

# JOURNAL OF THE HOUSE

First Regular Session, 101st GENERAL ASSEMBLY

SIXTY-NINTH DAY, TUESDAY, MAY 11, 2021

The House met pursuant to adjournment.

Speaker Vescovo in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicky, Chaplain.

*Peace I leave with you, My peace I give unto you: not as the world giveth, give I unto you. Let not your heart be troubled, neither let it be afraid. (John 14:27)*

Eternal God, our rock, our refuge, and our strength in every generation, whose creative spirit ever calls us to new frontiers of thought and action, we bow before You this moment as we enter another legislative day together. With Your wisdom we would be made wise. By Your strength we would be made stronger. Inspired by Your Spirit we would be made more ready for our great responsibilities in the People's House.

May no political fear overwhelm us, no legal difficulty overcome us, no social discouragement overburden us, no heavy duty overtax us, but may we now and always keep our faith in You and in Your wise and gracious Spirit.

Bless our bicentennial state and our constituents. Together may we seek peace, patiently pursue it, and persevere in our pursuit until peace reigns in the hearts of our fellow citizens.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

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

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

AYES: 139

Anderson	Andrews	Appelbaum	Atchison	Bailey
Baker	Baringer	Barnes	Basye	Billington
Black 137	Black 7	Boggs	Bosley	Bromley
Brown 16	Brown 27	Brown 70	Buchheit-Courtway	Burger
Burnett	Burton	Busick	Butz	Chipman
Christofanelli	Clemens	Coleman 32	Coleman 97	Collins
Cook	Copeland	Cupps	Davidson	Davis
Deaton	DeGroot	Derges	Dinkins	Dogan
Eggleston	Ellebracht	Evans	Falkner	Fishel
Fitzwater	Fogle	Francis	Gray	Gregory 51
Gregory 96	Grier	Griesheimer	Griffith	Gunby
Haden	Haffner	Haley	Hannegan	Hardwick

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

NOES: 003

Adams	McDaniel	Rowland
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PRESENT: 005

Bland Manlove	Doll	Merideth	Phifer	Windham
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ABSENT WITH LEAVE: 015

Aldridge	Aune	Bangert	Hicks	Houx
Mosley	Pietzman	Price IV	Richey	Roden
Sauls	Schnelting	Tate	Thomas	Veit

VACANCIES: 001

## COMMITTEE REPORTS

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

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SCS HCS#2 HB 69**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

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

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS HB 345**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

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

Noes (2): Baringer and Terry

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 4**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

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

Noes (2): Baringer and Terry

Absent (1): Wiemann

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 5**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

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

Noes (2): Baringer and Terry

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS#2 SCS SB 91**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

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

Noes (0)

Absent (0)

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

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

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 323**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

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

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS#2 SS SB 327**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

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

Noes (0)

Absent (0)

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 303, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

### BILLS CARRYING REQUEST MESSAGES

**HCS SB 330, as amended**, relating to licensed professionals, was taken up by Representative Shields.

Representative Shields moved that the House refuse to recede from its position on **HCS SB 330, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SB 72, as amended**, relating to state designations, was taken up by Representative Smith (155).

Representative Smith (155) moved that the House refuse to recede from its position on **HCS SB 72, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SB 303, as amended**, relating to workers' compensation, was taken up by Representative Henderson.

Representative Henderson moved that the House refuse to recede from its position on **HCS SB 303, as amended**, and grant the Senate a conference.

Which motion was adopted.

### THIRD READING OF SENATE BILLS

**SS SCS SB 57, HCS#2 SCS SB 91, HCS#2 SS SB 327, and HCS SB 377** were placed on the Informal Calendar.

### THIRD READING OF SENATE BILLS - INFORMAL

**SS#2 SCS SB 262**, relating to transportation, was taken up by Representative Ruth.

On motion of Representative Ruth, the title of **SS#2 SCS SB 262** was agreed to.

SS#2 SCS SB 262 was laid over.

**SB 86, with House Amendment No. 1, pending**, relating to the use of public funds in elections, was taken up by Representative Baker.

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

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

*House Amendment No. 2*

AMEND Senate Bill No. 86, Page 1, Section 115.646, Line 15, by inserting after all of said section and line the following:

"135.715. 1. Notwithstanding any provision in section 135.713 to the contrary, the annual increase to the cumulative amount of tax credits under subsection 3 of section 135.713 shall cease when the amount of tax credits reaches fifty million dollars. The cumulative amount of tax credits that may be allocated to all taxpayers contributing to educational assistance organizations in the first year of the program shall not exceed twenty-five million dollars.

2. The state treasurer shall limit the number of educational assistance organizations that are certified to administer scholarship accounts to no more than ten such organizations in any single school year, with no more than six of such organizations having their principal place of business in:

(1) A county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants;

(2) A county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants;

(3) A county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants;

(4) A county with a charter form of government and with more than nine hundred fifty thousand inhabitants; or

(5) A city not within a county.

3. The state treasurer may delegate any duties assigned to the state treasurer under sections 135.712 to 135.719 and sections 166.700 to 166.720 to the Missouri empowerment scholarship accounts board, which is hereby established. The Missouri empowerment scholarship accounts board shall consist of the state treasurer, who shall serve as chair, the commissioner of the department of higher education and workforce development, the commissioner of education, the commissioner of the office of administration, one member appointed by the president pro tempore of the senate, one member appointed by the speaker of the house of representatives, and one member appointed by the governor with the advice and consent of the senate. The appointed members shall serve terms of four years or until their successors have been appointed and qualified. The board shall have all powers and duties assigned to the state treasurer under sections 135.712 to 135.719 and sections 166.700 to 166.720 that are delegated to the board by the state treasurer. Members of the board shall not receive compensation for their service, but may receive reimbursement for necessary expenses.

4. Notwithstanding the provisions of subsection 7 of section 135.716 to the contrary, four percent of the total qualifying contributions received by each educational assistance organization per calendar year shall 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.

5. Notwithstanding the provisions of subdivision (5) of subsection 2 of section 135.712 to the contrary, the term "qualifying contribution" shall mean a donation of cash, including, but not limited to, checks drawn on a banking institution located in the continental United States in U.S. dollars (other than cashier checks, or third-party checks exceeding ten thousand dollars), money orders, payroll deductions, and electronic fund transfers. This term shall not include stocks, bonds, other marketable securities, or property."; and

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

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Chipman
Christofanelli	Coleman 32	Coleman 97	Cook	Copeland
Davidson	Davis	Deaton	DeGroot	Derges
Dinkins	Dogan	Eggleston	Evans	Fishel
Fitzwater	Francis	Gregory 51	Gregory 96	Grier
Griesheimer	Griffith	Haden	Haffner	Haley
Hannegan	Hardwick	Henderson	Hicks	Hill
Hovis	Hudson	Hurlbert	Johnson	Kalberloh
Kelley 127	Kelly 141	Kidd	Knight	Lewis 6
Lovasco	Mayhew	McDaniel	McGaugh	McGill
Morse	Murphy	O'Donnell	Owen	Patterson
Perkins	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Pouche	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Roden	Rone
Sander	Sassmann	Schroer	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Smith 155	Smith 163
Stacy	Stephens 128	Tate	Taylor 139	Taylor 48
Thomas	Thompson	Trent	Van Schoiack	Veit
Wallingford	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 042

Adams	Aldridge	Anderson	Appelbaum	Bangert
Barnes	Bland Manlove	Bosley	Brown 27	Brown 70
Burnett	Butz	Clemens	Collins	Doll
Fogle	Gray	Gunby	Ingle	Lewis 25
Mackey	McCreery	Merideth	Mosley	Nurrenbern
Person	Phifer	Proudie	Quade	Rogers
Rowland	Sauls	Sharp 36	Smith 45	Smith 67
Terry	Turnbaugh	Unsicker	Walsh Moore 93	Weber
Windham	Young			

PRESENT: 000

ABSENT WITH LEAVE: 014

Aune	Baringer	Burton	Cupps	Ellebracht
Falkner	Houx	Pietzman	Price IV	Ruth
Schnelting	Simmons	Stevens 46	Toalson Reisch	

VACANCIES: 001

On motion of Representative Christofanelli, **House Amendment No. 2** was adopted by the following vote, the ayes and noes having been demanded pursuant to Article III, Section 26, of the Constitution:

AYES: 079

Baker	Basye	Billington	Black 137	Black 7
Boggs	Bromley	Buchheit-Courtway	Busick	Chipman
Christofanelli	Coleman 32	Coleman 97	Davidson	Davis
Deaton	DeGroot	Dinkins	Dogan	Eggleston
Evans	Fitzwater	Gregory 51	Gregory 96	Grier
Griesheimer	Haden	Haffner	Hannegan	Hardwick
Hicks	Hill	Hovis	Hudson	Hurlbert
Kelley 127	Kelly 141	Kidd	Lewis 6	Mayhew
McDaniel	McGaugh	McGirl	Murphy	Owen
Patterson	Perkins	Pike	Plocher	Pollitt 52
Porter	Pouche	Proudie	Richey	Riggs
Roden	Rone	Sander	Schroer	Schwadron
Seitz	Shaul	Shields	Simmons	Smith 155
Smith 163	Stacy	Taylor 139	Taylor 48	Thomas
Toalson Reisch	Trent	Van Schoiack	Veit	Wallingford
Walsh 50	West	Wiemann	Mr. Speaker	

NOES: 072

Adams	Anderson	Andrews	Appelbaum	Atchison
Bailey	Bangert	Baringer	Barnes	Brown 16
Brown 27	Brown 70	Burger	Burnett	Burton
Butz	Clemens	Collins	Cook	Copeland
Derges	Doll	Ellebracht	Fishel	Fogle
Francis	Gray	Griffith	Gunby	Haley
Henderson	Ingle	Johnson	Kalberloh	Knight
Lewis 25	Lovasco	Mackey	McCreery	Merideth
Morse	Mosley	Nurrenbern	O'Donnell	Person
Phifer	Pollock 123	Price IV	Quade	Railsback
Reedy	Riley	Roberts	Rogers	Rowland
Sassmann	Sauls	Sharp 36	Sharpe 4	Smith 45
Smith 67	Stephens 128	Stevens 46	Tate	Terry
Thompson	Turnbaugh	Unsicker	Walsh Moore 93	Weber
Wright	Young			

PRESENT: 004

Aldridge	Bland Manlove	Bosley	Windham
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ABSENT WITH LEAVE: 007

Aune	Cupps	Falkner	Houx	Pietzman
Ruth	Schnelting			

VACANCIES: 001

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

*House Amendment No. 3*

AMEND Senate Bill No. 86, Page 1, Section 115.646, Line 15, by inserting after all of said section and line the following:

"167.151. 1. The school board of any district, in its discretion, may admit to the school pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as provided in sections 167.121, 167.131, 167.132, and 167.895.

2. Orphan children, children with only one parent living, and children whose parents do not contribute to their support—if the children are between the ages of six and twenty years and are unable to pay tuition—may attend the schools of any district in the state in which they have a permanent or temporary home without paying a tuition fee.

3. **(1) For all school years ending on or before June 30, 2022**, any person who pays a school tax in any other district than that in which ~~he~~ **the person** resides may send ~~his~~ **the person's** children to any public school in the district in which the tax is paid and receive as a credit on the amount charged for tuition the amount of the school tax paid to the district; except that any person who owns real estate of which eighty acres or more are used for agricultural purposes and upon which ~~his~~ **the person's** residence is situated may send ~~his~~ **the person's** children to public school in any school district in which a part of such real estate, contiguous to that upon which ~~his~~ **the person's** residence is situated, lies and shall not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the school district of choice. The school district of choice shall count the children in its average daily attendance for the purpose of distribution of state aid through the foundation formula.

**(2) For all school years beginning on or after July 1, 2022, any person who owns residential real property or agricultural real property and pays a school tax in any district other than the district in which the person resides may send any of the person's children to a public school in any district in which the person pays such school tax. The school district or public school of choice shall count a child attending under this subdivision in its average daily attendance for the purpose of distribution of state aid through the foundation formula.**

4. **(1) For all school years ending on or before June 30, 2022**, any owner of agricultural land who, ~~pursuant to~~ **under subdivision (1) of subsection 3 of this section**, has the option of sending ~~his~~ **such person's** children to the public schools of more than one district shall exercise such option as provided in this ~~subsection~~ **subdivision**. Such person shall send written notice to all school districts involved specifying to which school district ~~his~~ **the** children will attend by June thirtieth in which such a school year begins. If notification is not received, such children shall attend the school in which the majority of ~~his~~ **the person's** property lies. Such person shall not send any of ~~his~~ **such person's** children to the public schools of any district other than the one to which ~~he~~ **such person** has sent notice pursuant to this ~~subsection~~ **subdivision** in that school year or in which the majority of ~~his~~ **such person's** property lies without paying tuition to such school district.

**(2) For all school years beginning on or after July 1, 2022, any owner of real property who elects to exercise the option provided in subdivision (2) of subsection 3 of this section shall exercise such option as provided in this subdivision. Such person shall send written notice to all school districts involved specifying which school district each child will attend thirty days prior to enrollment. When providing such notice, the person shall present proof of the person's payment of at least three thousand dollars of school taxes levied on the real property within such school district and ownership of the real property for no less than three years. Such proof may be determined by multiplying the school taxes paid on the most recent property tax receipt by the number of years such person has owned such real property. If a school district to which the person wishes to send a child does not receive the notification required under this subdivision, the child shall attend school in the district in which the person resides. Such person shall not send a child to the public schools of any district in which the person does not reside other than the district to which such person has sent notice under this subdivision relating to the particular child for that school year.**

5. If a pupil is attending school in a district other than the district of residence and the pupil's parent is teaching in the school district or is a regular employee of the school district which the pupil is attending, then the district in which the pupil attends school shall allow the pupil to attend school upon payment of tuition in the same manner in which the district allows other pupils not entitled to free instruction to attend school in the district. The provisions of this subsection shall apply only to pupils attending school in a district which has an enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district is located in a county ~~[of the first classification]~~ with a charter form of government which has a population in excess of six hundred thousand persons and not in excess of nine hundred thousand persons."; and

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

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Brown 16
Buchheit-Courtway	Burger	Busick	Chipman	Christofanelli
Coleman 32	Coleman 97	Cook	Copeland	Davidson
Davis	Deaton	DeGroot	Derges	Dinkins
Dogan	Eggleston	Evans	Falkner	Fishel
Fitzwater	Francis	Gregory 51	Gregory 96	Grier
Griesheimer	Griffith	Haden	Haffner	Haley
Hannegan	Hardwick	Henderson	Hicks	Hill
Hovis	Hudson	Hurlbert	Kalberloh	Kelley 127
Kelly 141	Kidd	Knight	Lewis 6	Lovasco
Mayhew	McGaugh	McGill	Morse	Murphy
O'Donnell	Owen	Patterson	Perkins	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Railsback
Reedy	Richey	Riggs	Riley	Roberts
Roden	Ruth	Sander	Sassmann	Schroer
Schwadron	Seitz	Sharpe 4	Shaul	Shields
Simmons	Smith 155	Smith 163	Stacy	Stephens 128
Tate	Taylor 139	Taylor 48	Thomas	Thompson
Toalson Reisch	Trent	Van Schoiack	Wallingford	Walsh 50
West	Wiemann	Wright	Mr. Speaker	

NOES: 045

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

PRESENT: 000

ABSENT WITH LEAVE: 013

Aldridge	Bailey	Clemens	Cupps	Houx
Ingle	Mackey	McDaniel	Pietzman	Pouche
Sauls	Schnelting	Veit		

VACANCIES: 001

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

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

2648 *Journal of the House*

AYES: 101

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Bromley	Brown 16
Buchheit-Courtway	Burger	Busick	Chipman	Christofanelli
Coleman 32	Coleman 97	Cook	Davidson	Davis
Deaton	DeGroot	Derges	Dinkins	Dogan
Eggleston	Evans	Falkner	Fishel	Francis
Gregory 51	Gregory 96	Grier	Griesheimer	Griffith
Haden	Haffner	Haley	Hannegan	Hardwick
Henderson	Hicks	Hill	Hovis	Hudson
Hurlbert	Kelley 127	Kidd	Knight	Lovasco
Mayhew	McDaniel	McGaugh	McGirl	Morse
Murphy	O'Donnell	Owen	Patterson	Perkins
Pike	Plocher	Pollitt 52	Pollock 123	Porter
Pouche	Railsback	Reedy	Richey	Riggs
Riley	Roberts	Roden	Rone	Ruth
Sander	Sassmann	Schroer	Schwadron	Seitz
Sharpe 4	Shaul	Shields	Simmons	Smith 155
Stacy	Stephens 128	Tate	Taylor 139	Taylor 48
Thomas	Thompson	Toalson Reisch	Trent	Van Schoiack
Wallingford	Walsh 50	West	Wiemann	Wright
Mr. Speaker				

NOES: 042

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bland Manlove	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Clemens
Doll	Ellebracht	Fogle	Gray	Gunby
Lewis 25	McCreery	Merideth	Mosley	Nurrenbern
Person	Phifer	Price IV	Proudie	Quade
Rogers	Rowland	Sauls	Sharp 36	Smith 45
Stevens 46	Terry	Turnbaugh	Unsicker	Weber
Windham	Young			

PRESENT: 000

ABSENT WITH LEAVE: 019

Aldridge	Bailey	Collins	Copeland	Cupps
Fitzwater	Houx	Ingle	Johnson	Kalberloh
Kelly 141	Lewis 6	Mackey	Pietzman	Schnelting
Smith 163	Smith 67	Veit	Walsh Moore 93	

VACANCIES: 001

On motion of Representative Baker, **SB 86, as amended**, was read the third time and passed by the following vote:

AYES: 084

Bailey	Baker	Basye	Billington	Black 137
Black 7	Boggs	Bromley	Buchheit-Courtway	Chipman
Christofanelli	Coleman 32	Coleman 97	Davidson	Davis
Deaton	DeGroot	Dinkins	Dogan	Eggleston
Evans	Falkner	Fishel	Fitzwater	Gregory 51

Gregory 96	Grier	Griesheimer	Haden	Haffner
Hannegan	Hardwick	Hicks	Hill	Hovis
Hudson	Hurlbert	Kelley 127	Kelly 141	Kidd
Lewis 6	Lovasco	Mayhew	McDaniel	McGaugh
McGill	Murphy	O'Donnell	Owen	Patterson
Perkins	Pike	Plocher	Pollitt 52	Pollock 123
Pouche	Reedy	Richey	Riggs	Roberts
Roden	Rone	Sander	Schroer	Schwadron
Seitz	Sharpe 4	Shaul	Shields	Simmons
Smith 155	Smith 163	Stacy	Taylor 139	Taylor 48
Thomas	Toalson Reisch	Trent	Van Schoiack	Wallingford
Walsh 50	West	Wiemann	Mr. Speaker	

NOES: 067

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bangert	Baringer	Barnes
Bland Manlove	Bosley	Brown 16	Brown 27	Brown 70
Burger	Burnett	Burton	Busick	Butz
Clemens	Collins	Cook	Derges	Doll
Ellebracht	Fogle	Francis	Gray	Griffith
Gunby	Haley	Henderson	Kalberloh	Knight
Lewis 25	Mackey	McCreery	Merideth	Morse
Mosley	Nurrenbern	Person	Phifer	Porter
Price IV	Proudie	Quade	Railsback	Riley
Rogers	Rowland	Sassmann	Sauls	Sharp 36
Smith 45	Stephens 128	Stevens 46	Tate	Terry
Thompson	Turnbaugh	Unsicker	Weber	Windham
Wright	Young			

PRESENT: 000

ABSENT WITH LEAVE: 011

Copeland	Cupps	Houx	Ingle	Johnson
Pietzman	Ruth	Schnelting	Smith 67	Veit
Walsh Moore 93				

VACANCIES: 001

Speaker Vescovo declared the bill passed.

**SS SB 63**, relating to the monitoring of certain prescribed controlled substances, was taken up by Representative Smith (155).

On motion of Representative Smith (155), the title of **SS SB 63** was agreed to.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

2650 *Journal of the House*

AYES: 083

Andrews	Atchison	Baker	Basye	Billington
Black 137	Black 7	Boggs	Brown 16	Buchheit-Courtway
Burger	Busick	Chipman	Christofanelli	Coleman 32
Coleman 97	Cook	Copeland	Deaton	DeGroot
Dinkins	Dogan	Evans	Falkner	Fishel
Fitzwater	Francis	Gregory 51	Gregory 96	Griffith
Haden	Haley	Hannegan	Hardwick	Henderson
Hicks	Hovis	Hudson	Hurlbert	Ingle
Kalberloh	Kelley 127	Kelly 141	Kidd	Knight
Lewis 6	Lovasco	Mayhew	McDaniel	McGaugh
Morse	Murphy	O'Donnell	Patterson	Perkins
Pike	Plocher	Pollitt 52	Porter	Pouche
Railsback	Reedy	Richey	Riggs	Riley
Roberts	Rone	Ruth	Sassmann	Sharp 36
Sharpe 4	Shaul	Shields	Smith 155	Smith 163
Stephens 128	Taylor 48	Thompson	Trent	Van Schoiack
Wiemann	Wright	Mr. Speaker		

NOES: 070

Adams	Aldridge	Anderson	Appelbaum	Aune
Bailey	Bangert	Baringer	Bland Manlove	Bosley
Bromley	Brown 70	Burnett	Burton	Butz
Clemens	Collins	Davidson	Davis	Derges
Doll	Eggleston	Ellebracht	Fogle	Grier
Griesheimer	Gunby	Haffner	Hill	Johnson
Lewis 25	Mackey	McCreery	McGill	Merideth
Mosley	Nurrenbern	Person	Phifer	Pollock 123
Price IV	Proudie	Quade	Roden	Rogers
Rowland	Sander	Sauls	Schroer	Schwadron
Seitz	Simmons	Smith 45	Smith 67	Stacy
Stevens 46	Tate	Taylor 139	Terry	Thomas
Toalson Reisch	Turnbaugh	Unsicker	Wallingford	Walsh 50
Walsh Moore 93	Weber	West	Windham	Young

PRESENT: 000

ABSENT WITH LEAVE: 009

Barnes	Brown 27	Cupps	Gray	Houx
Owen	Pietzman	Schnelting	Veit	

VACANCIES: 001

On motion of Representative Smith (155), **SS SB 63** was truly agreed to and finally passed by the following vote:

AYES: 091

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bangert	Baringer	Black 137
Black 7	Bland Manlove	Bosley	Brown 16	Brown 27
Brown 70	Buchheit-Courtway	Burger	Burnett	Burton
Butz	Clemens	Coleman 97	Collins	Cook
Dinkins	Doll	Ellebracht	Evans	Falkner
Fitzwater	Fogle	Francis	Gray	Gregory 51

Gregory 96	Griffith	Gunby	Haden	Hannegan
Hicks	Hurlbert	Ingle	Johnson	Kalberloh
Knight	Lewis 25	Mackey	Mayhew	McCreery
McDaniel	McGaugh	Merideth	Morse	Mosley
Nurrenbern	O'Donnell	Patterson	Person	Phifer
Pike	Pouche	Price IV	Proudie	Quade
Railsback	Reedy	Riggs	Roberts	Rogers
Rone	Rowland	Ruth	Sauls	Sharp 36
Shaul	Shields	Smith 155	Smith 45	Smith 67
Stephens 128	Stevens 46	Terry	Thompson	Turnbaugh
Unsicker	Walsh Moore 93	Weber	Windham	Wright
Young				

NOES: 064

Bailey	Baker	Basye	Billington	Boggs
Bromley	Busick	Chipman	Christofanelli	Coleman 32
Copeland	Davidson	Davis	Deaton	DeGroot
Derges	Dogan	Eggleston	Fishel	Grier
Griesheimer	Haffner	Haley	Hardwick	Henderson
Hill	Hovis	Hudson	Kelley 127	Kelly 141
Kidd	Lewis 6	Lovasco	McGill	Murphy
Perkins	Plocher	Pollitt 52	Pollock 123	Porter
Richey	Riley	Roden	Sander	Sassmann
Schroer	Schwadron	Seitz	Sharpe 4	Simmons
Smith 163	Stacy	Tate	Taylor 139	Taylor 48
Thomas	Toalson Reisch	Trent	Van Schoiack	Wallingford
Walsh 50	West	Wiemann	Mr. Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 007

Barnes	Cupps	Houx	Owen	Pietzman
Schnelting	Veit			

VACANCIES: 001

Speaker Vescovo declared the bill passed.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **House Amendment No. 1** and **House Amendment No. 2** to **SS SB 258** and has taken up and passed **SS SB 258, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 403, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees are allowed to exceed the differences on **SB 37** on Sections: 135.775, 135.755, 135.305, 135.686, 135.750, 348.436, and 620.3515.

### BILLS CARRYING REQUEST MESSAGES

**HCS SCS SB 403, as amended**, relating to health care, was taken up by Representative Patterson.

Representative Patterson moved that the House refuse to recede from its position on **HCS SCS SB 403, as amended**, and grant the Senate a conference.

Which motion was adopted.

### APPOINTMENT OF CONFERENCE COMMITTEES

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

**HCS SB 330, as amended**: Representatives Shields, Coleman (32), Grier, Brown (27), and Doll  
**HCS SB 72, as amended**: Representatives Smith (155), Riggs, McDaniel, Collins, and Aldridge  
**HCS SB 303, as amended**: Representatives Henderson, Veit, Gregory (51), Ellebracht, and Sauls

On motion of Representative Plocher, the House recessed until 2:30 p.m.

### AFTERNOON SESSION

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

Representative Plocher suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 037

Anderson	Atchison	Bailey	Barnes	Basye
Black 7	Brown 27	Busick	Coleman 97	Cook
Davis	Derges	Doll	Haden	Haffner
Hardwick	Kelley 127	Kelly 141	Lewis 6	Lovasco
McGill	Morse	Patterson	Perkins	Pollock 123
Richey	Roberts	Seitz	Shields	Smith 155
Taylor 139	Thompson	Veit	Walsh 50	Walsh Moore 93
West	Wright			

NOES: 002

Adams	Rowland
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PRESENT: 097

Aldridge	Andrews	Appelbaum	Aune	Baker
Bangert	Baringer	Billington	Black 137	Boggs
Bromley	Brown 16	Brown 70	Buchheit-Courtway	Burger
Burnett	Butz	Chipman	Christofanelli	Collins
Copeland	Davidson	Deaton	DeGroot	Dinkins

Eggleston	Ellebracht	Evans	Falkner	Fitzwater
Fogle	Francis	Gregory 51	Gregory 96	Grier
Griesheimer	Griffith	Gunby	Haley	Hannegan
Henderson	Hill	Houx	Hovis	Hudson
Hurlbert	Ingle	Kalberloh	Kidd	Knight
Lewis 25	Mayhew	McCreery	McGaugh	Merideth
Murphy	Nurrenbern	O'Donnell	Owen	Person
Phifer	Pike	Plocher	Pollitt 52	Porter
Pouche	Price IV	Proudie	Railsback	Reedy
Riley	Rone	Ruth	Sander	Sassmann
Schroer	Schwadron	Sharp 36	Sharpe 4	Shaul
Smith 163	Smith 45	Stephens 128	Stevens 46	Taylor 48
Terry	Thomas	Toalson Reisch	Trent	Turnbaugh
Unsicker	Van Schoiack	Wallingford	Weber	Wiemann
Young	Mr. Speaker			

ABSENT WITH LEAVE: 026

Bland Manlove	Bosley	Burton	Clemens	Coleman 32
Cupps	Dogan	Fishel	Gray	Hicks
Johnson	Mackey	McDaniel	Mosley	Pietzman
Quade	Riggs	Roden	Rogers	Sauls
Schnelting	Simmons	Smith 67	Stacy	Tate
Windham				

VACANCIES: 001

Speaker Pro Tem Wiemann assumed the Chair.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees are allowed to exceed the differences on **SS#2 SCS HCS HB 271, as amended**, on Section 67.1847.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HBs 557 & 560** entitled:

An act to amend chapter 210, RSMo, by adding thereto sixteen new sections relating to the protection of children, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

### COMMITTEE REPORTS

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

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **CCR SS#2 SCS HCS HB 271, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

2654 *Journal of the House*

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

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SCS HCS HB 697, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

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

Noes (2): Baringer and Terry

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SCS HCS HB 734, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

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

Noes (1): Eggleston

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SCS SB 57**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

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

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SCS SB 272**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

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

Noes (0)

Absent (0)

### THIRD READING OF SENATE BILLS

**SS SB 22**, relating to tax increment financing, was placed back on the Senate Bills for Third Reading Calendar.

**THIRD READING OF SENATE BILLS - INFORMAL**

**HCS SS SB 333**, relating to nonprofit organizations, was taken up by Representative Baker.

On motion of Representative Baker, the title of **HCS SS SB 333** was agreed to.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 3, Section 105.1500, Line 58, by inserting after all of said section and line the following:

**"115.044. 1. No person shall contribute, including in-kind contributions, donate, pay, or otherwise transfer money or equipment to any election authority, as defined in section 115.015, for the purpose of conducting state or local elections in this state.**

**2. No person shall contribute, including in-kind contributions, donate, pay, or otherwise transfer money or equipment to any state officer, employee, department, board, or other state entity for the purpose of conducting state or local elections in this state.**

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

**(1) "Election", any primary, general, or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters;**

**(2) "Person", an individual, group of individuals, corporation, whether or not such corporation is operated for profit, partnership, committee, proprietorship, joint venture, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity.**

115.075. Except as otherwise provided in this subchapter, all costs and expenses relating to the conduct of elections and the registration of voters in each county shall be paid from the general revenue of the county.

**Notwithstanding the foregoing, no costs or expenses relating to the conduct of elections and the registration of voters may be paid by or derived from persons as defined in sections 115.044.";** and

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

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 1, Line 23, by deleting said line and inserting in lieu thereof the following:

**"sections 115.044.**

**130.047. 1. Any person who is not a defined committee who makes an expenditure or expenditures aggregating five hundred dollars or more in support of, or opposition to, one or more candidates or in support of, or in opposition to, the qualification or passage of one or more ballot measures, other than a contribution made directly to a candidate or committee, shall file a report signed by the person making the expenditures, or that person's authorized agent. The report shall include the name and address of the person making the expenditure, the date and amount of the expenditure or expenditures, the name and address of the payee, and a description of the nature and purpose of each expenditure. Such report shall be filed with the appropriate officer having jurisdiction over the election of the candidate or ballot measure in question as set forth in section 130.026 no later than fourteen days after the date of making an expenditure which by itself or when added to all other such expenditures during the same**

campaign equals five hundred dollars or more. If, after filing such report, additional expenditures are made, a further report shall be filed no later than fourteen days after the date of making the additional expenditures; except that, if any such expenditure is made within fourteen days prior to an election, the report shall be filed no later than forty-eight hours after the date of such expenditure. The provisions of this subsection shall not apply to a person who uses only the person's funds or resources to make an expenditure or expenditures in support of or in coordination or consultation with a candidate or committee; provided that, any such expenditure is recorded as a contribution to such candidate or committee and so reported by the candidate or committee being supported by the expenditure or expenditures.

**2. Any entity that is not a defined committee that makes an expenditure or expenditures aggregating five hundred dollars or more in support of, or in opposition to, one or more candidates or current elected officials or issues considered by the general assembly or in support of, or in opposition to, the qualification or passage of one or more ballot measures, other than a contribution made directly to a candidate or committee, shall file a quarterly report disclosing donors making contributions of more than fifty dollars to the entity not defined as a committee in the previous quarter. The report shall include the name and address of each individual donor and the amount of his or her donation.";** and"; and

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

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

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Chipman
Christofanelli	Coleman 32	Coleman 97	Cook	Davidson
Davis	Deaton	DeGroot	Derges	Dinkins
Dogan	Eggleston	Evans	Falkner	Fishel
Fitzwater	Francis	Gregory 51	Gregory 96	Grier
Griffith	Haden	Haffner	Haley	Hannegan
Hardwick	Henderson	Hicks	Hill	Houx
Hovis	Hudson	Hurlbert	Kalberloh	Kelley 127
Kelly 141	Kidd	Knight	Lewis 6	Lovasco
Mayhew	McDaniel	McGaugh	McGill	Morse
Murphy	O'Donnell	Owen	Perkins	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Railsback	Reedy	Richey	Riggs	Riley
Roberts	Roden	Rone	Ruth	Sassmann
Schwadron	Seitz	Sharpe 4	Shaul	Shields
Simmons	Stacy	Tate	Taylor 139	Taylor 48
Thomas	Thompson	Trent	Van Schoiack	Veit
Wallingford	Walsh 50	West	Wiemann	Wright

NOES: 046

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Butz	Clemens
Collins	Doll	Ellebracht	Fogle	Gray
Gunby	Ingle	Johnson	Lewis 25	Mackey
McCreery	Merideth	Mosley	Nurrenbern	Person
Phifer	Quade	Rogers	Rowland	Sauls

Sharp 36	Smith 45	Smith 67	Stevens 46	Terry
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Windham
Young				

PRESENT: 000

ABSENT WITH LEAVE: 016

Burton	Copeland	Cupps	Griesheimer	Patterson
Pietzman	Price IV	Proudie	Sander	Schnelting
Schroer	Smith 155	Smith 163	Stephens 128	Toalson Reisch
Mr. Speaker				

VACANCIES: 001

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 4, Section 407.475, Line 11, by inserting after all of said line the following:

**"431.201. As used in section 431.202, unless the context otherwise requires, the following terms mean:**

- (1) "Business entity", any natural person, business, corporation, limited liability company, series limited liability company, partnership, sole or other proprietorship, professional practice, or any other business organization or commercial enterprise, whether for profit or not, including, but not limited to, any successor-in-interest to a business entity who conducts business or who, directly or indirectly, owns any equity interest, ownership, or profit participation in the business entity;**
- (2) "Customers with whom the employee dealt", each customer or prospective customer:**
  - (a) Who was serviced, directly or indirectly, by an employee of a business entity;**
  - (b) Whose business or other dealings with a business entity were supervised, coordinated, or otherwise worked on, directly or indirectly, by an employee;**
  - (c) Who was solicited, produced, induced, persuaded, encouraged, or otherwise dealt with, directly or indirectly, by an employee;**
  - (d) About whom an employee, directly or indirectly, obtained, had knowledge of, had access to, or is in possession of confidential business or proprietary information or trade secrets in the course of or as a result of the employee's relationship with the business entity;**
  - (e) Who has purchased or otherwise obtained products or services from a business entity and the sale or provision of which resulted in compensation, commissions, earnings, or profits to or for the employee within two years prior to the end of the employee's employment or business relationship with the business entity; or**
  - (f) With whom an employee had contact, directly or indirectly, of sufficient quality, frequency, and duration during the employee's employment or other business relationship with the business entity such that the employee had influence over the customer;**
- (3) "Employee":**
  - (a) A natural person currently or formerly employed or retained by a business entity in any capacity, or who has performed work for a business entity, including, but not limited to, a member of a board of directors, an officer, a supervisor, an independent contractor, or a vendor;**
  - (b) A natural person who, by reason of having been employed by or having a business relationship with a business entity:**
    - a. Obtained specialized skills, training, learning, or abilities; or**

b. Obtained, had knowledge of, had access to, or is in possession of confidential or proprietary business information or trade secrets of the business entity, including, but not limited to, customer contact information or information of or belonging to customers of the business entity; or

(c) A current or former owner or seller of all or any part of the assets of a business entity or of any interest in a business entity, including, but not limited to, all or any part of the shares of a corporation, a partnership interest, a membership or membership interest in a limited liability company or a series limited liability company, or an equity interest, ownership, profit participation, or other interest of any type in any business entity.

The definition of "employee" set forth in this subdivision shall be applicable only with respect to section 431.202 and shall have no application in any other context. The definition of "employee" is not intended, and shall not be relied upon, to create, change, or affect the employment status of any natural person or the meaning of the terms "employee", "employment", or "employer" that may be applicable in any other context or under any other provision of law.

431.202. 1. A reasonable covenant in writing promising not to solicit, recruit, hire, induce, persuade, encourage, or otherwise interfere with, directly or indirectly, the employment or other business relationship of one or more employees of a business entity shall be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031 if:

(1) Between two or more ~~[corporations or other]~~ business entities seeking to preserve workforce stability (which shall be deemed to be among the protectable interests of each ~~[corporation or]~~ such business entity) during, and for a reasonable period following, negotiations between such ~~[corporations or]~~ business entities for the acquisition of all or a part of one or more of such ~~[corporations or]~~ business entities;

(2) Between two or more ~~[corporations or]~~ business entities engaged in a joint venture or other legally permissible business arrangement where such covenant seeks to protect against possible misuse of confidential business or proprietary information or trade ~~[secret business information]~~ secrets shared or to be shared between or among such ~~[corporations or]~~ entities;

(3) Between ~~[an employer]~~ a business entity and one or more employees of such business entity seeking on the part of the ~~[employer]~~ business entity to protect:

(a) Confidential business or proprietary information or trade ~~[secret business information]~~ secrets; or

(b) Customer or supplier relationships, goodwill or loyalty, which shall be deemed to be among the protectable interests of the ~~[employer]~~ business entity; or

(4) Between ~~[an employer]~~ a business entity and one or more employees of such business entity, notwithstanding the absence of the protectable interests described in subdivision (3) of this subsection, so long as such covenant does not continue for more than ~~[one year]~~ two years following the employee's employment or business relationship with the business entity; provided, however, that this subdivision shall not apply to covenants signed by employees who provide only secretarial or clerical services and who own no shares, partnership interest, or membership or membership interest in a limited liability company or series limited liability company, or equity interest, ownership, profit participation, or other interest of any type in the business entity.

2. Whether a covenant covered by subsection 1 of this section is reasonable shall be determined based upon the facts and circumstances pertaining to such covenant, but a covenant covered exclusively by subdivision (3) or (4) of subsection 1 of this section shall be conclusively presumed to be reasonable if its postemployment or postbusiness duration is no more than ~~[one year]~~ two years.

3. A reasonable covenant in writing promising not to solicit, induce, persuade, encourage, service, accept business from, or otherwise interfere with, directly or indirectly, a business entity's customers, including, but not limited to, any reduction, termination, or transfer of any customer's business, in whole or in part, for purposes of providing any product or any service that is competitive with those provided by the business entity, shall be enforceable and not a restraint of trade under subsection 1 of section 416.031, if the covenant is limited to customers with whom the employee dealt during the employee's employment or other business relationship with the business entity, and if:

(1) The covenant is between a business entity and one or more current or former employees of the business entity and is not associated with the sale or ownership of all or any part of:

(a) The assets of a business entity; or

(b) Any interest in a business entity including, but not limited to, all or any part of the shares of a corporation, a partnership interest, a membership or membership interest in a limited liability company or series limited liability company, or an equity interest, ownership, profit participation, or other interest of any type in any business entity;

provided that, the covenant does not continue for more than two years following the end of the employee's employment or business relationship with the business entity. Notwithstanding the foregoing, this subdivision shall not apply to covenants with current or former distributors, dealers, franchisees, lessees of real or personal property, or licensees of a trademark, trade dress, or service mark;

(2) The covenant is between a business entity and a current or former distributor, dealer, franchisee, lessee of real or personal property, or licensee of a trademark, trade dress, or service mark, and is not associated with the sale or ownership of all or any part of any of the items provided in paragraph (a) or (b) of subdivision (1) of this subsection; provided that, the covenant does not continue for more than three years following the end of the business relationship; or

(3) The covenant is between a business entity and the owner or seller of all or any part of any of the items provided in paragraph (a) or (b) of subdivision (1) of this subsection, so long as the covenant does not continue for longer than five years in duration or the period of time during which payments are being made to the owner or seller as a result of any sale, measured from the date of termination, closing, or disposition of such items. A breach or threatened breach of a covenant described in this subdivision shall create a conclusive presumption of irreparable harm in the absence of an issuance of injunctive relief in connection with the enforcement of the covenant, without the necessity of establishing by prima facie evidence any actual or threatened damages or harm. Nothing in this paragraph shall be construed to change any applicable evidentiary standard or other standard necessary for obtaining temporary, preliminary, or permanent injunctive relief relating to the enforcement of covenants. A provision in writing by which an employee promises to provide prior notice to a business entity of the employee's intent to terminate, sell, or otherwise dispose of all or any part of any of the items covered by this subdivision shall be conclusively presumed to be enforceable and not a restraint of trade under subsection 1 of section 416.031, if the specified notice period is no longer than thirty days in duration and the business entity agrees in writing to pay the employee at the employee's regular rate of pay and to provide the employee with the employee's regular benefits during the applicable notice period even if the business entity does not require the employee to provide services during the notice period.

4. Whether a covenant covered by subsection 3 of this section is reasonable shall be determined based upon the facts and circumstances pertaining to the covenant, but a covenant covered by subdivisions (1) to (3) of subsection 3 of this section shall be conclusively presumed to be reasonable if the duration of its postemployment, posttermination, postbusiness relationship, postsale, or postdisposition period is consistent with the applicable duration limits set forth in subdivisions (1) to (3) of subsection 3 of this section.

5. No express reference to geographic area shall be required for a covenant described in this section to be enforceable.

6. If a covenant is overbroad, overlong, or otherwise not reasonably necessary to protect the legitimate business interests of the person seeking enforcement of the covenant, a court shall modify the covenant, enforce the covenant as modified, and grant only the relief reasonably necessary to protect such interests.

7. Nothing in subdivision (3) or (4) of subsection 1 or subdivisions (1) to (3) of subsection 3 of this section is intended to create, or to affect the validity or enforceability of, ~~employer-employee~~ covenants not to compete, other types of covenants, or nondisclosure or confidentiality agreements, except as expressly provided in this section.

~~[4-]~~ 8. Nothing in this section shall preclude a covenant described in subsection 1 of this section from being enforceable in circumstances other than those described in subdivisions (1) to (4) of subsection 1 of this section, or a covenant described in subsection 3 of this section from being enforceable in circumstances other than those described in subdivisions (1) to (3) of subsection 3 of this section, where such covenant is reasonably necessary to protect a party's legally permissible business interests.

~~[5-]~~ 9. Except as otherwise expressly provided in this section, nothing ~~[is]~~ in this section shall be construed to limit an employee's ability to seek or accept employment with another employer immediately upon, or at any time subsequent to, termination of employment, whether said termination was voluntary or nonvoluntary.

~~[6-]~~ 10. This section shall have retrospective as well as prospective effect."; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 3, Section 105.1500, Line 58, by inserting after all of said section and line the following:

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

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

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

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

Representative Stevens (46) offered **House Amendment No. 1 to House Amendment No. 3.**

*House Amendment No. 1*

*to*

*House Amendment No. 3*

AMEND House Amendment No. 3 to House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 1, Line 4, by deleting said line and inserting in lieu thereof the following:

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

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

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

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

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

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

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

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

(1) The provisions of this section shall sunset automatically six years after ~~[the effective date of this section]~~ **August 28, 2021**, unless reauthorized by an act of the general assembly; and

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

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

208.285. 1. The department of agriculture shall apply for a grant under the United States Department of Agriculture's Senior Farmers' Market Nutrition Program **and apply for a grant and submit a state plan under the United States Department of Agriculture's Women, Infants and Children (WIC) Farmers' Market Nutrition Program** to provide low-income seniors **and pregnant and postpartum women, infants, and children under five years of age who are found to be at nutritional risk** with vouchers or other approved and acceptable methods of payment including, but not limited to, electronic cards that may be used to purchase eligible foods at farmers' markets~~], roadside stands, and community supported agriculture (CSA) programs]~~.

2. There is hereby established the "Missouri ~~[Senior]~~ Farmers' Market Nutrition Program" within the department of agriculture. Upon receipt of any grant moneys under subsection 1 of this section, the program shall supply Missouri-grown, fresh produce to ~~[senior]~~ participants through the distribution of vouchers or other approved methods of payment that may be used only at designated Missouri farmers' markets~~], roadside stands, and CSA programs]~~. The program is designed to provide a supplemental source of fresh produce for the dietary needs of low-income seniors **and pregnant and postpartum women, infants, and children under five years of age who are found to be at nutritional risk**; to stimulate an increased demand for Missouri-grown produce at farmers' markets~~], roadside stands, and CSA programs]~~; and to develop new and additional farmers' markets~~], roadside stands, and CSA programs]~~.

3. Eligible seniors **and pregnant and postpartum women, infants, and children under five years of age who are found to be at nutritional risk** shall receive ~~[senior]~~ farmers' market nutrition program vouchers or other approved methods of payment from designated distribution sites in their county of residence **or a neighboring county**. Upon the issuance of vouchers or other approved methods of payment, participants shall be provided with a list of participating farmers~~],~~ **and farmers' markets], roadside stands, and CSA programs**. ~~The department shall provide distribution site information at all county area agencies on aging].~~

4. For purposes of this section, "~~[senior]~~ participant" means a person who is sixty years of age or older ~~[by December thirty first of the program year]~~ **at the time of application** and who meets the income eligibility criteria based on guidelines published annually by the United States Department of Agriculture **or a person who participates in the women, infants and children (WIC) special supplemental nutrition program administered by the department of health and senior services**.

5. **The department of agriculture and any other state department, state or local government agency, or nonprofit entity participating in the Missouri farmers' market nutrition program shall cooperate as necessary including, but not limited to, entering into written agreements in order to effectively establish and maintain the United States Department of Agriculture's Senior Farmers' Market and the Women, Infants and Children (WIC) Farmers' Market Nutrition Programs.**

6. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, ~~[2018]~~ **2021**, shall be invalid and void.

**208.1060. The department of social services shall submit a state plan to the U.S. Department of Agriculture for a "Farm to Food Bank Project" under 7 CFR 251.10(j) and shall contract with any qualified food bank, as defined in 7 CFR 251.3(f), for the purpose of operating the project.**

210.251. 1. By January 1, 1994, financial incentives shall be provided by the department"; and

Further amend said amendment and page, Line 14, by deleting said line and inserting in lieu thereof the following:

"program so long as minimum health and safety standards are met and documented.

261.450. 1. There is hereby established the "Missouri Food Security Task Force".

2. The task force shall be comprised of the following members:

(1) Two members of the house of representatives, with one member to be appointed by the speaker of the house of representatives and one member to be appointed by the minority floor leader of the house of representatives;

(2) Two members of the senate, with one member to be appointed by the president pro tempore of the senate and one member to be appointed by the minority floor leader of the senate;

(3) The director of the department of agriculture, or the director's designee;

(4) The director of the department of economic development, or the director's designee;

(5) The director of the department of health and senior services, or the director's designee;

(6) The director of the department of social services, or the director's designee;

(7) One registered dietician, appointed by the Missouri Academy of Nutrition and Dietetics;

(8) The commissioner of the department of elementary and secondary education, or the commissioner's designee;

(9) Two representatives from institutions of higher education located in Missouri, with knowledge or experience with hunger on college campuses, with one representative from a four-year college or university and one representative from a two-year college;

(10) One member representing a statewide association providing direct services to low-income Missourians experiences food insecurity;

(11) Two members representing advocacy organizations focused on addressing child hunger and family food insecurity;

(12) One member representing food banks located in Missouri;

(13) One member representing a business specializing in retail or direct food sales;

(14) Two members representing a community development financial institution, one with experience in food retail financing and one with experience in consumers experiencing food insecurity;

(15) Two members representing local food producers, with one representing an urban area and one representing a rural area;

(16) Two members representing statewide farmer-led or farmer-based organizations;

(17) One member representing a faith-based organization offering food security services;

(18) One member representing a nonprofit organization working in food systems to address food insecurity concerns.

3. Members of the task force, other than the legislative members and directors of state agencies, shall be appointed by the director of the department of agriculture.

4. The director of the department of agriculture shall ensure that the membership of the task force reflects the diversity of the state, with members on the task force representing urban and rural areas and various geographic regions of the state.

5. The department of agriculture shall provide technical and administrative support as required by the task force to fulfill its duties.

6. State departments shall provide relevant data as requested by the task force to fulfill its duties.

7. Members of the task force shall serve without compensation but shall receive reimbursement for actual and necessary expenses incurred in attending meetings of the task force or any subcommittee thereof.

8. The task force shall hold its first meeting within two months after the effective date of this section and organize by selecting a chair and a vice chair.

9. The mission of the task force shall be to:

(1) Determine the ability of individuals located in urban and rural areas throughout the state to access healthy food and identify populations and areas in which access to food is limited or uncertain;

(2) Identify ways in which the state could connect resources and individuals in an effort to ensure food security for all Missourians;

(3) Evaluate the impact of tax increment financing projects and restrictive deed covenants imposed by grocery retailers on creating food deserts or prolonging existing food deserts;

(4) Evaluate the potential impacts of online food retail on food insecurity throughout the state; and

(5) Evaluate potential strategies to improve collaborations and efficiencies in federal and state nutrition safety net programming.

10. The task force shall report a summary of its findings and recommendations to the governor's office and the general assembly by August twenty-eighth of each year.

**11. The task force shall be dissolved on December 31, 2023, unless extended until December 31, 2025, as determined necessary by the department of agriculture."; and"; and**

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

On motion of Representative Stevens (46), **House Amendment No. 1 to House Amendment No. 3** was adopted.

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

Representative Taylor (139) offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 2, Section 105.1500, Lines 43 to 44, by deleting all of the said lines and inserting in lieu thereof the following:

**"information to any person not named in the litigation;**

**(5) Providing any report or disclosure required by state law to be filed with the Secretary of State; or**

**(6) Admitting any personal information as relevant evidence before a court of"; and**

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

On motion of Representative Taylor (139), **House Amendment No. 4** was adopted.

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 3, Section 105.1500, Line 58, by inserting after said section and line the following:

**"362.034. 1. Any entity that operates as a facility licensed or certified under Article XIV, Section 1 of the Constitution of Missouri may request in writing that a state or local licensing authority or agency, including but not limited to the department of health and senior services or department of revenue, share the entity's application, license, or other regulatory and financial information with a banking institution. A state or local licensing authority or agency may also share such information with the banking institution's state and federal supervisory agencies.**

**2. In order to ensure the state or local licensing authority or agency is properly maintaining the confidentiality of individualized data, information, or records, an entity shall include in the written request a waiver giving authorization for the transfer of the individualized data, information, or records and waiving any confidentiality or privilege that applies to that individualized data, information, or records.**

**3. This section shall only apply to the disclosure of information by a state or local licensing authority or agency reasonably necessary to facilitate the provision of financial services by a banking institution to the entity making a request pursuant to this section.**

**4. The recipient of any information pursuant to this section shall treat such information as confidential and use it only for the purposes described in this section.**

**5. Nothing in this section shall be construed to authorize the disclosure of confidential or privileged information, nor waive an entity's rights to assert confidentiality or privilege, except as reasonably necessary to facilitate the provision of financial services for the entity making the request.**

**6. An entity that has provided a waiver pursuant to this section may withdraw the waiver with thirty days' notice in writing.**

**7. Nothing in this section shall be construed to modify the requirements of chapter 610.**

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

**(1) "Banking institution", the same meaning as in Article IV, Section 15 of the Missouri Constitution;**

**(2) "Entity", the same meaning as in Article XIV, Section 1 of the Missouri Constitution.";** and

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

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

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

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 1, Lines 30 and 31, by deleting all of said lines and inserting in lieu thereof the following:

**"(2) "Entity", the same meaning as in Article XIV, Section 1, of the Missouri Constitution.**

**9. In addition to the disclosures allowed under this section the department shall be required to provide identifying information of licensed entities, their ownership structure, and their individual owners or others with financial or controlling interest to a legislative committee upon request.";** and"; and

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

Speaker Vescovo resumed the Chair.

On motion of Representative Merideth, **House Amendment No. 1 to House Amendment No. 5** was adopted by the following vote, the ayes and noes having been demanded pursuant to Rule 16:

AYES: 082

Adams	Aldridge	Anderson	Appelbaum	Aune
Bailey	Baker	Bangert	Baringer	Barnes
Bland Manlove	Boggs	Bosley	Buchheit-Courtway	Burnett
Burton	Butz	Clemens	Coleman 97	Collins
Davis	Derges	Dogan	Doll	Ellebracht
Fogle	Gray	Gunby	Haden	Hicks
Hudson	Ingle	Johnson	Lewis 25	Lewis 6
Lovasco	Mackey	McCreery	McDaniel	Merideth
Morse	Mosley	Nurrenbern	Person	Phifer
Pollock 123	Pouche	Price IV	Proudie	Quade
Richey	Riggs	Riley	Roden	Rogers
Rone	Rowland	Ruth	Sauls	Schwadron
Seitz	Sharp 36	Simmons	Smith 155	Smith 163
Smith 45	Smith 67	Stevens 46	Tate	Taylor 139
Taylor 48	Terry	Turnbaugh	Unsicker	Van Schoiack
Veit	Walsh Moore 93	Weber	West	Windham
Young	Mr. Speaker			

NOES: 059

Andrews	Atchison	Basye	Billington	Black 137
Black 7	Bromley	Brown 16	Burger	Busick
Chipman	Coleman 32	Cook	Davidson	Deaton
DeGroot	Dinkins	Eggleston	Falkner	Fishel
Fitzwater	Gregory 51	Gregory 96	Grier	Griesheimer
Griffith	Haffner	Haley	Hannegan	Hardwick
Henderson	Houx	Hovis	Hurlbert	Kalberloh
Kelley 127	Mayhew	McGill	O'Donnell	Owen
Patterson	Perkins	Plocher	Pollitt 52	Porter
Railsback	Reedy	Sassmann	Schroer	Sharpe 4
Shaul	Shields	Stacy	Thompson	Toalson Reisch
Wallingford	Walsh 50	Wiemann	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 021

Brown 27	Brown 70	Christofanelli	Copeland	Cupps
Evans	Francis	Hill	Kelly 141	Kidd
Knight	McGaugh	Murphy	Pietzman	Pike
Roberts	Sander	Schnelting	Stephens 128	Thomas
Trent				

VACANCIES: 001

On motion of Representative DeGroot, **House Amendment No. 5, as amended**, was adopted.

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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 3, Section 105.1500, Line 58, by inserting after all of said section and line the following:

**"253.387. 1. As provided in Article III, Section 48 of the Constitution of Missouri, the department of natural resources is hereby authorized to acquire by purchase, from funds appropriated or otherwise available to the department, or to acquire by gift, if such gift is unencumbered by any lien or mortgage, the Antioch Cemetery, a historic cemetery wherein is interred freed African-American slaves and their descendants, for the purpose of historic preservation and to inform and educate future generations to the contribution and sacrifice of freed African-American slaves and descendants to their country and to preserve for posterity this historic site located at 2300 Antioch Road, Clinton, Missouri, to be operated and maintained by the division of state parks within the department of natural resources. The cemetery is hereby designated as a state historic site.**

**2. In acquiring this cemetery, which may include both real and personal property, the department shall make adequate provisions for the proper care, maintenance, and safekeeping of the property. The department may contract for maintenance of the property.**

**3. The attorney general shall approve the form of the instrument of conveyance.**

**4. Upon acquisition of the property, the department shall allow for burials to continue in the same manner as they had been conducted prior to acquisition until all burial plots have been purchased. The department shall charge no more than one hundred dollars per burial credited to the Antioch cemetery fund established in this section and shall not be liable for any additional costs associated with any burial. The department shall not be responsible for active burials.**

5. (1) There is hereby created in the state treasury the "Antioch Cemetery Fund", which shall consist of gifts, bequests, and moneys donated or collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund."; and

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

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

Representative Veit offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 333, Page 3, Section 105.1500, Line 58, by inserting after said section and line the following:

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

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

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

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

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

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

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

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

- (1) Solely by the licensee;
- (2) By the licensee together with the licensee's spouse, but only if the spouse and licensee are both licensed and associated with the same real estate broker, or the spouse is not also licensed; or
- (3) By the licensee and one or more other licensees, but only if all such owners are licensees associated with the same real estate broker.

For purposes of this subsection, the term "licensee" means any real estate broker-salesperson or real estate salesperson, as such terms are defined under section 339.010, and the term "business entity" means any corporation, partnership, limited partnership, limited liability company, professional corporation, or association.

347.020. The name of each limited liability company as set forth in its articles of organization:

(1) Shall contain the words "limited company" or "limited liability company" or the abbreviation "LC", "LLC", "L.C." or "L.L.C." and shall be the name under which the limited liability company transacts business in this state unless the limited liability company registers another name under which it transacts business as provided under chapter 417 or conspicuously discloses its name as set forth in its articles of organization;

(2) May not contain the word "corporation", "incorporated", "limited partnership", "limited liability partnership", "limited liability limited partnership", or "Ltd." or any abbreviation of one of such words or any word or phrase which indicates or implies that it is organized for any purpose not stated in its articles of organization or that it is a governmental agency; ~~and~~

(3) Must be distinguishable upon the records of the secretary from the name of any corporation, limited liability company, limited partnership, limited liability partnership, or limited liability limited partnership which is licensed, organized, reserved, or registered under the laws of this state as a domestic or foreign entity, unless:

(a) Such other holder of a reserved or registered name consents to such use in writing and files appropriate documentation to the secretary to change its name to a name that is distinguishable upon the records of the secretary from the name of the applying limited liability company; or

(b) A certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of such name in this state is filed with the secretary; **and**

(4) **For a limited liability company that has been dissolved or canceled, shall not be available for use by others for a period of one year from the effective date of the dissolution or cancellation.**

**347.044. 1. Each limited liability company organized pursuant to this chapter and each foreign limited liability company registered in this state shall file an information statement with the secretary of state.**

**2. The information statement shall include:**

(1) **The name of the limited liability company or foreign limited liability company;**

(2) **The company charter number assigned by the secretary of state;**

(3) **The address of the principal place of business;**

(4) **The address, including street and number, if any, of the registered office and the name of the registered agent at such office; and**

(5) **If a foreign limited liability company, the state or other jurisdiction under whose law the company is formed.**

**3. The information statement shall be current as of the date the statement is filed with the secretary of state.**

**4. The limited liability company or foreign limited liability company shall file an information statement every five years, and the information statement shall be due on the fifteenth day of the month in which the anniversary of the date the limited liability company or foreign limited liability company organized or registered in Missouri occurs. For limited liability companies and foreign limited liability companies that organized or registered in an even-numbered year before January 1, 2022, the first information statement shall be due in 2024. For limited liability companies and foreign limited liability companies that organized or registered in an odd-numbered year before January 1, 2023, the first information statement shall be due in 2025.**

**5. The information statement shall be signed by an authorized person.**

**6. If the information statement does not contain the information required under this section, the secretary of state shall promptly notify the limited liability company or foreign limited liability company and return the information statement for completion. The entity shall return the completed information statement to the secretary within sixty days of the issuance of the notice.**

**7. Ninety days before the statement is due, the secretary of state shall send notice to each limited liability company or foreign limited liability company that the information statement is due. The notice shall be directed to the limited liability company's registered office as stated in the company's most recent filing with the secretary of state.**

347.143. 1. A limited liability company may be dissolved involuntarily by a decree of the circuit court for the county in which the registered office of the limited liability company is situated in an action filed by the attorney general when it is established that the limited liability company:

- (1) Has procured its articles of organization through fraud;
- (2) Has exceeded or abused the authority conferred upon it by law;
- (3) Has carried on, conducted, or transacted its business in a fraudulent or illegal manner; or
- (4) By the abuse of its powers contrary to the public policy of the state, has become liable to be dissolved.

2. On application by or for a member, the circuit court for the county in which the registered office of the limited liability company is located may decree dissolution of a limited liability company ~~whenever~~ **if the court determines:**

(1) It is not reasonably practicable to carry on the business in conformity with the operating agreement;

(2) **Dissolution is reasonably necessary for the protection of the rights or interests of the complaining members;**

(3) **The business of the limited liability company has been abandoned;**

(4) **The management of the limited liability company is deadlocked or subject to internal dissension;**

or

(5) **Those in control of the limited liability company have been found guilty of, or have knowingly countenanced, persistent and pervasive fraud, mismanagement, or abuse of authority.**

347.179. 1. The secretary shall charge and collect:

(1) For filing the original articles of organization, a fee of ~~one hundred~~ **ninety-five** dollars;

(2) For filing the original articles of organization online, in an electronic format prescribed by the secretary of state, a fee of ~~forty-five~~ **twenty-five** dollars;

(3) Applications for registration of foreign limited liability companies and issuance of a certificate of registration to transact business in this state, a fee of one hundred dollars;

(4) Amendments to and restatements of articles of limited liability companies to application for registration of a foreign limited liability company or any other filing otherwise provided for, a fee of twenty dollars **or, if filed online in an electronic format prescribed by the secretary, a fee of ten dollars;**

(5) Articles of termination of limited liability companies or cancellation of registration of foreign limited liability companies, a fee of twenty dollars **or, if filed online in an electronic format prescribed by the secretary, a fee of ten dollars;**

(6) For filing notice of merger or consolidation, a fee of twenty dollars;

(7) For filing a notice of winding up, a fee of twenty dollars **or, if filed online in an electronic format prescribed by the secretary, a fee of ten dollars;**

(8) For issuing a certificate of good standing, a fee of five dollars;

(9) For a notice of the abandonment of merger or consolidation, a fee of twenty dollars;

(10) For furnishing a copy of any document or instrument, a fee of fifty cents per page;

(11) For accepting an application for reservation of a name, or for filing a notice of the transfer or cancellation of any name reservation, a fee of twenty dollars;

(12) For filing a statement of change of address of registered office or registered agent, or both, a fee of five dollars;

(13) For any service of notice, demand, or process upon the secretary as resident agent of a limited liability company, a fee of twenty dollars, which amount may be recovered as taxable costs by the party instituting such suit, action, or proceeding causing such service to be made if such party prevails therein;

(14) For filing an amended certificate of registration a fee of twenty dollars; ~~and~~

(15) For filing a statement of correction a fee of five dollars;

(16) **For filing an information statement for a domestic or foreign limited liability company, a fee of fifteen dollars or, if filing online in an electronic format prescribed by the secretary, a fee of five dollars;**

(17) **For filing a withdrawal of an erroneously or accidentally filed notice of winding up or articles of termination, a fee of ninety-five dollars; and**

(18) **For a filing relating to a limited liability series, an additional fee of ten dollars for each series effected or, if filing online in an electronic format prescribed by the secretary, a fee of five dollars for each series effected.**

2. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section and for application for reservation of a name in subdivision (11) of subsection 1 of this section shall be waived if an organizer who is listed as a member in the operating agreement of the limited liability company is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and provides proof of such service to the secretary of state.

347.183. In addition to the other powers of the secretary established in sections 347.010 to 347.187, the secretary shall, as is reasonably necessary to enable the secretary to administer sections 347.010 to 347.187 efficiently and to perform the secretary's duties, have the following powers including, but not limited to:

(1) The power to examine the books and records of any limited liability company to which sections 347.010 to 347.187 apply, and it shall be the duty of any manager, member or agent of such limited liability company having possession or control of such books and records to produce such books and records for examination on demand of the secretary or his designated employee; except that no person shall be subject to any criminal prosecution on account of any matter or thing which may be disclosed by examination of any limited liability company books and records, which they may produce or exhibit for examination; or on account of any other matter or thing concerning which they may make any voluntary and truthful statement in writing to the secretary or his designated employee. All facts obtained in the examination of the books and records of any limited liability company, or through the voluntary sworn statement of any manager, member, agent or employee of any limited liability company, shall be treated as confidential, except insofar as official duty may require the disclosure of same, or when such facts are material to any issue in any legal proceeding in which the secretary or ~~his~~ the secretary's designated employee may be a party or called as witness, and, if the secretary or ~~his~~ the secretary's designated employee shall, except as provided in this subdivision, disclose any information relative to the private accounts, affairs, and transactions of any such limited liability company, he or she shall be guilty of a class C misdemeanor. If any manager, member or registered agent in possession or control of such books and records of any such limited liability company shall refuse a demand of the secretary or his designated employee, to exhibit the books and records of such limited liability company for examination, such person shall be guilty of a class B misdemeanor;

(2) The power to cancel or disapprove any articles of organization or other filing required under sections 347.010 to 347.187, if the limited liability company fails to comply with the provisions of sections 347.010 to 347.187 by failing to file required documents under sections 347.010 to 347.187, by failing to maintain a registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting any filing, by filing a required document containing a false statement, or by violating any section or sections of the criminal laws of Missouri, the federal government or any other state of the United States. Thirty days before such cancellation shall take effect, the secretary shall notify the limited liability company with written notice, either personally or by certified mail, deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent in office, or to one of the limited liability company's members or managers. Written notice of the secretary's proposed cancellation to the limited liability company, domestic or foreign, shall specify the reasons for such action. The limited liability company may appeal this notice of proposed cancellation to the circuit court of the county in which the registered office of such limited liability company is or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy of the articles of organization or other relevant documents and a copy of the proposed written cancellation thereof by the secretary, such petition to be filed within thirty days after notice of such cancellation shall have been given, and the matter shall be tried by the court, and the court shall either sustain the action of the secretary or direct him to take such action as the court may deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action. The limited liability company may provide information to the secretary that would allow the secretary to withdraw the notice of proposed cancellation. This information may consist of, but need not be limited to, corrected statements and documents, new filings, affidavits and certified copies of other filed documents;

(3) The power to rescind cancellation provided for in subdivision (2) of this section upon compliance with either of the following:

(a) The affected limited liability company provides the necessary documents and affidavits indicating the limited liability company has corrected the conditions causing the proposed cancellation or the cancellation; or

(b) The limited liability company provides the correct statements or documentation that the limited liability company is not in violation of any section of the criminal code; ~~and~~

(4) The power to charge late filing fees for any filing fee required under sections 347.010 to 347.187 and the power to impose civil penalties as provided in section 347.053. Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency;

(5) (a) The power to administratively cancel ~~an~~ :

a. Articles of organization if the limited liability company's period of duration stated in articles of organization expires **or if the limited liability company fails to timely file its information statement; or**

**b. The registration of a foreign limited liability company if the foreign limited liability company fails to timely file its information statement.**

(b) Not less than thirty days before such administrative cancellation shall take effect, the secretary shall notify the **domestic or foreign** limited liability company with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent and office or to one of the limited liability company's managers or members.

(c) If the limited liability company does not timely file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number of years or perpetual, or demonstrate to the reasonable satisfaction of the secretary that the period of duration determined by the secretary is incorrect, within sixty days after service of the notice is perfected by posting with the United States Postal Service, then the secretary shall cancel the articles of organization by signing an administrative cancellation that recites the grounds for cancellation and its effective date. The secretary shall file the original of the administrative cancellation and serve a copy on the limited liability company as provided in section 347.051.

(d) A limited liability company whose articles of organization has been administratively cancelled continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 347.147 and notify claimants under section 347.141.

(e) The administrative cancellation of an articles of organization does not terminate the authority of its registered agent.

**(f) If a limited liability company does not timely file an information statement in accordance with section 347.044 within sixty days after service of the notice is perfected by posting with the United States Postal Service or fails to demonstrate to the reasonable satisfaction of the secretary that the information statement was timely filed, the secretary shall cancel the articles of organization by signing an administrative cancellation that states the grounds for cancellation and the effective date of the cancellation. The secretary shall file the original administrative cancellation and serve a copy to the limited liability company as provided under section 347.051.**

**(g) If a foreign limited liability company does not timely file an information statement in accordance with section 347.044 within sixty days after service of the notice is perfected by posting with the United States Postal Service or fails to demonstrate to the reasonable satisfaction of the secretary that the information statement was timely filed, the secretary shall cancel the registration of the foreign limited liability company by signing an administrative cancellation that states the grounds for cancellation and the effective date of the cancellation. The secretary shall file the original administrative cancellation and serve a copy to the foreign limited liability company as provided in section 347.051. A foreign limited liability company whose registration has been administratively cancelled may continue its existence but shall not conduct any business in this state except to wind up and liquidate its business and affairs in this state; and**

(6) (a) The power to rescind an administrative cancellation and reinstate the articles of organization.

(b) Except as otherwise provided in the operating agreement, a limited liability company whose articles of organization has been administratively cancelled under subdivision (5) of this section may file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number or perpetual.

(c) A limited liability company whose articles of organization has been administratively cancelled under subdivision (5) of this section may apply to the secretary for reinstatement. The applicant shall:

a. Recite the name of the limited liability company and the effective date of its administrative cancellation;

b. State that the grounds for cancellation either did not exist or have been eliminated, as applicable, and be accompanied by documentation satisfactory to the secretary evidencing the same;

c. State that the limited liability company's name satisfies the requirements of section 347.020;

d. Be accompanied by a reinstatement fee in the amount of [~~one hundred~~] **ninety-five** dollars, or such greater amount as required by state regulation, plus any delinquent fees, penalties, and other charges as determined by the secretary to then be due.

(d) If the secretary determines that the application contains the information and is accompanied by the fees required in paragraph (c) of this subdivision and that the information and fees are correct, the secretary shall rescind the cancellation and prepare a certificate of reinstatement that recites his or her determination and the effective date of reinstatement, file the original articles of organization, and serve a copy on the limited liability company as provided in section 347.051.

(e) When the reinstatement is effective, it shall relate back to and take effect as of the effective date of the administrative cancellation of the articles of organization and the limited liability company may continue carrying on its business as if the administrative cancellation had never occurred.

(f) In the event the name of the limited liability company was reissued by the secretary to another entity prior to the time application for reinstatement was filed, the limited liability company applying for reinstatement may elect to reinstate using a new name that complies with the requirements of section 347.020 and that has been approved by appropriate action of the limited liability company for changing the name thereof.

(g) If the secretary denies a limited liability company's application for reinstatement following administrative cancellation of the articles of organization, he or she shall serve the limited liability company as provided in section 347.051 with a written notice that explains the reason or reasons for denial.

(h) The limited liability company may appeal a denial of reinstatement as provided for in subdivision (2) of this section.

~~[(7)]~~ **This subdivision [(6) of this section] shall apply to any limited liability company whose articles of organization was cancelled because such limited liability company's period of duration stated in the articles of organization expired on or after August 28, 2003;**

**(7) The power to rescind an administrative cancellation and reinstate the registration of a foreign limited liability company. The following procedures apply:**

**(a) A foreign limited liability company whose registration was administratively cancelled under subdivision (5) of this section may apply to the secretary for reinstatement. The application shall:**

**a. State the name of the foreign limited liability company and the date of the administrative cancellation;**

**b. State that the grounds for cancellation either did not exist or have been eliminated, with supporting documentation satisfactory to the secretary;**

**c. State that the foreign limited liability company's name satisfies the requirements of section 347.020; and**

**d. Include a reinstatement fee in the amount of ninety-five dollars, or a higher amount if required by state regulation, and any delinquent fees, penalties, or other charges as the secretary determines are due;**

**(b) If the secretary determines that the application satisfies the requirements under paragraph (a) of this subdivision, the secretary shall rescind the cancellation and prepare a certificate of reinstatement that includes the effective date of reinstatement and shall deliver a copy to the limited liability company as provided under section 347.051;**

**(c) If reinstatement is granted, the administrative cancellation shall be retroactively voided, and the foreign limited liability company may conduct its business as if the administrative cancellation never occurred;**

**(d) If the name of the foreign limited liability company was issued to another entity before the application for reinstatement was filed, the foreign limited liability company applying for reinstatement may elect to reinstate using a new name that complies with the requirements under section 347.020 and is approved by appropriate action of the foreign limited liability company for changing its name;**

**(e) If the secretary denies a foreign limited liability company's application for reinstatement, the secretary shall serve the limited liability company with a written notice as provided under section 347.051 that explains the reason for denial; and**

**(f) The foreign limited liability company may appeal a denial of reinstatement by using the procedure under subdivision (2) of this section; and**

**(8) The power to reinstate a limited liability company that erroneously or accidentally filed a notice of winding up or notice of termination. The following procedures apply:**

**(a) A limited liability company whose articles of organization were terminated due to an erroneously or accidentally filed notice of winding up or notice of termination may apply to the secretary for reinstatement by filing a withdrawal of notice of winding up or withdrawal of notice of termination. The application shall:**

**a. State the name of the limited liability company and the filing date of the erroneous or accidental notice;**

**b. State the grounds for erroneously or accidentally filing the notice, with supporting documentation satisfactory to the secretary;**

**c. State that the limited liability company's name satisfies the requirements under section 347.020; and**

**d. Include a reinstatement fee in the amount of ninety-five dollars, or a higher amount if required by state regulation, and any delinquent fees, penalties, or other charges as the secretary determines are due;**

**(b) If the secretary determines that the application satisfies the requirements under paragraph (a) of this subdivision, the secretary shall rescind the notice of winding up or notice of termination and prepare a certificate of reinstatement that includes the effective notice of termination and prepare a certificate of reinstatement that includes the effective limited liability company as provided under section 347.051;**

**(c) If reinstatement is granted, the termination of the articles of organization shall be retroactively voided, and the limited liability company may conduct its business as if the administrative cancellation never occurred;**

**(d) If the name of the limited liability company was issued to another entity before the application for reinstatement was filed, the limited liability company applying for the reinstatement may elect to reinstate using a new name that complies with the requirements under section 347.020 and is approved by appropriate action of the limited liability company for changing its name;**

**(e) If the secretary of state denies a limited liability company's application for reinstatement, the secretary shall serve the limited liability company with a written notice as provided under section 347.051 that explains the reason for denial; and**

**(f) The limited liability company may appeal a denial of reinstatement by using the procedure under subdivision (2) of this section.**

347.186. 1. An operating agreement may establish or provide for the establishment of a designated series of members, managers, or limited liability company interests having separate rights, powers, or duties with respect to specified property or obligations of the limited liability company or profits and losses associated with specified property or obligations. To the extent provided in the operating agreement, any such series may have a separate business purpose or investment objective.

2. (1) Notwithstanding any other provisions of law to the contrary, the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series shall be enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof. Such particular series shall be deemed to have possession, custody, and control only of the books, records, information, and documentation related to such series and not of the books, records, information, and documentation related to the limited liability company as a whole or any other series thereof if all of the following apply:

(a) The operating agreement creates one or more series;

(b) Separate and distinct records are maintained for or on behalf of any such series;

(c) The assets associated with any such series, whether held directly or indirectly, including through a nominee or otherwise, are accounted for separately from the other assets of the limited liability company or of any other series;

(d) The operating agreement provides for the limitations on liabilities of a series described in this subdivision;

(e) Notice of the limitation on liabilities of a series described in this subdivision is included in the limited liability company's articles of organization; and

(f) The limited liability company has filed articles of organization that separately identify each series which is to have limited liability under this section.

(2) With respect to a particular series, unless otherwise provided in the operating agreement, none of the debts, liabilities, obligations, and expenses incurred, contracted for or otherwise existing with respect to a limited liability company generally, or any other series thereof, shall be enforceable against the assets of such series, subject to the provisions of subdivision (1) of this subsection.

(3) Compliance with paragraphs (e) and (f) of subdivision (1) of this subsection shall constitute notice of such limitation of liability of a series.

(4) A series with limited liability shall be treated as a separate entity to the extent set forth in the articles of organization. Each series with limited liability may, in its own name, contract, hold title to assets, grant security interests, sue and be sued, and otherwise conduct business and exercise the powers of a limited liability company under this chapter. The limited liability company and any of its series may elect to consolidate its operations as a single taxpayer to the extent permitted under applicable law, elect to work cooperatively, elect to contract jointly, or elect to be treated as a single business for the purposes of qualification or authorization to do business in this or any other state. Such elections shall not affect the limitation of liability set forth in this section except to the extent that the series have specifically accepted joint liability by contract.

3. Except in the case of a foreign limited liability company that has adopted a name that is not the name under which it is registered in its jurisdiction of organization, as permitted under sections 347.153 and 347.157, the name of the series with limited liability is required to contain the entire name of the limited liability company and be

distinguishable from the names of the other series set forth in the articles of organization. In the case of a foreign limited liability company that has adopted a name that is not the name under which it is registered in its jurisdiction of organization, as permitted under sections 347.153 and 347.157, the name of the series with limited liability must contain the entire name under which the foreign limited liability company has been admitted to transact business in this state.

4. (1) (a) Upon filing of articles of organization setting forth the name of each series with limited liability, in compliance with section 347.037 or amendments under section 347.041, the series' existence shall begin.

(b) Each copy of the articles of organization stamped "Filed" and marked with the filing date shall be conclusive evidence that all required conditions have been met and that the series has been or shall be legally organized and formed under this section and is notice for all purposes of all other facts required to be set forth therein.

(c) The name of a series with limited liability under this section may be changed by filing articles of amendment with the secretary of state pursuant to section 347.041, identifying the series whose name is being changed and the new name of such series. If not the same as the limited liability company, the names of the members of a member-managed series or of the managers of a manager-managed series may be changed by an amendment to the articles of organization with the secretary of state.

(d) A series with limited liability under this section may be dissolved by filing with the secretary of state articles of amendment pursuant to section 347.041 identifying the series being dissolved or by the dissolution of the limited liability company as provided in section 347.045. Except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the limited liability company. The dissolution of a series established in accordance with subsection 2 of this section shall not affect the limitation on liabilities of such series provided by subsection 2 of this section. A series is terminated and its affairs shall be wound up upon the dissolution of the limited liability company under section 347.045.

(e) Articles of organization, amendment, or termination described under this subdivision may be executed by the limited liability company or any manager, person, or entity designated in the operating agreement for the limited liability company.

**(f) Notwithstanding paragraph (d) of subdivision (1) of subsection 4 of this section, the maximum number of designated series that may be effected by any one filing shall be limited to fifty.**

(2) If different from the limited liability company, the articles of organization shall list the names of the members for each series if the series is member-managed or the names of the managers if the series is manager-managed.

(3) A series of a limited liability company shall be deemed to be in good standing as long as the limited liability company is in good standing.

(4) The registered agent and registered office for the limited liability company appointed under section 347.033 shall serve as the agent and office for service of process for each series in this state.

5. (1) An operating agreement may provide for classes or groups of members or managers associated with a series having such relative rights, powers, and duties as an operating agreement may provide and may make provision for the future creation of additional classes or groups of members or managers associated with the series having such relative rights, powers, and duties as may from time to time be established, including rights, powers, and duties senior and subordinate to or different from existing classes and groups of members or managers associated with the series.

(2) A series may be managed either by the member or members associated with the series or by the manager or managers chosen by the members of such series, as provided in the operating agreement. Unless otherwise provided in an operating agreement, the management of a series shall be vested in the members associated with such series.

(3) An operating agreement may grant to all or certain identified members or managers, or to a specified class or group of the members or managers associated with a series, the right to vote separately or with all or any class or group of the members or managers associated with the series, on any matter. An operating agreement may provide that any member or class or group of members associated with a series shall have no voting rights or ability to otherwise participate in the management or governance of such series, but any such member or class or group of members are owners of the series.

(4) Except as modified in this section, the provisions of this chapter which are generally applicable to limited liability companies and their managers, members, and transferees shall be applicable to each particular series with respect to the operation of such series.

(5) Except as otherwise provided in an operating agreement, any event specified in this chapter or in an operating agreement that causes a manager to cease to be a manager with respect to a series shall not, in itself, cause such manager to cease to be a manager of the limited liability company or with respect to any other series thereof.

(6) Except as otherwise provided in an operating agreement, any event specified in this chapter or in an operating agreement that causes a member to cease to be associated with a series shall not, in itself, cause such member to cease to be associated with any other series, terminate the continued membership of a member in the limited liability company, or cause the termination of the series, regardless of whether such member was the last remaining member associated with such series.

(7) An operating agreement may impose restrictions, duties, and obligations on members of the limited liability company or any series thereof as a matter of internal governance, including, without limitation, those with regard to:

- (a) Choice of law, forum selection, or consent to personal jurisdiction;
- (b) Capital contributions;
- (c) Restrictions on, or terms and conditions of, the transfer of membership interests;
- (d) Restrictive covenants, including noncompetition, nonsolicitation, and confidentiality provisions;
- (e) Fiduciary duties; and
- (f) Restrictions, duties, or obligations to or for the benefit of the limited liability company, other series thereof, or their affiliates.

6. (1) If a limited liability company with the ability to establish series does not register to do business in a foreign jurisdiction for itself and its series, a series of a limited liability company may itself register to do business as a limited liability company in the foreign jurisdiction in accordance with the laws of the foreign jurisdiction.

(2) If a foreign limited liability company, as permitted in the jurisdiction of its organization, has established a series having separate rights, powers, or duties and has limited the liabilities of such series so that the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series are enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, or so that the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to the limited liability company generally or any other series thereof are not enforceable against the assets of such series, then the limited liability company, on behalf of itself or any of its series, or any of its series on its own behalf may register to do business in this state in accordance with this chapter. The limitation of liability shall also be stated on the application for registration. As required under section 347.153, the registration application filed shall identify each series being registered to do business in the state by the limited liability company. Unless otherwise provided in the operating agreement, the debts, liabilities, and obligations incurred, contracted for, or otherwise existing with respect to a particular series of such a foreign limited liability company shall be enforceable against the assets of such series only and not against the assets of the foreign limited liability company generally or any other series thereof, and none of the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to such a foreign limited liability company generally or any other series thereof shall be enforceable against the assets of such series.

7. Nothing in sections 347.039, 347.153, or 347.186 shall be construed to alter existing Missouri statute or common law providing any cause of action for fraudulent conveyance, including but not limited to chapter 428, or any relief available under existing law that permits a challenge to limited liability.

358.460. 1. The exclusive right to the use of a name of a registered limited liability partnership or foreign registered limited liability partnership may be reserved by:

(1) Any person intending to become a registered limited liability partnership or foreign registered limited liability partnership under this chapter and to adopt that name; and

(2) Any registered limited liability partnership or foreign registered limited liability partnership which proposes to change its name.

2. The reservation of a specified name shall be made by filing with the secretary of state an application, executed by the applicant, specifying the name to be reserved and the name and address of the applicant. If the secretary of state finds that the name is available for use by a registered limited liability partnership or foreign registered limited liability partnership, the secretary of state shall reserve the name for the exclusive use of the applicant for a period of sixty days. A name reservation shall not exceed a period of one hundred eighty days from the date of the first name reservation application. Upon the one hundred eighty-first day the name shall cease reserve status and shall not be placed back in such status. The right to the exclusive use of a reserved name may be transferred to any other person by filing in the office of the secretary of state a notice of the transfer, executed by the applicant for whom the name was reserved, specifying the name to be transferred and the name and address of the

transferee. The reservation of a specified name may be cancelled by filing with the secretary of state a notice of cancellation, executed by the applicant or transferee, specifying the name reservation to be cancelled and the name and address of the applicant or transferee.

3. A fee in the amount of ~~[twenty-five]~~ **twenty** dollars shall be paid to the secretary of state upon receipt for filing of an application for reservation of name, an application for renewal of reservation or a notice of transfer or cancellation pursuant to this section. All moneys from the payment of this fee shall be deposited into the general revenue fund.

358.470. 1. Each registered limited liability partnership and each foreign registered limited liability partnership shall have and maintain in the state of Missouri:

(1) A registered office, which may, but need not be, a place of its business in the state of Missouri; and  
(2) A registered agent for service of process on the registered limited liability partnership or foreign registered limited liability partnership, which agent may be either an individual resident of the state of Missouri whose business office is identical with the registered limited liability partnership's or foreign registered limited liability partnership's registered office, or a domestic corporation, or a foreign corporation authorized to do business in the state of Missouri, having a business office identical with such registered office or the registered limited liability partnership or foreign registered limited liability partnership itself.

2. A registered agent may change the address of the registered office of the registered limited liability partnerships or foreign registered limited liability partnerships for which the agent is the registered agent to another address in the state of Missouri by paying a fee in the amount of ~~[ten]~~ **five** dollars~~], and a further fee in the amount of two dollars]~~ for each registered limited liability partnership or foreign registered limited liability partnership affected thereby, to the secretary of state and filing with the secretary of state a certificate, executed by such registered agent, setting forth the names of all the registered limited liability partnerships or foreign registered limited liability partnerships represented by such registered agent, and the address at which such registered agent has maintained the registered office for each of such registered limited liability partnerships or foreign registered limited liability partnerships, and further certifying to the new address to which such registered office will be changed on a given day, and at which new address such registered agent will thereafter maintain the registered office for each of the registered limited liability partnerships or foreign registered limited liability partnerships recited in the certificate. Upon the filing of such certificate, the secretary of state shall furnish to the registered agent a certified copy of the same under the secretary of state's hand and seal of office, and thereafter, or until further change of address, as authorized by law, the registered office in the state of Missouri of each of the registered limited liability partnerships or foreign registered limited liability partnerships recited in the certificate shall be located at the new address of the registered agent thereof as given in the certificate. In the event of a change of name of any person acting as a registered agent of a registered limited liability partnership or foreign registered limited liability partnership, such registered agent shall file with the secretary of state a certificate, executed by such registered agent, setting forth the new name of such registered agent, the name of such registered agent before it was changed, the names of all the registered limited liability partnerships or foreign registered limited liability partnerships represented by such registered agent, and the address at which such registered agent has maintained the registered office for each of such registered limited liability partnerships or foreign registered limited liability partnerships, and shall pay a fee in the amount of ~~[twenty-five]~~ **five** dollars~~], and a further fee in the amount of two dollars]~~ for each registered limited liability partnership or foreign registered limited liability partnership affected thereby, to the secretary of state. Upon the filing of such certificate, the secretary of state shall furnish to the registered agent a certified copy of the same under the secretary of state's hand and seal of office. Filing a certificate under this section shall be deemed to be an amendment of the application, renewal application or notice filed pursuant to subsection 19 of section 358.440, as the case may be, of each registered limited liability partnership or foreign registered limited liability partnership affected thereby, and each such registered limited liability partnership or foreign registered limited liability partnership shall not be required to take any further action with respect thereto to amend its application, renewal application or notice filed, as the case may be, pursuant to section 358.440. Any registered agent filing a certificate under this section shall promptly, upon such filing, deliver a copy of any such certificate to each registered limited liability partnership or foreign registered limited liability partnership affected thereby.

3. The registered agent of one or more registered limited liability partnerships or foreign registered limited liability partnerships may resign and appoint a successor registered agent by paying a fee in the amount of ~~[fifty]~~ **five** dollars~~], and a further fee in the amount of two dollars]~~ for each registered limited liability partnership or foreign registered limited liability partnership affected thereby, to the secretary of state and filing a certificate with the secretary of state, stating that it resigns and the name and address of the successor registered agent. There shall

be attached to such certificate a statement executed by each affected registered limited liability partnership or foreign registered limited liability partnership ratifying and approving such change of registered agent. Upon such filing, the successor registered agent shall become the registered agent of such registered limited liability partnerships or foreign registered limited liability partnerships as have ratified and approved such substitution and the successor registered agent's address, as stated in such certificate, shall become the address of each such registered limited liability partnership's or foreign registered limited liability partnership's registered office in the state of Missouri. The secretary of state shall furnish to the successor registered agent a certified copy of the certificate of resignation. Filing of such certificate of resignation shall be deemed to be an amendment of the application, renewal application or notice filed pursuant to subsection 19 of section 358.440, as the case may be, of each registered limited liability partnership or foreign registered limited liability partnership affected thereby, and each such registered limited liability partnership or foreign registered limited liability partnership shall not be required to take any further action with respect thereto, to amend its application, renewal application or notice filed pursuant to subsection 19 of section 358.440, as the case may be, pursuant to section 358.440.

4. The registered agent of a registered limited liability partnership or foreign registered limited liability partnership may resign without appointing a successor registered agent by paying a fee in the amount of [~~ten~~ **five**] dollars to the secretary of state and filing a certificate with the secretary of state stating that it resigns as registered agent for the registered limited liability partnership or foreign registered limited liability partnership identified in the certificate, but such resignation shall not become effective until one hundred twenty days after the certificate is filed. There shall be attached to such certificate an affidavit of such registered agent, if an individual, or the president, a vice president or the secretary thereof if a corporation, that at least thirty days prior to and on or about the date of the filing of the certificate, notices were sent by certified or registered mail to the registered limited liability partnership or foreign registered limited liability partnership for which such registered agent is resigning as registered agent, at the principal office thereof within or outside the state of Missouri, if known to such registered agent or, if not, to the last known address of the attorney or other individual at whose request such registered agent was appointed for such registered limited liability partnership or foreign registered limited liability partnership, of the resignation of such registered agent. After receipt of the notice of the resignation of its registered agent, the registered limited liability partnership or foreign registered limited liability partnership for which such registered agent was acting shall obtain and designate a new registered agent, to take the place of the registered agent so resigning. If such registered limited liability partnership or foreign registered limited liability partnership fails to obtain and designate a new registered agent prior to the expiration of the period of one hundred twenty days after the filing by the registered agent of the certificate of resignation, the application, renewal application or notice filed pursuant to subsection 19 of section 358.440 of such registered limited liability partnership or foreign registered limited liability partnership shall be deemed to be cancelled."; and

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

On motion of Representative Veit, **House Amendment No. 7** was adopted.

On motion of Representative Baker, **HCS SS SB 333, as amended**, was adopted.

On motion of Representative Baker, **HCS SS SB 333, as amended**, was read the third time and passed by the following vote:

AYES: 100

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Chipman
Christofanelli	Coleman 32	Coleman 97	Cook	Davidson
Davis	Deaton	Derges	Dinkins	Dogan
Eggleston	Falkner	Fishel	Fitzwater	Gregory 51
Gregory 96	Grier	Griesheimer	Griffith	Haden
Haffner	Haley	Hannegan	Hardwick	Henderson
Houx	Hovis	Hudson	Hurlbert	Kalberloh
Kelley 127	Kelly 141	Knight	Lewis 6	Lovasco

Mayhew	McGaugh	McGill	Morse	Murphy
O'Donnell	Owen	Patterson	Perkins	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Railsback	Reedy	Richey	Riggs	Riley
Roden	Rone	Ruth	Sassmann	Schroer
Schwadron	Seitz	Sharpe 4	Shaul	Shields
Simmons	Smith 155	Smith 163	Stacy	Stephens 128
Tate	Taylor 139	Taylor 48	Thomas	Thompson
Toalson Reisch	Trent	Van Schoiack	Veit	Wallingford
Walsh 50	West	Wiemann	Wright	Mr. Speaker

NOES: 049

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

PRESENT: 000

ABSENT WITH LEAVE: 013

Copeland	Cupps	DeGroot	Evans	Francis
Hicks	Hill	Kidd	McDaniel	Pietzman
Roberts	Sander	Schnelting		

VACANCIES: 001

Speaker Vescovo declared the bill passed.

### MOTION

Representative Plocher moved that Rule 22 be suspended for the purpose of allowing Conference Committees on **HCS SS SB 141, as amended**, and **HCS SB 226, as amended**, to meet during a session of the House.

Which motion was adopted by the following vote:

AYES: 103

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Chipman
Christofanelli	Coleman 32	Coleman 97	Cook	Davidson
Davis	Deaton	Derges	Dinkins	Dogan
Eggleston	Falkner	Fishel	Fitzwater	Gregory 51
Gregory 96	Grier	Griesheimer	Griffith	Haden
Haffner	Haley	Hannegan	Hardwick	Henderson

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

NOES: 045

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

PRESENT: 002

Ellebracht	Proudie
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ABSENT WITH LEAVE: 012

Bosley	Copeland	Cupps	DeGroot	Evans
Francis	Johnson	McDaniel	Roberts	Sander
Schnelting	Smith 163			

VACANCIES: 001

Representative Chipman assumed the Chair.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 303, as amended**.

Senators: Gannon, Wieland, Bernskoetter, Beck, Roberts

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 72, as amended**.

Senators: Eslinger, Crawford, Bernskoetter, Razer, Mosley

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 330, as amended.**

Senators: Burlison, Riddle, Wieland, Beck, Washington

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 403, as amended.**

Senators: Onder, Koenig, Brattin, Razer, Mosley

### **THIRD READING OF SENATE BILLS - INFORMAL**

**HCS SB 9**, relating to licensed professionals, was taken up by Representative Fitzwater.

On motion of Representative Fitzwater, the title of **HCS SB 9** was agreed to.

Representative Fitzwater moved that **HCS SB 9** be adopted.

Which motion was defeated.

Representative Fitzwater moved that the title of **SB 9**, relating to prisoner complaints against a psychologist's license, be agreed to.

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

#### *House Amendment No. 1*

AMEND Senate Bill No. 9, Page 1, In the Title, Lines 2-3, by deleting the phrase "prisoner complaints against a psychologist's license" and inserting in lieu thereof the phrase "the regulation of certain professionals"; and

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

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

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

#### *House Amendment No. 2*

AMEND Senate Bill No. 9, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

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

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

**(2) "Athletic association", an entity with athletics governance authority that is composed of postsecondary educational institutions and athletic conferences;**

(3) "Athletic conference", an entity that has athletics governance authority, is a member of an athletic association, and has a membership composed of postsecondary educational institutions that compete against other postsecondary educational institutions. "Athletic conference" includes a collaboration of such entities, such as the autonomy conferences;

(4) "Certification", the process of developing and enforcing professional and legal policies and practices;

(5) "Group", three or more athletes from the same sport;

(6) "Group licensing", any agreement to allow a third party the right to use the name, image, likeness rights, or athletic reputation of a group;

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

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

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

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

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

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

(2) Any student athlete who enters into a contract providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic reputation shall disclose the full contract to an official of the postsecondary educational institution, with such official to be designated by such institution. No institution or its designated official shall disclose terms of an athlete's contract that the athlete or the athlete's legal representation deems to be a trade secret or nondisclosable.

(3) An institution asserting a conflict described in subdivision (1) of this subsection shall disclose to the student athlete or the athlete's legal representation the full contract the institution asserts to be in conflict. No athlete or member of the athlete's legal representation shall disclose terms of an institution's contract that the institution deems to be a trade secret or nondisclosable.

5. No team contract of a postsecondary educational institution's athletic program shall prevent a student athlete from receiving compensation for using the athlete's name, image, likeness rights, or athletic reputation for a commercial purpose when the athlete is not engaged in official mandatory team activities that are recorded in writing and made publicly available. Such team activities shall not exceed twenty hours per week during the season and eight hours per week during the off-season.

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

(2) The financial development program shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services.

7. (1) Postsecondary educational institutions shall help distribute informational materials as needed.

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

8. Athlete attorney representation shall be by persons licensed by this state.

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

(2) Students and state or local prosecutors seeking to prosecute violators of this section shall not be deprived of any protections provided under law with respect to a controversy that arises and shall have the right to adjudicate claims that arise under this section.

10. Legal settlements shall not permit noncompliance with this section.

11. This section shall apply only to agreements or contracts entered into, modified, or renewed on or after July 1, 2022. Such agreements or contracts include, but are not limited to, the national letter of intent, an athlete's financial aid agreement, commercial contracts in the athlete group licensing market, and athletic conference or athletic association rules or bylaws.

12. The state of Missouri hereby requests that any federal legislation relating to this section respect and permit Missouri college athletes' rights, protections, and other provisions included in this section."; and

Further amend said bill, Page 2, Section 337.068, Line 44, by inserting after all of said section and line the following:

"Section B. Because of the importance of financial needs of certain students of the state of Missouri, the enactment of section 173.280 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 173.280 of this act shall be in full force and effect upon its passage and approval."; and

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

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

*House Amendment No. 1*  
*to*  
*House Amendment No. 2*

AMEND House Amendment No. 2 to Senate Bill No. 9, Page 3, Lines 1-8, by deleting all of said lines; and

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

On motion of Representative Fitzwater, **House Amendment No. 1 to House Amendment No. 2** was adopted.

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

Representative Gregory (96) offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND Senate Bill No. 9, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

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

(1) "Approved health care provider" [~~means~~], a person holding a current and active license as a physician and surgeon under this chapter, a chiropractor under chapter 331, a dentist under chapter 332, a podiatrist under chapter 330, a physician assistant under this chapter, an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in good standing;

(2) "Consult" or "consultation", communication by telephone, by fax, in writing, or in person with the patient's personally approved licensed health care provider or a licensed health care provider of the patient's designation.

2. A physical therapist ~~[shall not]~~ **may evaluate and** initiate treatment ~~[for a new injury or illness]~~ on a patient without a prescription **or referral** from an approved health care provider, **provided that the physical therapist has a doctorate of physical therapy degree or has five years of clinical practice as a physical therapist.**

3. A physical therapist may provide educational resources and training, develop fitness or wellness programs ~~[for asymptomatic persons]~~, or provide screening or consultative services within the scope of physical therapy practice without ~~[the]~~ a prescription ~~[and direction of]~~ **or referral from** an approved health care provider.

4. ~~[A physical therapist may examine and treat without the prescription and direction of an approved health care provider any person with a recurring self-limited injury within one year of diagnosis by an approved health care provider or a chronic illness that has been previously diagnosed by an approved health care provider. The physical therapist shall:]~~

~~(1) [Contact the patient's current approved health care provider within seven days of initiating physical therapy services under this subsection;]~~ **A physical therapist shall refer to an approved health care provider any patient whose condition at the time of evaluation or treatment is determined to be beyond the scope of practice of physical therapy.**

~~(2) [Not change an existing physical therapy referral available to the physical therapist without approval of the patient's current approved health care provider;]~~ **A physical therapist shall refer to an approved health care provider any patient who does not demonstrate measurable or functional improvement after ten visits or twenty-one business days, whichever occurs first.**

~~(3) [Refer to an approved health care provider any patient whose medical condition at the time of examination or treatment is determined to be beyond the scope of practice of physical therapy;]~~

~~(4) Refer to an approved health care provider any patient whose condition for which physical therapy services are rendered under this subsection has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever first occurs;~~

~~(5) Notify the patient's current approved health care provider prior to the continuation of treatment if treatment rendered under this subsection is to continue beyond thirty days. The physical therapist shall provide such notification for each successive period of thirty days.]~~ **(a) A physical therapist shall consult with an approved health care provider if, after ten visits or twenty-one business days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the course of physical therapy services or treatment provided and the physical therapist believes that continuation of the course of physical therapy services or treatment is reasonable and necessary based on the physical therapist's evaluation of the patient. The physical therapist shall not provide further physical therapy services or treatment until the consultation has occurred.**

**(b) The consultation with the approved health care provider shall include information concerning:**

- a. The patient's condition for which physical therapy services or treatments were provided;**
- b. The basis for the course of services or treatment indicated, as determined from the physical therapy evaluation of the patient;**

- c. The physical therapy services or treatment provided before the date of the consultation;**
- d. The patient's demonstrated measurable or functional improvement from the services or treatment provided before the date of the consultation;**

- e. The continuing physical therapy services or treatment proposed to be provided following the consultation; and**

- f. The professional physical therapy basis for the continued physical therapy services or treatment to be provided.**

**(c) Continued physical therapy services or treatment following the consultation with an approved health care provider shall proceed in accordance with any feedback, advice, opinion, or direction of the approved health care provider. The physical therapist shall notify the consulting approved health care provider of continuing physical therapy services or treatment every thirty days after the initial consultation unless the consulting approved health care provider directs otherwise.**

5. The provision of physical therapy services of evaluation and screening pursuant to this section shall be limited to a physical therapist, and any authority for evaluation and screening granted within this section may not be delegated. Upon each reinitiation of physical therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the reinitiation of physical therapy treatment. ~~[Physical therapy treatment provided]~~

~~pursuant to the provisions of subsection 4 of this section may be delegated by physical therapists to physical therapist assistants only if the patient's current approved health care provider has been so informed as part of the physical therapist's seven-day notification upon reinitiation of physical therapy services as required in subsection 4 of this section.]~~ Nothing in this subsection shall be construed as to limit the ability of physical therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of an approved health care provider. Nothing in this subsection shall prohibit an approved health care provider from acting within the scope of their practice as defined by the applicable chapters of RSMo.

6. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the Commission on Accreditation in Physical Therapy Education (CAPTE) who satisfies supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education. The entry-level person shall be under the supervision of a physical therapist.

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

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a license to practice as a physical therapist or physical therapist assistant who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a physical therapist or physical therapist assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under this chapter or in obtaining permission to take any examination given or required under this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of a physical therapist or physical therapist assistant, including but not limited to the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for sessions of physical therapy which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment or services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine, or device;

- (f) Performing services which have been declared by board rule to be of no physical therapy value;
- (g) Final disciplinary action by any professional association, professional society, licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other state or territory, whether agreed to voluntarily or not, and including but not limited to any removal, suspension, limitation, or restriction of the person's professional employment, malpractice, or any other violation of any provision of this chapter;
- (h) Administering treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional physical therapy practice;
- (i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists; making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients;
- (j) Terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient;
- (k) Failing to furnish details of a patient's physical therapy records to treating physicians, other physical therapists, or hospitals upon proper request; or failing to comply with any other law relating to physical therapy records;
- (l) Failure of any applicant or licensee, other than the licensee subject to the investigation, to cooperate with the board during any investigation;
- (m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;
- (n) Failure to timely pay license renewal fees specified in this chapter;
- (o) Violating a probation agreement with this board or any other licensing agency;
- (p) Failing to inform the board of the physical therapist's or physical therapist assistant's current telephone number, residence, and business address;
- (q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physical therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation, or association which issues or conducts such advertising;
- (5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence, or repeated negligence in the performance of the functions or duties of a physical therapist or physical therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;
- (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule adopted under this chapter;
- (7) Impersonation of any person licensed as a physical therapist or physical therapist assistant or allowing any person to use his or her license or diploma from any school;
- (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation, or other final disciplinary action against a physical therapist or physical therapist assistant for a license or other right to practice as a physical therapist or physical therapist assistant by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including but not limited to the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of physical therapy while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;
- (9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;
- (10) Assisting or enabling any person to practice or offer to practice who is not licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice physical therapy who is not licensed and currently eligible to practice under this chapter;
- (11) Issuance of a license to practice as a physical therapist or physical therapist assistant based upon a material mistake of fact;
- (12) Failure to display a valid license pursuant to practice as a physical therapist or physical therapist assistant;
- (13) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any document executed in connection with the practice of physical therapy;

(14) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of physical therapy services for all patients, or the qualifications of an individual person or persons to render, or perform physical therapy services;

(15) Using, or permitting the use of, the person's name under the designation of "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(17) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary facility or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in any physical therapy facility to the board, in writing, within thirty days after the discovery thereof;

(18) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant paying or offering to pay a referral fee or ~~notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing] evaluating or treating a patient in a manner inconsistent with section 334.506;~~

(19) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.685;

(20) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a physician who is authorized by law to do so;

(21) Failing to maintain adequate patient records under section 334.602;

(22) Attempting to engage in conduct that subverts or undermines the integrity of the licensing examination or the licensing examination process, including but not limited to utilizing in any manner recalled or memorized licensing examination questions from or with any person or entity, failing to comply with all test center security procedures, communicating or attempting to communicate with any other examinees during the test, or copying or sharing licensing examination questions or portions of questions;

(23) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant who requests, receives, participates or engages directly or indirectly in the division, transferring, assigning, rebating or refunding of fees received for professional services or profits by means of a credit or other valuable consideration such as wages, an unearned commission, discount or gratuity with any person who referred a patient, or with any relative or business associate of the referring person;

(24) Being unable to practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients by reasons of incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physical therapist or physical therapist assistant to submit to a reexamination for the purpose of establishing his or her competency to practice as a physical therapist or physical therapist assistant conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by a facility or professional approved by the board;

(b) For the purpose of this subdivision, every physical therapist and physical therapist assistant licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physical therapist, physical therapist assistant or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the physical therapist or physical therapist assistant at the physical therapist's or physical therapist assistant's last known address. Failure of a physical therapist or physical therapist assistant to submit to the examination when directed shall constitute an admission of the allegations against the physical therapist or physical therapist assistant, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physical therapist's or physical therapist assistant's control. A physical therapist or physical therapist assistant whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or physical therapist assistant can resume the competent practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients;

(e) In any proceeding under this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physical therapist or physical therapist assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 3 of this section.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure or place the physical therapist or physical therapist assistant named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the physical therapist's or physical therapist assistant's license for a period not to exceed three years;

(3) Restrict or limit the physical therapist's or physical therapist assistant's license for an indefinite period of time;

(4) Revoke the physical therapist's or physical therapist assistant's license;

(5) Administer a public or private reprimand;

(6) Deny the physical therapist's or physical therapist assistant's application for a license;

(7) Permanently withhold issuance of a license;

(8) Require the physical therapist or physical therapist assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the physical therapist or physical therapist assistant to be examined;

(9) Require the physical therapist or physical therapist assistant to attend such continuing educational courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the physical therapist or physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist assistant's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

5. Before restoring to good standing a license issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

6. In any investigation, hearing or other proceeding to determine a physical therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such physical therapist, physical therapist assistant, applicant, record custodian, or patient might otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or record custodian may withhold records or testimony bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between such physical therapist, physical therapist assistant, applicant, or record custodian and a patient."; and

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

On motion of Representative Gregory (96), **House Amendment No. 3** was adopted.

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

*House Amendment No. 4*

AMEND Senate Bill No. 9, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

"334.530. 1. A candidate for license to practice as a physical therapist shall furnish evidence of such person's educational qualifications by submitting satisfactory evidence of completion of a program of physical therapy education approved as reputable by the board **or eligibility to graduate from such a program within ninety days**. A candidate who presents satisfactory evidence of the person's graduation from a school of physical therapy approved as reputable by the American Medical Association or, if graduated before 1936, by the American Physical Therapy Association, or if graduated after 1988, the Commission on Accreditation for Physical Therapy Education or its successor, is deemed to have complied with the educational qualifications of this subsection.

2. Persons desiring to practice as physical therapists in this state shall appear before the board at such time and place as the board may direct and be examined as to their fitness to engage in such practice. **Applicants shall meet the qualifying standards for such examinations, including any requirements established by any entity contracted by the board to administer the board approved examination.** Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications set forth in subsection 1 of this section **and meets the requirements established to qualify for examination**. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licenses to practice physical therapy shall test entry-level competence as related to physical therapy theory, examination and evaluation, physical therapy diagnosis, prognosis, treatment, intervention, prevention, and consultation.

4. The examination shall embrace, in relation to the human being, the subjects of anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy theory and procedures as related to medicine, surgery and psychiatry, and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice physical therapy.

5. **No person who has failed on six or more occasions to achieve a passing score on the examination required by this section shall be eligible for licensure by examination under this section.**

6. The applicant shall pass a test administered by the board on the laws and rules related to the practice of physical therapy in Missouri.

334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall furnish evidence of the person's educational qualifications. The educational requirements for licensure as a physical therapist assistant are:

(1) A certificate of graduation from an accredited high school or its equivalent; and

(2) Satisfactory evidence of completion of an associate degree program of physical therapy education accredited by the commission on accreditation of physical therapy education **or eligibility to graduate from such a program within ninety days**.

2. Persons desiring to practice as a physical therapist assistant in this state shall appear before the board at such time and place as the board may direct and be examined as to the person's fitness to engage in such practice. **Applicants must meet the qualifying standards for such examinations, including any requirements established by any entity contracted by the board to administer the board approved examination.** Applications for examination shall be on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications provided in subsection 1 of this section **and meets the requirements established to qualify for examination**. Each application shall contain a statement that the statement is made under oath of affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the statement, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace an examination which shall cover the curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners.

4. The examination shall include, as related to the human body, the subjects of anatomy, kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as related to medicine and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice as a physical therapist assistant.

5. **No person who has failed on six or more occasions to achieve a passing score on the examination required by this section shall be eligible for licensure by examination under this section.**

6. The applicant shall pass a test administered by the board on the laws and rules related to the practice as a physical therapist assistant in this state.

~~[6-]~~ 7. The board shall license without examination any legally qualified person who is a resident of this state and who was actively engaged in practice as a physical therapist assistant on August 28, 1993. The board may license such person pursuant to this subsection until ninety days after the effective date of this section.

~~[7-]~~ 8. A candidate to practice as a physical therapist assistant who does not meet the educational qualifications may submit to the board an application for examination if such person can furnish written evidence to the board that the person has been employed in this state for at least three of the last five years under the supervision of a licensed physical therapist and such person possesses the knowledge and training equivalent to that obtained in an accredited school. The board may license such persons pursuant to this subsection until ninety days after rules developed by the state board of healing arts regarding physical therapist assistant licensing become effective."; and

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

On motion of Representative Shields, **House Amendment No. 4** was adopted.

On motion of Representative Fitzwater, **SB 9, as amended**, was read the third time and passed by the following vote:

AYES: 150

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Baker	Bangert	Baringer
Barnes	Basye	Billington	Black 137	Black 7
Bland Manlove	Boggs	Bosley	Bromley	Brown 16
Brown 27	Brown 70	Buchheit-Courtway	Burger	Burnett
Burton	Busick	Chipman	Christofanelli	Clemens
Coleman 32	Coleman 97	Collins	Cook	Davidson
Davis	Deaton	DeGroot	Derges	Dinkins
Dogan	Doll	Eggleston	Ellebracht	Evans
Falkner	Fishel	Fitzwater	Fogle	Francis
Gray	Gregory 51	Gregory 96	Grier	Griesheimer
Griffith	Gunby	Haden	Haley	Hannegan
Hardwick	Henderson	Hicks	Hill	Houx
Hovis	Hudson	Hurlbert	Ingle	Johnson
Kalberloh	Kelley 127	Kelly 141	Kidd	Knight
Lewis 25	Lewis 6	Lovasco	Mackey	Mayhew
McCreery	McDaniel	McGaugh	McGirt	Merideth
Mosley	Murphy	Nurrenbern	O'Donnell	Owen
Patterson	Perkins	Person	Phifer	Pietzman
Pike	Plocher	Pollitt 52	Pollock 123	Porter
Pouche	Price IV	Proudie	Quade	Railsback
Reedy	Riggs	Riley	Roberts	Roden
Rogers	Rone	Rowland	Ruth	Sassmann
Sauls	Schroer	Schwadron	Seitz	Sharp 36
Sharpe 4	Shaul	Shields	Smith 155	Smith 163
Smith 45	Smith 67	Stacy	Stephens 128	Tate
Taylor 139	Taylor 48	Terry	Thompson	Toalson Reisch
Trent	Turnbaugh	Unsicker	Van Schoiack	Veit
Wallingford	Walsh 50	Walsh Moore 93	Weber	West
Wiemann	Windham	Wright	Young	Mr. Speaker

NOES: 001

Thomas

PRESENT: 000

ABSENT WITH LEAVE: 011

Bailey	Butz	Copeland	Cupps	Haffner
Morse	Richey	Sander	Schnelting	Simmons
Stevens 46				

VACANCIES: 001

Representative Chipman declared the bill passed.

### HOUSE BILLS WITH SENATE AMENDMENTS

**SS SCS HCS HB 734, as amended**, relating to utilities, was taken up by Representative O'Donnell.

Representative O'Donnell moved that the House refuse to adopt **SS SCS HCS HB 734, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

Speaker Vescovo resumed the Chair.

### APPOINTMENT OF CONFERENCE COMMITTEES

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

**HCS SCS SB 403, as amended**: Representatives Patterson, Fitzwater, Rone, Proudie, and Lewis (25)

### THIRD READING OF SENATE BILLS - INFORMAL

**HS HCS SCS SB 520**, relating to the designation of memorial infrastructure, was taken up by Representative Ruth.

On motion of Representative Ruth, the title of **HS HCS SCS SB 520** was agreed to.

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

#### *House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520, Page 2, Section 143.1032, Line 6, by inserting after the word "**fund**." the following:

**"The Missouri Medal of Honor Recipients Fund is hereby created, and the state treasurer shall be the custodian of the fund and shall make disbursements from the fund. All monies shall be received by the department of revenue and either upon request, or at a minimum on a monthly basis, be transferred to the department of transportation.";** and

Further amend said bill, page, and section, Line 15, by inserting at the end of said line the following:

**"The department of revenue shall establish a separate funding account for the moneys collected for the Missouri Medal of Honor Recipients Fund.";** and

Further amend said bill, page, and section, Lines 27-29, by deleting all of said lines and inserting in lieu thereof the following:

**"5. Moneys deposited in the Missouri Medal of Honor Recipients Fund shall be transferred to the department of transportation by the department of revenue to pay for the costs of the Missouri Medal of Honor memorial bridge or highway signs. The Missouri Medal of Honor Recipients Fund shall be used to pay any renewal fee for a memorial bridge or highway sign for Missouri Medal of Honor recipients, regardless if originally paid for by private donations. The department of revenue shall provide notification by way of memo, to the department of transportation informing the department of transportation of the payment transfer to the credit of the state road fund, with the memo indicating the payment amount, payment date, payment account number, and the list of Missouri Medal of Honor recipient or recipients on whose behalf the payment is made.";** and

Further amend said bill, Page 4, Section 227.299, Line 43, by inserting after the word **"with"** the words **"the construction, maintenance, and installation of signs for"**; and

Further amend said bill, Page 8, Section 227.807, Lines 1-3, by deleting all of said section and lines from the bill; and

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

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

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

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520, Page 15, Section 302.171, Line 127, by inserting after all of said section and line the following:

**"Section 1. The bridge on State Highway 34, also known as South Main Street, crossing over the Makenzie Creek in Wayne County shall be designated as "WW II POW Alex Cortez Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.";** and

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

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

*House Amendment No. 1*

*to*

*House Amendment No. 2*

AMEND House Amendment No. 2 to House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520, Page 1, Line 8, by deleting all of said line and inserting in lieu thereof the following:

"designating such bridge, with the costs to be paid by private donations.

**Section 2. The portion of State Highway 43 from State Highway U continuing to State Highway C in Newton County shall be designated as "Firefighter Tyler H Casey Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.";** and"; and

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

On motion of Representative Deaton, **House Amendment No. 1 to House Amendment No. 2** was adopted.

Representative Trent offered **House Amendment No. 2 to House Amendment No. 2.**

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

AMEND House Amendment No. 2 to House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520, Page 1, Line 2, by inserting after the number "520," the following:

"Page 8, Section 227.789, Line 5, by inserting after all of said section the following:

**"227.793. 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 shall be designated the "Nathanael Greene Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the cost to be paid for by private donations.";** and

Further amend said bill,"; and

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

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

Representative Hudson assumed the Chair.

On motion of Representative Dinkins, **House Amendment No. 2, as amended,** was adopted.

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

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520, Page 7, Section 227.775, Line 4, by inserting after all of said section and line the following:

**"227.776. The portion of Interstate 55 from State Highway AB to Hopper Road within the city of Cape Girardeau in Cape Girardeau County shall be designated as "Rush Limbaugh Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.";** and

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

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

*House Amendment No. 1*  
*to*  
*House Amendment No. 3*

AMEND House Amendment No. 3 to House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520, Page 1, Line 8, by inserting after all of said line the following:

"Further amend said bill and page, Section 227.777, Line 1, by deleting the word "**BSNF**" and inserting in lieu thereof the word "**BNSF**"; and"; and

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

Representative Pollock (123) raised a point of order that a member was in violation of Rule 84.

Representative Hudson requested a parliamentary ruling.

The Chair advised members to keep remarks to the matter at hand.

**House Amendment No. 1 to House Amendment No. 3** was withdrawn.

Representative Schroer offered **House Amendment No. 2 to House Amendment No. 3.**

*House Amendment No. 2*  
*to*  
*House Amendment No. 3*

AMEND House Amendment No. 3 to House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 520, Page 1, Line 8, by inserting after all of said line the following:

"Further amend said bill, Page 15, Section 302.171, Line 127, by inserting the following:

**"Section 1. That portion of Interstate 64 between Jefferson Avenue and Tucker Boulevard located in the City of Saint Louis shall be designated as "Bobby Plager Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.";** and"; and

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

Representative Kelly (141) moved the previous question.

Which motion was adopted by the following vote:

AYES: 091

Andrews	Atchison	Baker	Basye	Billington
Black 7	Boggs	Bromley	Brown 16	Buchheit-Courtway
Burger	Busick	Chipman	Christofanelli	Coleman 32
Coleman 97	Cook	Davis	Deaton	DeGroot
Derges	Dinkins	Dogan	Eggleston	Falkner

Fitzwater	Gregory 51	Gregory 96	Griesheimer	Griffith
Haden	Haffner	Haley	Hannegan	Hardwick
Henderson	Hill	Houx	Hovis	Hudson
Hurlbert	Kalberloh	Kelley 127	Kelly 141	Lewis 6
Lovasco	Mayhew	McDaniel	McGill	Morse
Murphy	O'Donnell	Owen	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Proudie
Railsback	Reedy	Richey	Riggs	Riley
Roberts	Roden	Ruth	Sassmann	Schroer
Schwadron	Seitz	Sharpe 4	Shaul	Shields
Simmons	Smith 155	Stacy	Taylor 139	Taylor 48
Thomas	Thompson	Toalson Reisch	Trent	Van Schoiack
Veit	Wallingford	Walsh 50	West	Wiemann

Mr. Speaker

NOES: 045

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

PRESENT: 000

ABSENT WITH LEAVE: 026

Aldridge	Bailey	Black 137	Brown 70	Copeland
Cupps	Davidson	Evans	Fishel	Francis
Grier	Hicks	Kidd	Knight	Mackey
McGaugh	Patterson	Perkins	Pietzman	Rone
Sander	Schnelting	Smith 163	Stephens 128	Tate
Wright				

VACANCIES: 001

On motion of Representative Schroer, **House Amendment No. 2 to House Amendment No. 3** was adopted.

Representative Murphy raised a point of order that a member was in violation of Rule 88.

Representative Windham raised an additional point of order that a member was in violation of Rule 86.

Representative Hudson requested parliamentary rulings.

Speaker Vescovo resumed the Chair.

The Chair reminded members to abide by the rules of decorum in the Chamber.

Representative Hudson resumed the Chair.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

Andrews	Atchison	Baker	Basye	Billington
Black 7	Boggs	Bromley	Brown 16	Buchheit-Courtway
Burger	Busick	Chipman	Christofanelli	Coleman 32
Coleman 97	Cook	Davis	Deaton	DeGroot
Derges	Dogan	Eggleston	Falkner	Fishel
Fitzwater	Francis	Gregory 51	Gregory 96	Grier
Griesheimer	Griffith	Haden	Haffner	Haley
Hannegan	Hardwick	Henderson	Hicks	Hovis
Hudson	Hurlbert	Kalberloh	Kelley 127	Kelly 141
Lewis 6	Lovasco	Mayhew	McGill	Morse
Murphy	Owen	Perkins	Pietzman	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Railsback	Reedy	Richey	Riggs	Riley
Roberts	Roden	Rone	Ruth	Sassmann
Schroer	Schwadron	Seitz	Sharpe 4	Shaul
Shields	Simmons	Smith 163	Stacy	Stephens 128
Taylor 139	Thomas	Thompson	Toalson Reisch	Trent
Van Schoiack	Wallingford	Walsh 50	West	Wiemann
Wright	Mr. Speaker			

NOES: 043

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

PRESENT: 000

ABSENT WITH LEAVE: 027

Aldridge	Bailey	Bangert	Black 137	Copeland
Cupps	Davidson	Dinkins	Ellebracht	Evans
Hill	Houx	Kidd	Knight	McCreery
McDaniel	McGaugh	O'Donnell	Patterson	Rowland
Sander	Schnelting	Smith 155	Tate	Taylor 48
Terry	Veit			

VACANCIES: 001

On motion of Representative Simmons, **House Amendment No. 3, as amended**, was adopted by the following vote, the ayes and noes having been demanded pursuant to Article III, Section 26 of the Constitution:

AYES: 088

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 7	Boggs	Bromley	Buchheit-Courtway
Burger	Busick	Chipman	Christofanelli	Coleman 32
Coleman 97	Cook	Davis	Deaton	Derges
Dinkins	Dogan	Eggleston	Falkner	Fitzwater
Francis	Gregory 96	Grier	Griesheimer	Griffith
Haden	Haffner	Haley	Hardwick	Henderson
Hicks	Hill	Hovis	Hudson	Hurlbert
Kalberloh	Kelley 127	Kelly 141	Mayhew	McGill
Morse	Murphy	Owen	Perkins	Pietzman
Pike	Plocher	Pollitt 52	Pollock 123	Porter
Pouche	Railsback	Richey	Riggs	Riley
Roden	Rone	Ruth	Sassmann	Schroer
Schwadron	Seitz	Sharpe 4	Shaul	Shields
Simmons	Smith 155	Smith 163	Stacy	Stephens 128
Taylor 139	Taylor 48	Thomas	Thompson	Toalson Reisch
Trent	Van Schoiack	Wallingford	Walsh 50	West
Wiemann	Wright	Mr. Speaker		

NOES: 048

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

PRESENT: 003

Gregory 51	Lewis 6	Lovasco
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ABSENT WITH LEAVE: 023

Black 137	Brown 16	Brown 70	Copeland	Cupps
Davidson	Ellebracht	Evans	Fishel	Hannegan
Houx	Kidd	Knight	McCreery	McDaniel
McGaugh	O'Donnell	Patterson	Rowland	Sander
Schnelting	Tate	Veit		

VACANCIES: 001

On motion of Representative Ruth, **HS HCS SCS SB 520, as amended**, was adopted.

On motion of Representative Ruth, **HS HCS SCS SB 520, as amended**, was read the third time and passed by the following vote:

2696 *Journal of the House*

AYES: 091

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 7	Boggs	Bromley	Buchheit-Courtway
Burger	Busick	Chipman	Christofanelli	Coleman 32
Coleman 97	Cook	Davis	Deaton	DeGroot
Derges	Dinkins	Dogan	Eggleston	Falkner
Fitzwater	Francis	Gregory 51	Gregory 96	Grier
Griesheimer	Griffith	Haden	Haffner	Haley
Hardwick	Henderson	Hicks	Hill	Hovis
Hudson	Hurlbert	Kalberloh	Kelley 127	Kelly 141
Lewis 6	Lovasco	Mayhew	McGill	Morse
Murphy	Owen	Perkins	Pietzman	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Railsback	Reedy	Richey	Riggs	Riley
Roberts	Roden	Ruth	Sassmann	Schroer
Schwadron	Seitz	Sharpe 4	Shaul	Shields
Simmons	Smith 155	Smith 163	Stacy	Taylor 139
Taylor 48	Thomas	Thompson	Toalson Reisch	Trent
Van Schoiack	Wallingford	Walsh 50	Wiemann	Wright
Mr. Speaker				

NOES: 002

Barnes Price IV

PRESENT: 000

ABSENT WITH LEAVE: 069

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Black 137	Bland Manlove	Bosley
Brown 16	Brown 27	Brown 70	Burnett	Burton
Butz	Clemens	Collins	Copeland	Cupps
Davidson	Doll	Ellebracht	Evans	Fishel
Fogle	Gray	Gunby	Hannegan	Houx
Ingle	Johnson	Kidd	Knight	Lewis 25
Mackey	McCreery	McDaniel	McGaugh	Merideth
Mosley	Nurrenbern	O'Donnell	Patterson	Person
Phifer	Proudie	Quade	Rogers	Rone
Rowland	Sander	Sauls	Schnelting	Sharp 36
Smith 45	Smith 67	Stephens 128	Stevens 46	Tate
Terry	Turnbaugh	Unsicker	Veit	Walsh Moore 93
Weber	West	Windham	Young	

VACANCIES: 001

Representative Hudson declared the bill passed.

Speaker Vescovo resumed the Chair.

**SS#2 SCS SB 262**, relating to transportation, was again taken up by Representative Ruth.

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

House Amendment No. 1

AMEND Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 262, Page 31, Section B, Lines 1-12, by removing all of said section from the bill and inserting in lieu thereof the following:

"Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2022, under the applicable laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and it shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise."; and

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

Representative Smith (67) raised a point of order.

The Chair ruled the point of order not well taken.

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

The Chair reminded members to abide by the rules of decorum in the Chamber.

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

Which motion was defeated by the following vote, the ayes and noes having been demanded pursuant to Article III, Section 26 of the Constitution:

AYES: 048

Bailey	Baker	Billington	Boggs	Chipman
Christofanelli	Coleman 32	Cook	Davidson	Davis
Deaton	DeGroot	Dinkins	Eggleston	Fitzwater
Grier	Haffner	Hardwick	Hudson	Kelley 127
Kelly 141	Lovasco	Mayhew	McDaniel	Perkins
Pietzman	Pollock 123	Pouche	Richey	Riley
Roden	Rone	Rowland	Sander	Schroer
Schwadron	Seitz	Shaul	Smith 155	Smith 163
Stacy	Taylor 139	Thomas	Toalson Reisch	Trent
Walsh 50	West	Mr. Speaker		

NOES: 102

Adams	Anderson	Andrews	Appelbaum	Atchison
Aune	Bangert	Baringer	Barnes	Basye
Black 137	Black 7	Bland Manlove	Bosley	Bromley
Brown 16	Brown 27	Brown 70	Buchheit-Courtway	Burger
Burnett	Burton	Busick	Butz	Coleman 97
Collins	Derges	Dogan	Doll	Evans
Falkner	Fishel	Fogle	Francis	Gray
Gregory 51	Gregory 96	Griesheimer	Griffith	Gunby
Haden	Hannegan	Henderson	Hicks	Hill
Houx	Hovis	Hurlbert	Johnson	Kalberloh
Kidd	Knight	Lewis 25	Lewis 6	Mackey
McCreery	McGaugh	McGirl	Morse	Mosley

Murphy	Nurrenbern	O'Donnell	Owen	Patterson
Person	Phifer	Pike	Plocher	Pollitt 52
Porter	Price IV	Quade	Railsback	Reedy
Riggs	Roberts	Rogers	Ruth	Sassmann
Sharp 36	Sharpe 4	Shields	Simmons	Smith 45
Smith 67	Stephens 128	Stevens 46	Tate	Taylor 48
Terry	Thompson	Turnbaugh	Unsicker	Van Schoiack
Veit	Wallingford	Walsh Moore 93	Weber	Wiemann
Wright	Young			

PRESENT: 007

Aldridge	Clemens	Ellebracht	Ingle	Merideth
Proudie	Windham			

ABSENT WITH LEAVE: 005

Copeland	Cupps	Haley	Sauls	Schnelting
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VACANCIES: 001

### Representative Roden offered **House Amendment No. 2.**

#### *House Amendment No. 2*

AMEND Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 262, Page 31, Section 407.556, Line 18, by inserting after all of said section and line the following:

"643.310. 1. The commission may, by rule, establish a decentralized motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, **except that no decentralized motor vehicle emissions inspection program shall be established in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants or any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants.** The decentralized motor vehicle emissions inspection program shall be implemented and applied in the same manner throughout every portion of a nonattainment area located within the area described in subsection 1 of section 643.305 **except any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants or any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants or any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants.** The commission shall ensure that, for each nonattainment area, the state implementation plan established pursuant to subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established pursuant to subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. Section 7401, et seq., and the regulations promulgated thereunder.

2. (1) The department, with the cooperation and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and

expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate and cost-effective service to customers.

(2) Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.

(3) A license or contract shall be for a period of up to seven years, consistent with the provisions of Article IV, Section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.

3. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 37.014 and chapter 34. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission, shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program pursuant to this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program pursuant to this section.

4. With approval of the commission and pursuant to rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and pursuant to rules adopted by the commission, any person operating a fleet of motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established pursuant to this subsection shall be performed by a contractor selected by the commission pursuant to this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

5. If the governor applies to the administrator of the Environmental Protection Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale to agricultural, commercial or retail customers outside said nonattainment areas subject to reformulated gasoline."; and

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

Representative Aune raised a point of order that **House Amendment No. 2** is not germane.

The Chair ruled the point of order not well taken.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 114

Aldridge	Anderson	Andrews	Atchison	Bailey
Baker	Basye	Billington	Black 137	Black 7
Boggs	Bromley	Brown 16	Buchheit-Courtway	Burger
Busick	Chipman	Christofanelli	Coleman 32	Coleman 97
Collins	Cook	Davidson	Davis	Deaton

2700 *Journal of the House*

DeGroot	Derges	Dinkins	Dogan	Eggleston
Evans	Falkner	Fishel	Fitzwater	Francis
Gregory 51	Gregory 96	Grier	Griesheimer	Griffith
Haden	Haffner	Hannegan	Hardwick	Henderson
Hicks	Houx	Hovis	Hudson	Hurlbert
Johnson	Kalberloh	Kelley 127	Kelly 141	Kidd
Knight	Lewis 6	Lovasco	Mayhew	McDaniel
McGaugh	McGirl	Morse	Murphy	O'Donnell
Owen	Patterson	Perkins	Pietzman	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Pouche
Proudie	Railsback	Reedy	Richey	Riggs
Riley	Roberts	Roden	Rone	Ruth
Sander	Sassmann	Schwadron	Seitz	Sharp 36
Sharpe 4	Shaul	Shields	Simmons	Smith 155
Smith 163	Smith 67	Stacy	Stephens 128	Tate
Taylor 139	Terry	Thomas	Toalson Reisch	Trent
Van Schoiack	Veit	Wallingford	Walsh 50	West
Wiemann	Windham	Wright	Mr. Speaker	

NOES: 040

Adams	Appelbaum	Aune	Bangert	Baringer
Barnes	Bland Manlove	Bosley	Brown 27	Brown 70
Burnett	Burton	Butz	Clemens	Doll
Ellebracht	Fogle	Gray	Gunby	Ingle
Lewis 25	Mackey	McCreery	Merideth	Mosley
Nurrenbern	Person	Phifer	Price IV	Quade
Rogers	Rowland	Sauls	Smith 45	Stevens 46
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Young

PRESENT: 000

ABSENT WITH LEAVE: 008

Copeland	Cupps	Haley	Hill	Schnelting
Schroer	Taylor 48	Thompson		

VACANCIES: 001

Representative Roden moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded pursuant to Article III, Section 26 of the Constitution:

AYES: 042

Bailey	Baker	Billington	Boggs	Chipman
Christofanelli	Coleman 32	Cook	Davidson	Davis
Deaton	DeGroot	Eggleston	Grier	Hardwick
Hill	Hudson	Kelley 127	Kelly 141	Lovasco
Mayhew	McDaniel	Perkins	Pietzman	Pollock 123
Richey	Riley	Roden	Rone	Sander
Schwadron	Seitz	Shaul	Smith 163	Stacy
Taylor 139	Thomas	Toalson Reisch	Trent	Walsh 50
West	Mr. Speaker			

NOES: 112

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bangert	Baringer	Barnes
Basye	Black 137	Black 7	Bland Manlove	Bosley
Bromley	Brown 16	Brown 27	Brown 70	Buchheit-Courtway
Burger	Burnett	Burton	Busick	Butz
Clemens	Coleman 97	Collins	Derges	Dinkins
Dogan	Doll	Ellebracht	Evans	Falkner
Fishel	Fitzwater	Fogle	Francis	Gray
Gregory 51	Gregory 96	Griffith	Gunby	Haden
Haffner	Hannegan	Henderson	Hicks	Houx
Hovis	Hurlbert	Ingle	Johnson	Kalberloh
Kidd	Knight	Lewis 25	Lewis 6	Mackey
McCreery	McGaugh	McGirl	Merideth	Morse
Mosley	Murphy	Nurrenbern	O'Donnell	Owen
Patterson	Person	Phifer	Pike	Plocher
Pollitt 52	Porter	Pouche	Price IV	Proudie
Quade	Railsback	Reedy	Riggs	Roberts
Rogers	Rowland	Ruth	Sassmann	Sauls
Sharp 36	Sharpe 4	Shields	Smith 155	Smith 45
Smith 67	Stephens 128	Stevens 46	Tate	Terry
Thompson	Turnbaugh	Unsicker	Van Schoiack	Veit
Wallingford	Walsh Moore 93	Weber	Wiemann	Windham
Wright	Young			

PRESENT: 001

Griesheimer

ABSENT WITH LEAVE: 007

Copeland	Cupps	Haley	Schnelting	Schroer
Simmons	Taylor 48			

VACANCIES: 001

Representative Lovasco requested a division of the question on **SS#2 SCS SB 262**.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Andrews	Atchison	Bailey	Baker	Basye
Billington	Black 137	Black 7	Boggs	Bromley
Brown 16	Buchheit-Courtway	Burger	Busick	Chipman
Christofanelli	Coleman 32	Coleman 97	Cook	Davidson
Deaton	DeGroot	Derges	Dinkins	Dogan
Evans	Falkner	Fishel	Fitzwater	Francis
Gregory 51	Gregory 96	Grier	Griesheimer	Griffith
Haden	Haffner	Haley	Hannegan	Hardwick
Henderson	Hicks	Houx	Hovis	Hudson

2702 *Journal of the House*

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

NOES: 056

Adams	Aldridge	Anderson	Appelbaum	Aune
Bangert	Baringer	Barnes	Bland Manlove	Bosley
Brown 27	Brown 70	Burnett	Burton	Butz
Clemens	Collins	Davis	Doll	Eggleston
Ellebracht	Fogle	Gray	Gunby	Ingle
Johnson	Lewis 25	Mackey	McCreery	Merideth
Mosley	Nurrenbern	Person	Phifer	Pollock 123
Price IV	Proudie	Quade	Rogers	Rowland
Sauls	Sharp 36	Shaul	Simmons	Smith 45
Smith 67	Stacy	Stevens 46	Taylor 139	Terry
Turnbaugh	Unsicker	Walsh Moore 93	Weber	Windham
Young				

PRESENT: 000

ABSENT WITH LEAVE: 004

Copeland	Cupps	Hill	Schnelting
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VACANCIES: 001

On motion of Representative Ruth, **Part I of SS#2 SCS SB 262**, was adopted by the following vote:

AYES: 111

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bangert	Baringer	Barnes
Basye	Billington	Black 137	Black 7	Bland Manlove
Bosley	Bromley	Brown 16	Brown 27	Brown 70
Buchheit-Courtway	Burger	Burnett	Burton	Busick
Butz	Clemens	Coleman 32	Collins	Derges
Dinkins	Dogan	Doll	Ellebracht	Evans
Falkner	Fishel	Fogle	Francis	Gray
Gregory 51	Gregory 96	Griesheimer	Griffith	Gunby
Haden	Hannegan	Henderson	Hicks	Houx
Hovis	Hurlbert	Ingle	Johnson	Kalberloh
Kidd	Knight	Lewis 25	Lewis 6	Mackey
McCreery	McGaugh	McGill	Merideth	Morse
Mosley	Nurrenbern	O'Donnell	Owen	Patterson
Perkins	Person	Phifer	Pike	Plocher

Pollitt 52	Porter	Pouche	Price IV	Proudie
Quade	Railsback	Reedy	Riggs	Roberts
Rogers	Rowland	Ruth	Sassmann	Sharp 36
Sharpe 4	Shields	Smith 155	Smith 45	Smith 67
Stephens 128	Tate	Taylor 48	Terry	Thompson
Turnbaugh	Unsicker	Van Schoiack	Veit	Wallingford
Walsh Moore 93	Weber	Wiemann	Windham	Wright
Young				

NOES: 046

Bailey	Baker	Boggs	Chipman	Christofanelli
Coleman 97	Cook	Davidson	Davis	Deaton
DeGroot	Eggleston	Fitzwater	Grier	Haffner
Haley	Hardwick	Hill	Hudson	Kelley 127
Kelly 141	Lovasco	Mayhew	McDaniel	Murphy
Pietzman	Pollock 123	Richey	Riley	Roden
Rone	Sander	Schroer	Schwadron	Seitz
Shaul	Simmons	Smith 163	Stacy	Taylor 139
Thomas	Toalson Reisch	Trent	Walsh 50	West
Mr. Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 005

Copeland	Cupps	Sauls	Schnelting	Stevens 46
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VACANCIES: 001

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 088

Aldridge	Andrews	Atchison	Basye	Black 137
Black 7	Boggs	Bromley	Brown 16	Buchheit-Courtway
Burger	Busick	Christofanelli	Coleman 32	Coleman 97
Davidson	Deaton	DeGroot	Derges	Dinkins
Dogan	Falkner	Fishel	Fitzwater	Francis
Gregory 51	Gregory 96	Griesheimer	Griffith	Haden
Haffner	Haley	Hannegan	Hardwick	Henderson
Houx	Hovis	Hudson	Hurlbert	Kalberloh
Kelly 141	Kidd	Knight	Lewis 6	Lovasco
Mayhew	McGill	Morse	Owen	Patterson
Perkins	Pike	Plocher	Pollitt 52	Porter
Pouche	Proudie	Railsback	Reedy	Richey
Riggs	Riley	Roberts	Ruth	Sassmann
Schroer	Schwadron	Sharp 36	Sharpe 4	Shields
Simmons	Smith 155	Smith 163	Smith 67	Stephens 128
Tate	Taylor 48	Terry	Thomas	Thompson
Trent	Turnbaugh	Van Schoiack	Veit	Walsh 50
Wiemann	Wright	Mr. Speaker		

2704 *Journal of the House*

NOES: 060

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Billington	Bosley	Brown 27
Brown 70	Burnett	Burton	Butz	Chipman
Clemens	Collins	Cook	Davis	Doll
Eggleston	Ellebracht	Fogle	Gray	Grier
Hill	Ingle	Kelley 127	Lewis 25	Mackey
McCreery	McDaniel	Merideth	Mosley	Murphy
Nurrenbern	Phifer	Pietzman	Pollock 123	Price IV
Quade	Roden	Rogers	Rone	Rowland
Sander	Sauls	Seitz	Shaul	Smith 45
Stacy	Stevens 46	Taylor 139	Toalson Reisch	Unsicker
Walsh Moore 93	Weber	West	Windham	Young

PRESENT: 000

ABSENT WITH LEAVE: 014

Bailey	Baker	Bland Manlove	Copeland	Cupps
Evans	Gunby	Hicks	Johnson	McGaugh
O'Donnell	Person	Schnelting	Wallingford	

VACANCIES: 001

On motion of Representative Ruth, **Part II of SS#2 SCS SB 262**, was adopted by the following vote:

AYES: 109

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bangert	Baringer	Barnes
Basye	Black 137	Black 7	Bland Manlove	Bosley
Bromley	Brown 16	Brown 27	Brown 70	Buchheit-Courtway
Burger	Burnett	Burton	Busick	Butz
Clemens	Collins	Derges	Dinkins	Dogan
Doll	Ellebracht	Evans	Falkner	Fishel
Fogle	Francis	Gray	Gregory 51	Gregory 96
Griesheimer	Griffith	Gunby	Haden	Hannegan
Henderson	Hicks	Houx	Hovis	Hurlbert
Ingle	Johnson	Kalberloh	Kidd	Knight
Lewis 25	Lewis 6	Mackey	McCreery	McGaugh
McGirl	Merideth	Morse	Mosley	Nurrenbern
O'Donnell	Owen	Patterson	Person	Phifer
Pike	Plocher	Pollitt 52	Porter	Pouche
Price IV	Proudie	Quade	Railsback	Reedy
Riggs	Roberts	Rogers	Rowland	Ruth
Sassmann	Sharp 36	Sharpe 4	Shields	Smith 155
Smith 45	Smith 67	Stephens 128	Stevens 46	Tate
Taylor 48	Terry	Thompson	Turnbaugh	Unsicker
Van Schoiack	Veit	Wallingford	Walsh Moore 93	Weber
Wiemann	Windham	Wright	Young	

NOES: 048

Baker	Billington	Boggs	Chipman	Christofanelli
Coleman 32	Coleman 97	Cook	Davidson	Davis
Deaton	DeGroot	Eggleston	Fitzwater	Grier
Haffner	Haley	Hardwick	Hill	Hudson

Kelley 127	Kelly 141	Lovasco	Mayhew	McDaniel
Murphy	Perkins	Pietzman	Pollock 123	Richey
Riley	Roden	Rone	Sander	Schroer
Schwadron	Seitz	Shaul	Simmons	Smith 163
Stacy	Taylor 139	Thomas	Toalson Reisch	Trent
Walsh 50	West	Mr. Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 005

Bailey	Copeland	Cupps	Sauls	Schnelting
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VACANCIES: 001

On motion of Representative Ruth, **SS#2 SCS SB 262**, was truly agreed to and finally passed by the following vote:

AYES: 104

Adams	Aldridge	Anderson	Andrews	Appelbaum
Atchison	Aune	Bangert	Baringer	Barnes
Basye	Billington	Black 137	Black 7	Bland Manlove
Bosley	Bromley	Brown 16	Brown 27	Brown 70
Buchheit-Courtway	Burger	Burnett	Burton	Busick
Butz	Clemens	Collins	Derges	Dogan
Doll	Ellebracht	Evans	Falkner	Fishel
Fogle	Francis	Gregory 51	Griesheimer	Griffith
Gunby	Haden	Hannegan	Hicks	Houx
Hovis	Hurlbert	Ingle	Johnson	Kalberloh
Kidd	Knight	Lewis 25	Lewis 6	Mackey
McCreery	McGaugh	McGirl	Merideth	Morse
Mosley	Nurrenbern	O'Donnell	Owen	Patterson
Person	Phifer	Pike	Plocher	Porter
Price IV	Prudie	Quade	Railsback	Reedy
Riggs	Roberts	Rogers	Rone	Rowland
Ruth	Sassmann	Sharp 36	Sharpe 4	Shields
Smith 155	Smith 45	Smith 67	Stephens 128	Stevens 46
Tate	Taylor 48	Terry	Thompson	Turnbaugh
Unsicker	Van Schoiack	Veit	Wallingford	Walsh Moore 93
Weber	Windham	Wright	Young	

NOES: 052

Baker	Boggs	Chipman	Christofanelli	Coleman 32
Coleman 97	Cook	Davidson	Davis	Deaton
DeGroot	Dinkins	Eggleston	Fitzwater	Gregory 96
Grier	Haffner	Haley	Hardwick	Henderson
Hill	Hudson	Kelley 127	Kelly 141	Lovasco
Mayhew	McDaniel	Murphy	Perkins	Pietzman
Pollitt 52	Pollock 123	Pouche	Richey	Riley
Roden	Sander	Schroer	Schwadron	Seitz
Shaul	Simmons	Smith 163	Stacy	Taylor 139
Thomas	Toalson Reisch	Trent	Walsh 50	West
Wiemann	Mr. Speaker			

2706 *Journal of the House*

PRESENT: 000

ABSENT WITH LEAVE: 006

Bailey Schnelting	Copeland	Cupps	Gray	Sauls
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VACANCIES: 001

Speaker Vescovo declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 009

Adams Pollock 123	Davis Rowland	Ingle Toalson Reisch	McCreery Unsicker	Phifer
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NOES: 141

Aldridge	Anderson	Andrews	Appelbaum	Atchison
Aune	Baker	Bangert	Baringer	Barnes
Basye	Billington	Black 137	Black 7	Bland Manlove
Boggs	Bosley	Bromley	Brown 16	Brown 27
Brown 70	Buchheit-Courtway	Burger	Burnett	Busick
Butz	Chipman	Christofanelli	Clemens	Coleman 32
Coleman 97	Collins	Cook	Davidson	Deaton
DeGroot	Derges	Dinkins	Doll	Eggleston
Ellebracht	Evans	Falkner	Fishel	Fitzwater
Francis	Gregory 51	Gregory 96	Grier	Griesheimer
Griffith	Gunby	Haden	Haffner	Haley
Hannegan	Hardwick	Henderson	Hicks	Hill
Houx	Hovis	Hudson	Hurlbert	Johnson
Kalberloh	Kelley 127	Kelly 141	Kidd	Knight
Lewis 25	Lewis 6	Lovasco	Mackey	Mayhew
McDaniel	McGaugh	McGill	Merideth	Morse
Mosley	Murphy	Nurrenbern	O'Donnell	Owen
Patterson	Perkins	Person	Pietzman	Pike
Plocher	Pollitt 52	Porter	Pouche	Proudie
Quade	Railsback	Reedy	Richey	Riggs
Riley	Roberts	Roden	Rogers	Rone
Ruth	Sander	Sassmann	Schroer	Schwadron
Seitz	Sharp 36	Sharpe 4	Shaul	Shields
Simmons	Smith 155	Smith 163	Smith 45	Smith 67
Stacy	Stephens 128	Tate	Taylor 139	Taylor 48
Terry	Thomas	Thompson	Trent	Turnbaugh
Van Schoiack	Veit	Wallingford	Walsh 50	Walsh Moore 93
Weber	Wiemann	Windham	Wright	Young
Mr. Speaker				

PRESENT: 001

Stevens 46

ABSENT WITH LEAVE: 011

Bailey	Burton	Copeland	Cupps	Dogan
Fogle	Gray	Price IV	Sauls	Schnelting
West				

VACANCIES: 001

### PERFECTION OF HOUSE BILLS - INFORMAL

**HCS HB 688, HCS HB 782, HB 316, HB 894, HS HB 513, HS HB 152, HB 474, HCS HB 785, HB 212, HB 64, HCS HB 108, HCS HB 156, HCS HB 157, HB 213, HCS HB 218, HCS HB 301, HCS HB 339, HB 347, HCS HB 355, HCS HB 385, HB 511, HCS HB 852, HB 893, HCS HB 900, HB 908, HCS HB 1046, HCS HB 1166, HB 708, HB 1088, HCS HB 472, HB 478, HCS HB 303, HCS HB 602, HCS HB 1408, and HB 1416** were placed back on the House Bills for Perfection Calendar.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **SB 86, with House Amendment No. 1, House Amendment No. 2, and House Amendment No. 3** and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SB 333, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HB 734, as amended**, and grants the House a conference thereon and that Senate conferees be allowed to exceed the differences on Section 137.123.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SCS SB 520, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 369** entitled:

An act to repeal sections 270.170, 270.180, 270.260, 270.270, 270.400, 537.346, and 537.347, RSMo, and to enact in lieu thereof ten new sections relating to land management, with penalty provisions.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 369, Page 8, Section 270.400, Line 88, by inserting after all of said line the following:

"316.250. 1. This section shall be known and may be cited as "Ethan's Law".

2. Every owner of a for-profit private swimming pool or facility shall maintain adequate insurance coverage in an amount of not less than one million dollars per occurrence for any liability incurred in the event of injury or death of a patron to such swimming pool or facility, including any liability incurred under paragraph [(b)] (a) of subdivision (3) of section 537.348. Such owners shall be required to register with the department of public safety and provide proof of such insurance coverage at the time of registration and when requested by any state or local governmental agency responsible for the enforcement of this section.

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

(1) "Owner", the owner of the land, including but not limited to a lessee, tenant, mortgagee in possession and the person in charge of the land on which a swimming pool is located;

(2) "Swimming pool or facility", any for-profit privately owned tank or body of water with a capacity of less than five hundred patrons which charges a fee per admission and is used and maintained for swimming or bathing purposes which has a maximum depth of greater than twenty-four inches. "Swimming pool or facility" shall include, but not be limited to, a swimming pool on lands in connection with the operation of any type of for-profit privately owned amusement or recreational park. "Swimming pool or facility" does not include a swimming pool or facility owned by a hotel, motel, public or governmental body, agency, or authority, a naturally occurring body of water or stream, or a body of water established by a person or persons and used for watering livestock, irrigation, or storm water management.

4. Any owner who violates the provisions of this section shall not be permitted to remain in operation until such owner meets the requirements of this section. Any such owner who allows operation of a swimming pool or facility in violation of this section shall be subject to a civil penalty of two hundred fifty dollars per day for each day of continued violation up to a maximum of ten thousand dollars and may be subject to liability for the costs incurred by the state or a political subdivision for enforcing the provisions of this section. In a separate court action, the attorney general may seek reimbursement on behalf of the state and a political subdivision may seek reimbursement on behalf of the political subdivision for costs incurred as a result of enforcing the provisions of this section. For purposes of this section, "each day of the violation" means each day that the swimming pool is operational and open for business and remains in violation of this section. It shall not include days that the swimming pool is not operational and open for business.

5. In addition, any owner who intentionally violates the provisions of this section is guilty of a class A misdemeanor. It shall be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to commence any criminal actions under this section, and the attorney general shall have concurrent original jurisdiction to commence such criminal actions throughout the state where such violations have occurred.

6. The department of public safety shall implement and, with the assistance of local law enforcement agencies, enforce the provisions of this section.

7. An insurance company providing insurance coverage under this section shall notify the department of public safety if any owner of a swimming pool or facility as defined in this section terminates, cancels, or fails to renew such coverage. The department may utilize local law enforcement agencies to enforce the provisions of this section.

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

(1) "Camping", all aspects of visiting, staying at, using, and leaving a private campground, including lodging of all types;

(2) "Inherent risks of camping", those dangers, hazards, or conditions that are an integral part of camping including, but not limited to, the following:

(a) Features of the natural world, such as trees, tree stumps, naturally occurring infectious agents, roots, brush, rocks, mud, sand, standing and moving water, and soil;

(b) Uneven and unpredictable terrain;

(c) Natural bodies of water and accessories permitting the use of natural bodies of water, including piers, docks, swimming and aquatic sports, or recreation facilities or areas;

(d) A lack of lighting, including lighting at campsites;

(e) Campfires contained in or outside a fire pit or an enclosure provided by the private campground, bonfires, grass or brush fires, wildfires, and forest fires;

(f) Weather and weather-related events;

(g) Insects, birds, and other wildlife;

(h) Animals of other campers or visitors that cause injury, unless the private campground owner or an employee or officer of the private campground owner has accepted responsibility for care of the animal;

(i) A violation of safety rules or a disregard for signs or other methods of communicating warnings;

- (j) Another camper or visitor at the private campground acting in a negligent manner, if the private campground owner or an employee or officer of the private campground owner is not involved;
  - (k) Actions by a camper or visitor that exceed his or her physical limitations or abilities;
  - (l) Actions by a camper or visitor involving climbing, rappeling, caving, mountaineering, or any other related activity;
  - (m) Damage caused by fireworks from a camper, visitor, or offsite entity not authorized by the private campground owner or employee or officer of a private campground owner; and
  - (n) Any person coming onto the campsite not reported to the private campground owner or an employee or officer of the private campground owner;
- (3) "Private campground", any parcel or tract of land, including buildings and other structures, that is owned or operated by a private property owner where five or more campsites are made available for use as temporary living quarters for recreational, camping, travel, or seasonal use. The term "private campground" shall also include recreational vehicle parks.

2. Except as provided in subsection 4 of this section, a private campground owner or an employee or officer of a private campground owner shall not be liable for acts or omissions related to camping at a private campground if a person is injured or killed or property is damaged as a result of an inherent risk of camping.

3. This section shall not apply to any employer-employee relationship governed by the provisions of chapter 287.

4. The provisions of subsection 2 of this section shall not prevent or limit liability of a private campground owner or an employee or officer of a private campground owner who:

- (1) Intentionally causes the injury, death, or property damage;
- (2) Acts with a willful or wanton disregard for the safety of the person or property damaged. As used in this subdivision, "willful and wanton" means conduct committed with an intentional or reckless disregard for the safety of others;
- (3) Fails to use that degree of care that an ordinarily careful and prudent person would use under the same or similar circumstances; or
- (4) Fails to conspicuously post warning signs of a dangerous, inconspicuous condition known to the owner of the private campground, or his or her employees or officers, on the property that the owner owns, leases, rents, or is otherwise in lawful control of or in possession of if the owner, employee, or officer is aware of the condition by reason of a prior injury involving the same location or the same mechanism of injury. Such warning signs shall appear in black letters on a white background with each letter to be a minimum of one inch in height.

5. Every written contract entered into by a private campground owner or an employee or officer of a private campground owner shall contain, in clearly readable print, the warning notice specified in this subsection. The signs described in subdivision (4) of subsection 4 of this section and contracts described in this subsection shall contain the following warning notice:

**"WARNING**

**Under Missouri law, a private campground owner or an employee or officer of a private campground owner is not liable for an injury to or the death of a person or any property damage resulting from the inherent risks of camping under the Revised Statutes of Missouri.";** and

Further amend said bill, Page 9, Section 537.347, Line 20, by inserting after all of said line the following:

"537.348. Nothing in this act shall be construed to create liability, but it does not limit liability that otherwise would be incurred by those who use the land of others, or by owners of land for:

- (1) Malicious or grossly negligent failure to guard or warn against a dangerous condition, structure, personal property which the owner knew or should have known to be dangerous, or negligent failure to guard or warn against an ultrahazardous condition which the owner knew or should have known to be dangerous;
- (2) Injury suffered by a person who has paid a charge for entry to the land; or
- (3) Injuries occurring on or in:
  - (a) ~~Any land within the corporate boundaries of any city, municipality, town, or village in this state;~~
  - (b) Any swimming pool. "Swimming pool" means a pool or tank, especially an artificial pool or tank, intended and adapted for swimming and held out as a swimming pool;

~~[(e)]~~ (b) Any residential area. "Residential area" as used ~~[herein]~~ **in this section** means ~~[a tract of land of one acre or less predominately used for residential purposes, or a tract of land of any size used for multifamily residential services]~~ **land used for residential purposes in an area in which housing predominates, as opposed to industrial and commercial areas, and any land used for farming or agricultural purposes;** or

~~[(d)]~~ (c) Any noncovered land. "Noncovered land" as used ~~[herein]~~ **in this section** means any portion of any land, the surface of which portion is actually used primarily for commercial, industrial, mining or manufacturing purposes; provided, however, that use of any portion of any land primarily for agricultural, grazing, forestry, conservation, natural area, owner's recreation or similar or related uses or purposes shall not under any circumstances be deemed to be use of such portion for commercial, industrial, mining or manufacturing purposes."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **SB 9, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 3 and House Amendment No. 4**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon and allow the Senate conferees to exceed the differences on Section 173.280.

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**SS HCS HB 369, as amended** - Fiscal Review  
**SS HCS HBs 557 & 560** - Fiscal Review

#### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 36** - Fiscal Review  
**HCS SCS SB 40** - Fiscal Review  
**HCS SS SB 46** - Fiscal Review  
**HCS SS SB 89** - Fiscal Review  
**HCS SS#2 SCS SB 202** - Fiscal Review

#### **CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 141**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 141, with House Amendment Nos. 1, 2, 3, 4, 5 and 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as amended, House Amendment No. 1 to House Amendment No. 8, and House Amendment No. 8, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 141, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 141;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 141 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jason Bean  
/s/ Mike Bernskoetter  
/s/ Eric Burlison  
Doug Beck  
Jill Schupp

FOR THE HOUSE:

/s/ John Black, 137  
/s/ Mike Haffner  
/s/ Don Rone  
Tracy McCreery  
Mark Ellebracht

### **REFERRAL OF CONFERENCE COMMITTEE REPORTS**

The following Conference Committee Report was referred to the Committee indicated:

**CCR HCS SS SB 141, as amended** - Fiscal Review

### **ADJOURNMENT**

On motion of Representative Plocher, the House adjourned until 10:00 a.m., Wednesday, May 12, 2021.

### **COMMITTEE HEARINGS**

#### **CHILDREN AND FAMILIES**

Wednesday, May 12, 2021, 9:30 AM, House Hearing Room 1.

Executive session will be held: HB 33

Executive session may be held on any matter referred to the committee.

#### **ELECTIONS AND ELECTED OFFICIALS**

Wednesday, May 12, 2021, 9:00 AM, House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Debriefing and recap of the present session and outlook/plan for next session.

FISCAL REVIEW

Wednesday, May 12, 2021, 9:45 AM, House Hearing Room 4.  
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, May 13, 2021, 9:45 AM, House Hearing Room 4.  
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Friday, May 14, 2021, 8:45 AM, House Hearing Room 4.  
Executive session may be held on any matter referred to the committee.

RULES - ADMINISTRATIVE OVERSIGHT

Wednesday, May 12, 2021, 9:00 AM, House Hearing Room 3.  
Executive session may be held on any matter referred to the committee.

RULES - ADMINISTRATIVE OVERSIGHT

Thursday, May 13, 2021, 9:00 AM, House Hearing Room 3.  
Executive session may be held on any matter referred to the committee.

RULES - ADMINISTRATIVE OVERSIGHT

Friday, May 14, 2021, 8:30 AM, House Hearing Room 3.  
Executive session may be held on any matter referred to the committee.

RULES - LEGISLATIVE OVERSIGHT

Wednesday, May 12, 2021, 9:30 AM, House Hearing Room 3.  
Executive session will be held: SS#2 SCS SBs 51 & 42, SS SCS SB 126  
Executive session may be held on any matter referred to the committee.  
Added SB 51 and SB 126.  
AMENDED

RULES - LEGISLATIVE OVERSIGHT

Thursday, May 13, 2021, 9:30 AM, House Hearing Room 3.  
Executive session may be held on any matter referred to the committee.

RULES - LEGISLATIVE OVERSIGHT

Friday, May 14, 2021, 8:00 AM, House Hearing Room 3.  
Executive session may be held on any matter referred to the committee.

*Please note additional procedures will be in place due to the COVID-19 pandemic. All entrants to the capitol building may be required to submit to screening questions and physical screening. Members of the public must enter the building using the south entrance. Public seating in committees will be socially distanced and therefore limited. Committee hearings will be streamed. Links may be found at <https://www.house.mo.gov>.*

**HOUSE CALENDAR**

SEVENTIETH DAY, WEDNESDAY, MAY 12, 2021

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HJR 26 - Falkner  
HJR 47 - Bailey  
HJR 13 - Coleman (32)  
HCS HJR 24 - Hardwick  
HJR 43 - Hill  
HJR 60 - Hill  
HCS HJR 22 - Eggleston  
HJR 49 - Simmons  
HCS HJR 53 - Basye

**HOUSE BILLS FOR PERFECTION**

HCS HBs 1141 & 1067, as amended, HA 1 HA 3 and HA 3, pending - Shaul  
HCS HBs 1222 & 1342 - Van Schoiack  
HB 1349 - Porter  
HB 1363 - Dogan  
HCS HB 1139 - Eggleston  
HB 36 - Pollock (123)  
HB 61 - Schnelting  
HCS HB 86 - Taylor (139)  
HCS HB 245 - Porter  
HB 308 - Kelley (127)  
HCS HB 323 - Hill  
HCS HBs 359 & 634 - Baker  
HB 390 - Griffith  
HB 396 - Richey  
HCS HB 673 - Coleman (97)  
HCS HB 754 - Christofanelli  
HCS HB 755 - Christofanelli  
HCS HB 760 - Roden  
HB 769 - Grier  
HB 851 - Walsh (50)  
HCS HB 925 - Hudson  
HB 931 - Schroer  
HB 996 - Taylor (139)  
HB 1156 - Hill  
HB 1162 - Trent  
HB 1178 - Riggs  
HB 1345 - Cupps

HB 920 - Baker  
HCS HB 1095 - Deaton  
HB 143 - DeGroot  
HB 161 - Hudson  
HCS HB 214 - Hill  
HCS HB 229 - Basye  
HB 318 - DeGroot  
HB 469 - Dinkins  
HCS HB 555 - Eggleston  
HCS HB 1016 - Griesheimer  
HB 1200 - Billington  
HCS HB 577 - Riley  
HB 92 - Taylor (139)  
HB 491 - Grier  
HCS HB 688 - Murphy  
HCS HB 782 - Trent  
HB 316 - Toalson Reisch  
HB 894 - Riggs  
HS HB 513 - Smith (155)  
HS HB 152 - Rone  
HB 474 - Trent  
HCS HB 785 - Hicks  
HB 212 - Hill  
HB 64 - Pike  
HCS HB 108 - Bangert  
HCS HB 156 - Veit  
HCS HB 157 - Veit  
HB 213 - Hill  
HCS HB 218 - Burnett  
HCS HB 301 - Haffner  
HCS HB 339 - Mayhew  
HB 347 - Veit  
HCS HB 355 - Baker  
HCS HB 385 - DeGroot  
HB 511 - Lovasco  
HCS HB 852 - Walsh (50)  
HB 893 - Riggs  
HCS HB 900 - Lovasco  
HB 908 - Andrews  
HCS HB 1046 - Dinkins  
HCS HB 1166 - Van Schoiack  
HB 708 - Trent  
HB 1088 - Hovis  
HCS HB 472 - Griesheimer  
HB 478 - Christofanelli  
HCS HB 303 - Wiemann

HCS HB 602 - Grier  
HCS HB 1408 - Plocher  
HB 1416 - Black (137)

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HCS HB 1295 - Andrews  
HCS HB 601 - Rone  
HB 1032 - Busick  
HB 37 - Pollock (123)  
HCS HB 217 - Perkins  
HB 451 - Bailey  
HB 461 - Dogan  
HCS HB 499 - Schroer  
HCS HB 541 - Lewis (6)  
HCS HB 549 - Christofanelli  
HB 750 - Lovasco  
HCS HB 842 - Hill  
HB 771 - Andrews

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCS HCR 6 - Stevens (46)  
HCR 9 - Eggleston  
HCR 17 - Trent  
HCR 36 - Basye

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HJR 17 - Kidd

**HOUSE BILLS FOR THIRD READING**

HCS HB 922, (Fiscal Review 4/13/21) - Houx  
HS HCS HB 441, (Fiscal Review 4/15/21) - Falkner  
HCS HB 439 - Davidson  
HCS HB 494 - Hurlbert  
HCS HB 946 - Hill  
HS HCS HB 876 - Dogan  
HB 1010 - Boggs

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HB 652 - Stevens (46)  
HCS HBs 647 & 841 - Pollitt (52)  
HCS HB 32, E.C. - Walsh (50)  
HB 259 - Evans

**SENATE BILLS FOR THIRD READING**

SS SB 22 - Grier  
SB 36, (Fiscal Review 5/11/21) - Griffith  
HCS SCS SB 40, (Fiscal Review 5/11/21) - Houx  
HCS SS SB 46, (Fiscal Review 5/11/21) - Riley  
HCS SS SB 89, (Fiscal Review 5/11/21) - Coleman (32)  
HCS SS#2 SCS SB 202, (Fiscal Review 5/11/21) - O'Donnell  
SB 231 - Trent

**SENATE BILLS FOR THIRD READING - INFORMAL**

HCS SS SCS SBs 153 & 97 - Eggleston  
HCS SB 365, E.C. - Murphy  
HCS SS SCS SB 43, E.C. - Kelley (127)  
HCS SS SCS SB 152, E.C. - Christofanelli  
HS HCS SS SCS SB 289 - Copeland  
HCS SS SCS SB 27, E.C. - Baker  
HCS SS SB 44 - Wallingford  
SS SB 45 - Wiemann  
SCS SB 272 - Mosley  
HCS SS SCS SB 4, E.C. - Francis  
HCS SB 5, E.C. - Ruth  
HCS SB 38, (Fiscal Review 5/7/21) - Griesheimer  
HCS SB 323 - Wallingford  
SS SCS SB 57 - Hicks  
HCS#2 SCS SB 91, E.C. - Fitzwater  
HCS#2 SS SB 327, E.C. - Kelly (141)  
HCS SB 377 - Haden

**SENATE CONCURRENT RESOLUTIONS FOR THIRD READING**

SCR 2, with HA 1, pending - Murphy  
SCR 7 - Black (7)  
HCS SCR 4 - Trent  
SCR 6 - Walsh (50)

**HOUSE BILLS WITH SENATE AMENDMENTS**

SS HB 345 - DeGroot  
SS SCS HCS HB 697, as amended - DeGroot  
SCS HB 604, as amended, (Fiscal Review 5/10/21) - Gregory (51)  
SCS HCS#2 HB 69 - Billington  
SS HCS HBs 557 & 560, (Fiscal Review 5/11/21), E.C. - Veit  
SS HCS HB 369, as amended, (Fiscal Review 5/11/21) - Taylor (48)

**BILLS CARRYING REQUEST MESSAGES**

SB 86, with HA 1, HA 2 and HA 3 (request House recede/grant conference) - Baker  
HCS SS SB 333, as amended (request House recede/grant conference) - Baker  
HS HCS SCS SB 520, as amended (request House recede/grant conference) - Ruth  
SB 9, with HA 1, HA 1 HA 2, HA 2, a.a., HA 3 and HA 4 (request House recede/grant conference/Senate exceeded differences) - Fitzwater

**BILLS IN CONFERENCE**

SB 37, with HA 1, HA 2, HA 3, HA 4, HA 5, and HA 6 (Senate exceeded differences) - Knight  
CCR SS#2 SCS HCS HB 271, as amended (exceeded differences), E.C. - Wiemann  
CCR SS#2 SCS HB 273, as amended (Senate exceeded differences) - Hannegan  
HCS SB 226, as amended, E.C. - Christofanelli  
HCS SS#2 SB 26, as amended, E.C. - Schroer  
CCR HCS SS SB 141, as amended, (Fiscal Review 5/11/21) - Black (137)  
HCS SS SCS SBs 53 & 60, as amended, E.C. - Roberts  
HCS SB 330, as amended, E.C. - Shields  
HCS SB 72, as amended - Smith (155)  
HCS SB 303, as amended - Henderson  
HCS SCS SB 403, as amended - Patterson  
SS SCS HCS HB 734, as amended (Senate exceeded differences) - O'Donnell

**HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION**

HB 275 - Hannegan

**ACTIONS PURSUANT TO ARTICLE IV, SECTION 27**

HCS HB 2001 - Smith (163)  
CCS SCS HS HCS HB 2002 - Smith (163)  
CCS SCS HS HCS HB 2003 - Smith (163)  
CCS SCS HS HCS HB 2004 - Smith (163)  
CCS SCS HS HCS HB 2005 - Smith (163)  
CCS SS SCS HS HCS HB 2006 - Smith (163)  
CCS SCS HS HCS HB 2007 - Smith (163)  
CCS SCS HS HCS HB 2008 - Smith (163)  
CCS SCS HS HCS HB 2009 - Smith (163)  
CCS SCS HS HCS HB 2010 - Smith (163)  
CCS SCS HS HCS HB 2011 - Smith (163)  
CCS SCS HS HCS HB 2012 - Smith (163)  
SCS HCS HB 2013 - Smith (163)  
HCS HB 2017 - Smith (163)  
HCS HB 2018 - Smith (163)  
HCS HB 2019 - Smith (163)  
HCS HB 14, (2020, 2nd Extra) - Smith (163)  
HCS HB 16 - Smith (163)

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