law requires aircraft which are at least twenty-five years, used solely for noncommercial purposes, and operated less than fifty hours per year to be assessed at five percent of true value. This act changes the operating hours requirement to two hundred hours. (Section 137.115)

This provision is identical to a provision contained in HCS/HB 555 (2021), HCS/SB 686 (2020), HCS/SB 782 (2020), HCS/SCS/SB 867 (2020), and HCS/HB 1333 (2020), and is substantially similar to HB 1284 (2020) and HB 1205 (2019).

INDIVIDUAL INCOME TAX

Current law provides for a reduction in the top rate of income tax of 0.5% phased-in over a period of years in 0.1% increments, with each cut becoming effective if net general revenue collections meet a certain trigger. This act adds two additional 0.1% reductions to such provision. Additionally, beginning with the 2024 calendar year, the top rate of tax shall be reduced by 0.1%. (Section 143.011)

Current law allows a taxpayer to deduct from his or her Missouri adjusted gross income a portion of his or her federal income taxes paid, exempting federal income tax credits received for the 2020 tax year under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act when determining the amount of federal income tax liability allowable as a deduction. This act also exempts federal income tax credits received for the 2020 tax year under the supplemental CARES Act, as well as any other federal COVID-19-related income tax credits. (Section 143.171)

Current law also requires taxpayers who itemize deductions to include any federal income tax refund amounts in his or her Missouri adjusted gross income if such taxpayer previously claimed a deduction for federal income tax liability on his or her Missouri income tax return. This act provides that any amount of any federal income tax refund attributable to COVID-19-related tax credits in the supplemental CARES ACT, as well as any other federal COVID-19-related income tax credits, shall not be included in the taxpayer's Missouri adjusted gross income. (Section 143.121)

This provision contains an emergency clause.

This act also establishes the Missouri Working Family Tax Credit Act. Beginning with the 2023 calendar year, this act creates a tax credit to be applied to a taxpayer's Missouri income tax liability after all reductions for other credits for which the taxpayer is eligible have been applied. The tax credit shall not exceed the amount of the taxpayer's tax liability, and shall not be refundable. The amount of such tax credit shall be a percentage of the amount of a taxpayer's federal earned income tax credit as such credit existed as of January 1, 2021. The initial percentage shall be 10% and may be increased to 20% of the amount of a taxpayer's federal earned income tax credit. The initial percentage claimed and any increase in the percentage claimed 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 $150 million.

The Department of Revenue shall determine whether a taxpayer who did not apply for the tax credit established by this act is eligible and shall notify such taxpayer of his or her potential eligibility.

The Department shall prepare an annual report regarding the tax credit established by this act containing certain information as described in the act. (Section 143.177)

This provision is substantially similar to SB 183 (2019), HB 291 (2019), HB 1194 (2019), SB 615 (2018), SB 197 (2017), SB 342 (2017), HCS/HB 109 (2017), and to a provision contained in SB 248 (2021), SCS/SB 52 (2019), HB 846 (2019), SS#2/SCS/SBs 617, 611, & 667 (2018) and HCS/HB 1605 (2016), and is similar to HB 2154 (2016), SB 1018 (2016), SB 40 (2015), SB 687 (2014), HB 1120 (2014), HB 895 (2013), HB 1606 (2012), HB 581 (2011), and HB 1915 (2010).

USE TAX ECONOMIC NEXUS

This act modifies the definition of "engaging in business activities within this state" to include vendors that had cumulative gross receipts of at least $100,000 from the sale of tangible personal property for the purpose of storage, use, or consumption in this state in the previous twelve-month period, as described in the act. Vendors meeting such criteria shall be required to collect and remit the use tax as provided under current law.

This provision is identical to a provision contained in SS#2/SCS/SB 648 (2020), SCS/SB 529 (2020), and SCS/HB 1700 (2020), and is substantially similar to a provision contained in SB 659 (2020), SB 805 (2020), SB 872 (2020), HCS#2/HB 1957 (2020), HB 1967 (2020), HB 2172 (2020), and HB 2238 (2020).

Any vendor meeting the definition of "engaging in business activities within this state" shall not be required to collect and remit any local use tax that was enacted prior to January 1, 2023, unless the vendor was or would have been required to collect and remit such tax prior to this act's effective date, or if a majority of voters in the political subdivision have approved an expansion of the local use tax after January 1, 2023. A vendor meeting the definition of "engaging in business activities within this state" shall be subject to any local use tax enacted on or after January 1, 2023. (Section 144.605)

MARKETPLACE FACILITATORS

Beginning January 1, 2023, marketplace facilitators, as defined in the act, that engage in business activities within the state shall register with the Department to collect and remit use tax on sales delivered into the state through the marketplace facilitator's marketplace by or on behalf of a marketplace seller, as defined in the act. Such retail sales shall include those made directly by the marketplace facilitator as well as those made by marketplace sellers through the marketplace facilitator's marketplace.

Marketplace facilitators shall report and remit use tax collected under this act as determined by the Department. Marketplace facilitators properly collecting and remitting use tax in a timely manner shall be eligible for any discount provided for under current law.

Marketplace facilitators shall provide purchasers with a statement or invoice showing that the use tax was collected and shall be remitted on the purchaser's behalf.

No class action shall be brought against a marketplace facilitator in any court in this state on behalf of purchasers arising from or in any way related to an overpayment of sales or use tax collected on retail sales facilitated by a marketplace facilitator, regardless of whether that claim is characterized as a tax refund claim.

This provision is substantially similar to a provision contained in SS#2/SCS/SB 648 (2020), SCS/SB 529 (2020), SB 659 (2020), SB 805 (2020), SB 872 (2020), SCS/HB 1700 (2020), HCS#2/HB 1957 (2020), HB 2172 (2020), HB 2238 (2020), and SCS/SBs 46 & 50 (2019).

SALES TAX ADMINISTRATION

This act authorizes the Department of Revenue to consult, contract, and work jointly with the Streamlined Sales and Use Tax Agreement's Governing Board to allow sellers to use the Governing Board's certified service providers and central registration system services, or to consult, contract, and work with certified service providers independently. The Department may determine the method and amount of compensation to be provided to certified service providers. The act also authorizes the Department to independently take such actions as may be reasonably necessary to secure the payment of and account for the tax collected and remitted by retailers and vendors under the act.

This provision shall expire on January 1, 2028, unless reauthorized by the General Assembly. (Section 144.608)

This provision is identical to a provision contained in SCS/HB 1700 (2020).

The school and Show Me Green sales tax holidays are modified by repealing the ability for political subdivisions to opt out of the sales tax holidays, and by defining how the sales tax exemption applies to the purchase or return of certain items. (Sections 144.049 and 144.526)

These provisions are substantially similar to provisions contained in SB 659 (2020), HB 2238 (2020), HB 1967 (2020), and SS/SCS/SBs 46 & 50 (2019).

The Director shall provide and maintain downloadable electronic databases at no cost to the user of the databases for taxing jurisdiction boundary changes, tax rates, and a taxability matrix detailing taxable property and services. Sellers and certified service providers (CSP) will be relieved from liability if they fail to properly collect tax based upon information provided by the Department. Certified service providers, sellers, and marketplace facilitators may utilize proprietary data, provided the Director certifies that such data meets the standards provided for under the act.

This act relieves a purchaser from any penalties for failure to pay the proper amount of sales tax if the error was a result of erroneous information provided by the Director of Revenue. (Sections 144.637 and 144.638)

This provision is substantially similar to a provision contained in SCS/SB 529 (2020), SB 659 (2020), SB 805 (2020), SB 872 (2020), SCS/HB 1700 (2020), HB 1895 (2020), HCS#2/HB 1957 (2020), and HB 2172 (2020).

Monetary allowances from taxes collected shall be provided to certain sellers and certified service providers for collecting and remitting state and local taxes, as described in the act. (Section 144.140)

Current law provides statutory sales tax collection thresholds to determine the frequency at which sellers shall file and remit sales taxes collected, with such periods being quarter-monthly, monthly, quarterly, and annually. Current law also allows the Department of Revenue to increase, but not

decrease, such thresholds through rule. This act modifies the statutory thresholds for the monthly, quarterly, and annual filing periods.

For monthly filing, the threshold is changed from at least $250 in the first or second month of a calendar quarter to at least $500 per calendar month for the prior year.

For quarterly filing, the threshold is changed from at least $45 in a calendar quarter, but not subject to monthly filing to less than $500 per calendar month, but at least $200 in a calendar quarter.

For annual filing, the threshold is changed from less than $45 per calendar quarter to less than $200 per calendar quarter. (Section 144.080)

This provision is identical to a provision contained in CCS/HCS/SB 226 (2021).

LOCAL USE TAXES

This act modifies ballot language required for the submission of a local use tax to voters by repealing ballot language specific to St. Louis County and its municipalities and the City of St. Louis, and making requiring the ballot language in all municipalities identical.

This act prohibits a local use tax from being described as a new tax, described as not being a new tax, and being advertised or promoted in a manner in violation of current law. (Section 144.757)

This provision is substantially similar to HB 1584 (2020) and to a provision contained in SS#2/SCS/SB 648 (2020), SB 659 (2020), HCS/SS#2/SB 704 (2020), SCS/SB 770 (2020), SB 805 (2020), SB 872 (2020), SCS/HB 1700 (2020), SS#2/SCS/HCS/HB 1854 (2020), HB 1895 (2020), HB 2172 (2020), HB 2238 (2020), SCS/SB 189 (2019), SS/SCS/SBs 46 & 50 (2019), SS/HCS/HB 255 (2019), SCS/HCS/HB 674 (2019), and HB 701 (2019), and is similar to a provision contained in HCS#2/HB 1957 (2020).

This act provides that the portion of the local use tax imposed by St. Louis County shall be distributed to the cities, towns, villages, and unincorporated areas of the county on the ratio of the population that each such city, town, village, and unincorporated area bears to the total population of the county. (Section 144.759)

This provision is identical to a provision contained in SCS/HB 1700 (2020).

No later than the first week of November 2021, any county or municipality that has enacted a local use tax shall provide notice in a newspaper or on the county's or municipality's website that certain purchases from out-of-state vendors will become subject to the provisions of the act, as described in the act. (Section 1)

MISSOURI WORKS

Current law excludes store front consumer-based retail trade establishments from the definition of "qualified company" for the purposes of receiving benefits under the Missouri Works program. This act allows such establishments located in a third or fourth class county to be included in such definition. (Section 620.2005)

EFFECTIVE DATE

The provisions of this act relating to sales tax administration, use taxes, and income taxes shall become effective January 1, 2023. (Section B)

Provisions of the act relating to the deduction of federal income taxes paid contain an emergency clause. (Section C)

Provisions of the act modifying definitions relating to video service provider fees shall become effective August 28, 2023. (Section D)

The remaining provisions shall become effective August 28, 2021.

SB176 - Enacts provisions relating to emerging technologies

Sponsor

Sen. Lincoln Hough (R)

Summary

HCS/SS/SB 176 - This act enacts provisions relating to emerging technologies.

FOOD DELIVERY PLATFORMS (Section 196.276)

This act requires food delivery platforms, as defined in the act, to register with the Secretary of State prior to taking or arranging food pickup or delivery from a restaurant, as defined in the act. (Section 196.276.2(1)).

No food delivery platform shall: use a restaurant's likeness, mark, or trade name in a manner that could reasonably be interpreted to falsely suggest sponsorship or endorsement by the restaurant; without an agreement with the restaurant, intentionally inflate or alter a restaurant's pricing, although other charges may be assessed to the consumer if noted separately; or, without an agreement with the restaurant, attempt to charge the restaurant to pay or absorb any fee, commission, or charge.

Food delivery platforms shall remove a restaurant from its platform within 10 days of receiving the restaurant's request for removal, unless an agreement between the food delivery platform and restaurant states otherwise, and shall clearly provide to the consumer a mechanism to express order concerns directly to the food delivery platform. (Section 196.276.2(2)).

Any agreement between a food delivery platform and a restaurant to take and arrange for delivery or pickup of orders shall: be in writing and expressly authorize the food delivery platform to take and arrange for delivery or pickup of orders from the restaurant; and clearly identify any fee, commission, or charge the restaurant will be required to absorb. Any such agreement shall not include any provision or clause requiring the restaurant to indemnify a food service platform, employee, contractor, or agent thereof, for any damages or harm caused by the platform, employee, contractor, or agent. (Section 196.276.2(3)). Any provision or clause of an agreement or in written consent contrary to these requirements shall be void and unenforceable. (Section 196.276.2(4)).

The act provides that restaurants may bring action to enjoin a violation of the act. If the court finds a violation, the court shall issue an injunction, and may require the violator to pay to the injured party all profits derived from, or damages resulting from, the wrongful acts, and order that the wrongful acts be terminated. The act further provides that the court may order a food delivery platform acting in bad faith to pay reasonable attorney's fees and up to 3 times the amount of profits and damages. (Section 196.276.3).

These provisions are subject to an emergency clause. (Section B).

ELECTRIC BICYCLES (Sections 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 307.194, 365.020, 407.560, 407.815, 407.1025, and 578.120)

This act creates a definition for electric bicycles of three classifications, and excludes electric bicycles from definitions for other types of vehicles.

The act exempts electric bicycles from certain vehicle lighting requirements (section 307.025), and provides that operators of electric bicycles and shall have the same rights, duties, and responsibilities as operators of other vehicles (Section 307.188).

Electric bicycles operated by a person under the age of 17 may be impounded in the same manner as bicycles and motorized bicycles. (Section 307.193).

Except as otherwise specifically provided in the act, every person riding an electric bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to the operator of a bicycle, and shall be considered a vehicle to the same extent as a bicycle. (Section 307.194.1).

Electric bicycles and their operators are not subject to provisions of law applicable to motor vehicles, ATVs, off-road vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises, or motorcycle dealers or franchises, including with regard to vehicle registration, titling, drivers' licensing, and financial responsibility. (Section 307.194.2).

Beginning August 28, 2021, manufacturers and distributors of electric bicycles shall apply a permanent label to each electric bicycle detailing certain information as described in the act. (Section 307.194.3). No person shall modify an electric bicycle's capabilities unless he or she replaces the required label with a new label indicating the new classification. (Section 307.194.4).

Electric bicycles shall comply with equipment and manufacturing requirements under the federal law applicable to bicycles (section 307.194.5), and shall operate in a manner such that the electric motor does not function when the rider stops pedaling or applies the brakes (Section 307.194.6).

Electric bicycles may be operated in any place where bicycles are permitted to travel, provided that political subdivisions may regulate the operation of electric bicycles as provided in the act, and that these provisions shall not apply to a natural surface trail or other path designated as nonmotorized. (Section 307.194.7).

The operation of a class 3 electric bicycle, as defined in the act, shall be limited to persons at least 16 years of age. Persons under the age of 16 may ride as a passenger, provided the electric bicycle is designed to accommodate passengers. (Section 307.194.8).

The act also exempts electric bicycles from the prohibition against licensed vehicle dealers, distributors, and manufacturers operating a place of business for the sale or exchange of vehicles on Sunday. (Section 578.120.1(3)).

These provisions are identical to provisions in HCS/HB 307 (2021), and similar to SB 38 (2021).

ADMINISTRATIVE FEES CHARGED BY VEHICLE DEALERS IN CONNECTION WITH THE SALE OR LEASE OF A VEHICLE (Section 301.558)

This act creates the Motor Vehicle Administration Technology Fund, to which 10% of administrative fees charged by motor vehicle dealers shall be remitted for purposes of developing a modernized, integrated system for the titling of vehicles, the issuance and renewal of vehicle registrations, driver's licenses, and identification cards, and the perfection and release of liens and encumbrances on vehicles. Following establishment of the system, the percentage of the fees required to be remitted is reduced to 1%. These provisions shall expire on January 1, 2037. (Section 301.558.3).

Additionally, this act increases, from less than $200 to $500 or less, the maximum administrative fee a motor vehicle, boat, or powersport dealer licensed by the Department of Revenue may charge for document storage or other administrative or clerical services without being deemed to be engaged in the unauthorized practice of law. The maximum administrative fee specified under the act shall be increased annually by the Consumer Price Index for All Urban Consumers, or by zero, whichever is greater. (Section 301.558.4).

The act provides that the same administrative fee need not be charged to all retail customers if the dealer's franchise agreement limits the fee to certain classes of customers. (Section 301.558.5).

These provisions are identical to provisions in HCS/SS/SCS/SB 4 (2021), provisions in SS/SB 46 (2021), and similar to SB 195 (2021) and SB 1046 (2020).

PERSONAL DELIVERY DEVICES (Section 304.900)

This act enacts provisions relating to personal delivery devices ("PDDs"), as defined in the act.

PDDs may operate on sidewalks and crosswalks, and may operate on county or municipal roadways provided they do not unreasonably interfere with motor vehicles or traffic. (Section 304.900.2).

PDDs shall not block public rights of way, shall obey traffic and pedestrian control signals, shall not exceed 10 miles per hour on a sidewalk, shall display a unique identification number, shall include a means of identifying the operator of the device, and shall be equipped with a system allowing the device to come to a controlled stop. (Section 304.900.3).

PDDs operating on sidewalks shall have the same responsibilities as pedestrians. (Section 304.900.4). PDDs shall be exempt from motor vehicle registration requirements (Section 304.900.5), and shall maintain a general liability insurance policy of at least $100,000 (Section 304.900.6). PDDs operated at night shall be equipped with lighting as provided in the act. (Section 304.900.7). PDDs shall not be used to transport hazardous materials regulated by federal law as specified in the act. (Section 304.900.8).

Nothing in this act shall prohibit a political subdivision from regulating the operation of PDDs on highways or pedestrian areas to insure the welfare and safety of its residents. However, political subdivisions shall not regulate the design, manufacture and maintenance of PDDs or the types of property they may transport. No political subdivision shall treat PDDs differently than other similar personal property for assessment or taxation purposes, or for other charges. (Section 304.900.9).

The act prohibits PDD operators from selling or disclosing a personally identifiable likeness, as described in the act, to a third party in exchange for monetary compensation. Use of personally identifiable likenesses by PDD operators to improve their products or services is specifically allowed under the act, and information that would otherwise be protected under the act shall only be provided to a law enforcement entity by subpoena. (Section 304.900.10).

These provisions are identical to HCS/HB 592 (2021) and similar to HCS/HB 2290 (2020).

SB189 - Creates a Negro Leagues Baseball Museum special license plate

Sponsor

Sen. Barbara Washington (D)

Summary

SB 189 - This act creates a "Negro Leagues Baseball Museum" special license plate. Upon making a $10 contribution to the Negro Leagues Baseball Museum, a vehicle owner may apply for the plates. Applicants shall also pay a $15 fee in addition to regular registration fees, but no additional fee shall be charged for the personalization of the plates.

This act is identical to HB 100 (2021) and similar to HB 2690 (2020).

SB226 - Modifies the filing periods for the remittance of sales taxes

Sponsor

Sen. Andrew Koenig (R)

Summary

CCS/HCS/SB 226 - This act modifies provisions relating to taxation.

PROPERTY TAXES

Current law requires aircraft which are at least twenty-five years old, used solely for noncommercial purposes, and operated less than fifty hours per year to be assessed at five percent of true value. This act changes the operating hours requirement to two hundred hours. (Section 137.115)

This provision is identical to HCS/HB 66 (2021) and to a provision contained in HCS/HB 555 (2021), HCS/SB 686 (2020), HCS/SB 782 (2020), HCS/SCS/SB 867 (2020), and HCS/HB 1333 (2020), and is substantially similar to HB 1284 (2020) and HB 1205 (2019).

Beginning January 1, 2021, this act allows a taxpayer that is a resident of a city or county that imposes one or more restrictive orders for a combined total in excess of fifteen days in a calendar year to receive a credit against property taxes owed on such affected property. A restrictive order shall be any city-wide or county-wide ordinance or order imposed by a city or county that prohibits or otherwise restricts the use of a taxpayer's real property, including, but not limited to, occupancy restrictions, but shall not include any ordinance or order prohibiting or restricting the use of a taxpayer's real property due to a violation of a public health or safety code.

The amount of the credit shall be a percentage of the property tax liability that is equal to the percentage of the calendar year that the restrictions on the use of the property were in place, provided that the first fifteen total combined days of all such orders shall not count toward such calculation of the credit. A taxpayer shall pay his or her property taxes in full prior to submitting a statement to the county collector requesting the credit authorized by the act. Within thirty days of the receipt of such statement, the city or county shall issue the credit to the taxpayer.

A taxpayer receiving a tax credit under the act that leases or rents all or a portion of his or her affected real property to one or more other taxpayers shall distribute the tax credit on a pro rata basis to the taxpayers who are current on all lease or rental payments owed to the taxpayer receiving the credit.

The credit authorized by this act shall only apply to real property tax liabilities owed to a city or county imposing a restrictive order, and shall not apply to property tax liabilities owed to any other taxing jurisdiction. (Section 139.305)

This provision contains an emergency clause.

This provision is substantially similar to SCS/SB 100 (2021) and to a provision contained in SBs 12, et. al (2021) and HB 725 (2021).

INCOME TAXES

This act allows taxpayers authorized under the Missouri Constitution to operate a business related to medical marijuana to claim an income tax deduction in an amount equal to any expenditures otherwise allowable as a federal income tax deduction, but that are disallowed for federal purposes because cannabis is a controlled substance under federal law. (Section 143.121)

This provision is identical to HB 877 (2021) and to a provision contained in HCS/SS/SB 283 (2021), and is substantially similar to SB 436 (2021).

SALES TAX FILING PERIODS

Current law provides statutory sales tax collection thresholds to determine the frequency at which sellers shall file and remit sales taxes collected, with such periods being quarter-monthly, monthly, quarterly, and annually. Current law also allows the Department of Revenue to increase, but not decrease, such thresholds through rule. This act modifies the statutory thresholds for the monthly, quarterly, and annual filing periods.

For monthly filing, the threshold is changed from at least $250 in the first or second month of a calendar quarter to at least $500 per calendar month for the prior year.

For quarterly filing, the threshold is changed from at least $45 in a calendar quarter, but not subject to monthly filing to less than $500 per calendar month, but at least $200 in a calendar quarter.

For annual filing, the threshold is changed from less than $45 per calendar quarter to less than $200 per calendar quarter. (Section 144.080)

This provision is identical to SB 741 (2020) and SB 141 (2019).

SALES TAX RETENTION

Beginning August 28, 2021, and ending June 30, 2023, this act authorizes sellers to deduct and retain one hundred percent of the state portion of sales tax levied on purchases of admission tickets to movies, films, and musical performances, as well as on sales of concessions sold onsite at such seller's place of business. (Section 144.142)

This provision is identical to HB 1307 (2021) and is similar to SB 529 (2021), HB 1255 (2021).

SALES TAX EXEMPTIONS

This act provides a sales tax exemption for sales of class III medical devices that use electric fields for the purposes of treatment of cancer, including components and repair parts and disposable or single patient use supplies required for the use of such supplies. (Section 144.813)

This provision is identical to SB 483 (2021).

This act provides that the definition of "retail sale" or "sale at retail" for the purposes of the imposition of sales taxes shall not apply to the purchase by a retailer of products that are intended for resale but that cannot be resold because of theft or because the product is damaged and cannot be resold, or to the purchase by a grocery store of food that is intended for resale but that cannot be resold because of theft or because the food has become spoiled and would not be safe for consumption. (Section 144.011)

SB258 - Modifies provisions relating to military affairs, including classification of National Guard members and designations for members of the military

Sponsor

Sen. Bill White (R)

Summary

SS/SB 258 - This act modifies provisions relating to military affairs, including classification of national guard members and infrastructure and armory designations for members of the military.

CLASSIFICATION OF NATIONAL GUARD MEMBERS (SECTION 41.201)

This act provides that service members of the Missouri National Guard shall be considered as state employees for the purposes of operating state-owned vehicles for official state business unless the members are called into active federal military service by order of the President of the United States.

This provision is identical to a provision in SCS/SB 120 (2021) and is substantially similar to HB 391 (2021).

SERGEANT ROBERT WAYNE CROW JR. MEMORIAL ARMORY (SECTION 41.676)

This act designates the National Guard armory located in Joplin, Missouri as the "Sergeant Robert Wayne Crow Jr. Memorial Armory."

This provision is identical to HB 167 (2021).

INFRASTRUCTURE DESIGNATIONS FOR MISSOURI MEDAL OF HONOR RECIPIENTS (SECTIONS 143.1032, 227.299, 301.020, 302.171 AND SECTION 1)

This act creates the "Missouri Medal of Honor Recipients Fund" to consist of moneys donated as provided in the act. Money in the fund shall be transferred upon request, but not less than monthly, to the Department of Transportation to pay any renewal fee for memorial bridge or memorial highway signs for Missouri Medal of Honor recipients, and for the maintenance and repair of all such signs. The act provides for Missouri citizens to make donations to the fund with their tax returns, vehicle registration application, or driver's license application. Additionally, the Department of Revenue shall provide notification of the payment transfer to the credit of the State Road Fund to the Department of Transportation.

The act also provides that Missouri recipients of the Medal of Honor shall not be eligible for the administrative process for limited-duration memorial highway and bridge designations, provides that the costs of signs designating the infrastructure for Medal of Honor Recipients shall be funded by the Department of Transportation, and requires the Department of Transportation to post a link on its website to biographical information of honorees.

These provisions are similar to provisions in HCS/SS/SCS/SB 4 (2021), HS/HB 152 (2021) and provisions in HCS/HB 829 (2021).

SPC JUSTIN BLAKE CARTER MEMORIAL HIGHWAY (SECTION 227.450)

This act modifies the portion of U.S. Highway 60 designated for Spc. Justin Blake Carter, and removes the words "for life" from the designation.

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), HB 1217 (2021), and a provision in HS/HB 152 (2021).

PURPLE HEART TRAIL (SECTIONS 227.463, 227.464, 227.465, 227.466, AND 227.467)

This act designates the portion of Interstate 29 from its intersection with Interstate 70/U.S. State Highway 71/40 in Jackson County north to the bridge crossing over Nishnabotna River in Atchison County, except for previously designated portions, the "Purple Heart Trail."

This act designates the portion of Interstate 55 from State Highway O in Pemiscot County to U.S. Highway 40 in St. Louis City, except for previously designated portions, the "Purple Heart Trail."

This act designates the portion of Interstate 57 from the Missouri/Illinois state line in Mississippi County continuing south to U.S. State Highway 60/State Highway AA in Scott County the "Purple Heart Trail."

This act designates the portion of Interstate 64 from Interstate 70 from the city of Wentzville in St. Charles County continuing east to Interstate 55 at the Missouri/Illinois state line in St. Louis City, except for previously designated portions, the "Purple Heart Trail."

Under the act, a highway's classification as a "Purple Heart Trail" shall not prevent a segment of such highway from being additionally designated as a memorial highway.

These provisions are identical to provisions in HCS/SS/SCS/SB 4 (2021), in HB 1289 (2021), and in HS/HB 152 (2021).

ARMY PFC CHRISTOPHER LEE MARION MEMORIAL HIGHWAY (SECTION 227.477)

This act designates the portion of U.S. Business 71 from State Highway 76 West to State Highway EE in McDonald County the "Army PFC Christopher Lee Marion Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), HB 544 (2021), and HS/HB 152 (2021).

OTIS E MOORE MEMORIAL HIGHWAY (SECTION 227.478)

This act designates the portion of U.S. State Highway 160 from West BYP to County Road 115 in Greene County the "Otis E Moore Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), HB 708 (2021), and a provision in HS/HB 152 (2021).

ARMY SGT TIMOTHY J SUTTON MEMORIAL HIGHWAY (SECTION 227.486)

This act designates the portion of U.S. State Highway 60 from CRD Mockingbird Road continuing east to State Highway PP in Webster County as the "Army SGT Timothy J Sutton Memorial Highway."

This provision is identical to HCS/SS/SCS/SB 4 (2021), HB 534 (2021), and a provision in HS/HB 152 (2021).

U.S. ARMY SGT BRANDON MAGGART MEMORIAL BRIDGE (SECTION 227.488)

This act designates the bridge on U.S. State Highway 63 crossing over Business 63 in Adair County the "U.S. Army SGT Brandon Maggart Memorial Bridge."

This provision is identical to HCS/SS/SCS/SB 4 (2021), HB 606 (2021), and a provision in HS/HB 152 (2021).

U.S. ARMY PFC ADAM L THOMAS MEMORIAL BRIDGE (SECTION 227.489)

This act designates the bridge on U.S. Highway 63 crossing over the "BSNF" Railroad/Marceline Sub in La Plata in Macon County as the "U.S. Army PFC Adam L Thomas Memorial Bridge."

This provision is identical to HB 605 (2021) and a provision in HS/HB 152 (2021).

U.S. ARMY SFC MATTHEW C LEWELLEN MEMORIAL BRIDGE (SECTION 227.490)

This act designates the bridge on U.S. State Highway 63 crossing over Patterson Street in Adair County the "U.S. Army SFC Matthew C Lewellen Memorial Bridge."

This provision is substantially similar to a provision in HCS/SS/SCS/SB 4 (2021), HB 662 (2021), and a provision in HS/HB 152 (2021).

U.S. ARMY SPECIALIST MICHAEL CAMPBELL MEMORIAL HIGHWAY (Section 227.495)

This act designates the portion of U.S. State Highway 54 from State Highway E to State Highway D in Cole County as the "U.S. Army Specialist Michael Campbell Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021) and HB 626 (2021).

MEDAL OF HONOR PVT GEORGE PHILLIPS MEMORIAL HIGHWAY (SECTION 227.496)

This act designates the portion of State Highway T from .05 miles west of Laretto Ridge Drive to Decker Road in the town of Labadie in Franklin County as "Medal of Honor PVT George Phillips Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HCS/HB 829 (2021), and in HS/HB 152 (2021).

US ARMY SERGEANT HUGH C DUNN MEMORIAL HIGHWAY (SECTION 227.497)

This act designates the portion of U.S. State Highway 63 from Spruce Street to McKay Street within the city of Macon in Macon County as the "US Army Sergeant Hugh C Dunn Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), HB 905 (2021), and a provision in HS/HB 152 (2021).

US NAVY SEAL SCOTTY WIRTZ MEMORIAL HIGHWAY (SECTION 227.498)

This act designates the portion of Interstate 64 from Winghaven Boulevard to Prospect Road within the city of Lake St. Louis in St. Charles County as "US Navy SEAL Scotty Wirtz Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), HB 911 (2021), and a provision in HS/HB 152 (2021).

US NAVY FA PAUL AKERS JR MEMORIAL BRIDGE (SECTION 227.777)

This act designates the bridge on State Highway 17 crossing over the "BSNF" Railroad south of the city of Crocker in Pulaski County as "US Navy FA Paul Akers Jr Memorial Bridge."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), HB 1205 (2021), and a provision in HS/HB 152 (2021).

PFC DALE RAYMOND JACKSON MEMORIAL HIGHWAY (SECTION 227.780)

This act designates the portion of State Highway 163 from Stadium Boulevard/State Highway 740 continuing south to Mick Deaver Drive in Boone County as "PFC Dale Raymond Jackson Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HB 1319 (2021), and in HS/HB 152 (2021).

CORPORAL STEVEN LEE IRVIN MEMORIAL HIGHWAY (SECTION 227.781)

This act designates the portion of State Highway 163 from Mick Deaver Drive to Old Route K in Boone County as "Corporal Steven Lee Irvin Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HB 1319 (2021), and in HS/HB 152 (2021).

CPL DANIEL JOSEPH HEIBEL MEMORIAL HIGHWAY (SECTION 227.782)

This act designates the portion of State Highway 163 from Mick Deaver Drive to Old Route K in Boone County as "Corporal Steven Lee Irvin Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), HB 1319 (2021), and a provision in HS/HB 152 (2021).

LCPL LARRY HAROLD COLEMAN MEMORIAL HIGHWAY (SECTION 227.783)

This act designates the portion of State Highway 163 from Green Meadows Drive to Nifong in Boone County as "LCPL Larry Harold Coleman Memorial Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), in HB 1319 (2021), and in HS/HB 152 (2021).

VFW POST 2025 MEMORIAL BRIDGE (SECTION 227.784)

This act designates the bridge on U.S. State Highway 63 crossing over Beaver Creek in Phelps County as "VFW Post 2025 Memorial Bridge."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), HB 1355 (2021), and a provision in HS/HB 152 (2021).

VETERANS MEMORIAL BRIDGE (SECTION 227.785)

This act designates the bridge on State Highway 21 crossing over the Current River in Ripley County as "Veterans Memorial Bridge".

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021), HB 1413 (2021), and a provision in HS/HB 152 (2021).

NATHANAEL GREENE HIGHWAY (Section 227.793)

This act designates the portion of Interstate 44 from State Highway 744/N. MulRoy Road continuing east to RA IS 44 Strafford/Greene County Line in Greene County the "Nathanael Greene Highway."

This provision is identical to a provision in HCS/SS/SCS/SB 4 (2021).

SB262 - Modifies provisions relating to transportation

Sponsor

Sen. Dave Schatz (R)

Summary

SS#2/SCS/SB 262 - This act modifies provisions relating to transportation.

TRANSPORTATION FUNDING

This act enacts an additional tax on motor fuel, beginning with 2.5 cents in October 2021, and increasing by 2.5 cents in each fiscal year until reaching an additional 12.5 cents per gallon on July 1, 2025. (Section 142.803.3).

Motor fuel used for propelling highway vehicles shall be exempt from the additional tax, and an exemption and refund may be claimed by the taxpayer if the tax has been paid and no refund has been previously issued, provided that the taxpayer applies for the exemption and refund as provided in the act. (Section 142.822.1).

To claim an exemption and refund, a person shall present written verification that the claim is made under penalty of perjury, and stating the amount of fuel tax paid in the applicable fiscal year for each vehicle for which the exemption and refund is claimed. The claim shall not be transferred or assigned, and shall be filed on or after July 1, but not later than September 30, following the fiscal year for which

the exemption and refund is claimed. The claim may be filed electronically, and shall be supported by certain documentation as provided in the act. (Section 142.822.2).

Every person shall maintain and keep records for 3 years to substantiate all claims for exemption and refund of the motor fuel tax, as specified in the act. (Section 142.822.3).

The Director of the Department of Revenue may investigate exemptions and refunds prior to their issuance, or following issuance but within the time frame for making tax adjustments as provided by law. (Section 142.822.4).

The act provides for payment of interest by the Director for exemptions and refunds not issued within 45 days of an accurate and complete filing. (Section 142.822.5).

The exemption and refund of additional motor fuel tax shall be available only with regard to motor fuel delivered into a motor vehicle with a gross vehicle weight rating of 26,000 lbs or less. (Section 142.822.6).

This act also provides that the existing fuel tax exemption for non-highway use may be filed electronically, that applicants shall retain original sales slips rather than submitting them to the Department, and that refunds shall be issued within 45 days, rather than 30 days. (Sections 142.824.1, 142.824.5 and 142.824.8).

Under the act, the fees for alternative fuel decals are increased by 20% per year for a period of 5 years, except that the fee for vehicles in excess of 36,000 pounds is increased by 10% per year for a period of 5 years, and the fee for temporary decals is not modified. (Section 142.869.2).

Lastly, the act establishes within the Department of Revenue the "Electric Vehicle Task Force", with membership as specified in the act. As detailed in the act, the task force shall analyze and make recommendations regarding the impact of electric vehicle adoption on transportation funding. The task force shall deliver a written report to the General Assembly and the Governor no later than December 31, 2022. (Section 142.1000).

ODOMETER READINGS

This act increases, from 10 years to 20 years, the maximum age of motor vehicle required to have its odometer readings recorded in certain circumstances. (Sections 301.192.1(6) and 301.280.1). A corresponding change is made with regard to odometer fraud offenses. (Sections 407.526 and 407.556.2(2)). The act also specifies that the Department of Revenue may allow electronic signatures on written powers of attorney authorizing mileage disclosures and transfers of ownership. (Section 407.536.8).

These provisions are subject to an emergency clause.

These provisions are identical to provisions in SB 370 (2021) and similar to HB 2660 (2020).

CDL BANS FOR HUMAN TRAFFICKING CONVICTIONS

The act also enacts a lifetime ban from driving a commercial motor vehicle for any person convicted of using a commercial motor vehicle in the commission of a felony involving "severe forms of human trafficking in persons", as defined by federal law. (Section 302.755.19).

These provisions are subject to an emergency clause.

These provisions are identical to provisions in SB 370 (2021).

SB303 - Modifies various provisions relating to workers' compensation

Sponsor

Sen. Elaine Gannon (R)

Summary

HCS/SB 303 - This act modifies various provisions relating to workers' compensation.

Release of Liability for Employees

(Section 287.120)

Under current law, an employee shall not be released from liability under workers' compensation laws for injury or death if the employee engaged in an affirmative negligent act that purposefully and dangerously caused or increased the risk of injury. This act provides that an employee shall not be released from liability under workers' compensation for injury or death if the employee engaged in a willful act with the intent to cause bodily injury or death.

This provision is identical to a provision in HCS/HB 922 (2021) and HB 1119 (2021).

Electronic Transfer of Disability Payments

(Sections 287.170 to 287.180)

The act allows for the delivery of temporary total or temporary partial disability payments payable under workers' compensation laws by electronic transfer or other manner authorized by the claimant.

This provision is identical to a provision in SCS/HB 384 (2021), HB 353 (2021), and SB 1079 (2020) and substantially similar to HB 2035 (2020).

Second Injury Fund Liabilities

(Section 287.220)

The act modifies the applicability of the priority schedule for payment of liabilities of the Second Injury Fund (SIF). Specifically, the act allows for the payment from the SIF of the following SIF liabilities prior to any liability set forth in the priority schedule:

• All death benefits incurred relating to claims for deaths occurring prior to January 1, 2014, consistent with a temporary or final award; and

• Ongoing medical expenses, but not past medical expenses, relating to claims for injuries occurring prior to January 1, 2014, consistent with a temporary or final award which includes future medical benefits.

These provisions are identical to provisions in SCS/HB 384 (2021), SB 361 (2021), HB 163 (2021), SB 693 (2020), HB 1542 (2020), and SB 156 (2019).

Third-Party Administrators

(Section 287.280)

The act permits the Division of Workers' Compensation to call the security of a group self-insured employer or public sector individual employer if they are deemed insolvent, are determined to be insolvent, file for bankruptcy, or fail to pay any obligations owed under the workers' compensation laws. Furthermore, the Division is permitted to retain a third-party administrator for the purpose of paying any compensation benefits owed to an injured employee.

This provision is substantially similar to a provision in SCS/HB 384 (2021), SB 361 (2021), SB 693 (2020), SB 156 (2019), HB 163 (2021), HB 1542 (2020), SCS/SB 1089 (2018), and HB 261 (2019).

Electronic Filings with LIRC

(Section 287.480)

The act allows the Labor and Industrial Relations Commission to permit the filing of applications for review, briefs, motions, and other requests for relief with the Commission by electronic means, in such manner as it may, by rule, prescribe.

This provision is substantially similar to a provision in scs/hb 384 (2021), SB 361 (2021), SB 693 (2020), HB 1542 (2020), and a provision in HB 163 (2021).

SB520 - Modifies provisions relating to the designation of memorial infrastructure

Sponsor

Sen. Steven Roberts (D)

Summary

CCS/HS/HCS/SCS/SB 520 - This act modifies provisions relating to the designation of memorial infrastructure.

DUANE S MICHIE MEMORIAL HIGHWAY (Section 227.479)

This act designates the portion of State Highway D from the intersection with State Highway 84 continuing north to County Road 321 in Pemiscot County the "Duane S Michie Memorial Highway".

This provision is identical to a provision in HS/HB 152 (2021) and a provision in HCS/SS/SCS/SB 4 (2021).

DEPUTY SHERIFF AARON P ROBERTS MEMORIAL HIGHWAY (Section 227.485)

This act designates the portion of State Highway H from Interstate 44 West continuing north to County Road 88 in Greene County as "Deputy Sheriff Aaron P Roberts Memorial Highway".

This provision is identical to a provision in HS/HB 152 (2021) and a provision in HCS/SS/SCS/SB 4 (2021).

MSGT CARL COSPER JR MEMORIAL HIGHWAY (Section 227.499)

This act designates the portion of State Highway 37 from County Road 1062 continuing to County Road 1060 in Barry County as the "MSgt Carl Cosper Jr Memorial Highway".

This provision is substantially similar to HB 930 (2021), a provision in HS/HB 152 (2021), and a provision in HCS/SS/SCS/SB 4 (2021).

STARS AND STRIPES HIGHWAY (Section 227.778)

This act designates the portion of State Highway 25 from U.S. Highway 60 continuing north to Mary Street in Stoddard County as "Stars and Stripes Highway".

This provision is identical to HB 1278 (2021), a provision in HS/HB 152 (2021), and a provision in HCS/SS/SCS/SB 4 (2021).

POLICE OFFICER MICHAEL V LANGSDORF MEMORIAL BRIDGE (Section 227.779)

This act designates the bridge on Interstate 55 crossing over Butler Hill Road in St. Louis County as "Police Officer Michael V Langsdorf Memorial Bridge".

This provision is identical to HB 1306 (2021), a provision in HS/HB 152 (2021), and a provision in HCS/SS/SCS/SB 4 (2021).

DAVID DORN MEMORIAL HIGHWAY (Section 227.787)

This act designates the portion of Interstate 70 from Shreve Road continuing to Kingshighway Boulevard as "David Dorn Memorial Highway".

This provision is identical to HB 1363 (2021), a provision in HCS/SCS/SB 520 (2021), a provision in HS/HB 152 (2021), and a provision in HCS/SS/SCS/SB 4 (2021).

POLICE SURGEON JAMES F COOPER MD MEMORIAL BRIDGE (Section 227.788)

This act designates the bridge on Interstate 64 crossing over Sarah Street in St. Louis City as the "Police Surgeon James F Cooper MD Memorial Bridge".

This provision is identical to HB 1367 (2021), a provision in HS/HB 152 (2021), and a provision in HCS/SS/SCS/SB 4 (2021).

BILLY RAY - COUSIN CARL - ANDERSON MEMORIAL HIGHWAY (Section 227.789)

This act designates the portion of State Highway 91 from U.S. State 61 to State Highway C and continuing east on State Highway C through the city of Morley to State Highway H in Scott County as "Billy Ray - Cousin Carl - Anderson Memorial Highway".

This act is identical to HB 1437 (2021), a provision in HS/HB 152 (2021), and a provision in HCS/SS/SCS/SB 4 (2021).

POLICE OFFICER CHRISTOPHER RYAN MORTON MEMORIAL HIGHWAY (Section 227.803)

This act modifies the portion of road designated for Police Officer Christopher Ryan Morton.

This provision is identical to HB 1238 (2021), a provision in HS/HB 152 (2021), and a provision in HCS/SS/SCS/SB 4 (2021).

CAPTAIN DAVID DORN MEMORIAL HIGHWAY (Section 227.806)

This act designates the portion of State Highway 180 from Interstate 170 continuing to Kienlen Avenue as "Captain David Dorn Memorial Highway".

WW II POW ALEX CORTEZ MEMORIAL BRIDGE (Section 1)

This act designates the bridge on State Highway 34, also known as South Main Street, crossing over Makenzie Creek in Wayne County as "WW II POW Alex Cortez Memorial Bridge".

FIREFIGHTER TYLER H CASEY MEMORIAL HIGHWAY (Section 2)

This act designates the portion of State Highway 43 from State Highway U continuing to State Highway C in Newton County as "Firefighter Tyler H Casey Memorial Highway".

BOBBY PLAGER MEMORIAL HIGHWAY (Section 3)

This act designates the portion of Interstate 64 between Jefferson Avenue and Tucker Boulevard located in the City of Saint Louis as "Bobby Plager Memorial Highway".

SCR4 - Calls for an Article V convention of the states to propose amendments to the United States Constitution placing limits on the federal government

Sponsor

Sen. Eric Burlison (R)

Summary

SCR 4 - This concurrent resolution applies to the United States Congress, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states for the limited purpose of proposing amendments to the U.S. Constitution that impose fiscal restraint on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for federal officials and members of Congress. This application repeals and supercedes the application for an Article V Convention adopted by the General Assembly in SCR 4 (2017).

This concurrent resolution is similar to SCR 37 (2020).

SCR6 - Urges the United States Congress to resist any attempt to increase the number of Justices on the United States Supreme Court

Sponsor

Sen. Mike Moon (R)

Summary

SCR 6 - This concurrent resolution urges the U.S. Congress to resist any attempt to increase the number of Justices on the U.S. Supreme Court.

This concurrent resolution is identical to HCR 15 (2021).

SCR7 - Urges support of state funding for a North Central Missouri Regional Water Commission project

Sponsor

Sen. Dan Hegeman (R)

Summary

SCR 7 - This resolution states that the Senate and the House of Representatives support funding of the North Central Missouri Regional Water Commission project by the state entering into a long-term commitment of money in the Multipurpose Water Resource Program Fund, subject to appropriations, provided that the total annual cost does not exceed $1.5 million, and the total cost over the life of the contract does not exceed $24 million.