BILL SUMMARY REPORT

2022 MISSOURI LEGISLATIVE SESSION

Indexed by Subject

Gamble & Schlemeier
GOVERNMENTAL CONSULTANTS

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AGRICULTURE/AGRIBUSINESS

AGRICULTURAL TAX CREDIT EXTENSIONS

Currently, the Agricultural Product Utilization Contributor Tax

Credit under Section 348.430, and the New Generation Cooperative

Incentive Tax Credit under Section 348.432 are set to expire on December 31, 2021. The bill extends the expiration date to December 31, 2024.

- *Passed in HB 1720*

ANHYDROUS AMMONIA

The bill repeals provisions of law that give the Department of Agriculture oversight over standards relating to anhydrous ammonia and authorizes the Air Conservation Commission to adopt, promulgate, amend, and repeal rules and regulations for covered processes at agricultural stationary sources that use, store, or sell anhydrous ammonia, and regulations necessary to implement and enforce the risk management plans under the federal Clean Air Act.

Each retail agricultural facility that uses, stores, or sells anhydrous ammonia that is an air contaminant source subject to a risk management plan under the federal Clean Air Act must pay an annual registration of $200. The bill also establishes an annual tonnage fee for anhydrous ammonia of $1.25 per ton used or sold.

Each distributor or terminal agricultural facility that uses, stores, or sells anhydrous ammonia that is an air contaminant source subject to a Risk Management Plan Program 3 under federal regulations relating to chemical accident prevention must pay an annual registration of $5,000 and does not pay a tonnage fee.

The bill creates the "Anhydrous Ammonia Risk Management Plan Subaccount" within the Natural Resources Protection Fund which shall consist of fees required in these provisions.

The bill contains an emergency clause.

- *Passed in HB 1720*

BIODIESEL INCENTIVE PROGRAMS

For all tax years beginning on or after January 1, 2023, the bill authorizes a tax credit for retail dealers selling a biodiesel blend at the retail dealer's service station in the state or for distributors that sell a biodiesel blend directly to the final user in the state. The credit will be equal to $0.02 per gallon for between a 5% and 10% blend and $0.05 per gallon for in excess of a 10% blend sold and dispensed through metered pumps at the service station or directly to the final user located in the state during the tax year. If the tax credit exceeds the taxpayers tax liability, the difference shall be refundable. The total amount of tax credits authorized under the bill in a given fiscal year will not exceed $16 million. The program will sunset on December 31, 2024, unless reauthorized by the General Assembly.

For all tax years beginning on or after January 1, 2023, the bill authorizes a tax credit for Missouri biodiesel producers in the state. The credit will be equal to $0.02 per gallon produced by the Missouri biodiesel producer during the tax

year. A biodiesel producer that does not qualify as a Missouri biodiesel producer, as defined by in the bill, may claim a prorated tax credit based on the percentage of the producer's feedstock that originates in Missouri.

If the tax credit exceeds the taxpayers tax liability, the difference shall be refundable. The total amount of tax credits authorized under the bill in a given fiscal year will not exceed $4 million. The program will sunset on December 31, 2024, unless reauthorized by the General Assembly.

- *Passed in HB 1720*

COTTAGE FOOD PRODUCTION OPERATIONS OVER THE INTERNET

Currently, cottage food production operations must have an annual gross income of $50,000 or less and are prohibited from selling food through the Internet. This bill removes the cap on annual gross income and the prohibition of online sales, provided that the cottage food production operation and purchaser are both located in Missouri.

- *Passed in HB 1697*

EMINENT DOMAIN FOR UTILITY PURPOSES

The authority for an electrical corporation, as defined in the act, to condemn property for purposes of constructing electric plant subject to a certificate of convenience and necessity shall not extend to the construction of a merchant transmission line with Federal Regulatory Energy Commission negotiated rate authority unless such line has a substation or converter station located in Missouri which is capable of delivering an amount of its electrical capacity to electrical customers in this state that is greater than or equal to the proportionate number of miles of the line that passes through the state. This provision shall not apply to applications for a certificate of convenience and necessity filed prior to August 28, 2022. (Section 523.010)

If an electrical corporation acquires any involuntary easement in this state by means of eminent domain and does not obtain the financial commitments necessary to construct a project for which the involuntary easement was needed in this state within 7 years of the date that such easement rights are recorded, the corporation shall return possession of the easement to the title holder within 60 days and record the dissolution with the county recorder of deeds. In the event of such return of the easement to the title holder, no reimbursement of any payment made by the corporation to the title holder shall be due. (Section 523.025)

For eminent domain proceedings of any agricultural or horticultural property by an electrical corporation for purposes of constructing electric plant subject to a certificate of convenience and necessity, just compensation shall be an amount equivalent to 150% of fair market value as determined by the court. This provision shall not apply to applications for a certificate of convenience and necessity filed prior to August 28, 2022. (Section 523.039)

In any eminent domain proceeding involving agricultural or horticultural property for purposes of constructing electric plant subject to a certificate of convenience and necessity, at least one of the disinterested commissioners appointed by the court shall be a farmer who has been engaged in farming for a minimum of 10 years in the county where such property is situated. This provision shall not apply to applications for a certificate of convenience and necessity filed prior to August 28, 2022. (Section 523.040)

A condemning authority shall be deemed to have engaged in good faith negotiations if, for condemnation of any agricultural or horticultural property for the construction of an electrical transmission line designed to transmit electricity at 345 kilovolts or greater, but not for condemnation of such property by an electrical corporation

operating under a cooperative business plan, for the purpose of constructing electric plant subject to a certificate of convenience and necessity, the total compensation package offered was no lower than the amount reflected in an appraisal performed by a state-licensed or state-certified appraiser for the condemning authority multiplied by 150% percent. This provision shall not apply to applications for a certificate of convenience and necessity filed prior to August 28, 2022. (Section 523.256)

These provisions are similar to SS/HCS/*HB 2005* (2022).

- *Passed in HB 2005 and SB 820*

ETHANOL RETAILER INCENTIVE

For all tax years beginning on or after January 1, 2023, the bill authorizes a tax credit for retail dealers selling higher ethanol blend at the retail dealer's service station or for distributors that sell an ethanol blend directly to the final user in the state. The credit will be equal to $0.05 per gallon of higher ethanol blend sold and dispensed through metered pumps at the service station or directly to the end user during the tax year. The tax credit will be nontransferable and nonrefundable but may be carried forward to any of the five subsequent tax years. The total amount of tax credits authorized under the bill in a given fiscal year will not exceed $5 million. The program will sunset on December 31, 2024, unless reauthorized by the General Assembly.

- *Passed in HB 1720*

FAMILY FARMS ACT

Currently, a small farmer may qualify for the Family Farm Livestock Loan Program if he or she is a farmer that is a Missouri resident who has less than $250,000 in gross sales per year and is only eligible for one loan per family and for only one type of livestock. The bill allows a farmer to qualify if he or she has less than $500,000 in gross sales per year and removes the restriction to only one loan per family. In addition, the bill doubles the maximum amount of the loan for each type of livestock.

- *Passed in HB 1720*

JOINT COMMITTEE ON RURAL ECONOMIC DEVELOPMENT

The bill establishes the Joint Committee on Rural Economic Development, which shall be composed of five members of the Senate to be appointed by the President Pro Tem and five members of the House of Representatives to be appointed by the Speaker of the House of Representatives. The Committee shall investigate and examine issues relating to the economic development of rural areas of the state, as described in the bill. The Committee may submit a report of its activities to the General Assembly, which shall include any recommendations for legislative action or administrative and procedural changes.

- *Passed in HB 1720 and SB 672*

LAND SURVEYS

The bill adds "center of section" to the points of land included in the definition of "corners of the United States public land survey".

The bill substitutes the phrase "an existent corner" with "a position" within the definition of "obliterated, decayed or destroyed corner".

A description of the procedure used to relate the intersection of meridional and latitudinal lines to the measurement between four known corners is repealed.

Certain options that can be used to reestablish lost standard corners and lost section and quarter-section corners are repealed and replaced with the single proportionate method.

The bill also provides that the proportional position shall be offset, if necessary, in a cardinal direction to the true line defined by the nearest adjacent corners on opposite sides of the quarter corner to be established.

- *Passed in HB 1720*

LOCAL LOG TRUCKS

The bill modifies the definition of "local log truck" and "local log truck tractor" to specify weight distribution and a total maximum weight for each truck, and updates weight and distance limits. In addition, the bill also sets fines for load-limit violations involving a local log truck or a local log truck tractor.

- *Passed in HB 1720*

MEAT PROCESSING FACILITY INVESTMENT TAX CREDIT

Currently, the Meat Processing Facility Investment Tax Credit for the expansion or modernization of meat processing facilities is set to expire on December 31, 2021. The bill extends the tax credit until December 31, 2024. The bill also limits the tax credit to taxpayers who own a meat processing facility in the state and employ less than 500 people at all processing facilities nationwide.

- *Passed in HB 1720*

PET BREEDERS WEEK

The bill designates the second full week of March as “Pet Breeders Week”.

- *Passed in HB 1720*

RECYCLED ASPHALT SHINGLES

The bill specifies that processed recycled asphalt shingles may be used for fill, reclamation, and other beneficial purposes without any permits relating to solid waste management or any permits relating to the Missouri Clean Water Law if such shingles are inspected for toxic and hazardous substances, provided they may not be used for fill, reclamation, or other beneficial purposes within 500 feet of any lake, river, sink hole, perennial stream, or ephemeral stream or below surface level within 50ft of the water table.

- *Passed in HB 1720*

ROLLING STOCK TAX CREDIT

This bill reauthorizes a tax credit for eligible expenses incurred in the manufacture, maintenance, or improvement of a freight line company's qualified rolling stock, which expired on August 28, 2020. Such credit would be reauthorized until August 28, 2024.

- *Passed in HB 1720*

SALES TAX EXEMPTIONS FOR FARM EQUIPMENT

The bill specifies that sales of certain farm machinery and equipment, including utility vehicles, used for any agricultural purpose are exempt from sales tax. Additionally, this bill provides and alters definitions for utility vehicles and farm tractors.

- *Passed in HB 1720*

SOYBEAN PRODUCERS ASSESSMENT

Currently, the federal soybean producers assessment is 0.5% of the net market price of soybeans grown in this state and the state assessment is one half of the national assessment. This bill specifies that as long as the federal assessment remains at 0.5%, the state assessment must correspond to the state credit of the total assessment paid to the commodity merchandising council.

If federal assessment is reduced or ceases, the state assessment will be equal to 0.5% of the net market price of soybeans grown within the state. The bill specifies how the state and federal assessments are to be collected and remitted and that the state feeds are subject to refund.

- *Passed in HB 1720*

SPECIALTY AGRICULTURAL CROPS

This bill creates the "Specialty Agricultural Crops Act", a loan program established by the Missouri Agricultural and Small Business Development Authority for the purchase of certain specialty crop resources. The eligibility requirements are specified in the bill.

The maximum loan amount a producer may be eligible to receive is $35,000. The bill specifies the maximum loan amounts available under the program and the considerations that are to be weighed by the authority when deciding upon a loan application. The bill waives the interest payments for any approved farmer for the first year, provides financing up to 90% of the anticipated cost of the specialty crop purchase, and allows the authority to charge a one time loan review fee of 1% to be charged by the lender. Nothing in the Specialty Agricultural Crops Act precludes any farmer from participating in any other agriculture program.

The bill provides a tax credit to any lender participating in the loan program equal to 100% of the interest waived by the lender for the first year of the loan. The amount of tax credits issued to all eligible lenders in a fiscal year may not exceed $300,000. The tax credits created in the act may be claimed on a quarterly basis, are not refundable and may be carried over for no more than three years.

The program will sunset two years after the effective date.

- *Passed in HB 1720*

URBAN FARMS

The bill allows a taxpayer to claim a tax credit against the taxpayer's state tax liability in an amount equal to 50% of the taxpayer’s eligible expenses for establishing an urban farm or improving an urban farm in an urban area that produces agricultural products solely for distribution to the public.

The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability in the tax year for which the credit is claimed, the taxpayer shall not be allowed to claim a tax credit under this section in excess of $5,000 for each urban farm. However, any tax credit that cannot be claimed in the tax year the contribution was made may be carried over to the next three succeeding tax years until the full credit is claimed.

The total amount of tax credits authorized shall not exceed $200,000. These tax credits cannot be transferred, sold, or assigned. Any taxpayer granted a tax credit who uses the farm for which the credit was issued for personal benefit must repay the tax credit. The program sunsets December 31st, two years after the effective date.

- *Passed in HB 1720*

WOOD ENERGY TAX CREDIT

The bill extends the tax credit for Missouri wood energy producers from June 30, 2020 to June 30, 2024.

- *Passed in HB 1720*

COURTS/JUDICIAL BRANCH/CRIMINAL JUSTICE

BATTERER INTERVENTION PROGRAM

If a judge orders a person convicted of domestic assault to undergo a batterer intervention program, such person shall be financially responsible for any costs associated with attending such class.

These provisions are identical to provisions in HB 1699 (2022) and substantially similar to provisions in SB 1127 (2022).

- *Passed in SB 775*

CHILD CARE SUBSIDIES AND CHILD CARE FACILITY LICENSING

This act modifies current law relating to child care subsidies and child care facility licensing by transferring supervision and implementation authority from the Department of Social Services and the Department of Health and Senior Services to the Department of Elementary and Secondary Education pursuant to the Governor's Executive Order creating the Office of Childhood within the Department of Elementary and Secondary Education.

These provisions are identical to SCS/SB 982 (2022).

This act modifies child care facility licensure statutes by adding "day camps", as defined in the act, to the list of facilities exempt from licensure. Under this act, every child care facility shall disclose the licensure status of the facility and parents or guardians utilizing an unlicensed child care facility shall sign a written notice acknowledging the unlicensed status of the facility.

These provisions are identical to SCS/SB 916 (2022), substantially similar to HCS/HB 1550 (2022), and similar to HB 1191 (2021).

Additionally, this act excludes from the number of children counted toward the maximum number of children for which a family child care home is licensed up to two children who are five years or older and who are related within the third degree of consanguinity or affinity to, adopted by, or under court appointed guardianship or legal custody of a child care provider who is responsible for the daily operation of a licensed family child care home organized as

a legal entity in Missouri. If more than one member of the legal entity is responsible for the daily operation of the family child care home, then the related children of only one such member shall be excluded. A family child care home caring for such children shall provide notice to parents or guardians as specified in the act. Additionally, nothing in the act shall prohibit the Department of Elementary and Secondary Education from enforcing existing licensing regulations, including supervision requirements and capacity limitations based on the amount of child care space available.

This provision has an emergency clause.

This provision is substantially similar to SCS/SB 132 (2021) and provisions in SCS/HS/HB 432 (2021) and similar to SB 1026 (2020) and HB 1257 (2020).

Under current law, neighborhood youth development programs that provide activities to children ages 6 to 17 are exempt from child care licensure. This act changes the age range to 5 to 18.

This provision is identical to SB 826 (2022).

Under current law, the Children's Division shall conduct a diligent search for the biological parent or parents of a child in the custody of the Division if the location or identity of such parent or parents is unknown. This act requires such search to be active, thorough, and timely and if a child is removed from a home and placed in the custody of the Division, the search shall be conducted immediately following the removal of a child.

Additionally, current law requires the Division to immediately begin diligent efforts to locate and place a child with a suitable grandparent when an initial emergency placement of a child is deemed necessary. This act changes "diligent efforts" to "diligent search" and expands the search to include relatives other than grandparents. A diligent search for relatives shall occur within thirty days from the time the emergency placement is deemed necessary for the child. The Division shall continue to search for suitable relatives for the child's placement until a suitable relative is identified and located or the court excuses further search.

Finally, whenever a court determines that a foster home placement with a child's relative is appropriate, the Division shall complete a diligent search to locate and notify the child's grandparents, adult siblings, parents of siblings, and all other relatives of the child's possible placement.

- *Passed in SB 683*

CHILD TRAFFICKING

This act provides that when a child is located by a law enforcement official and there is reasonable cause to suspect the child may be a victim of sex trafficking, the law enforcement official shall immediately cause a report to be made to the Children's Division. If the Children's Division determines that the report merits an investigation, the reporting official and the Children's Division shall ensure the immediate safety of the child. If the law enforcement official has reasonable cause to believe the child is in imminent danger, he or she may take temporary custody of the child without the consent of the child's parents.

Additionally, this act establishes the "Statewide Council on Sex Trafficking and Sexual Exploitation of Children". The council shall collect data relating to sex trafficking of children and develop best practices regarding the response to sex trafficking of children. The council shall submit a report to the governor and General Assembly on or before December 31, 2023; at which time the council shall expire.

Finally, this act adds that the family courts shall have exclusive original jurisdiction in proceedings involving a child who has been a victim of sex trafficking or sexual exploitation.

These provisions are identical to provisions in HCS/HB 2032 (2022).

- *Passed in SB 775*

CIVIL DETENTIONS

Currently, an application for civil detention for evaluation and treatment may be executed by any adult on a form provided by the court. Such form shall allege that the applicant has reason to believe that the respondent is suffering from a mental disorder and presents a likelihood of serious harm to themselves. Under this act, such form shall not be required to be notarized.

These provisions are identical to SCS/SB 1109 (2022).

- *Passed in SB 775*

CLOSED RECORDS OF VICTIMS OF SEXUAL ASSAULT

Under current law, certain identifiable information of victims of domestic assault or stalking shall be closed and redacted from public record. This act adds that such identifiable information shall also include, but shall not be limited to, the victim's personal email address, birth date, health status, or any information from a forensic testing report.

This act also repeals provisions relating to when a court may disclose such identifying information of a victim and provides that any person who is requesting identifying information of a victim and who has a legitimate interest in obtaining such information, may petition the court for an in camera inspection of the records. If the court determines the person is entitled to all or any part of such records, the court may order production and disclosure of the records, but only if the court determines that the disclosure to the person or entity would not compromise the welfare or safety of the victim.

- *Passed in SB 775*

CORRECTIONAL CENTER NURSERY PROGRAM

This bill establishes the "Correctional Center Nursery Program", which requires the Missouri Department of Corrections to establish a Correctional Center Nursery in one or more centers operated by the Department. Mothers who are inmates shall be permitted to reside with infants for up to 18 months. The program has no effect on child custody and participation is at the discretion of the Department rather than sentencing courts. Conditions for placement into the program are mandated by the bill and inmates must enter into a written agreement.

Conditions for removal from the program are also specified in the bill. The program is paid for by the "Correctional Center Nursery Program Fund" which is created by the bill and which can receive funds by appropriation, assignment of child support by inmates, and gifts, grants, and donations.

The program is subject to regulation only by the Department of Corrections, but can agree to voluntary regulation, licensing, or oversight by the Missouri Department of Health and Senior Services.

The bill authorizes rulemaking by the Department of Corrections for administration of the program.

- *Passed in SB 683*

JURY INSTRUCTIONS

This act provides that the court shall not be obligated to charge the jury with respect to an included offense unless there is a rational basis for a verdict acquitting the person of the offense charged and convicting him or her of the included offense.

Additionally, this act provides that a court shall be obligated to instruct the jury with respect to a particular included offense only if the instruction is requested and there is a rational basis in evidence for acquitting the person of the immediately higher included offense and convicting the person of that particular included offense.

This provision is identical to provisions in SCS/HB 2697, et al (2022) and HB 2589 (2022) and similar to a provision in SCS/HB 530 & HCS/HB 292 (2021).

- *Passed in SB 775*

LEGAL TREATISES

This act provides that a secondary source, legal treatise, scholarly publication, textbook, or other explanatory text, does not constitute the law or public policy of this state.

- *Passed in SB 775*

OFFENSE OF ENABLING SEXUAL EXPLOITATION OF A MINOR

This act creates the offense of enabling sexual exploitation of a minor which shall be if a person acting with criminal negligence permits or allows certain sexual or pornography offenses. Such offense is a Class E felony for the first offense and a Class C felony for any subsequent offenses. Additionally, if the person found guilty of the offense is an owner of a business that provided the location for such exploitation, the business shall be required to close for up to one year for the first offense and shall permanently close after a subsequent offense.

This provision is identical to a provision in HCS/HB 2032 (2022).

- *Passed in SB 775*

OFFENSE OF ESCAPING FROM CUSTODY

This act adds to the offense of escape from custody any person who is being held in custody after arrest for any probation or parole violation who escapes or attempts to escape from custody. This offense shall be a Class A misdemeanor unless the person was under arrest for a felony, in which case it is a Class E felony; or the offense is committed by means of a deadly weapon or holding a person hostage, in which case it is a Class A felony.

- *Passed in SB 799*

OFFENSE OF PROSTITUTION

This act provides that a person shall not be certified as an adult or adjudicated for the offense of prostitution if the person was under the age of 18 at the time when the offense occurred. Such person shall be classified as a victim of abuse and reported immediately to the Children's Division and to the juvenile officer for appropriate services.

This provision is identical to a provision in HCS/HB 2032 (2022).

- *Passed in SB 775*

OFFENSE OF PROVIDING EXPLICIT SEXUAL MATERIAL TO A STUDENT

This act provides that a person commits the offense of providing explicit sexual material to a student if such person is affiliated with a public or private elementary or secondary school in an official capacity and, knowing of its content and character, such person provides, assigns, supplies, distributes, loans, or coerces acceptance of or the approval of the providing of explicit sexual material to a student or possesses with the purpose of providing, assigning, supplying, distributing, loaning, or coercing acceptance of or the approval of the providing of explicit sexual material to a student.

This offense is a Class A misdemeanor.

This amendment is similar to SB 1224 (2022).

- *Passed in SB 775*

ORDERS OF PROTECTION

This act provides that if a full order of protection is granted by a court, all temporary orders shall continue in the full order of protection and shall remain in full force and effect unless otherwise ordered by the court.

Additionally, this act adds that the court may order a party to pay a reasonable amount for the other party's attorney fees incurred prior to the proceeding, throughout the proceeding, and after entry of judgment for orders of protection. This provision is identical to provisions in SB 1127 (2022).

Under current law, a person is deemed to have notice of an order of protection against him or her if a law enforcement officer responding to a call of domestic violence or violation of the order of protection presented a copy of the order. This act adds that notice is also given by actual communication to the person in a manner reasonably likely to advise him or her.

These provisions are identical to provisions in HB 1699 (2022).

- *Passed in SB 775*

PROBATION TERMS

This act provides that the total time on any probation term shall not include time when the probation term is suspended, except when the probation term is suspended by order of the court before a revocation hearing.

Under the act, prior to a revocation of probation, the court shall order the placement of an offender in either the Department of Correction's "Structured Cognitive Behavioral Intervention Program" or "Institutional Treatment Program". It shall be at the sole discretion of the Department which program the offender shall be placed.

Upon the successful completion of either program, the Division of Probation and Parole shall advise the sentencing court of the offender's probationary release date 30 days prior to release. The court shall then order the offender's release to continue to serve the term of probation, which shall not be extended based on the same incident of the probation violation.

If the Department determines the offender has not successfully completed the treatment program, the Division of Probation and Parole shall advise the sentencing court of the offender's unsuccessful program exit. The court may then modify or revoke the offender's probation.

This act adds that a person is ineligible for probation if he or she has been found guilty of certain dangerous felonies as provided by law.

These provisions are substantially similar to SCS/SB 948 (2022) and HCS/SS/SCS/SB 834 (2022).

- *Passed in SB 775*

SEXUAL OFFENDER RESTRICTIONS

Under current law, certain offenders shall not knowingly be present in certain areas, such as schools, public parks with playgrounds, public swimming pools, and athletic fields primarily used by children. Additionally, under current law, certain offenders can not serve as an athletic coach or trainer for a sport team if a child less than 17 years of age is a member of the team.

This act adds that any person found guilty of the offense of possession of child pornography shall not knowingly be present in such areas and shall not serve as an athletic coach.

These provisions are similar to SB 751 (2022).

- *Passed in SB 775*

SEXUAL OFFENSES

This act adds to the definition of "sexual contact" the causing of semen or other ejaculate to come into contact with another person.

Additionally, this act provides that a person commits the offense of sexual contact with a student if he or she has sexual contact with a student and is a coach, director, or other adult with a school-aged team or club.

These provisions are identical to provisions in SCS/HB 2697, et al (2022), HB 1637 (2022), and HB 2590 (2022).

This act modifies the definitions of "sexual conduct" and "sexual contact."

These provisions are identical to provisions in HB 2160 (2022).

- *Passed in SB 775*

SEXUAL PERFORMANCE BY A CHILD

Under current law, sexual performance includes sexual conduct by a child who is less than 17 years old. This act changes the age to 18 years old.

Additionally, this act creates the offense of patronizing a sexual performance by a child if such person obtains, solicits, or participates in a sexual performance by a child under the age of 18. This offense is a Class C felony.

These provisions are identical to provisions in HCS/HB 2032 (2022).

- *Passed in SB 775*

SEXUAL ASSAULT SURVIVORS BILL OF RIGHTS

Under current law, sexual assault survivors have rights relating to how a criminal investigation regarding a sexual assault must be conducted.

This act provides that sexual assault survivors retain these rights regardless of whether a criminal investigation or prosecution results or regardless if he or she has previously waived any of these rights. A sexual assault survivor, for purposes of this act, is any person who is fourteen years of age or older and who may be a victim of a sexual offense who presents themselves to an appropriate medical provider, law enforcement officer, prosecuting attorney, or court. Under this act, a sexual assault survivor has the right to:

- Consult with an employee or volunteer of a rape crisis center;
- A sexual assault forensic examination;
- A shower and change of clothing;
- Request to be examined by an appropriate medical provider or interviewed by a law enforcement officer of the gender of the survivor's choosing, when available;
- An interpreter who can communicate in the language of the sexual assault survivor's choice, as reasonably available;
- Notification and basic overview of the options of choosing a reported evidentiary collection kit, unreported evidentiary collection kit, and anonymous evidentiary collection kit;
- Notification about the evidence tracking system;
- Notification about the right to certain information considered a closed record, such as a complete incident report; and
- Be free from intimidation, harassment, and abuse in any related criminal or civil proceeding and the right to reasonable protection from the offender.
- Additionally, this act provides that a survivor must be informed of the survivor's rights by a medical provider, law enforcement officer, and a prosecuting attorney in a timely manner. A document shall be developed by the Department of Public Safety, in collaboration with certain Missouri-based stakeholders, which shall be provided to a sexual assault survivor explaining the survivor's rights. The document shall include:
- A description of the rights of the sexual assault survivor pursuant to this act; and
- Telephone and internet means for contacting a local rape crisis center.

This act repeals duplicate rights found in other provisions of current law. Additionally, this act repeals the requirement that a law enforcement officer shall upon written request provide a free, complete, and unaltered copy of all law enforcement reports concerning the sexual assault within 14 days to the survivor.

These provisions are identical to SB 640 (2022).

- *Passed in SB 775*

TREATMENT COURTS

Current law designates a Division Eleven within the Eleventh Judicial Circuit, located in St. Charles county, for the duties and responsibilities of a treatment court.

This act repeals such provision.

These provisions are similar to HB 2423 (2022).

- *Passed in SB 775*

WITNESSES IN CASES INVOLVING SEXUAL OFFENSES

Under current law, in prosecutions related to sexual offenses a witness's prior sexual conduct or specific instances of prior sexual conducts is inadmissible, except in certain instances.

This act provides that this evidence is inadmissible at any trial, hearing, or court proceeding and not a subject for inquiry during a deposition or during discovery, except in certain instances.

This provision is identical to SB 534 (2021).

- *Passed in SB 775*

WITNESSES IN DOMESTIC ASSAULT PROCEEDINGS

A court shall not compel a victim or member of the victim's family in a domestic assault proceeding to disclose a residential address or place of employment on the record in open court unless the court finds that disclosure of the address or place of employment is necessary.

Additionally, a person may testify in a domestic assault proceeding if the person testifying is the victim of offense. The circuit court shall develop rules for appearances by video and shall post these rules on their website.

These provisions are identical to provisions in HB 1699 (2022) and SB 1127 (2022).

- *Passed in SB 775*

EDUCATION AND WORKFORCE DEVELOPMENT

ADULT HIGH SCHOOLS

For a school to meet the definition of "adult high school" under current law, the school shall offer on-site childcare for children of enrolled students, in addition to other requirements provided in current law. This act repeals the on-site requirement for such childcare.

Additionally, current law prohibits adult high schools from offering a majority of instruction online or remotely. This act provides that synchronous instruction connecting students to a live class at a Missouri adult high school shall be treated as in-person instruction.

Further, current law prohibits any person from establishing, operating, maintaining, or advertising a childcare facility without a license, with an exception for any private, elementary, or secondary school system providing childcare to children under school age. This act provides that adult high schools shall be deemed a "secondary school system" for purposes of such exception.

These provisions are identical to provisions in the perfected HB 2325 (2022) and HB 2492 (2022) and are substantially similar to SB 1052 (2022), HB 2618 (2022), HB 151 (2021), HB 624 (2021), HCS/HB 733 (2021), and HCS/SB 323 (2021).

- *Passed in SB 681 and SB 718*

ADVANCED PLACEMENT (AP) EXAMS

This act creates provisions relating to advanced placement examinations.

Each institution, which includes in-state public community college, college, or university that offers postsecondary freshman-level courses shall adopt and implement a policy to grant undergraduate course credit to entering freshman students for each advanced placement examination where a student achieves a score of 3 or higher for any similarly correlated course offered by the institution.

This provision is identical to the perfected HCS/HB 1683 (2022).

- *Passed in SB 681*

BANKRUPTCY EXEMPTIONS

The act also provides bankruptcy protection for the Missouri Education Savings Program and the Missouri Higher Education Deposit Program. The act limits the protection to proceedings filed or on appeal after January 1, 2022, and only for designated beneficiaries that are lineal descendants of the account owner. The act provides for circumstances that are not subject to the bankruptcy protection.

This provision is identical to a provision in the perfected HCS/HB 2171 (2022), a provision in the perfected HB 2571 (2022), a provision in the perfected HB 2493 (2022) and HB 1940 (2022).

- *Passed in SB 718*

BOTTOM 5% OF K-12 REQUIREMENTS

Under the act, any individual public elementary school, secondary school, charter school, or school district that is in the bottom 5% of scores on the annual performance report shall mail a letter to the parents and guardians of each student in such school or district informing the parents and guardians of the score and any options available to such students as a result of the school's or district's current status. Special school districts and any state operated schools in which all of the students enrolled are students with disabilities are exempted from this provision.

This provision is similar to a provision in HCS/HB 2652 (2022).

- *Passed in SB 681*

BRAILLE INSTRUCTION

This act establishes the "Blind Students' Rights to Independence, Training, and Education Act" or the "BRITE Act". The act provides definitions for "accessible assistive technology device", "adequate instruction", and "nonvisual access and skills" among other definitions.

The act requires blind and visually impaired students to have an Individualized Education Plan or Individualized Family Support Plan that shall specify results obtained from evaluations on reading and writing skills, and should include the need for instruction in Braille or the use of Braille. All instruction in Braille reading and writing shall be sufficient to allow a student to effectively and efficiently communicate at an appropriate age level.

The act includes additional guidance for the instruction of Braille and the use of nonvisual accessible assistive technology. The act provides direction to school districts regarding accessible assistive technology and requires a

school district to provide duplicative accessible assistive technology to be used in a blind student's home without requiring payment or family assumption of liability for loss or damage.

The act requires districts to perform an orientation and mobility evaluation to be conducted by certified individuals and provides guidance on the instruction for orientation and mobility, and districts may not limit a student's instruction in the home, school, and community and provide transportation in the preferred mode of the instructor.

The act requires educators hired to teach Braille, accessible assistive technology, and orientation and mobility, to hold a valid certificate as outlined in the act. The act requires school districts to comply with the Individuals with Disabilities Education Act even during declared emergencies, to bear the cost of any required eye report, and to develop nonvisual accessibility policies to reduce or eliminate common barriers for blind individuals.

These provisions are identical to HCS/HB 2150 (2022).

- *Passed in SB 681*

CAREER AND ACADEMIC PLANNING

Under this act, the Department of Elementary and Secondary Education shall establish a process by which each student prior to 9th grade shall develop an individual career and academic plan of study, with help from the student's parent or guardian and the school's guidance counselors.

Before a student finishes 12th grade, the student shall declare the student's postsecondary plans as part of the student's individual career and academic plan. Such declaration shall include items set forth in the act.

Finally, this act requires the Department of Higher Education and Workforce Development to establish a procedure for providing the means and capability for high school students enrolled in certain career and technical education programs to complete an application for aid through the Employment and Training Administration of the U.S. Department of Labor under the federal Workforce Innovation and Opportunity Act.

These provisions are similar to SCS/SB 703 (2022) and SB 265 (2021).

- *Passed in SB 718*

CHARTER SCHOOL FUNDING

The bill specifies that in addition to any state aid remitted to charter schools, the Department of Elementary and Secondary Education (DESE) shall remit to any charter school an amount equal to the weighted average daily attendance (WADA) of the charter school multiplied by the difference of:

1. The amount of state and local aid per WADA received by the school district in which the charter school is located, not including any funds remitted to the charter school in the district; and

2. The amount of state and local aid per WADA of the charter school received by the charter school.

When calculating the amount of funding DESE shall utilize the most current data available. This funding calculation applies to charter schools operating in specified school districts.

The bill requires the members of a governing board of a charter school to be a resident of the state and any charter school management company operating a charter school in the state shall be incorporated as a nonprofit corporation under provisions of law relating to nonprofit corporations.

Beginning July 1, 2023, provisions of law relating to lactation accommodations for employees, teachers, and students shall be applicable to charter schools.

This bill requires charter schools to publish their annual performance report on the school's website in a downloadable format.

This bill creates the "Charter Public School Commission Revolving Fund" in the State Treasury and specifies that sponsorship funding due to the Charter Public School Commission from DESE in the Commission's role as a charter school sponsor shall be deposited into the Fund.

- *Passed in HB 1552*

COMPETENCY-BASED EDUCATION

Under this act, school districts and charter schools shall receive state school funding under the foundation formula for high school students who are taking competency-based courses offered by their school district or charter school.

Attendance of a student enrolled in a competency-based course shall equal the product of the district or charter school's prior year average attendance percentage multiplied by the total number of attendance hours normally allocable to a non-competency-based course of equal credit value.

These provisions are identical to provisions in HB 1956 (2022) and substantially similar to provisions in SB 660 (2022).

This act establishes the Competency-Based Education Task Force to study and develop competency-based education programs in public schools. The Task Force shall conduct interviews and at least three public hearings to identify promising competency-based education programs and obstacles to implementing such programs. By December 1st of each year, the Task Force shall present its findings and recommendations to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Joint Committee on Education, and the State Board of Education.

These provisions are identical to provisions in HB 1956 (2022) and similar to provisions in SB 660 (2022).

This act establishes the Competency-Based Education Grant Program and Fund. By application, the Department of Elementary and Secondary Education shall award grants from the fund to eligible school districts for the purpose of providing competency-based education programs. The Department shall facilitate the creation, sharing, and development of course assessments, curriculum, training and guidance for teachers, and best practices for the school districts that offer competency-based education courses.

These provisions are identical to provisions in HB 1956 (2022) and similar to provisions in SB 660 (2022).

- *Passed in SB 681*

COMPUTER SCIENCE EDUCATION

This act modifies the definition of "computer science course" by including any elementary, middle, or high school course that embeds computer science content within other subjects.

This act requires, for all school years on or after July 1, 2023, certain coursework and instruction in computer science and computational thinking in public and charter high schools, middle schools, and elementary schools. Courses and instruction offered under this act must meet certain standards established by the State Board of Education and the Department of Elementary and Secondary Education.

This act requires school districts to submit to the Department certain information related to its computer science courses and demographic enrollment information for such courses. Such information shall be posted on the Department's website by September 30th of each school year.

On or before June 30th annually, the Department shall publish a list of computer science course codes and names with a course description and shall indicate which courses meet or exceed the Department's computer science performance standards.

The Department shall appoint a computer science advisor to implement these provisions of the act.

Beginning July 1, 2023, computer science courses successfully completed and counted toward state graduation requirements shall be equivalent to one science or practical arts credit for the purpose of satisfying admission requirements at any public institution of higher education in the state.

This act establishes the "Computer Science Education Task Force". The Task Force shall develop a strategic plan for expanding a statewide computer science education program, as described in the act.

The Task Force shall hold its first meeting within three months of the effective date of the act and shall present a summary of its activities and recommendations for legislation to the General Assembly before June 30, 2023. The Task Force shall dissolve on June 30, 2024.

These provisions are similar to the perfected HB 2202 (2022) and SCS/SB 659 (2022).

- *Passed in SB 681 and SB 718*

CORPORAL PUNISHMENT

This act requires school districts notify parents and receive written permission before using corporal punishment. The act repeals language related to the jurisdiction of the Children's Division within the Department of Social Services and its ability to investigate reports of alleged child abuse by personnel of a school district, a teacher, or other school employee. It also repeals language related to how a school and school district are to handle reports of alleged child abuse.

This provision is identical to a provision in HCS/HB 1753 (2022).

- *Passed in SB 681*

DOLLAR VALUE MODIFIER

Under this act, the Gasconade County R-II, Maries County R-II, and the West St. Francis County R-IV school districts which all cross county lines shall each use the dollar value modifier of the county with the highest dollar value modifier.

These provisions are identical to HCS/HB 2445 (2022) and to provisions in the perfected HB 2493 (2022).

- *Passed in SB 681*

DRINKING WATER IN SCHOOLS

This act establishes the "Get the Lead Out of School Drinking Water Act".

Beginning in the 2023-2024 school year and for each subsequent school year, each school shall provide drinking water with a lead concentration below five parts per billion (5 ppb).

On or before January 1, 2024, each school shall complete requirements outlined in the act including: conducting an inventory of all drinking water outlets and outlets used for dispensing water for cooking or cleaning utensils in each school building, develop a plan for testing each outlet and make such plan available to the public and providing general information on the health effects of lead contamination to employees and parents of children at each school.

Schools shall prioritize early childhood, kindergarten, and elementary school buildings in updating and filtering drinking water outlets for lead as stated in the act.

Before August 1, 2024, or the first day on which students will be present in the building, whichever is later, schools shall conduct testing for lead as stated in the act. Within 2 weeks after receiving test results, schools shall make all testing results and any remediation plans available on the school's website.

The act outlines procedures to be undertaken if a sample draw shows a lead concentration of 5 ppb or greater. Affected schools with test results greater than 5 ppb shall contact parents and staff within 7 business days of receiving such result.

If, in the 10 years prior to the 2023-24 school year, a fixture tested above 5 ppb for lead, such fixture does not need repeat testing but instead shall be remediated.

Subject to appropriation, the Department of Natural Resources, with support from the Department of Elementary and Secondary Education and the Department of Health and Senior Services, is authorized to give schools additional funding for filtration, testing, and other remediation of drinking water systems.

A school district may seek reimbursement from several federal sources for costs associated with expenses districts may incur for compliance with the act.

The Department of Health and Senior Services, in conjunction with the Department of Elementary and Secondary Education, shall publish a report biennially based on the findings of the water testing conducted under the act.

No school building constructed after January 4, 2014, shall be required to install, maintain, or replace filters.

Finally, any school that tests and does not find a drinking water source with a lead concentration above 5 ppb shall be required to test such sources only every 5 years.

This provision is similar to SCS/SB 1075 (2022).

- *Passed in SB 681*

DUAL CREDIT ENROLLMENT COURSES

Currently, the Department of Higher Education and Workforce Development reimburses the cost of tuition and fees for any dual credit or dual enrollment course. This act repeals this provision.

This act creates provisions regarding dual enrollment courses. A dual enrollment course is a postsecondary course of instruction delivered by an approved higher education institution in which a secondary school student is concurrently enrolled in a Missouri high school and an approved higher education institution.

The act renames the "Dual Credit Scholarship Act" as the "Dual Credit and Dual Enrollment Scholarship Act." In order to receive a dual enrollment scholarship, a student must meet current law requirements and be enrolled in a dual enrollment course offered by an approved higher education institution.

Under current law, a dual credit scholarship shall reimburse each eligible student for up to fifty percent of the tuition and cost paid by the student to enroll in a dual credit course. Current law also limits the amount of the scholarship per student to $500 annually for all dual credit courses taken by such student. This act provides that each eligible student shall be offered a dual credit or dual enrollment scholarship equal to the tuition and fees paid by the student to enroll in the dual credit or dual enrollment course. The act also repeals the $500 limitation. Finally, the act renames the Dual Credit Scholarship Fund as the Dual Credit and Dual Enrollment Scholarship Fund.

These provisions are similar to SB 1055 (2022).

- *Passed in SB 718*

EARLY LEARNING QUALITY ASSURANCE REPORT PROGRAM

This bill removes the Department of Health and Senior Services and the Department of Social Services from the program collaboration as their prior role is now combined in the Office of Childhood under the Department of Elementary and Secondary Education. The bill removes the label of pilot program from the Early Learning Quality Assurance Reporting Program and authorizes the Program to provide continuous improvement and ongoing updated consumer education. This bill amends the sunset provision to provide the Program will sunset August 28, 2028.

- *Passed in HB 2365*

GIFTED CHILDREN

Under current law, when a sufficient number of children are determined to be gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, school districts may establish special programs for such gifted children. Approval of such programs shall be made by the Department of Elementary and Secondary Education based upon project applications submitted by July 15th of each year.

Under this act, if 3% or more of students enrolled in a school district are identified as gifted, the district is required to establish a state-approved gifted program for gifted children. If a school district has an average daily attendance of 350 students or fewer, the district's gifted program shall not be required to provide services by a teacher certified to teach gifted education. Any teacher who provides gifted services through the program, and is not certified, shall annually participate in at least 6 hours of professional development focused on gifted development. These provisions shall apply starting in the 2024-2025 school year.

Approval of such programs shall be made by the Department based upon project applications submitted at a time and in a form determined by the Department.

This provision is identical to the perfected HB 2366 (2022) and substantially similar to SB 806 (2022).

- *Passed in SB 681*

FAST TRACK WORKFORCE INCENTIVE GRANT

This act modifies provisions relating to the Fast Track Workforce Incentive Grant program.

Under the act, an eligible student shall include an individual who is enrolled with an eligible training provider, as such term is defined in the act.

Occupations relating to eligible apprenticeships are added to the programs of study that the Coordinating Board for Higher Education shall annually review.

Grants shall be awarded in an amount equal to the related educational costs for an eligible apprentice after all other governmental assistance provided for the apprenticeship has been applied.

This act repeals requirements that the eligible student complete counseling and execute a promissory note in order to be eligible for a grant. (Section 173.2553)

Current law allows a Fast Track grant to be converted into a loan if a student fails to meet certain conditions. This act repeals such ability. (Section 173.2554)

This act shall sunset on August 28, 2029, unless reauthorized by the General Assembly.

- *Passed in SB 672*

HALF-DAY EDUCATIONAL PROGRAMS

Under current law, school boards shall prepare a calendar of attendance, including a minimum term of 1044 hours of actual pupil attendance and a minimum of 36 scheduled make-up hours for possible lost attendance due to inclement weather.

Under this act, for half-day educational programs, the minimum hours of actual pupil attendance and minimum scheduled make-up hours shall be reduced by one-half.

This provision is identical to a provision in SB 692 (2022) and HB 1471 (2022) and similar to HB 872 (2021).

- *Passed in SB 681*

HISTORICALLY BLACK COLLEGE AND UNIVERSITY WEEK

This act designates the third week of September in every year as "Historically Black College and University Week" in Missouri.

This provision is identical to SB 83 (2021) and HB 1381 (2020).

- *Passed in SB 718*

HOLOCAUST EDUCATION WEEK

Under this act, the second week in April shall be designated as "Holocaust Education Week".

Holocaust education shall include age-appropriate instruction to elementary school students in 6th grade and higher.

The Department of Elementary and Secondary Education shall develop a curriculum framework of instruction for studying the Holocaust. Such curriculum framework shall be made available to up to 25 school districts or schools within a district as a pilot program in consultation with the Holocaust Education and Awareness Commission beginning in the 2023-2024 school year.

Each participating school district shall provide a plan of professional development for teachers.

The pilot program shall start in participating school districts in the 2023-2024 school year and shall be expanded to include all school districts by the 2025-2026 school year.

The Department shall provide for an evaluation regarding the success and impact of the pilot program upon completion of the first year of the pilot program and shall report the results of such evaluation to the General Assembly.

This provision is substantially similar to SCS/HCS/HB 2000 (2022) and similar to SCS/SB 983 (2022).

- *Passed in SB 681*

IMAGINATION LIBRARY OF MISSOURI

This act creates the "Imagination Library of Missouri Program" within the Office of Childhood within the Department of Elementary and Secondary Education, which shall be a statewide program for encouraging preschool children to read.

These provisions are identical to HCS/HB 2567 (2022).

- *Passed in SB 681*

INDIVIDUALIZED HEALTH CARE PLANS AT SCHOOLS

This act establishes "Will's Law," requiring individualized health care plans to be developed by school nurses in public schools and charter schools. Such plans shall be developed in consultation with a student's parent or guardian and appropriate medical professionals that address procedural guidelines and specific directions for particular emergency situations relating to the student's epilepsy or seizure disorder. Plans are to be updated at the beginning of each school year and as necessary. Notice must be given to any school employee that may interact with the student, including symptoms of the epilepsy or seizure disorder and any medical and treatment issues that may affect the educational process.

All school employees shall be trained every two years in the care of students with epilepsy and seizure disorders. Training shall include an online or in-person course of instruction approved by the Department of Health and Senior Services. School personnel shall obtain a release from a student's parent to authorize the sharing of medical information with other school employees as necessary.

This act protects school employees from being held liable for any good faith act or omission while performing their duties.

This provision contains an emergency clause.

This provision is identical to a provision in HCS/*SB 710* (2022).

- *Passed in SB 681*

LITERACY ADVISORY COUNCIL

The Commissioner of Education shall establish a Literacy Advisory Council. The Council shall include members representing stakeholder groups listed in the act. The Council shall provide recommendations to the Commissioner and the State Board of Education regarding any identified improvements to literacy instruction and policy for students as set forth in the act.

- *Passed in SB 681*

MENTAL HEALTH AWARENESS TRAINING

This act establishes a mental health awareness training requirement for pupils in public schools and charter schools that shall be given any time during a pupil's four years of high school. Instruction shall be included in the district's existing health or physical education curriculum. Instruction shall be based on a program established by the Department of Elementary and Secondary Education.

This provision is identical to SB 1057 (2022).

- *Passed in SB 681*

MISSOURI ADVISORY BOARD OF EDUCATOR PREPARATION

Under this act, the Missouri Advisory Board for Educator Preparation (MABEP) shall include at least three active elementary or secondary classroom teachers and at least three faculty members within approved educator preparation programs. The MABEP shall hold regular meetings that allow members to share needs and concerns and plan strategies to enhance teacher preparation.

Under the act, the State Board of Education shall, in consultation with MABEP, align literacy and reading instruction coursework for teacher education programs. All reading and special education certificates shall include training as outlined in the act.

- *Passed in SB 681*

READING INTERVENTION

The State Board of Education, in collaboration with the Coordinating Board for Higher Education and the Commissioner's Literacy Advisory Council established by the act, shall develop a plan to establish a comprehensive system of services for reading instruction. The State Board of Education shall also create an Office of Literacy and shall take other actions relating to improving literacy set forth in the act.

The act also creates the Evidence-based Reading Instruction Program Fund, to be used for purposes set forth in the act.

The act changes the term "reading intervention plans" to "reading success plans" throughout the act and applies provisions regarding such plans to charter schools. The development of guidelines for formulating policies for such plans is changed from the State Board of Education to the Department of Elementary and Secondary Education.

Each school district and charter school shall have on file a policy for reading success plans. The reading success plans shall provide all parents and guardians of students with a plan that includes suggestions for regular parent-guided home reading.

Each school district and charter school shall provide intensive reading instruction to students as set forth in the act.

The act repeals provisions relating to reading assessments and now states that school districts and charter schools shall assess all students enrolled in kindergarten through 3rd grade at the beginning and end of each school year for their level of reading or reading readiness. Additionally, all school districts and charter schools shall assess any newly enrolled student in grades one through five for their level of reading or reading readiness.

At the beginning of the school year, each school district and charter school shall provide a reading success plan to any student who exhibits a substantial deficiency in reading or has been identified as being at risk of dyslexia.

Each school district or charter school shall ensure the parent or guardian of any student in kindergarten through 3rd grade who exhibits a substantial deficiency in reading and shall provide them information listed in the act.

If a student has a substantial reading deficiency at the end of 3rd grade, promotion or retention of the student shall be discussed by the student's parent or guardian and appropriate school staff. School districts and charter school shall provide students identified as having a substantial reading deficiency with certain services as set forth in the act.

Each school district and charter school shall ensure that intensive reading instruction is provided through a reading development initiative to each kindergarten through 5th grade student who is assessed as exhibiting a substantial reading deficiency. Such instruction shall comply with criteria listed in the act.

The provisions relating to reading assessments have an effective date of January 1, 2023.

Additionally, each school district and charter school shall provide professional development services to enhance the skills of elementary teachers in responding to children's unique reading issues and needs to increase the use of evidence-based strategies.

- *Passed in SB 681*

RECOVERY PROGRAMS FOR HIGH SCHOOL STUDENTS

Under this act, the Commissioner of Education may approve and authorize up to four pilot recovery high schools to be established and operated by individual public school districts or groups of such districts. Recovery high schools shall serve as an alternative public high school setting and recovery program for students in recovery from substance use disorder or substance dependency, or such a condition along with co-occurring disorders as described in the act, who would academically and clinically benefit from placement in the recovery high school and who are committed to working on their recovery.

Districts seeking to operate a recovery high school shall submit proposals to the Commissioner by December 1st in the year prior to the first school year in which the school would begin operation. The proposal shall detail how the school will comply with the existing requirements for public high schools as well as how the school will be accredited by a recovery school accreditation organization as described in the act.

The proposal must include a financial plan outlining anticipated public and private funding that will allow the recovery high school to operate and meet the school's educational and recovery criteria. The district or districts may partner with one or more local nonprofit organizations or other local educational agencies regarding the establishment and operation of a recovery high school. The proposal may contain requests for waivers of existing regulations, which shall be deemed granted if the proposal is approved by the State Board of Education with the recommendation of the Commissioner.

The Commissioner of Education may specify an authorization period for the recovery high school which shall be no less than four years. By June 30th annually, the school district or group of school districts, in consultation with the recovery high school, shall submit to the Commissioner an analysis of school outcomes, as described in the act. The Commissioner shall review the analysis, renew recovery high schools meeting the requirements of the act and the requirements of the school's proposal, and may include new terms and conditions to address areas needing correction or improvement. The Commissioner may revoke or suspend the authorization of a recovery high school not meeting such requirements.

Pupil attendance, dropout rate, student performance or statewide assessments, or other data considered in the Missouri school improvement program and school accreditation shall not be attributed to general accreditation of either a sending district or the district or districts operating the recovery high school and may only be used by the Commissioner in the renewal process for the recovery high school.

School districts may enroll their students in a recovery high school by entering into an agreement with the district or districts operating the school. Parents of eligible students and eligible students over the age of 18 may seek to enroll in the school. A recovery high school shall not limit or deny admission to an eligible student based on race, ethnicity, national origin, disability, income level, proficiency in the English language, or athletic ability.

Recovery high schools shall adopt a policy establishing a tuition rate by February 1st of the preceding school year; that the sending district shall pay the tuition rate or an amount of per-student state and local funding as described in the act, whichever is lower; and that the sending district will remain responsible for special education and disability expenses in excess of the tuition paid.

The Commissioner may enter into an agreement with the appropriate official or agency of another state to develop a reciprocity agreement for otherwise eligible, non-resident students seeking to attend a recovery high school in Missouri. A recovery high school may enroll otherwise eligible students residing in a state other than Missouri, pursuant to such reciprocity agreement. Such reciprocity agreement shall require the out-of-state student's district of residence to pay to the recovery high school an annual amount equal to 105% of the recovery high school's tuition rate. Eligible students from states with which the Commissioner does not have a reciprocity agreement may attend a recovery high school provided such student pays 105% of the recovery high school's tuition rate. No student enrolled pursuant to a reciprocity agreement shall be considered a resident pupil for purposes of calculating state aid.

These provisions are identical to provisions in HCS/HB 1753 (2022) and similar to SCS/SB 769 (2022).

- *Passed in SB 681*

SCHOOL BOARD COMMUNITY ENGAGEMENT POLICY

Before July 1, 2023, school districts and charter schools shall adopt a community engagement policy based on community input that provides residents a method of communicating with the governing board of the school district

or charter school. The policy creates a process for items related to educational matters to be added to the board agenda. The policy components are set forth in the act.

This provision is similar to a provision in HCS/HB 1753 (2022) and in the perfected HCS/HB 1750 (2022).

- *Passed in SB 681*

SCHOOL BOARD DISTRICTS AND SUBDISTRICTS

Under the act, any individual public elementary school, secondary school, charter school, or school district that is in the bottom 5% of scores on the annual performance report shall mail a letter to the parents and guardians of each student in such school or district informing the parents and guardians of the score and any options available to such students as a result of the school's or district's current status. Special school districts and any state operated schools in which all of the students enrolled are students with disabilities are exempted from this provision.

This provision is similar to a provision in HCS/HB 2652 (2022).

- *Passed in SB 681*

SCHOOL DISTRICT RESIDENCY TUITION WAIVER

For all school years beginning on or after July 1, 2023, this act allows any person or a beneficiary of a trust that owns residential or agricultural real property in any school district, and pays a school tax of at least $2,000 in that district and owned property for at least four years, may send up to four of such owner's or beneficiary's children to a school within that district, excluding a charter school, without a tuition payment, upon notification to the district at least 30 days prior to enrollment, and the district shall count that child for the district's average daily attendance.

This provision is substantially similar to a provision in the perfected HCS/HB 1814 (2022) and to a provision in SB 1010 (2022).

- *Passed in SB 681*

SCHOOL DISTRICT SUPERINTENDENT SHARING

Beginning July, 1 2023, this act allows a school district that enters into an agreement with another district to share a superintendent to receive an additional $30,000 per year in state aid for up to five years. The act directs districts to spend the additional compensation and half of the savings from sharing a superintendent on teacher salaries or counseling services.

This provision is identical to HB 1721 (2022).

- *Passed in SB 681*

SCHOOL INNOVATION WAIVERS

Under this act, a school intervention team, which shall mean a group of persons representing certain schools as set forth in the act, may submit a state innovation waiver plan to the State Board of Education for certain purposes, including improving student readiness for employment, higher education, vocational training, technical training, or any other form of career and job training; increasing the compensation of teachers; or improving the recruitment, retention, training, preparation, or professional development of teachers.

The State Board may grant school innovation waivers to exempt schools from requirements imposed by current law, or from any regulations promulgated by the State Board or the Department of Elementary and Secondary Education. If a school innovation waiver is granted to a school district or group of school districts, the waiver shall be applicable to every elementary and secondary school within the school district or group of school districts unless the plan specifically provides otherwise.

Any plan for a school innovation waiver shall contain certain information as described in the act, including the specific provision of law for which a waiver is being requested and an explanation for why such provision of law inhibits the goal stated in the plan. The plan shall also demonstrate that the intent of the law can be addressed in a more effective, efficient, or economical manner and that the waiver or modification is necessary to implement the plan.

In evaluating a plan submitted by a school innovation team, the State Board shall consider whether the plan meets certain criteria set forth in the act. The State Board may propose modifications to the plan in cooperation with the school innovation team.

Any waiver granted under this act shall be effective for no longer than three school years, but school innovation waivers may be renewed. No more than one school innovation waiver shall be in effect with respect to any one elementary or secondary school at one time.

The State Board shall not authorize the waiver of any statutory requirements relating to teacher certification, teacher tenure, or any requirement imposed by federal law.

These provisions are identical to the perfected HB 2152 (2022) and similar to SB 662 (2022).

- *Passed in SB 681*

SHOW-ME SUCCESS DIPLOMA PROGRAM

This act establishes the Show Me Success Diploma Program as an alternative pathway to graduation for high school students. A student may earn the Show Me Success Diploma beginning at the end of the 10th grade. By July 1, 2023, the Department of Elementary and Secondary Education shall develop detailed requirements for students to become eligible for the Show Me Success Diploma.

Students who earn a Show Me Success Diploma may elect to remain in high school. Alternatively, a student having earned the diploma may instead enroll in a qualifying postsecondary educational institution. For each student enrolled in such an institution, an amount equal to 90% of the pupil's proportionate share of the state, local, and federal aid that the district or charter school receives for such student shall be deposited into a higher education savings account that lists the student as the beneficiary.

These provisions are identical to provisions in HB 1956 (2022) and substantially similar to provisions in SB 660 (2022).

- *Passed in SB 681*

SPECIAL EDUCATION REIMBURSEMENT

Currently, the Department of Elementary and Secondary Education will reimburse school districts for the costs of special education for high-needs children with an Individualized Education Program (IEP) exceeding three times the current expenditure per average daily attendance as calculated on the District Annual Secretary of the Board Report

for the year in which the expenditures are claimed. This act states that any money reimbursed to a school district with 500 or fewer students is excluded from such calculation.

This act specifies that a school district shall submit the cost of serving any high-needs student with an IEP to The Department.

This provision is identical to HB 1469 (2022) and to a provision in HCS/HB 1753 (2022).

- *Passed in SB 681*

SUBSTITUTE TEACHING

This act creates a 4-year certificate for individuals that want to substitute teach. Applicants for certification must complete a background check and also have at least 36 college hours or have completed a 20-hour online training. Individuals must also have a high school diploma or equivalent. An alternative route to certification is provided for qualified individuals with technical or business expertise or Armed Forces experience and a superintendent sponsorship.

Until June 30, 2025, this act allows retired teachers that have a substitute certification to substitute teach part-time or as a temporary substitute and not have those hours and salary affect their retirement allowance.

Substitute certificates will expire if the individual fails to substitute teach for at least 5 days or 40 hours in a calendar year. No individual under 20 years old may substitute in 9th through 12th grade.

The act also requires the Department of Elementary and Secondary Education to develop and maintain an online substitute training program with twenty hours of training related to subjects appropriate for substitute teaching. The act authorizes school districts to develop district specific orientations lasting two hours.

Beginning January 1, 2023, the act authorizes substitute teachers that apply for a fingerprint background check the opportunity to submit the results to up to five different school districts for a specified fee.

The act adds a web-based survey to be developed and maintained by the Department of Elementary and Secondary Education that will collect information from substitute teachers at the end of each day of teaching. Districts will provide links to substitute teachers to access the survey, which will contain questions regarding the support and interaction with school staff, student health and safety issues, among other relevant questions.

The act requires school districts and charter schools to annually provide the Department of Elementary and Secondary Education with information relating to substitute teaching as outlined in the act.

Section 168.036 contains an emergency clause.

These provisions are similar identical to provisions in HCS/HB 2304 (2022).

- *Passed in SB 681*

SUICIDE AWARENESS AND PREVENTION

Beginning July 1, 2023, this act requires a public school or charter school with pupils in grades seven to twelve that issues pupil or student identification cards to print the 3-digit dialing code that directs calls and routes text messages to he Suicide and Crisis Lifeline, 988.

These provisions are identical to provisions in HCS/HB 2136 (2022) and substantially similar to SCS/SB 1142 (2022).

- *Passed in SB 681*

TEACHER CAREER PLANS

This act modifies provisions regarding career ladder admission and stage achievement for teachers. Additional responsibilities and volunteer efforts outside of compensated hours may include uncompensated coaching, supervising, and organizing extracurricular activities, serving as a mentor or tutor to students, additional teacher training or certification, or assisting students with college or career preparation. The act increases the state percentage of funding for salary supplements for career ladder from 40% to 60% and lowers the number of years before a teacher is eligible from five to two years.

These provisions are identical to HB 2493 (2022) and SB 1107 (2022).

- *Passed in SB 681*

TEACHING CERTIFICATES

This act expands on the current licensing process for the visiting scholars teacher certification by allowing individuals to obtain a certification to teach if they are employed by a district as part of an initiative designed to fill vacant positions in hard-to-staff schools or subject areas.

The act allows provisionally certified teachers an alternative route to achieve their full professional certification beyond the qualifying score on a designated exam, the details of the alternative route are included in the act.

This provision is identical to HCS/HB 1928 (2022) and a provision in HCS/HB 1753 (2022).

- *Passed in SB 681*

VEHICLES USED TO TRANSPORT SCHOOL CHILDREN

This act modifies a definition of "school bus" to include only vehicles designed for carrying more than 10 passengers.

The act also provides that school districts shall have the authority to use vehicles other than school buses to transport school children, specifies that the State Board of Education shall not adopt rules or regulations governing the use of transportation network companies for the transportation of school children, repeals the requirement that drivers of non-school-bus vehicles transporting school children have a school bus driver's license endorsement, and provides that the vehicles other than school buses shall meet any additional requirements of the school district.

The State Board of Education shall not require an individual using a motor vehicle with a gross vehicle weight of 12,000 pounds or less for the purpose of providing student transportation services in a vehicle other than a school bus to obtain any license other than a class F license.

These provisions are similar to the perfected HB 1973 (2022) and to provisions in SCS/SB 958 (2022).

- *SB 681*

VIRTUAL EDUCATION

This bill modifies provisions relating to the Virtual School

Program and specifies that the Missouri Course Access and Virtual School Program shall offer nonclassroom-based instruction in a virtual setting.

The bill requires that student attendance in a virtual program shall only be included in any district pupil attendance calculation or charter school pupil attendance calculation for the calculation and distribution of state school aid using current year pupil attendance for full-time virtual program pupils. Currently, the definition of a "full-time equivalent student" is a student who had successfully completed the instructional equivalent of six credits per regular term, this bill changes the definition to a student who is currently enrolled in the instructional equivalent of six credits per regular term. Pursuant to an education services plan and collaborative agreement, full-time equivalent students may be allowed to use a physical location of the resident school district for all or some portion of ongoing instructional activity and the enrollment plan shall provide for the reimbursement of costs for providing such access.

The bill specifies that a full-time virtual school program serving full-time equivalent students shall participate in the statewide assessment system, with the results to be assigned to the designated attendance center of the full-time virtual school program. The academic performance of any student who disenrolls from a full-time virtual school program and enrolls in a public school or charter school shall not be used in determining the annual performance report score of the attendance center or school district in which the student enrolls for 12 months from the date of enrollment.

A public institution of higher education operating a full-time virtual school program shall be subject to all requirements applicable to a host school district with respect to its full-time equivalent students.

Currently, a school district or charter school must allow any eligible student who resides in the district to enroll in Missouri course access and virtual school program courses as part of the student's annual course load each school year. This bill modifies the requirement to allow any student who resides in this state to enroll in these courses with the costs of the course or courses to be paid by the school district or charter school as long as the student is enrolled full-time in a public or charter school and received approval from the student school district or charter school prior to enrolling.

Currently,school counselors are not required to approve or disapprove a student's enrollment in the virtual school program. This bill repeals that provision and specifies that the policy shall ensure that available opportunities for in-person instruction are considered prior to moving a student to virtual courses and allow for continuous enrollment throughout the school year.

The bill changes the process for denying a student enrollment in the virtual school program and specifies that good cause justification to disapprove a student's request for enrollment shall be consistent with the determination that would be made for such course request under the process by which a district student would enroll in a similar course offered by a school district or charter school. The appeal process for course denials shall be similar to the process by which appeals are considered for students seeking to enroll in courses offered by a school district or charter school.

This bill requires DESE to adopt a policy for students enrolling in a full-time virtual program, with the policy containing information specified in the bill. Each host district shall implement the state policy.

Virtual school programs shall monitor individual student success and engagement and provide regular progress reports for each student at least four times per school year to the school district or charter school. The bill repeals a provision requiring school districts and charter schools to monitor student progress and success.

DESE shall monitor the aggregate performance of virtual providers. An education services plan may require an eligible student to have access to student facilities of the resident school district during regular school hours. The plan shall provide for reimbursement of the resident school district for such access.

The bill creates a definition for "instructional activities" and states that a full-time virtual school shall develop a policy setting forth consequences for a student who fails to complete the required instructional activities. If a full-time virtual school disenrolls a student for failure to complete required instructional activities, the school shall immediately provide written notification to such student's school district of residence.

A student shall be enrolled in a new educational option as specified in the bill.

Virtual school programs shall comply with audit requirements under state law, access to public records under state law, and school accountability report cards under state law. Teachers and administrators employed by a virtual provider shall be considered to be employed in a public school for all certification purposes under state law.

On or before January 1, 2023, DESE shall create a guidance document that details options for virtual course access and full-time virtual course access for all students in the state. The document shall be distributed as specified in the bill.

- *Passed in SB 1552*

WORKFORCE DIPLOMA PROGRAM

This act establishes the "Workforce Diploma Program" within the Department of Elementary and Secondary Education to assist students in obtaining a high school diploma and in developing employability and career and technical skills through campus-based, blended, or online modalities.

Before September 1, 2022, and annually each year after, the Department shall issue a request for qualifications for interested program providers to become approved providers to participate in the program. Each approved program provider shall meet qualifications set forth in the act, including having at least two years of experience in providing adult dropout recovery services.

The Department shall announce approved program providers prior to October 16th each year, and approved program providers shall begin enrolling students before November 15th each year. Approved program providers shall maintain approval without reapplying annually unless the provider has been removed pursuant to this act

All approved program providers shall comply with requirements set by the Department to ensure an accurate accounting of a student's accumulated credits, an accurate accounting of credits necessary to complete a high school diploma, and any coursework to be aligned with the academic performance standards of this state.

Subject to appropriations, the Department shall set and pay approved program providers for meeting certain milestones. However, no approved program provider shall receive funding for a student if such provider already receives federal or state funding or private tuition for such student. Additionally, no approved program provider shall charge student fees of any kind, including textbook fees, tuition fees, lab fees, or participation fees, unless the student chooses to obtain additional education offered by the provider that is not included in the program.

In order to receive payments, approved program providers shall be required to submit monthly invoices to the Department before the eleventh calendar day of each month for the milestones met by students in the previous

month. The Department shall pay approved program providers in the order in which invoices are submitted until all available funds are exhausted.

The Department shall also provide a written update to approved program providers by the last day of each month, which shall include the aggregate total dollars that have been paid to the providers, and the estimated number of enrollments still available for the program year.

Prior to July 16th of each year, each approved program provider shall report certain information set forth in the act to the Department for each individual participating student, on a student-by-student basis, including the total number of students who have been funded through the program, the total number of credits earned, the total number of employability skills certifications issued, the total number of industry-recognized credentials earned, stackable credentials, and technical skill assessments, the total number of graduates, the average costs per graduate, and the graduation rate.

Additionally, prior to September 16th of each year, each approved program provider shall conduct and submit to the Department the aggregate results of a survey of each individual participating student, on a student-by-student basis, who graduated from the program of the provider. This act provides that the survey shall be conducted in the year after the student's graduation year and the following 4 consecutive years. The survey shall include certain data collection elements as provided in the act, including employment status, wage, access to employer-sponsored health care, and postsecondary enrollment status.

The Department shall review data from each approved program provider, at the end of the second fiscal year of the program, to ensure that each provider is achieving minimum program performance standards. Any provider failing to meet such standards shall be placed on probationary status for the remainder of the fiscal year. If a provider fails to meet the standards for two consecutive years, such provider shall be removed from the approved program provider list.

Additionally, this act provides that no approved program provider shall discriminate against a student on the basis of race, color, religion, national origin, ancestry, sex, sexuality, gender, or age.

If an approved program provider determines that a student would be better served by participating in a different program, the provider may refer the student to the state's adult basic education services.

Further, the act creates the "Workforce Diploma Program Fund" in the state treasury. The fund shall consist of grants, gifts, donations, bequests, and moneys appropriated for purposes of the program.

Finally, the program shall sunset on August 28, 2028, unless reauthorized by the General Assembly.

This provision is identical to a provision in the perfected HB 2325 (2022) and is similar to SB 957 (2022), SB 139 (2021), and SB 839 (2020).

- *Passed in SB 681 and SB 718*

ELECTIONS

VOTER ID, ABSENTEE VOTING, AND OTHER ELECTION LAWS

This bill modifies election laws. In its main provisions the bill:

(1) Authorizes the Secretary of State (SOS) to quarterly audit voter registration lists and require election authorities to remove improper names. Audit procedures and deadlines are specified in the bill and noncompliance could result in a withhold of funds (Section 28.960, RSMo);

(2) Prohibits amendment or modification of Chapter 115 in the 26 weeks preceding a presidential election (Section 115.004);

(3) Removes obsolete references to ballot cards and requires voting machines to be air gapped as a security measure. The term "air gapped" is specified in the bill (Section 115.013, 115.417, and 115.447);

(4) Prohibits the state and its political subdivisions from receiving or expending private money, excluding in-kind donations as defined in the bill, for preparing, administering, or conducting an election or registering voters. If there is not sufficient appropriation of state funds to proportionately compensate counties pursuant to Sections 115.063 and 115.065, this section will not be enforced. The bill also prohibits candidates, candidate committees, campaign committees, and continuing committees from receiving in-kind donations (Section 115.022);

(5) Exempts board of election commissioners and county clerk employees from the requirement to reside in or register within the jurisdiction in which they serve (Sections 115.045 and 115.051);

(6) Allows appointment of election judges who reside outside the requisite election authority's jurisdiction without the need for written consent from the election authority in whose jurisdiction the potential judge resides. Procedures for selecting election judges from lists submitted by political party committees are specified (Sections 115.081 and 115.085);

(7) Repeals a provision that provides that in a presidential primary election, challengers may collect information about the party ballot selected by a voter and may disclose party affiliation information after the polls close (Section 115.105);

(8) Repeals the provision that requires an election for a presidential primary under Sections 115.755-115.785 to be held on the second Tuesday after the first Monday in March of each presidential election year (Section 115.123);

(9) Repeals specified registration exceptions for intrastate new residents (Section 115.135);

(10) Requires the Department of Revenue to use electronic applications when sending materials to election authorities under the existing voter registration program in place at the Division of Motor Vehicles and Drivers Licensing, within the Department of Revenue. No person with documentation showing non-citizenship will be offered registration to vote, and voter information may be analyzed to avoid mistakes using the statewide voter registration database as specified in the bill. Electronic applications shall be sent no later than three business days after completion of a form. The electronic applications shall be secure and in a format compatible with the existing Voter Registration System under Section 115.158. The Secretary of State and Director of the Department of Revenue shall guarantee the security and transmission of electronic data. Images of signatures may be used for the purpose of voter registration (Sections 115.151, 115.160, and 115.960);

(11) Requires, beginning January 1, 2023, that any person registering to vote must declare a political party affiliation from the established political parties or declare themselves unaffiliated. If a voter does not designate any political party affiliation, then the election authority shall designate the voter as unaffiliated. Voter identification cards will now contain a voter’s political party affiliation. A voter can change his or her political party affiliation at any time by notifying his or her election authority in a signed, written notice substantially similar to the process for changing a voter’s address under section 115.165, or when checking in to vote at any election. Prior to January 1, 2025, local

election authorities must notify registered voters of the political party affiliation opportunities now offered using all current election mailings that would otherwise be mailed to registered voters (Sections 115.155, 115.163, 115.168, and 115.628);

(12) Restricts voter information released by election authorities by prohibiting the release of the date of birth of voters, instead allowing only the release of the year of birth, as well as prohibiting use of released information for commercial purposes. Specified voter history information will be forwarded to the Secretary of State within three months after an election (Section 115.157);

(13) Allows registered voters to file change of address forms in person after the deadline to register to vote including on election day at the Office of the election authority if they provide a type of personal identification under Subsection 1 of Section 115.427 which involves photographic identification (Section 115.165);

(14) Prohibits payment for soliciting voter registration applications and requires registration with the Secretary of State's office for soliciting more than 10 voter registration applications as specified in the bill (Section 115.205);

(15) Beginning January 1, 2023, the bill requires the use of a paper ballot that is hand-marked by the voter or in another manner authorized by Chapter 115. Any election authority with touchscreen direct-recording electronic vote-counting machines may continue using such machines already in their possession until January 1, 2024. Each election authority shall, once every two years, allow a cyber security review of their office by the Secretary of State or an entity that specializes in cyber security reviews and the Secretary of State shall also allow such a cyber security review of its office by an entity that specializes in cyber security reviews. The Secretary of State will have the authority to require cyber security testing of vendors, upon appropriation. The Secretary of State may require that all election authorities be a member of an organization that provides information to increase cyber security and election integrity efforts (Sections 115.225 and 115.237);

(16) For the purpose of processing absentee ballots cast by voters in person in the election authority's office that is deemed designated as a polling place, the election authority may cause voting machines, if used, to be put in order, set, adjusted, tested, and made ready for voting within one business day of the printing of absentee ballots as provided in Section 115.281 (Section 115.257);

(17) Defines absentee ballots as those authorized to be cast away from a polling place or in the office of the election authority or other authorized location designated by the election authority. References to Space Force are included for purposes of voting processes and electronic ballot information authorized for the Armed Forces (Sections 115.275 and 115.902);

(18) Allows use of absentee ballots to vote in person with a form of personal identification as specified in the bill. Notarization requirements are also specified in the bill depending upon the excuse for voting absentee and whether or not voting is conducted in person. Affidavit forms are modified. No individual or group shall solicit voters regarding absentee ballot applications and such applications shall not be pre-filled and provided to voters (Sections 115.277, 115.279, and 115.283);

(19) Determines when absentee ballots are deemed to be cast, distinctions are made between absentee ballots received by the election authority in person and absentee ballots received through a common carrier (Section 115.286);

(20) Allows voter assistance in cases of temporary confinement due to illness or physical disability on election day, but repeals specific COVID-19 references to mail-in ballots that have expired (Sections 115.287, 115.291, and 115.652);

(21) This bill prohibits the use of mail-in ballots under executive or administrative order. Expired provisions are repealed relating to the use of mail-in ballots for the 2020 general election and absentee voting during the 2020 general election for voters who have contracted COVID-19 or who are at risk of contracting or transmitting COVID-19 (Sections 115.285, 115.302, and 115.652);

(22) Repeals obsolete intersectional references (Section 115.349);

(23) Specifies photographic identification requirements for voting a regular ballot or absentee ballot in person, but allows use of provisional ballots with any type of documentation currently allowed for voting. A line item appropriation for the Secretary of State's Office regarding notice of personal identification is repealed. Certain affidavit requirements are repealed and requirements for provisional ballots are specified in the bill (Section 115.427);

(24) Specifies that once a ballot is submitted, then it is deemed cast (115.435);

(25) Repeals reference to a presidential preference primary and provides that a series of caucuses will be conducted to nominate a candidate for president (Sections 115.776 and 115.904); and

(26) Provides that if any provision of Section A or the application thereof to anyone or to any circumstance is held invalid, the remainder of those sections and the application of such provisions to others or other circumstances will not be affected thereby (Section 1);

(27) Provides that a public official, as defined in the bill, has no authority in any civil action in a state or federal court to compromise or settle an action, consent to any condition, or agree to any order in connection therewith if the compromise, settlement, condition, or order nullifies, suspends, enjoins, alters, or conflicts with any provision of chapters 115 to 128. Any compromise, settlement, condition, or order that a public official agrees with that violates this prohibition is null and void. Nothing in this section should be construed to limit or restrict any powers granted by articles III or VIII or the Missouri constitution.

Requires parties to provide a copy of the pleading to the Speaker of the House of Representatives and the President pro tem of the Senate within fourteen days of filing the pleading with the court in cases challenging the constitutionality of a statute facially or as applied, cases challenging a statute as violating or being preempted by federal law, or cases challenging the construction or validity of a statute, as part of a claim or affirmative defense. The Speaker of the House and the President pro tem of the Senate may intervene to defend against the action at any time in the action as a matter of right by serving motion upon the parties as provided by applicable rules of civil procedure.

The Speaker of the House and President pro tem of the Senate may intervene at any time in an action on behalf of their respective chambers, or acting jointly, intervene in an action on behalf of the General Assembly. They may obtain legal counsel other than from the Attorney General, with the cost of representation paid from funds appropriated for that purpose, to represent the respective chamber or General Assembly in any action. However, no individual member, or group of members, of the Senate or the House of Representatives, except the President pro tem and the Speaker, as provided under this bill, shall intervene in an action described in this bill or obtain legal

counsel at public expense under this bill in the member's or group's capacity as a member or members of the Senate or the House of Representatives.

The participation of the Speaker of the House or the President pro tem of the senate in any state or federal action, as a party or otherwise, does not constitute a waiver of the legislative immunity or legislative privilege of any member, officer, or staff of the General Assembly (Section 2); and

(28) All audits required by subsection 6 of section 115.225 that are conducted by the secretary of state must be paid for by state and federal funding (Section 3).

- *Passed in HB 1878*

REDISTRICTING FEDERAL CONGRESSIONAL SEATS

This bill creates boundaries for the eight Missouri Congressional districts beginning with the 118th Congress of the United States.

The bill contains an emergency clause.

- *Passed in HB 2909*

HEALTH CARE

ADMINISTRATION OF EPINEPHRINE AUTO SYRINGES

This act authorizes school contracted agents trained by a nurse to administer an epinephrine auto syringe on any student who is having a life-threatening anaphylactic reaction. This act also provides that trained contracted agents shall be immune from civil liability in the administration of a prefilled auto syringe.

This provision is identical to SB 1170 (2022), SB 1210 (2022), and provisions in SCS/HB 2151 (2022) and SS#2/SB 823 (2022).

- *Passed in SB 710*

ALZEIMER'S STATE PLAN TASK FORCE

This act repeals an obsolete reference to the Alzheimer's Disease and Related Disorders Task Force. Additionally, the act changes the date that the Alzheimer's State Plan Task Force shall submit a report of recommendations from June 1, 2022, to January 1, 2023, and extends the task force expiration date from December 31, 2026, to December 31, 2027.

This provision is identical to a provision in SCS/SB 1045 (2022).

- *Passed in SB 710 and HB 2331*

AUDIOLOGISTS AND SPEECH LANGUAGE PATHOLOGISTS

This modifies provisions relating to audiology and speech-language pathology. In order to be eligible for licensure by the State Board of Registration for the Healing Arts by examination under this bill, each applicant shall present written evidence of completion of a clinical fellowship. Any person in a clinical fellowship shall hold a provisional

license to practice speechlanguage pathology or audiology and shall be issued a license if the person meets requirements set forth in the bill.

This also modifies provisions relating to license reciprocity.

Currently, applicants who are licensed in another country or hold a certificate of competence issued by the American Speech-Language Hearing Association may receive a license without an examination. This bill repeals this provision and implements a provision permitting any person who, for at least one year, has held a valid, current license issued by another state, a branch or unit of the military, a U.S. territory, or the District of Columbia, to apply for an equivalent Missouri license through the Board, subject to procedures and limitations as provided in the bill.

This bill also adopts the Audiology and Speech-Language Pathology Interstate Compact. The purpose of the compact is to increase access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses. The compact sets forth requirements that must be met in order for a state to join the compact. Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure as well as all other applicable state laws.

The compact creates a joint public agency known as the Audiology and Speech-Language Pathology Compact Commission. The Commission has powers and duties as listed in the compact and shall enforce the provisions and rules of the compact. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

The compact shall come into effect on the date on which the compact is enacted into law in the 10th member state. Any member state may withdraw from the compact by enacting a statute repealing the same. The compact shall be binding upon member states and shall supersede any conflict with state law.

- *Passed in HB 2149*

BILIARY ARTRESIA AWARENESS DAY

This act establishes October 1 each year as "Biliary Atresia Awareness Day".

This act is identical to HB 2356 (2022).

- *Passed in SB 710*

BLACK MATERNAL HEALTH WEEK

This act establishes the week of April 11 through April 17 each year as "Black Maternal Health Week".

- *Passed in SB 710*

CONSUMER-DIRECTED SERVICES

A vendor participating in the MO HealthNet consumer-directed services program shall ensure all payroll, employment, and other taxes are timely paid on behalf of the consumer and the vendor shall be liable to the consumer for any garnishment action occurring or that has occurred as a result of the vendor's failure to timely pay such taxes. The vendor may be subject to a $1,000 per occurrence penalty for failure to timely pay such taxes. The

vendor shall notify the consumer of any communication or correspondence from any federal, state, or local tax authority of any overdue or unpaid tax obligations, as well as any notice of an impending garnishment.

This provision is substantially similar to provisions in SCS/SB 671 (2022) and SCS/HCS/HBs 2116, 2097, 1690, & 2221 (2022).

- *Passed in SB 710*

CHILD CARE SUBSIDIES AND CHILD CARE FACILITY LICENSING

This act modifies current law relating to child care subsidies and child care facility licensing by transferring supervision and implementation authority from the Department of Social Services and the Department of Health and Senior Services to the Department of Elementary and Secondary Education pursuant to the Governor's Executive Order creating the Office of Childhood within the Department of Elementary and Secondary Education.

These provisions are identical to SCS/SB 982 (2022).

This act modifies child care facility licensure statutes by adding "day camps", as defined in the act, to the list of facilities exempt from licensure. Under this act, every child care facility shall disclose the licensure status of the facility and parents or guardians utilizing an unlicensed child care facility shall sign a written notice acknowledging the unlicensed status of the facility.

These provisions are identical to SCS/SB 916 (2022), substantially similar to HCS/HB 1550 (2022), and similar to HB 1191 (2021).

Additionally, this act excludes from the number of children counted toward the maximum number of children for which a family child care home is licensed up to two children who are five years or older and who are related within the third degree of consanguinity or affinity to, adopted by, or under court appointed guardianship or legal custody of a child care provider who is responsible for the daily operation of a licensed family child care home organized as a legal entity in Missouri. If more than one member of the legal entity is responsible for the daily operation of the family child care home, then the related children of only one such member shall be excluded. A family child care home caring for such children shall provide notice to parents or guardians as specified in the act. Additionally, nothing in the act shall prohibit the Department of Elementary and Secondary Education from enforcing existing licensing regulations, including supervision requirements and capacity limitations based on the amount of child care space available.

This provision has an emergency clause.

This provision is substantially similar to SCS/SB 132 (2021) and provisions in SCS/HS/HB 432 (2021) and similar to SB 1026 (2020) and HB 1257 (2020).

Under current law, neighborhood youth development programs that provide activities to children ages 6 to 17 are exempt from child care licensure. This act changes the age range to 5 to 18.

This provision is identical to SB 826 (2022).

Under current law, the Children's Division shall conduct a diligent search for the biological parent or parents of a child in the custody of the Division if the location or identity of such parent or parents is unknown. This act requires

such search to be active, thorough, and timely and if a child is removed from a home and placed in the custody of the Division, the search shall be conducted immediately following the removal of a child.

Additionally, current law requires the Division to immediately begin diligent efforts to locate and place a child with a suitable grandparent when an initial emergency placement of a child is deemed necessary. This act changes "diligent efforts" to "diligent search" and expands the search to include relatives other than grandparents. A diligent search for relatives shall occur within thirty days from the time the emergency placement is deemed necessary for the child. The Division shall continue to search for suitable relatives for the child's placement until a suitable relative is identified and located or the court excuses further search.

Finally, whenever a court determines that a foster home placement with a child's relative is appropriate, the Division shall complete a diligent search to locate and notify the child's grandparents, adult siblings, parents of siblings, and all other relatives of the child's possible placement.

- *Passed in SB 683*

ESSENTIAL CAREGIVER PROGRAM ACT

During a state of emergency declared pursuant to Chapter 44 relating to infectious, contagious, communicable, or dangerous diseases, a facility must allow a resident or client who has not been adjudged incapacitated under Chapter 475, a resident's or client's guardian, or a resident's or client's legally authorized representative to designate an essential caregiver for in-person contact with the resident or client in accordance with the standards and guidelines developed by the Department under this section. Essential caregivers must be considered a part of the resident's or client's care team, along with the resident's or client's health care providers and facility staff.

The hospital or facility must inform, in writing, a resident or their guardian or representative of this right to in-person essential care. The Department of Health and Senior Services and the Department of Mental Health must develop relevant standards and guidelines as described in the bill.

A hospital or facility may petition for suspension of in-person visitation for a period of up to seven days for good cause. A suspension cannot be extended for more than 7 consecutive days or for more than 14 consecutive days in a 12 month period or for more than 45 total days in a 12 month period.

The provisions of this bill will not apply to those residents whose condition necessitates limited visitation for reasons unrelated to the stated reason for the declared state of emergency.

A facility, its employees, and its contractors will be immune from civil liability for:

1. An injury or harm caused by or resulting from exposure of a contagious disease or harmful agent; and

2. Acts or omissions by essential caregivers who are present in the facility, as a result of the implementation of the Caregiver Program.

This immunity will not apply to any act or omission of the facility, its employees, or its contractors that constitutes recklessness or willful misconduct.

- *Passed in HB 2116*

EXEMPTIONS FOR LICENSURE

A professional who has a current license to practice his or her profession from another state, commonwealth, territory, or the District of Columbia shall be exempt from Missouri licensure requirements if the professional:

1. Is an active duty or reserve member of the Armed Forces, a member of the National Guard, a civilian employee of the U.S. Department of Defense (DOD), an authorized contractor under federal law, or a professional otherwise authorized under the DOD;

2. Practices the same occupation or profession for which he or she holds a current license; and

3. Is engaged in the practice of a profession through a partnership with the federal Innovative Readiness Training program within the DOD.

This exemption shall only apply while:

1. The professional's practice is required by the program pursuant to military orders; and

2. The services provided by the professional are within the scope of practice for individual's respective profession in Missouri.

This provision has an emergency clause.

- *Passed in HB 2149*

HEALTH CARE FACILITY VISITATION RIGHTS

This act establishes the "Compassionate Care Visitation Act". Under this act, a health care facility, defined as a hospital, hospice, or long-term care facility, shall allow a resident, patient, or guardian of such, to permit in-person contact with a compassionate care visitor during visiting hours. A compassionate care visitor may be the patient's or resident's friend, family member, or other person requested by the patient or resident. The compassionate care visitation is a visit necessary to meet the physical or mental needs of the patient or resident, including end-of-life care, assistance with hearing and speaking, emotional support, assistance with eating or drinking, or social support.

A health care facility shall allow a resident to permit at least 2 compassionate care visitors simultaneously to have in-person contact with the resident during visitation hours. Visitation hours shall include evenings, weekends, and holidays, and shall be no less than 6 hours daily. 24-hour visitation may be allowed when reasonably appropriate. Visitors may leave and return during visitor hours. Visitors may be restricted within the facility to the patient or resident's room or common areas and may be restricted entirely for reasons specified in the act.

By January 1, 2023, the Department of Health and Senior Services shall develop informational materials for patients, residents, and their legal guardians regarding the provisions of this act. Health care facilities shall make these informational materials accessible upon admission or registration and on the primary website of the facility.

A compassionate care visitor may report any violation of the Compassionate Care Visitation Act by a health care facility to the Department of Health and Senior Services, as specified in the act. The Department shall investigate any such complaint within thirty-six hours of receipt.

No health care facility shall be held liable for damages in an action involving a liability claim against the facility arising from compliance with the provisions of this act; provided no recklessness or willful misconduct on the part of the facility, employees, or contractors has occurred.

The provisions of this act shall not be terminated, suspended, or waived except by a declaration by the Governor of a state of emergency, in which case the provisions of the "Essential Caregiver Program Act" shall apply.

Additionally, this act establishes the "Essential Caregiver Program Act". During a governor-declared state of emergency, a hospital, long-term care facility, or facility operated, licensed, or certified by the Department of Mental Health shall allow a resident of such facility, or the resident's guardian or legal representative, to designate an essential caregiver for in-person contact with the resident in accordance with the standards and guidelines developed under this act. An "essential caregiver" is defined as a family member, friend, guardian, or other individual selected by a resident, or the guardian or legal representative of the resident. Essential caregivers shall be considered a part of the patient's care team, along with the resident's health care providers and facility staff.

The Department of Health and Senior Services and the Department of Mental Health shall develop the program's standards and guidelines, including: (1) allowing the resident to select at least two caregivers, although the facility may limit in-person contact to one at a time; (2) establishing an in-person contact schedule allowing for at least four hours each day; and (3) establishing procedures enabling physical contact between the caregiver and resident. The facility may require the caregiver to follow infection control and safety measures; provided that such measures are no more stringent than required for facility employees. Caregiver in-person contact may be restricted or revoked for caregivers who do not follow such measures.

A facility may request a suspension of in-person contact for a period not to extend seven days. The suspension may be extended, but not for more than fourteen consecutive days in a twelve-month period or more than forty-five days in a twelve-month period. The Department shall suspend in-person contact by essential caregivers under this act if it determines that doing so is required under federal law, including a determination that federal law requires a suspension of in-person contact by members of the resident's care team.

The provisions of this act shall not apply to those residents whose condition necessitates limited visitation for reasons unrelated to the stated reason for the declared state of emergency.

A facility, its employees, and its contractors shall be immune from civil liability for (1) an injury or harm caused by or resulting from exposure of a contagious disease or harmful agent or (2) acts or omissions by essential caregivers who are present in the facility, as a result of the implementation of the caregiver program. This immunity shall not apply to any act or omission of the facility, its employees, or its contractors that constitutes recklessness or willful misconduct.

These provisions are substantially similar to provisions in SCS/HCS/HBs 2116, 2097, 1690, & 2221 (2022), SCS/SB 671 (2022), HCS#2/*SB 710* (2022), and SCS/*HB 2331* (2022).

- *Passed in SB 710 and HB 2116*

HOME HEALTH LICENSING

Current law limits licensed home health agencies to those that provide two or more home health services at the residence of a patient according to a physician's written and signed plan of treatment. This act permits such licensed entities to provide treatment according to written plans signed by physicians, nurse practitioners, clinical nurse specialists, or physician assistants, as specified in the act.

These provisions are substantially similar to SCS/SB 830 (2022), provisions in HCS/HB 2434 (2022), and SB 177 (2021).

- *Passed in SB 710, HB 2331 and HB 2149*

LAND SURVEYORS

Beginning January 1, 2024, this bill changes the name of a person licensed as a land surveyor-in-training to a land surveyor-intern.

A person may apply to the Missouri Board for Architects,

Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects for enrollment as a land surveyor-intern if such person is a high school graduate or possesses a certificate of high school equivalence and has passed any examination required by the Board. Beginning January 1, 2024, this bill institutes new education, experience, and examination requirements for licensure as a land surveyor, as described in the bill.

- *Passed in HB 2149*

MEDICAL MARIJUANA FACILITY BACKGROUND CHECKS

Currently, all owners, officers, managers, contractors, employees, and other support staff of licensed or certified medical marijuana facilities must submit fingerprints to the State Highway Patrol for state and federal criminal background checks. Additionally, the Department of Health and Senior Services may require fingerprint submissions of owners, officers, managers, contractors, employees, and other support staff for licensure authorizing that person to own or work at a medical marijuana facility. This bill limits those individuals that must submit to such fingerprinting to employees, contractors, owners, and volunteers. This bill provides a definition of contractor for purposes of the provisions of the bill.

- *Passed in HB 2331*

MEDICAL PRECEPTORSHIP TAX CREDIT

Beginning January 1, 2023, this bill creates a tax credit for any community-based faculty preceptor, as defined in the bill, who serves as the community-based faculty preceptor for a medical student core preceptorship or a physician assistant student core preceptorship, as defined in the bill. The amount of the tax credit will be worth $1000 for each preceptorship, up to a maximum of $3000 per tax year, if he or she completes up to three preceptorship rotations during the tax year and did not receive any direct compensation for the preceptorships. To receive the credit, a community-based faculty preceptor must claim the credit on his or her return for the tax year in which he or she completes the preceptorship rotations and must submit supporting documentation as prescribed by the Division of Professional Registration within the Department of Commerce and Insurance and the Missouri Department of Health and Senior Services.

This tax credit is nonrefundable and cannot be carried forward or carried back, transferred, assigned or sold. No more than 200 preceptorship tax credits will be authorized for any one calendar year and will be awarded on a first-come, first-served basis, capped at a total amount of $200,000 per year. Some discretion to use remaining funds in a particular fiscal year is provided.

Additionally, this bill creates a "Medical Preceptor Fund" which is funded from a license fee increase of $7.00 per license for physicians and surgeons and from a license fee increase of $3.00 per license for physician assistants. This will be a dedicated fund designed to fund additional tax credits that may exceed the established cap of $200,000 per year.

The Department will administer the tax credit program. Each taxpayer claiming a tax credit must file an application with the Department verifying the number of hours of instruction and the amount of the tax credit claimed. The hours claimed on the application must be verified by the program director on the application. The certification by the Department affirming the taxpayer's eligibility for the tax credit provided to the taxpayer must be filed with the taxpayer's income tax return.

The departments of Commerce and Insurance and Health and Senior Services will jointly administer the tax credit and each taxpayer claiming a tax credit must file an affidavit with his or her income tax return, affirming that he or she is eligible for the tax credit. Additionally, the departments of Commerce and Insurance and Health and Senior Services will jointly promulgate rules implement the provisions of this bill.

- *Passed in HB 2331*

MEDICAL STUDENT LOAN PROGRAMS

This act modifies provisions of current law relating to the medical student loan program administered by the Department of Health and Senior Services by adding psychiatry, dental surgery, dental medicine, or dental hygiene students to the list of eligible students in the program, as well as adding psychiatric care, dental practice, and dental hygienists to the definition of "primary care". Additionally, this act modifies the loan amount students may be eligible to receive from $7,500 each academic year to $25,000 each academic year.

This act also modifies the Nursing Student Loan Program by modifying the amount of financial assistance available to students from $5,000 each academic year for professional nursing programs to $10,000 each academic year and from $2,500 each academic year for practical nursing programs to $5,000 each academic year.

Finally, this act modifies the Nursing Student Loan Repayment Program by removing the June and December deadlines for qualified employment verification while retaining the requirement that such employment be verified twice each year.

These provisions are identical to SB 757 (2022) and provisions in SCS/SB 1045 (2022).

- *Passed in SB 710 and HB 2331*

MISSOURI DENTAL BOARD PILOT PROJECTS

This bill authorizes the Missouri Dental Board, in collaboration with the Department of Health and Senior Services and the Office of Dental Health within the Department of Health and Senior Services, to approve pilot projects designed to examine new methods of extending care to under-served populations. Such projects may employ techniques or approaches to care that may necessitate a waiver of statute or regulation and shall follow the requirements of the bill regarding scope, content, and reports.

The provisions of this section expire on August 28, 2026, and a report of the pilot projects approved by the Board shall be submitted to the General Assembly no later than December 1, 2025.

- *Passed in HB 2149*

MISSOURI RX PLAN

This act changes the expiration date of the Missouri Rx Plan from August 28, 2022, to August 28, 2029.

This provision is identical to SB 1179 (2022).

- *Passed in SB 710 and HB 2400*

OPIOID ADDICTION TREATMENT & RECOVERY FUND

This bill establishes that the Director of the Department of Health and Senior Services, if a licensed physician, may issue a statewide standing order, or contract with a licensed physician to issue such order, for an addiction mitigation medication, defined as properly administered naltrexone hydrochloride. Any licensed pharmacist may sell and dispense an addiction mitigation medication under a physician protocol or statewide standing order. A pharmacist acting in good faith and with reasonable care that sells or dispenses an addiction mitigation medication shall not be subject to any criminal or civil liability or professional disciplinary action for prescribing or dispensing such medication or for any resulting outcome. It shall be permissible for any person to possess an addiction mitigation medication.

This bill provides that, in addition to those departments that currently have access, the Department of Corrections, the Office of Administration, and the judiciary shall have access to the "Opioid Addiction Treatment and Recovery Fund" to pay for opioid addiction treatment and prevention services and health care and law enforcement costs related to opioid addiction treatment and prevention.

- *Passed in HB 2162*

ORGAN DONATION

This act modifies the "Revised Uniform Anatomical Gift Act". Currently, moneys in the Organ Donor Program Fund are limited to use for grants by the Department of Health and Senior Services to certified organ procurement organizations for the development and implementation of organ donation programs, publication of informational booklets, maintenance of an organ donor registry, and implementation of organ donation awareness programs in schools. This act modifies the fund to be used by the Department for educational initiatives, donor family recognition efforts, training, and other initiatives, as well as reimbursement for expenses incurred by the Organ Donation Advisory Committee. The Department shall no longer be required to disperse grants to organ procurement organizations, but shall have the authority to enter into contracts with such organizations or other organizations and individuals for the development and implementation of awareness programs. Additionally, the moneys in the fund shall be invested and interest earned shall be credited to the fund. The fund may seek other sources of moneys, including grants, bequests, and federal funds.

Currently, applicants for motor vehicle registrations and driver's licenses may make a one dollar donation to the organ donor program fund. This act changes that to a donation of not less than one dollar.

Finally, this act makes technical changes to the organ donation statutes.

These provisions are identical to SB 1146 (2022) and provisions in SCS/SB 1045 (2022).

This act prohibits hospitals, physicians, procurement organizations, or other person from considering COVID-19 vaccination status of a potential organ transplant recipient or potential organ donor in any part of the organ transplant process, except in cases of lung transplants.

This provision is identical to a provision in *HB 2331* (2022), HB 1861 (2022), and HCS/HBs 2358 & 1485 (2022).

- *Passed in SB 710 and HB 2331*

OVERSIGHT OF HEALTH CARE FACILITIES

Currently, the Department of Health and Senior Services conducts at least two inspections per year for licensed adult day care programs, at least one of which is unannounced. Under this act, the Department shall be required to conduct at least one unannounced inspection per year.

Currently, the Department conducts an annual inspection of licensed hospitals. Under this act, such inspections shall instead be performed in accordance with the schedule set forth under federal Medicare law.

A hospice currently seeking annual renewal of its certification shall be inspected by the Department of Health and Senior Services. Under this act, the Department may conduct a survey to evaluate the quality of services rendered by the applicant. Additionally, current law requires annual inspections of a certified hospice and this act instead requires such inspections to be performed in accordance with the schedule set forth under federal Medicare law.

Currently, the Department conducts an inspection of licensed home health agencies at least every 1 to 3 years, depending on the number of months the agency has been in operation following the initial inspection. Under this act, such inspections shall instead be performed in accordance with the schedule set forth under federal Medicare law.

This act updates a reference to a Missouri regulation regarding long-term care facility orientation training.

Current law requires the Department to inspect long-term care facilities at least twice a year, one of which shall be unannounced. Under this act, the Department shall be required to conduct at least one unannounced inspection per year. Additionally, current law requires that the Department issue a notice of noncompliance or revocation of a license by certified mail to each person disclosed to be an owner or operator of a long-term care facility. This act instead requires that such notice be sent by a delivery service to the operator or administrator of the facility.

Finally, this act modifies the "Missouri Informal Dispute Resolution Act" relating to informal dispute resolutions between the Department of Health and Senior Services and licensed long-term care facilities. Current law requires the Department to send to a facility by certified mail a statement of deficiencies following an inspection. This act requires that such notice be sent by a delivery service that provides dated receipt of delivery. Additionally, current law provides a facility ten calendar days following receipt of notice to return a plan of correction to the Department. This act changes the ten calendar days to ten working days.

These provisions are identical to SB 1029 (2022) and provisions in SCS/SB 1045 (2022) and substantially similar to provisions of SB 342 (2021).

- *Passed in SB 710 and HB 2331*

PHYSICIAN AND PHARMACIST RX OF IVERMECTIN AND HYDROXYCHLOROQUINE

This bill prohibits the State Board of Registration for the Healing Arts from taking administrative action against a certificate of registration or authority, permit, or license required by this Chapter for any person due to the lawful dispensing, distributing, or selling of ivermectin tablets or hydroxychloroquine sulfate tablets for human use in accordance with prescriber directions. A pharmacist cannot contact the prescribing physician or the patient to dispute the efficacy of ivermectin tablets or hydroxychloroquine sulfate tablets for human use unless the physician or patient inquires of the pharmacist about the efficacy of ivermectin tablets or hydroxychloroquine sulfate tablets.

- *Passed in HB 2149*

PHYSICAL THERAPISTS EXAMINATIONS

Currently, an individual applying to be licensed as a physical therapist must provide evidence of completion of a program of physical therapy education approved as reputable by the Board of the Healing Arts. This bill allows for the applicant to provide evidence of eligibility to graduate from such program within 90 days in lieu of the evidence of completion of the program.

Currently, an individual applying to be licensed as a physical therapist assistant must provide a certificate of graduation from an accredited high school or its equivalent and evidence of completion of an associate degree program of physical therapy education accredited by the Advisory Commission for Physical

Therapists. This bill allows for the applicant to provide evidence of eligibility to graduate from such program within 90 days in lieu of the evidence of completion of the program.

Applicants must pass an examination with quality standard requirements established by the Board and any entity contracted by the Board to administer the board-approved examinations.

If the applicant fails the examination six or more times, he or she is no longer eligible for licensure.

- *Passed in HB 2149*

PRE-PAID DENTAL PLANS

This act adds prepaid dental plans to a statute requiring insurers to pay providers directly if a patient has assigned his or her insurance benefits to the provider.

This provision is identical to SCS/SB 1180 (2022) and a provision in HCS/SS/SB 690 (2022) and similar to HB 2743 (2022).

This act adds prepaid dental plans to the definition of "health carrier" for purposes of statutes regulating the assessment and validation of practitioners' qualifications to provide patient care services and act as a member of the health carrier's provider network.

This provision is identical to SB 1024 (2022), a provision in HCS/SS/SB 690 (2022), SB 484 (2021), HB 1002 (2021), and a provision in CCS#2/HCS/SS/SB 64 (2021).

- *Passed in SB 710*

REPEAL OF OBSOLETE STATUTES RELATING TO DEPARTMENT OF HEALTH & SENIOR SERVICES

Currently, physicians or health care providers who are providing services to women with high-risk pregnancies are required to identify such women and report them to the Department of Health and Senior Services within 72 hours for referral for services. The provision authorizing Department services for such women has previously been repealed and this act repeals the reporting requirements for the physicians and health care providers.

Additionally, producers of ice cream, mellorine, or other frozen dessert products are required to be licensed by the Department and pay an associated license fee. This act repeals such requirement and fee.

These provisions are identical to SB 1100 (2022).

- *Passed in SB 710*

SICKLE CELL AWARENESS WEEK

This act establishes the third full week in September each year as "Sickle Cell Awareness Week".

This provision is identical to SB 1145 (2022) and a provision in HB 2559 (2022), HCS/SS/SCS/SB 46 (2021), CCS#2/HCS/SS/SB 64 (2021).

Under this act, the Advisory Council on Rare Diseases and Personalized Medicine within the MO HealthNet Division shall annually review specified issues relating to sickle cell disease, including medications and treatment options. After each annual review, the Division may develop a report of the review to be made available to the public.

This provision is similar to a provision in SB 1147 (2022) and HB 2559 (2022).

- *Passed in SB 710*

SUPPLEMENTAL HEALTH CARE SERVICES AGENCIES

Under this act, a person who operates a supplemental health care services agency shall annually register with the Department of Health and Senior Services, as described in the act. A supplemental health care services agency is described as an agency that provides or procures employment for health care personnel in assisted living facilities, intermediate care facilities, residential care facilities, or skilled nursing facilities, or an agency that operates a digital website or smartphone application that facilitates the provision of such personnel

A supplemental health care services agency shall, as a condition of registration, meet minimum criteria set forth in the act, including licensure and certification of health care personnel, background checks, proof of insurance, not restrict the employment opportunities of the health care personnel, reporting requirements, record maintenance, and liability.

This act modifies provisions of law relating to the release of information from the Family Care Safety Registry by modifying the definition of "employment purposes" to include direct or prospective independent contractor relationships of health care personnel with a supplemental health care services agency.

This act is similar to SB 1011 (2022) and SB 478 (2021).

- *Passed in SB 710*

THE OLDER AMERICANS ACT

This act transfers authority for the implementation of the federal Older Americans Act of 1965 from the Department of Social Services to the Department of Health and Senior Services.

These provisions are identical to provisions in SCS/SB 1045 (2022).

- *Passed in SB 710 and HB 2331*

TIME-CRITICAL DIAGNOSIS ADVISORY COMMITTEE

The bill establishes the "Time-Critical Diagnosis Advisory Committee" whose members are appointed by the Department of Health and Senior Services as outlined in the bill for the purpose of improvement of public and professional education related to time critical diagnosis, research endeavors, policies and recommendations for changes.

The bill makes several other changes related to trauma, STEMI, and stroke care and centers.

WILL'S LAW (EPILEPSY AND SEIZURE DISORDERS)

This act establishes "Will's Law," requiring individualized health care plans to be developed by school nurses in public schools and charter schools. Such plans shall be developed in consultation with a student's parent or guardian and appropriate medical professionals that address procedural guidelines and specific directions for particular emergency situations relating to the student's epilepsy or seizure disorder. Plans are to be updated at the beginning of each school year and as necessary. Notice must be given to any school employee that may interact with the student, including symptoms of the epilepsy or seizure disorder and any medical and treatment issues that may affect the educational process.

All school employees shall be trained every two years in the care of students with epilepsy and seizure disorders. Training shall include an online or in-person course of instruction approved by the Department of Health and Senior Services. School personnel shall obtain a release from a student's parent to authorize the sharing of medical information with other school employees as necessary.

This act protects school employees from being held liable for any good faith act or omission while performing their duties.

This provision contains an emergency clause.

This provision is identical to SCS/SB 187 (2021) and provisions in HCS/SS/SCS 152 (2021) and is substantially similar to HB 2588 (2020).

- *Passed in SB 710*

INSURANCE

INSURANCE NOTICES BY ELECTRONIC MEANS

In this bill, if a policy of insurance is purchased through the Internet, a mobile application, a computer, a mobile device, a tablet, or any other electronic device or platform or if a policy of insurance is initially delivered by electronic means, a party shall be considered to have affirmatively consented to have all future notices and documents related to the policy or claims of such policy delivered by electronic means. However, the policy holder can later withdraw his or her consent to have documents delivered electronically.

- *Passed in HB 2168*

MEDICAL RETAINER AGREEMENTS

This bill allows dentists and chiropractors to sell, offer, and market medical retainer agreements.

- *Passed in HB 2168*

MOTOR VEHICLE FINANCIAL RESPONSIBILITY

The bill specifies that the Department of Revenue must establish, by rule, a process for the voluntary suspension of motor vehicle registration for vehicles which are inoperable or being stored and not in operation. The owner or nonresident must not further operate the vehicle until notifying the Department that the vehicle will be in use, and the Department must reinstate the registration upon receipt of proof of financial responsibility. Owners or nonresidents who operate a motor vehicle during a period of inoperability or storage claimed under the bill will be guilty of a Class B misdemeanor and may additionally be guilty of a violation of The Motor Vehicle Financial Responsibility Law.

The bill also provides that the Department may verify motor vehicle financial responsibility as provided by law, but must not otherwise take enforcement action unless the Director determines a violation has occurred as described in the bill.

Currently, a first violation of The Motor Vehicle Financial Responsibility Law is punishable as a Class D misdemeanor, meaning a fine may be imposed of up to $500; a second or subsequent offense is punishable by up to 15 days in jail and/or a fine not to exceed $500. This bill specifies that a second or subsequent offense may be punished by up to 15 days in jail and will be punished by a fine not less than $200 but not to exceed $500. Fines owed to the state for violations of the Motor Vehicle Financial Responsibility Law may be eligible for payment in installments. Rules for the application of payment plans will take into account individuals' ability to pay.

- *Passed in HB 2168*

PETROLEUM STORAGE TANK INSURANCE FUND

Currently, the Petroleum Storage Tank Insurance Fund expires on December 31, 2025. This bill extends the expiration date to December 31, 2030.

This also gives rule making authority to the Board of Trustees.

- *Passed in HB 2168*

TRAVEL INSURANCE

The bill specifies that these provisions do not apply to cancellation fee waivers or travel assistance services, as defined in the bill.

This bill allows the Director of the Department of Commerce and Insurance to issue a limited lines travel insurance producer license to a person or business entity that has filed an application with the Director. A limited lines producer may sell, solicit, or negotiate travel insurance through a licensed insurer. The existing grounds for license suspension or revocation by the Director will apply to limited lines travel insurance producers and travel retailers, as defined in the bill. The bill specifies that certain information travel retailers are currently required to provide to customers must have been approved by the travel insurer.

Any person licensed to produce major lines of insurance may produce travel insurance as well. A property and casualty insurance producer is not required to be appointed by an insurer in order to produce travel insurance.

The bill specifies that travel insurance is subject to taxation of premiums as provided by law, with certain disclosures to be made as specified in the bill.

Travel protection plans, as defined in the bill, may be offered if the protection plan makes certain disclosures and provides information and materials described in the bill.

Except as otherwise provided in the bill, persons offering travel insurance to residents of this state are subject to the Unfair Trade Practices Act. If there is any conflict between the bill and the other insurance laws of the state regarding travel insurance, the provisions of the bill will control. It will be an unfair trade practice to offer or sell a policy of travel insurance that could never result in payment to the insured.

The bill requires documents provided to consumers prior to purchasing travel insurance to be accurate, and requires disclosure of and an opportunity to learn more about preexisting condition exclusions. The bill specifies that certain documents required by law must be provided to the purchaser as soon as practicable following the purchase of a travel protection plan, and provides for minimum periods in which policies can be canceled for a full refund. The bill requires disclosure of whether the travel insurance is primary or secondary coverage, and specifies that marketing the policies directly to consumers through an aggregator site, as defined in the bill, must not be an unfair trade practice if an accurate summary of the coverage is provided on the web page and the consumer has access to the full policy through electronic means.

This bill prohibits the use of selling travel insurance by means of a negative option or "opt-out" that would require the consumer to take action to decline coverage, such as unchecking a box on an electronic form, when purchasing a trip. It is an unfair trade practice to market blanket travel insurance coverage, as defined in the bill, as free. Where a consumer's destination jurisdiction requires travel insurance, it will not be an unfair trade practice to require purchase of coverage through the travel retailer, or agreement to obtain and provide proof of coverage from another source, prior to departure.

A person shall not represent himself or herself as a travel administrator, as defined in the bill, for issuance of travel insurance unless the person holds one of the types of license described in the bill. Insurers are responsible for the acts of travel administrators administering their policies, and are responsible for ensuring relevant books and records are maintained to be provided to the Director upon request.

Travel insurance must be classified and filed for purposes of forms and rates under an inland marine line of insurance, except as otherwise provided in the bill. Eligibility and underwriting standards for travel insurance may be developed, provided they also meet the state's underwriting standards for inland marine insurance.

- *Passed in HB 2168*

UNEMPLOYMENT INSURANCE

This bill provides that any employer required to make contributions under the unemployment compensation laws must pay an annual unemployment automation adjustment equal to .02% of its total taxable wages for the 12 month period ending the preceding June 30th. The Division of Employment Security is permitted to lower this rate under certain circumstances. These provisions have a delayed effective date of January 1, 2023.

- *Passed in HB 2168*

VALUATION OF INSURANCE POLICIES AND CONTRACTS

Current law requires insurers providing life insurance, accident and health policies, deposit-type contracts, or annuity or pure endowment contracts, to hold reserves in an amount determined under the National Association of Insurance Commissioners' valuation manual.

This bill repeals an exception specifying that insurers licensed and doing business in Missouri which have less than $300 million of ordinary life insurance premium may instead utilize a different method specified by law to determine the reserve amounts, provided the insurer meets certain conditions.

- *Passed in HB 2168*

LAW ENFORCEMENT/PUBLIC SAFETY/EMERGENCY SERVICES

CONSTITUTIONAL AMENDMENT - FUNDING FOR KANSAS CITY POLICE DEPARTMENT

Under current law, the General Assembly cannot require a city to increase an activity or service beyond that required by existing law, unless a state appropriation is made to pay the city for any increase costs.

This proposed Constitutional amendment, if approved by the voters, provides an exception to allow for a law that increases minimum funding, if increased before December 31, 2026, for a police force established by a state board of police commissioners to ensure they have additional resources to serve their communities.

- *Passed by SJR 38*

FUNDING FOR KANSAS CITY POLICE DEPARTMENT

Under current law, the city of Kansas City is required to provide one-fifth of its general revenue per fiscal year to fund the Kansas City Board of Police.

This act increases such funding to one-fourth of the city's general revenue.

This act contains an emergency clause.

- *Passed in SB 678*

GROUND AMBULANCE SERVICES

Under current law, all members of the board of directors of an ambulance district shall complete an educational seminar or training on the role and duties of a board member of an ambulance district. This act provides that if any ambulance district board member fails to attend a training session within twelve months of taking office regardless of whether the board member received an attendance fee for a training session, the board member shall be ineligible to run for reelection for another term of office until the member satisfies the requirement. This act shall apply to members elected after August 28, 2022.

This provision is identical to SB 976 (2022), SB 512 (2021), and HB 1016 (2021).

Currently, each ambulance service's Ground Ambulance Reimbursement Allowance is based the service's gross receipts. This act repeals the use of gross receipts and requires the Department to establish a formula in rule consistent with federal regulation relating to permissible health care related taxes for the determination of each service's reimbursement allowance.

- *Passed in* SB 725

SALE OF KRATOM PRODUCTS

This bill establishes the "Kratom Consumer Protection Act", which requires dealers who prepare, distribute, sell, or expose for sale a food that is represented to be a kratom product to disclose on the product label the basis on which this representation is made. A dealer is prohibited from preparing, distributing, selling, or exposing for sale a kratom product that does not conform to these labeling requirements.

A dealer may not prepare, distribute, sell, or expose for sale a kratom product that is adulterated or contaminated with a dangerous non-kratom substance, contains a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 2% composition of the product, containing any synthetic alkaloids, or does not include on its package or label the amount of mitragynine, 7- hydroxymitragynine, or other synthetically derived compounds of the plant Mitragyna speciosa.

A dealer may not distribute, sell, or expose for sale a kratom product to anyone under 18 years of age. The bill specifies penalties for a violation of the labeling requirements and allows for a person who is aggrieved by a violation of the labeling requirements to bring a cause of action for damages resulting from the violation.

- *Passed in HB 1667*

CONSTITUTIONAL AMENDMENT TO ESTABLISH THE MISSOURI DEPARTMENT OF THE NATIONAL GUARD

Upon voter approval, this proposed Constitutional amendment would establish a "Missouri Department of the National Guard" in charge of the Adjutant General appointed by and serving at the pleasure of the Governor, by and with the advice and consent of the Senate, charged with providing the state militia, upholding the Constitutional rights and liberties of Missourians, and other defense and security mechanisms as may be required.

- *Passed in HJR 116*

LOCAL GOVERNMENT

ANNUAL FINANCIAL STATEMENTS TO AUDITOR

This bill changes the laws regarding the consequences to a political subdivision for failure to file an annual financial statement with the State Auditor as required, which consequence is a fine. Any political subdivision that has gross revenues of less than $5,000 or that has not levied a tax is not subject to the fine. If a political subdivision has outstanding fines due when filing its first annual financial statement after January 1, 2023, the Director of Revenue will make a one-time downward adjustment of the total amount due by at least 90%. In addition, the Director of the Department of Revenue has the authority to make a one-time downward adjustment to any fine he or she deems uncollectible.

- *Passed in HB 1606*

BOONE COUNTY SHERIFF

Excludes the sheriff of Boone County from the salary schedule contained in this section.

- *Passed in HB 1606*

BUILDING CODES FOR REGULATING REFRIGERANTS

No building code adopted by a political subdivision may prohibit the use of refrigerants that are approved for use by federal law, provided any related equipment is installed in accordance with federal laws. Any provisions of a building code that violates this section is null and void.

- *Passed in HB 1606 and HB 1662*

CONDEMNATION

As specified in this bill, if a jury trial of exceptions occurs and the circuit judge presiding over the condemnation proceeding has determined that a homestead taking has occurred or heritage value is payable, then the judge must apply the provisions specified in statute to increase the jury verdict as appropriate. A circuit judge who determines that heritage value is payable must not increase the commissioners' award or jury verdict to provide for the additional compensation due where heritage value applies if the plaintiff moves for exclusion of the heritage value and shows, after an evidentiary hearing by a preponderance of the evidence, that the property taken has been abandoned, has been declared a nuisance and been ordered to be vacated, has been demolished or repaired after notice and a hearing, or has been shown to have materially and negatively contributed to a blighted area.

- *Passed in HB 1606*

COUNTY AUDITOR

In counties of the first and second classification, the county auditor is authorized to have access to and the ability to audit and examine claims of every kind and character for which a county officer has a fiduciary duty.

- *Passed in HB 1606*

COUNTY CORONERS

Currently, a raise is authorized for county coroners in counties of the second classification. The bill changes it to apply to all non-charter counties. The bill also provides that the salary commission of any third class county may amend the base salary schedules as provided by law for the computation of salaries for county officials to include assessed valuation factors in excess of $300 million dollars, provided that the percentage of any adjustments must be equal for all county officials in that county. The bill also authorizes a coroner who is acting as sheriff per law, to receive a salary equivalent to the sheriff's salary while acting as such.

- *Passed in HB 1606*

COUNTY FINANCIAL STATEMENTS

This act changes the date counties shall prepare and publish their financial statements from the first Monday in March to June 30th of each year. Additionally, the county treasurer shall not pay the county commission until notice is received from the state auditor that the county's financial statement has been published in a newspaper after the first day of July.

This act also requires second, third, and fourth class counties to produce and publish a county annual financial statement in the same manner as counties of the first classification. The financial statement shall include the name, office, and current gross annual salary of each elected or appointed county official.

The county clerk or other county officer preparing the financial statement shall provide an electronic copy of the data used to create the financial statement without charge to the newspaper requesting the data.

Finally, the newspaper publishing the financial statement shall charge and receive no more than its regular local classified advertising rate as published 30 days before the publication of the financial statement.

These provisions are identical to provisions in SB 845 (2022) and SB 1191 (2022) and substantially similar to HB 381 (2021).

- *Passed in HB 1606 and SB 724*

DELINQUENT PROPERTY TAX AUCTIONS

This bill allows a county collector to hold an auction of lands with delinquent property taxes through electronic media at the same time as the auction is held in-person.

- *Passed in HB 1606*

EMERGENCY VEHICLES

County and municipal park ranger vehicles are added to the types of vehicles that are defined as "emergency vehicles".

- *Passed in HB 1606*

EXPENDITURES OF SCHOOL DISTRICTS

Under this act, school districts in St. Charles county that receive voter approval for the issuance of bonds shall maintain a detailed accounting of each and every expenditure by the school district for the moneys generated by such issuance. School districts shall be required to maintain a budget for each project and the budget shall detail the exact cost of the project and the source of all moneys used to fund the project. All information in the budget shall be maintained and updated on the website of the school district and shall be publicly available.

Any project undertaken by a school district shall be halted immediately upon exceeding the budgeted amount of moneys to complete such a project by more than ten percent. The continuation of the project shall not occur until the school district receives voter approval for the issuance of further bond indebtedness specifically for such project.

Any taxpayer residing within a school district that violates the provisions of this section may seek, and a court shall order, injunctive relief against such school district in any court of competent jurisdiction to enforce the provisions of this section.

These provisions are substantially similar to SB 1034 (2022).

- *Passed in SB 724*

HOMELESSNESS PROGRAMS

The bill provides that state funds for homelessness must be used for certain facilities, including parking areas, camping facilities, and short-term shelters, and must comply with certain requirements as provided in the bill.

Additionally, any person who owns or operates a private camping facility pursuant to this bill will be immune from liability as provided in the bill. State funds otherwise used for permanent housing projects will be used to assist individuals with substance use, mental health treatment, and other services like short-term housing. The Department of Economic Development must award certain funds as bonuses for political subdivisions that reduce the number of individuals with days unhoused, days in jail, or days hospitalized.

This bill provides that no person shall be permitted to use stateowned lands for unauthorized sleeping, camping, or long-term shelters. Any violation shall be a Class C misdemeanor; however the first offense shall be a warning with no citation.

A political subdivision shall not adopt any policy under which the political subdivision prohibits the enforcement of any ordinance prohibiting public camping, sleeping, or obstruction of sidewalks. The Attorney General shall have the power to bring a civil action to enjoin the political subdivision from failing to enforce any ordinances prohibiting public camping, sleeping, or obstruction of sidewalks.

Any political subdivision with a higher per-capita homelessness rate than the state average will not receive further state funding until the Department determines the political subdivision has a lower homelessness rate than the state average or it enforces ordinances prohibiting unauthorized sleeping and camping.

A political subdivision may allocate up to 25% of funds it receives from the state through grants for public safety to the creation of homeless outreach teams as provided in the bill. These provisions will not apply to shelters for domestic violence victims.

The provisions of this section will be effective on January 1, 2023.

- *Passed in HB 1606*

LAND CONVEYANCES

The bill authorizes the Governor to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in land:

1. Located in the City of Kirksville in Adair County to the Kirksville R-III School District;
2. Located in City of Kirksville to Truman State University is also authorized;
3. Located in the City of Rolla, Phelps County, to Edgewood Investments ; and
4. Located in the City of St. Louis.

The land to be conveyed is described in the bill. The Commissioner of Administration shall set the terms and conditions for the conveyance. The Attorney General shall approve the form of the instrument of conveyance.

- *Passed in HB 1606*

LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM

Currently, political subdivisions located in third class counties and Cape Girardeau County may, by majority vote of the governing body, elect to cover certain employee classes as public safety personnel members in the Local

Government Employees' Retirement System (LAGERS). This bill removes this restriction and allows any political subdivision to cover such employee classes.

- *Passed in HB 1606*

MARITAL STATUS REQUIRED ON DEEDS

This bill requires that the marital status of all grantors on a deed and other documents presented for recording to recorders of deeds are required. The recorder must not accept any document unless such information is provided.

- *Passed in HB 1606 and HB 1662*

MISSOURI LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM

Currently, political subdivisions located in third class counties and Cape Girardeau County may, by majority vote of the governing body, elect to cover certain employee classes as public safety personnel members in the Local Government Employees' Retirement System ("LAGERS"). This act removes this restriction and allows any political subdivision to cover such employee classes.

This act is identical to a provision in the truly agreed to and finally passed CCS/SS/SCS/HCS/HB 1606 (2022), SB 634 (2022), HB 1473 (2022), in SCS/HB 1541 (2022), HB 1886 (2022), in HCS/HB 2799 (2022), and HB 1298 (2021).

- *Passed in SB 655*

PROHIBITION AGAINST REQUIRED VACCINATION

Public employees cannot be required by a political subdivision as defined in this section to receive a COVID-19 vaccination as a condition of commencing or continuing employment.

- *Passed in HB 1606*

PROPERTY REGULATIONS

For any improved parcel of land identified as being vacant by St. Louis City operating under the Municipal Land Reutilization Law, the city collector must, within no more than two years after delinquency, file suit in the circuit court against such lands or lots to enforce the lien of the state and the city as provided under the Municipal Land Reutilization Act. The failure of the collector to bring suit within two years will not constitute a defense or bar an action for the collection of taxes.

Currently, a suit for the foreclosure of certain tax liens begins by filing a petition with the circuit clerk and the land utilization authority. For each petition filed, the city collector must make available to the public a list detailing each parcel included in the suit.

For any improved nonhomestead parcel, any person having any right, title or interest in, or lien upon, any parcel of real estate may redeem the parcel at any time prior to the time of the foreclosure sale of the real estate by paying all of the sums due as of the date of redemption to the city collector, including all debts owed to the city.

The city collector must mail a notice to the people named in the petition as having an interest in the parcel, or people otherwise known to the collector, at the address most likely to inform the parties of the proceedings.

The city collector must file with the court an affidavit of compliance with all notice requirements for the suit prior to any sheriff's sale. The affidavit must include the identities of all parties to whom notice was attempted and by what means. For notices returned undeliverable, the collector's affidavit must certify what additional attempt was made and by what means.

The receipt of surplus funds will constitute a bar to any claim of right, title or interest in, or lien upon the parcel of real estate by the fund recipient. Currently, if the parcel of real estate is auctioned off at a sheriff's foreclosure sale for a sum greater than the total amount necessary to pay all the tax bills included in the judgment, all proceedings in the suit shall be ordered dismissed as to taxes owned.

No later than 120 days prior to the sheriff's sale, the collector must obtain a title abstract or report on any unredeemed parcels, which shall include all conveyances, liens, and charges against the real estate, and the names and mailing addresses of any interested parties and lienholders. Additionally, no later than 20 days prior to the sheriff's sale, the collector must send notice of the sale to the interested parties which shall include the date, time, and place of the sale and other information as provided in the bill.

The bill also modifies the requirement that the collector shall send notice of the sale to the parties having interest in the parcel no later than 40 days prior to the sheriff's sale, rather than 20 days. The notice must be sent to the addresses most likely to inform the parties of the proceedings.

Finally, no later than 20 days prior to the sheriff's sale, the sheriff must post a written notice on the parcel in a conspicuous location and attached to a structure. The notice must describe the property and advise that it is the subject of delinquent land tax collection proceedings and that it may be sold for the payment of delinquent taxes. This notice must also contain other information as provided in the bill. The sheriff must also attempt in person notice no later than 20 days prior to the sale to any person found at the property.

The city collector cannot enter into a redemption contract with respect to any improved parcel not occupied as a homestead. On an annual basis, the city collector will make publicly available the number of parcels under redemption contract.

The court must stay the sale of any parcel to be sold under foreclosure in an action for temporary possession of real property for rehabilitation, provided that the party who has brought such an action has, upon order of the court, paid to the circuit court the principal amount of all land taxes then due under the foreclosure judgment prior to the date of sale. Upon the granting by a court of temporary possession of the property, the court must direct payment to the collector of all principal land taxes paid to the circuit court. Additionally, the court shall order the permanent extinguishment of penalties and interest arising from actions to collect delinquent land taxes.

If the owner of the parcel moves for restoration of possession, the owner must pay into the circuit court all land tax amounts currently due, including all penalties, interest, attorney's fees, and court costs retroactive to the date of accrual. If the court orders the property be restored to the owner, all funds paid on the principal land taxes shall be returned to the payer and all funds paid to the circuit court by the owner will be paid out to the collector.

No person will be eligible to bid at the time of the sheriff's sale unless the person has, no later than 10 days before the sale date, demonstrated to the collector or sheriff that they are not the owner of any parcel of real estate in the city which is subject to delinquent taxes or fees. The collector or sheriff may require prospective bidders to submit an affidavit attesting to the bid requirements of this bill.

Within six months after the sheriff sells the parcel of real estate, the court must set a hearing to confirm or set aside the foreclosure sale. The court's judgment must include a specific finding that adequate notice was provided to all necessary parties.

If there are any surplus funds from the sale then 10% of the funds shall be distributed to the Affordable Housing Trust Fund of the city or its equivalent. The city may also, by ordinance, elect to allocate a portion of its share of the sale proceeds towards a fund for the purpose of defending against claims challenging the sufficiency of notice.

The purchasers of the property must agree that in the event of their failure to obtain an occupancy permit prior to any subsequent transfer of the property, they will pay $5,000 in damages without proof of loss or damages, except these damages shall not constitute a lien on the property. If any purchaser applies for an occupancy permit and inspectors do not inspect the parcel in 120 days, the cost of the application shall be dedicated to the sheriff for the purpose of providing notice to interested parties.

If the sale is not confirmed within six months after the sale, any set-aside of the sale may include a penalty of 25% of the bid amount over the opening bid amount and shall be paid to the Affordable Housing Trust Fund of the city or its equivalent.

Provisions relating to the recording of a sheriff's deed are modified. All such deeds must be recorded with the recorder of deeds within two months after the court confirms the sale, if no proceeding to set aside the confirmation judgment is before the court. The sheriff's deed will be prima facie evidence that the suit and all proceedings met the requirements of law.

The provision is repealed that after two years from the date of the recording of the deed, there shall be a presumption that the suit and all proceedings met the requirements of law and no suit may be filed to attack the validity of the claim.

- *Passed in HB 1606 and HB 1662*

PUBLIC ADMINISTRATORS

This bill provides that if a public administrator is appointed by the court as both a guardian and a conservator to the same ward or protectee, it will be considered two letters. Upon majority approval of the county salary commission, a public administrator may be paid according to the assessed valuation schedule set forth in the bill. If the salary commission elects to pay a public administrator according to the salary schedule it cannot thereafter change to paying the public administrator according to the average number of open letters. Beginning January 1, 2023, public administrators whose terms start on or after that date shall be deemed to have elected to receive a salary as provided in the bill.

- *Passed in HB 1606*

PUBLIC HEARING NOTICE REQUIREMENTS

The bill requires the governing body of the applicable city or county to provide notice of public hearing of Neighborhood Improvement Districts (NIDs) or Community Improvement Districts

(CIDs) regarding procedures of those districts also be given to the Department of Revenue (DOR), which shall publish such information on its website. It also requires the governing body establishing the NID or CID to submit certain

information to the State Auditor and DOR, and prohibits any NID or CID property assessments from being collected until the required information is submitted.

- *Passed in HB 1606*

RESTRICTIVE COVENANTS

This bill prohibits deeds recorded on or after August 28, 2022, from specifically referencing restrictions relating to a person's race, color, religion, or national origin.

The person preparing or submitting a deed for recording has the responsibility for ensuring compliance with this bill, and recorders of deeds may refuse to accept deeds that are in violation of the bill. Deeds in violation of this bill shall nevertheless constitute a valid transfer of real property.

The bill provides that the owner of real property may release the prohibited covenants by filing a certificate of release in a form specified under the bill.

- *Passed in HB 1662*

RESTRICTIVE COVENANTS - RENEWABLE ENERGY

This bill specifies that no deed restriction, covenant, or similar binding agreement running with the land shall limit or prohibit the installation of solar panels or solar collectors, as defined in the bill, on the rooftop of any property or structure.

A homeowners' association may adopt reasonable rules regarding the placement of solar panels or solar collectors to the extent those rules do not prevent the installation of the device or adversely affect its functioning, use, cost, or efficiency.

These provisions shall apply only with regard to rooftops that are owned, controlled, and maintained by the owner of the individual property or structure.

These provisions shall take effect January 1, 2023 (Section B).

- *Passed in HB 1662*

SALES TAX EXEMPTION FOR 2026 FIFA WORLD CUP IN JACKSON COUNTY

Beginning June 1, 2026, and ending July 31, 2026, a sales tax exemption is authorized for the sale of tickets to matches of the 2026 FIFA World Cup soccer tournament held in Jackson County.

- *Passed in HB 1606*

SUNSHINE LAW FOR MUNICIPALLY OWNED UTILITIES

This act adds individually identifiable customer usage and billing records for customers of a municipally owned utility, unless the records are requested by the customer or authorized for release by the customer, to the list of records that may be closed under the Sunshine Law. A municipally owned utility shall make available to the public the customer's name, billing address, location of service, and dates of service provided for any commercial service account.

These provisions are identical to provisions in HCS/SS#2/SCS/SB 745 (2022), SB 827 (2022), a provision in the perfected SS/SCS/SB 756 (2022), a provision in SCS/HCS/HB 1734 (2022), a provision contained in the truly agreed SCS/HCS/HB 362 (2021), SB 214 (2021), and SCS/HB 657 (2021).

- *Passed in SB 820*

TAX INCREMENT FINANCING

A tax increment financing commission is required to provide notice of a public hearing prior to adoption of a redevelopment plan or project also to be given to the Department of Revenue, which must publish the information on its website. The bill also requires the governing body establishing the redevelopment to submit certain information to the State Auditor and DOR, and prohibits depositing any payments in lieu of taxes into the special allocation fund until the required information is submitted.

- *Passed in HB 1606*

TRANSPORTATION DEVELOPMENT DISTRICTS

This bill requires notice that a petition has been filed to create a Transportation Development District (TDD) to also be given to the Department of Revenue (DOR), which shall publish the information on its website. It also requires the governing body establishing a TDD to submit certain information to the State Auditor and DOR, and prohibits any district taxes from being collected until the required information is submitted.

Under current law, any transportation development district having gross revenues of less than $5,000 in a fiscal year for which an annual financial statement was not timely filed to the State Auditor is not subject to a fine.

This act provides that any political subdivision that has gross revenues of less than $5,000 or that has not levied or collected sales or use taxes in the fiscal year for which the annual financial statement was not timely filed shall not be subject to a fine.

Additionally, if failure to timely submit the annual financial statement is the result of fraud or other illegal conduct by an employee or officer of the political subdivision, the political subdivision shall not be subject to a fine if the statement is filed within 30 days of discovery of the fraud or illegal conduct.

If the political subdivision has an outstanding balance for fines at the time it files its first annual financial statement after August 28, 2022, the Director of Revenue shall make a one-time downward adjustment to such outstanding balance in an amount that reduces the outstanding balance by no less than 90%. If the Director of Revenue determines a fine is uncollectable, the Director shall have the authority to make a one-time downward adjustment to any outstanding penalty.

- *Passed in HB 1606 and SB 724*

VERTICAL REAL ESTATE MANAGEMENT

Under the act, any political subdivision is authorized to erect vertical real estate or towers, as such terms are defined in the act, on its property unless otherwise proscribed by law. Such political subdivisions are also authorized to enter into public-private partnerships in order to effectuation construction of vertical real estate or towers.

These provisions are identical to provisions in the perfected HCS/HB 2638 (2022)

- *Passed in SB 820*

ZONING REGULATIONS ON HOME-BASED WORK

The bill creates new provisions governing the regulation of homebased work, as defined in the bill, by certain political subdivisions. Specifically, counties, municipalities, and townships are prohibited from enacting a zoning ordinance or regulation that:

1. Prohibits mail order or telephone sales for home-based work;
2. Prohibits service by appointment within the home or accessory structure;
3. Prohibits or requires structural modifications to the home or accessory structure;
4. Restricts the hours of operation for home-based work; or
5. Restricts storage or the use of equipment that does not produce effects outside the home or accessory structure.

Furthermore, any such zoning ordinance or regulation may not explicitly restrict or prohibit a particular occupation.

These provisions do not supersede any deed restriction, covenant or agreement restricting the use of land nor any master deed, by law or other document applicable to a common interest ownership community.

This bill provides that a political subdivision shall not prohibit the operation of a no-impact, home-based business or require a person to apply for any permit or license to operate such a

business. However, a political subdivision may establish reasonable regulations on such businesses that are narrowly tailored for the purpose of protecting public health and ensuring the businesses are compliant with state and federal law.

- *Passed in HB 1662*

STATE AFFAIRS

ELIMINATION OF PERSONNEL ADVISORY BOARD

The bill eliminates the Personnel Advisory Board and gives all duties and responsibilities previously held by the Board to the Director of the Personnel Division (Director) and the Commissioner of Administration.

Currently, the Director is appointed by the Governor from a list of qualified applicants submitted by the Board. This bill authorizes the Commissioner of Administration to appoint the Director. In addition, the Commissioner of Administration has the authority to remove the Director for no reason or for any reason not prohibited by law.

The bill allows the Director to make changes in the classification plan, classification title or in the statement of duties and qualifications for a new class as deemed necessary by the Director.

- *Passed in HB 2090*

PAYMENT OF STATE SALARIES

Current law requires the salaries of all elective and appointive officers and employees of the state shall be paid out of the state treasury, in semimonthly or monthly installments as designated by the Commissioner of Administration. This bill allows salaries to additionally be paid out once every two weeks as designated by the Commissioner of Administration.

- *Passed in HB 2090*

REFUND OF SALES AND USE TAX ASSESSMENT

This bill requires the refund of sales and use tax assessments paid by a taxpayer when it is determined by the Administrative Hearing Commission or a court of law that the negligence of or incorrect information provided by an employee of the Department of Revenue resulted in the taxpayer failing to collect and remit sales and use tax assessments that were required to be collected for which the Department of Revenue subsequently audited the taxpayer.

A taxpayer must file a claim for refund not later than April 15, 2023.

- *Passed in HB 2090*

VACCINATION REQUIREMENTS

The bill prohibits requiring any state employee to receive a vaccination against COVID-19 as a condition of commencing or continuing employment.

The bill contains provisions that do not apply to any state employee who is employed by the following facilities:

1. Any facility that meets the definition of hospital in Section 197.020;
2. Any long term care facility that licensed under Chapter 198;
3. Any entity that meets the definition of facility in Section 199.170; or

Any facility certified by the Centers for Medicare and Medicaid Services.

- *Passed in HB 2090*

BIDDING ON CERTAIN PUBLIC PROJECTS

All contracts for projects, the cost of which exceeds $25,000, entered into by any city containing 500,000 inhabitants or more shall be let to the lowest, responsive, responsible bidder or bidders after publication of an advertisement for a period of 10 days or more in a newspaper in the county where the work is located, in 2 daily newspapers in the state which do not have less than 50,000 daily circulation, and on the website of the city or through an electronic procurement system.

All contracts for projects entered into by an officer or agency of the state in excess of $100,000 shall be let to the lowest, responsive, responsible bidder or bidders based on preestablished criteria after publication of an advertisement for a period of ten days or more in a newspaper in the county where the work is located, in one daily newspaper in the state which does not have less than 50,000 daily circulation, and on the website of the officer or agency or through an electronic procurement system.

- *Passed in SB 758*

BONDS FOR BUILDINGS AND FACILITIES

The act repeals a provision that allows for the issuance of bonds for the construction of a new mental health facility in Callaway County.

- *Passed in SB 758*

CONSTRUCTION MANAGER-AT-RISK/DESIGN-BUILD - POLITICAL SUBDIVISION PROJECTS

The act expressly includes public institutions of higher education in the term "political subdivision" for purposes of current law relating to design-build projects and construction manager-at-risk projects.

- *Passed in SB 758*

CONSTRUCTION MANAGER-AT-RISK/DESIGN-BUILD - STATE PROJECTS

The act permits the office of administration to utilize:

· The construction manager-at-risk delivery method; and

· The design-build delivery method for non-civil works projects in excess of $7 million and no more than 5 non-civil works projects in any fiscal year that are valued at less than $7 million.

- *Passed in SB 758*

INTERNET ACCESS AT THE STATE CAPITOL

Beginning January 1, 2024, high speed wi-fi internet access shall be provided to the public within the State Capitol building and on Capitol grounds.

This provision is identical to a provision in the perfected HCS/HB 2638 (2022).

- *Passed in SB 820*

FAIRNESS IN PUBLIC CONSTRUCTION ACT

The act transfers the "Fairness in Public Construction Act" from chapter 34 to chapter 8.

- *Passed in SB 758*

OFFICE OF BROADBAND DEVELOPMENT

This act authorizes the state office of broadband development to engage in pre-operational site inspections for broadband providers to which it has provided grants or loans.

These provisions are identical to provisions in the perfected HCS/HB 2638 (2022).

- *Passed in SB 820*

PUBLIC WORKS CONTRACTS - PAYMENT REQUIREMENTS

The act transfers provisions governing prompt payment of public works contracts and the rights of a contractor to recover costs or damages, or obtain an equitable adjustment, for delays in performing a public works contract from chapter 34 to chapter 8.

- *Passed in SB 758*

RETAINING LEGISLATIVE EMPLOYEES

Currently, the Senate and House of Representatives must pass a resolution allowing employees to continue in employment after adjournment of a regular session or sine die adjournment of the General Assembly. This bill removes the requirement of passing a resolution to continue in employment.

- *Passed in HB 1600*

SINGLE FEASIBLE SOURCE PURCHASING AUTHORITY

Under current law, the Commissioner of Administration may, when in the Commissioner's best judgment it is in the best interests of the state, delegate the Commissioner's procurement authority to an individual department, provided that in the case of single feasible source purchasing authority in excess of $5,000 the authority must be specifically delegated by the Commissioner. This act increases that threshold to $10,000.

- *Passed in SB 758*

STATE DESIGNATIONS AND PUBLIC HOLIDAYS

- January 31st of every year as “Constitution Day” (Section 9.142, RSMo);
- The third week of September as “Historically Black College and University Week” (Section 9.170);
- The third week of September is designated as “Sickle Cell Awareness Week” (Section 9.236);
- April 18th of every year is designated as “Hypoplastic Left Heart Syndrome Awareness Day" (Section 9.288);
- The first full week of May as "Tardive Dyskinesia Awareness Week" until August 28, 2027(Section 9.289);
- The second full week of March as “Pet Breeders Week" (Section
- 9.315);
- December 3rd of every year is designated as “Betty L. Thompson Day” (Section 9.340);
- The month of February as "Black History Month" (Section 9.353);
- November as "Native American Heritage Month" (Section 9.356);
- The month of March as “Problem Gambling Awareness Month” (Section
- 9.366);
- The portion of State Highway F from State Highway 94 continuing west to Femme Osage Creek Road in St. Charles County as “Daniel Boone Highway” (Section 227.775;)
- The bridge on U.S. Highway 54 crossing the Missouri River at
- Jefferson City in Cole and Callaway counties as the "Senator Roy D. Blunt Bridge" (Section 227.807);
- The portion of the State Highway 171 from State Highway Z continuing to State Highway 43 in Jasper county as “Atomic Veterans Memorial Highway” (Section 227.809);
- The bridge on I-44 crossing over Hampton Ave as “Police Officer Tamarris Bohannon Memorial Bridge” (Section 227.816);
- This bill designates the first week of October as “Phi Mu Alpha Week” (Section 1);
- September as "Hydrocephalus Awareness Month" (Section 2);

- January 15th of every year as “Alpha Kappa Alpha Sorority Day” (Section 3;)
- February 10th of every year as “Ethel Hedgeman Lyle Day” (Section 4); and
- Adds “Captain” to the “David Dorn Memorial Highway” designated portion of I-70 (Section 227.787).

- *Passed in HB 2627 and HB 1738*

TAXATION, FINANCIAL, AND BUSINESS AFFAIRS

APPLICATION OF THE RULE AGAINST PERPETUITIES

If there is only one beneficiary who is entitled or eligible to receive distributions of income or principal from the trust and such beneficiary holds a general power of appointment over the trust with no other person having a power to appoint any part of the trust to anyone other than the beneficiary, then the beneficiary has a vested interest in the trust for purposes of determining whether a trust is subject to the rule against perpetuities.

This provision is substantially similar to a provision in HB 2001 (2022).

Passed in SB 886

BANKRUPTCY EXEMPTIONS

The act also provides bankruptcy protection for the Missouri Education Savings Program and the Missouri Higher Education Deposit Program. The act limits the protection to proceedings filed or on appeal after January 1, 2022, and only for designated beneficiaries that are lineal descendants of the account owner. The act provides for circumstances that are not subject to the bankruptcy protection.

This provision is identical to a provision in the perfected HCS/HB 2171 (2022), a provision in the perfected HB 2571 (2022), a provision in the perfected HB 2493 (2022) and HB 1940 (2022).

- *Passed in SB 718*

BUSINESS HEADQUARTER TAX CREDIT EXTENSION

Currently, a tax credit is authorized for a 10-year period for businesses that establish a headquarters in the state, with an additional possible 10-year period if certain conditions are met. This bill allows for a further six years of tax credits if such conditions are being met.

Currently, such tax credit shall only be available for headquarters that commence operations on or before December 31, 2025. This bill extends such date to December 31, 2031.

- *Passed in HB 2400*

CEMETERY TRUST FUNDS

This act modifies provisions of current law relating to cemetery trust funds by providing that when net income from the trust funds is not sufficient to support, maintain, and beautify a cemetery, the county commission may use as much of the trust fund principal as the commission deems necessary for the purpose of basic maintenance to control the growth of weeds and grass.

This provision is identical to HB 2143 (2022) and is substantially similar to provisions in HB 158 (2021) and HCS/HB 443 (2021).

Passed in SB 886

CHARITABLE ORGANIZATIONS ANNUAL FILING REQUIREMENT

This bill specifies that the state shall not impose any additional annual filing or reporting requirements on a charitable organization that are more stringent, restrictive, or expansive than the report already required to be submitted to the Attorney General's office unless such filing or report is specifically required by federal law.

This provision shall not apply to labor organizations, state grants or contracts, or investigations by the Attorney General of charitable organizations as set forth in state statute.

The restriction on additional annual filing or reporting requirements on a charitable organization shall not apply when such organization is providing any report or disclosure required by state law to be filed with the Secretary of State.

- *Passed in HB 2400*

CITIZEN'S LAND DEVELOPMENT COOPERATIVE ACT

This bill establishes the "Citizen's Land Development Cooperative Act", which creates the "Citizen's Land Development Cooperative

Commission" within the Department of Economic Development (DED). The Commission shall consist of 11 members to be appointed by the Governor.

The Commission shall gather information and make annual reports to the Governor and the General Assembly regarding the establishment and operation of citizen's land development cooperatives. Annual reports submitted by the Commission shall include recommendations on policies relating to the citizen's land development cooperatives, related tax reforms, studies, assistance to local communities, applying for and accepting private funds, and annual financial accounting reports, as described in the act.

The Department of Economic Development shall develop and maintain a program to make grants to communities seeking to establish community investment corporations and encourage them to become self-sustaining from land rentals and other fees within the first five years of their formation.

The Commission shall seek funding from local, state, federal, and private sources to make grants and loans and otherwise enhance the development of citizen's land development cooperatives. This bill creates the "Citizen's Land Development Cooperative Fund". QUALIFIED RESEARCH EXPENSE TAX CREDIT (Section 620.1039) Currently, no tax credits for qualified research expenses, as defined in the bill, can be approved, awarded, or issued.

Beginning January 1, 2023, the Director of the Department of Economic Development (DED) may authorize a tax credit of either 15% of a taxpayer's qualified research expenses or 20% if the additional research expenses relate to research that is conducted in conjunction with a public or private college or university located in this state. For tax credits that exceed the taxpayer's tax liability, the difference between the credit and the tax liability may be carried forward for 12 years.

The annual aggregate cap on the amount of these tax credits that can be authorized by DED is $10 million with no single taxpayer being issued or awarded more than $300,000. Of the $10 million cap in tax credits, $5 million will be reserved for minority business enterprises, women's business enterprises, and small businesses. Any reserved amount not issued or awarded to a minority business enterprise, women's business enterprise, or small business by November 1st of the tax year may be issued to any taxpayer otherwise eligible for a tax credit under this bill.

Additionally, purchases of Missouri qualified research and development equipment, as defined in the bill, are specifically exempt from all state and local sales and use tax.

The provisions of the new program authorized under this bill sunset on December 31st, 2028.

- *Passed in HB 2400*

DISCRETIONARY TRUSTS AND SETTLOR'S BENEFICIAL INTEREST

This act that no creditor or other person making a claim against a beneficiary shall be entitled to any information relating to the trust's assets or other trust records if distributions to the beneficiary are solely within the discretion of the trustee. Furthermore, this provision shall apply during the term of the trust, regardless of whether the beneficiary is also a potential remainder beneficiary of the trust.

Currently, a settlor's creditors may not reach the settlor's beneficial interest in an irrevocable trust with a spendthrift provision, regardless of any testamentary power of appointment retained by the settlor that is exercisable by the settlor in favor of certain appointees. This act modifies the provision to state that a settlor's creditors may not reach the settlor's beneficial interest in such a trust, regardless of any testamentary power of appointment that is exercisable by the settlor, by a will or other written instrument, in favor of certain appointees or regardless of the settlor's power to veto distributions from the trust.

A settlor of the following trusts shall not be treated as the settlor of any other trust created pursuant to the exercise of a power of appointment if the settlor is the beneficiary of the trust created:

(1) An irrevocable inter vivos trust for the benefit of the settlor's spouse that qualifies for certain marital deductions from the federal gift tax;

(2) An irrevocable inter vivos trust for the benefit of the settlor's spouse, or the spouse and other beneficiaries, where the spouse is the beneficiary who exercises the power of appointment to create the additional trust; and

(3) An irrevocable inter vivos trust where any beneficiary exercises a general power of appointment to create the additional trust.

Passed in SB 886

EXCURSION GAMBLING BOAT FACILITIES

This bill requires that a "nonfloating facility" for the purposes of licensing excursion gambling boats to be within 1,000 feet from the closest edge of the main channel of the Missouri or Mississippi River.

This bill also allows the water beneath or inside of such facility to be in tanks in addition to rigid or semi rigid storage containers or structures.

The bill also makes technical corrections to provisions relating to the transition from a floating facility to a non floating facility.

- *Passed in HB 2400 and SB 987*

HEALTH INSURANCE DEDUCTION TAX CREDIT

This bill modifies the tax credit for self-employed taxpayers who are ineligible for the federal health insurance deduction by making it nonrefundable, nontransferable, and not eligible to be carried forward or backward to any other tax year.

This bill also requires a taxpayer to have a Missouri income tax liability of less than $3,000. A taxpayer shall not be able to claim such tax credit and the state health insurance deduction in current law for the same tax year.

This tax credit shall sunset on December 31, 2028.

- *HB 2400*

INCOME TAX CREDIT

For the 2021 tax year, this bill allows a qualified taxpayer, as defined in the bill, to claim a one-time nonrefundable tax credit in the amount equal to the lesser of each taxpayer's Missouri income tax due for the tax year ending in 2021, or $500 if filing an individual return, or $1,000 if filing married combined return.

The Department of Revenue shall automatically adjust each qualified taxpayer's return for the 2021 tax year and shall issue refunds if necessary to qualified taxpayers.

Among other qualifications described in the bill, in order to be a qualified taxpayer under this provision, a person must have a

Missouri adjusted gross income of less than $150,000 if filing an individual tax return, or less than $300,000 if a married couple filing a combined income tax return.

The Director of Revenue shall not authorize more than $500 million in tax credits under the bill. If the total amount of tax credits claimed by qualified taxpayers exceeds $500 million, the amount of the credit shall be prorated.

Passed in HB 2090

FAMILIAL RELATIONSHIPS IN TRUSTS

For the purposes of interpreting a term of familial relationship in a trust, a child conceived or born during a marriage is presumed to be a child of the married persons unless a judicial proceeding is commenced before the death of the presumed parent and it is determined that the presumed parent is not the parent of the child.

Additionally, this act provides that a child who is not conceived or born in a marriage is presumed to not be a child of a person who did not give birth to such child unless a judicial proceeding determines such parentage or the person openly recognizes the child as his or her child and such person has not refused to voluntarily support the child. A trustee shall not be liable to any person for exercising discretion in regards to the sufficiency of recognition and support of a child unless the trustee acted in bad faith or with a reckless indifference to the purposes of the trust or the interests of the beneficiaries. Furthermore, a child adopted prior to 18 years of age is a child of the adopting

parent and not of the natural parents, except that adoption by a spouse of a natural parent shall have no effect on the relationship between the child and the natural parent.

Finally, the rights afforded to the child shall not be retroactive, but shall apply from the time the relationship is established. The terms of a trust shall prevail over this provision of the act.

This provision is substantially similar to a provision in HB 2001 (2022), HCS/SCS/SB 119 (2021), SB 338 (2021), SCS/HB 585 (2021), HB 758 (2021), the perfected HB 1008 (2021), SCS/HCS/HB 1204 (2021), and SCS/HCS/HB 1242 (2021).

Passed in SB 886

LLC CAMPAIGN CONTRIBUTIONS

The bill permits any limited liability company that has not elected to be classified as a corporation under federal law to make campaign contributions to any committee, provided such limited liability company has been in existence for at least one year prior to making such contribution and such entity submits a form to the Missouri Ethics Commission indicating that such LLC is a legitimate business with a legitimate business interest and is not created for the sole purpose of making campaign contributions.

- *Passed in HB 2400*

LODGING ESTABLISHMENTS

Currently, lodging establishments are not liable for the loss of certain specified items, such as money or jewelry, unless the guest asks that the item be placed in a safe and the lodging establishment refuses or omits to do so. This bill states that the hotel may use a safe or safe deposit boxes located behind the registration desk and when deposited into a safe, must give the guest a receipt for the item. The bill also specifies that any lodging establishment that publishes current rates electronically on a public Internet platform does not have to post a written copy of the rates charged for each guest room.

- *Passed in HB 2400 and HB 1725*

MEDICAL PRECEPTORSHIP TAX CREDIT

Beginning January 1, 2023, this bill creates a tax credit for any community-based faculty preceptor, as defined in the bill, who serves as the community-based faculty preceptor for a medical student core preceptorship or a physician assistant student core preceptorship, as defined in the bill. The amount of the tax credit will be worth $1000 for each preceptorship, up to a maximum of $3000 per tax year, if he or she completes up to three preceptorship rotations during the tax year and did not receive any direct compensation for the preceptorships. To receive the credit, a community-based faculty preceptor must claim the credit on his or her return for the tax year in which he or she completes the preceptorship rotations and must submit supporting documentation as prescribed by the Division of Professional Registration within the Department of Commerce and Insurance and the Missouri Department of Health and Senior Services.

This tax credit is nonrefundable and cannot be carried forward or carried back, transferred, assigned or sold. No more than 200 preceptorship tax credits will be authorized for any one calendar year and will be awarded on a first-come, first-served basis, capped at a total amount of $200,000 per year. Some discretion to use remaining funds in a particular fiscal year is provided.

Additionally, this bill creates a "Medical Preceptor Fund" which is funded from a license fee increase of $7.00 per license for physicians and surgeons and from a license fee increase of $3.00 per license for physician assistants. This will be a dedicated fund designed to fund additional tax credits that may exceed the established cap of $200,000 per year.

The Department will administer the tax credit program. Each taxpayer claiming a tax credit must file an application with the Department verifying the number of hours of instruction and the amount of the tax credit claimed. The hours claimed on the application must be verified by the program director on the application. The certification by the Department affirming the taxpayer's eligibility for the tax credit provided to the taxpayer must be filed with the taxpayer's income tax return.

The departments of Commerce and Insurance and Health and Senior Services will jointly administer the tax credit and each taxpayer claiming a tax credit must file an affidavit with his or her income tax return, affirming that he or she is eligible for the tax credit. Additionally, the departments of Commerce and Insurance and Health and Senior Services will jointly promulgate rules implement the provisions of this bill.

- *Passed in HB 2331*

MEET IN MISSOURI ACT SUNSET EXTENSION

Extends the sunset on the Meet in Missouri Act from August 28, 2022 to August 28, 2028.

- *Passed in HB 2400*

MISSOURI ONE START PROGRAM

This bill modifies the Missouri One Start Program by adding, modifying, and repealing certain definitions.

The definition of "committee", "existing Missouri business", and

"training program" are removed. Definitions for "application", "recruitment services", and "relocation costs" are added. The definition of "project facility" is modified by removing county average wage requirements in cases where multiple facilities make up the project facility. The definition of "training project costs" is modified to include relocation costs and costs of training project services not otherwise included in the definition. This bill also repeals the Missouri One Start Job Training Joint

Legislative Oversight Committee, which was tasked with providing a report on all assistance to qualified companies under the Missouri One Start Program.

The bill authorizes the Department of Economic Development (DED) to contract with other entities to provide recruitment services to qualified companies.

The bill provides that recruitment services for qualified companies shall be administered by DED, while financial assistance for training projects shall be administered by a local education agency certified by DED for that purpose. This bill also repeals a provision prohibiting a qualified company from receiving more than 50% percent of its training program costs from the Missouri One Start Job Development Fund.

Beginning July 1, 2023, all unobligated moneys in such funds shall be transferred to the "Missouri One Start Community College Training Fund", which is created by the bill, and to which all new jobs credits and retained jobs credits shall be deposited.

- *Passed in HB 2400*

MISSOURI RX PLAN

Currently, the state pharmaceutical assistance program, known as the "Missouri RX Plan", is set to terminate on August 28, 2022. This bill extends the Missouri RX Plan to instead terminate on August 28, 2029.

- *Passed in HB 2400*

MISSOURI WORKS PROGRAM

This bill provides that a qualified company or industrial development authority shall not be prohibited from receiving tax credits or retaining withholding tax, or both, if applicable, through the Missouri Works Program for reporting fewer jobs than the number required for the tax year if a statewide state of emergency existed for more than 16 months of the qualified company's or industrial development authority's tax year, provided that the qualified company or industrial development authority otherwise met all program requirements.

- *Passed in HB 2400*

MONEY LAUNDERING & CRYPTOCURRENCY

This bill modifies the offense of money laundering to include when a person conducts a financial transaction with the purpose to promote or aid criminal activity, to disguise criminal activity, to avoid reporting requirements under federal law, or to aid any terrorist threat.

This bill adds a definition for "cryptocurrency" which is a digital currency in which transactions are verified and records are maintained by a decentralized system using cryptography. The bill replaces the definitions of "currency" with one for "monetary instruments" and it adds definitions for "financial transaction" and "transaction". The definition of "financial transaction" involves the movement of funds by wire or other means, including blockchain, and involves the use of a financial institution as defined under federal law.

- *Passed in HB 1472*

MOTOR VEHICLE DEALER SALES PRACTICES

This bill establishes that it is not a violation of law for a motor vehicle dealer to do the following away from the dealer's place of business:

(1) Deliver a motor vehicle to a customer for a test drive;

(2) Deliver documents for a customer to sign;

(3) Deliver documents to or obtain documents from a customer; or

(4) Deliver a motor vehicle to a customer.

- *Passed in HB 2416*

PERSONAL PRIVACY PROTECTION ACT

This bill establishes the "Personal Privacy Protection Act" prohibiting public agencies, from disclosing or requiring the disclosure of personal information. Specifically, public agencies are prohibited from:

1. Requiring any individual to provide the public agency with personal information or otherwise compel the release of such personal information;

2. Requiring any entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code to provide the public agency with personal information or otherwise compel the release of personal information;

3. Releasing, publicizing, or otherwise publicly disclosing personal information in possession of a public agency; or

4. Requesting or requiring a current or prospective contractor or grantee with the public agency to provide the public agency with a list of entities exempt from federal income tax under Section 501(c) of the Internal Revenue Code to which it has provided financial or nonfinancial support.

The bill contains various exceptions to these prohibitions. Any person or entity may bring a civil action for appropriate injunctive relief, damages, or both. Furthermore, a person who knowingly violates a prohibition in this bill is guilty of a class B misdemeanor.

- *Passed in HB 2400*

PROFESSIONAL EMPLOYER ORGANIZATIONS (PEOS)

A fully insured welfare benefit plan sponsored by a registered professional employer organizations (PEO) for the benefit of its covered employees shall be treated for the purposes of state law as a single employer welfare benefit plan.

For purposes of sponsoring welfare benefit plans for its eligible covered employees, a registered PEO shall be considered the employer of all of its eligible covered employees, and all eligible covered employees of one or more clients participating in a health benefit plan sponsored by a registered PEO shall be considered employees of such registered PEO.

- *Passed in HB 2400*

RESEARCH & DEVELOPMENT TAX CREDIT

Currently, no tax credits for qualified research expenses, as defined in the bill, can be approved, awarded, or issued.

Beginning January 1, 2023, the Director of the Department of Economic Development (DED) may authorize a tax credit of either 15% of a taxpayer's qualified research expenses or 20% if the additional research expenses relate to research that is conducted in conjunction with a public or private college or university located in this state. For tax credits that exceed the taxpayer's tax liability, the difference between the credit and the tax liability may be carried forward for 12 years.

The annual aggregate cap on the amount of these tax credits that can be authorized by DED is $10 million with no single taxpayer being issued or awarded more than $300,000. Of the $10 million cap in tax credits, $5 million will be reserved for minority business enterprises, women's business enterprises, and small businesses. Any reserved

amount not issued or awarded to a minority business enterprise, women's business enterprise, or small business by November 1st of the tax year may be issued to any taxpayer otherwise eligible for a tax credit under this bill.

Additionally, purchases of Missouri qualified research and development equipment, as defined in the bill, are specifically exempt from all state and local sales and use tax.

The provisions of the new program authorized under this bill sunset on December 31st, 2028.

- *Passed in HB 2400*

ROLLING STOCK TAX CREDIT

This bill reauthorizes a tax credit for eligible expenses incurred in the manufacture, maintenance, or improvement of a freight line company's qualified rolling stock, which expired on August 28, 2020. Such credit would be reauthorized until August 28, 2024.

Passed in HB 1720

S CORPORATION TAX CREDIT

Current law authorizes a tax credit for the amount of income tax paid to another state for income that is also taxed in this state. This bill allows such tax credit to be claimed by resident shareholders of an S corporation for the amount of tax imposed by this state on income earned in another state but not taxed by such state.

- *Passed in HB 2400*

SALES TAX EXEMPTION FOR 2026 FIFA WORLD CUP IN JACKSON COUNTY

Beginning June 1, 2026, and ending July 31, 2026, this act authorizes a sales tax exemption for the sale of tickets to matches of the 2026 FIFA World Cup soccer tournament held in Jackson County.

- *Passed in SB 652 and HB 1600*

SHOW-ME HEROES PROGRAM

This bill modifies the Show-Me Heroes Program to provide for grants for veteran apprenticeship training programs

This bill provides that the Department of Higher Education and

Workforce Development may award grants from the Show-Me Heroes Program or a program administering the Show-Me Heroes Program to one or more nonprofit organizations that facilitate the participation of veterans and active duty United States military personnel transitioning to civilian employment in apprenticeship training programs, as described in the bill.

The grant shall be used only to recruit or assist veterans or active duty United States military personnel transitioning into civilian employment to participate in an apprenticeship training program.

- *Passed in HB 2400*

STATE AND LOCAL TAX (SALT) PARITY ACT

This bill establishes the "SALT Parity Act".

Currently, in lieu of a corporate income tax on a pass-through entity, shareholders of such pass-through entity must pay income tax on the shareholder's pro rata share of the entity's income attributable to Missouri.

For tax years ending on or after December 31, 2022, this act allows the pass-through entity to elect to pay the tax, as described in the act. The tax shall be equal to the sum of each member's income and loss items reduced by a deduction allowed for qualified business income, as described in federal law, and modified by current provisions of state law relating to the taxation of passthrough entities, with such sum multiplied by the highest rate of tax in effect for the state personal income tax.

A nonresident who is a member, shall not be required to file a tax return for a tax year if, for such tax year, the only income derived from this state for such member is from one or more affected business entities, as defined in the act, that has elected to pay the tax imposed under this act.

Each partnership and S corporation shall report to each of its members, for each tax year, the member's pro rata share of the tax imposed by this act.

Each taxpayer, including part-year residents, that are subject to the state personal income tax shall be allowed a tax credit if such taxpayer is a member of an affected business entity that elects to pay the tax imposed by this act. The tax credit shall be equal to the taxpayer's pro rata share of the tax paid under this act. Such tax credit shall be nonrefundable, but may be carried forward to subsequent tax years, except that a tax credit authorized for taxes paid to other states shall not be carried forward.

Each corporation that is subject to the state corporate income tax shall be allowed a tax credit if such corporation is a member of an affected business entity that elects to pay the tax imposed by this act. The tax credit shall be equal to the corporation's pro rata share of the tax paid under this act. Such tax credit shall be nonrefundable, but may be carried forward to subsequent tax years.

Partnerships and S corporations may elect to pay the tax imposed under this act by submitting a form to be provided by the Department of Revenue. A separate election shall be made for each tax year. Such election shall be signed either by each member of the electing entity, or by any officer, manager, or member of the electing entity who is authorized to make such election and who attests to having such authorization under penalty of perjury.

An affected business entity shall designate a representative for the tax year to act on behalf of the affected business entity in any action required or permitted to be taken by an affected business entity pursuant to this act, a proceeding to protest taxes, an appeal to the Administrative Hearing Commission, or review by the judiciary with respect to such action, and the affected business entity's members shall be bound by those actions.

- *Passed in HB 2400*

TARGETED INDUSTRIAL MANUFACTURING ENHANCEMENT ZONES

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

This act allows any two or more contiguous or overlapping political subdivisions, as defined in the act, to create targeted industrial manufacturing enhancement (TIME) zones for the purpose of completing infrastructure projects to promote economic development. Prior to the creation of a TIME zone, each political subdivision shall propose an ordinance or resolution that sets forth the names of the political subdivisions which will form the zone, the general

nature of the proposed improvements, the estimated cost of such improvements, the boundaries of the proposed TIME zone, and the estimated number of new jobs to be created in the TIME zone. The political subdivisions shall hold a public hearing prior to approving the ordinance or resolution creating the TIME zone.

This act allows the zone board governing the TIME zone to retain twenty-five percent of withholding taxes on new jobs created within the TIME zone to fund improvements made in the TIME zone. Prior to retaining such withholding taxes, the zone board shall enter into an agreement with the Department of Economic Development. Such agreement shall specify the estimated number of new jobs to be created, the estimated average wage of new jobs to be created, the estimated net fiscal impact of the new jobs, the estimated costs of improvements, and the estimated amount of withholding tax to be retained over the period of the agreement. The Department shall not approve an agreement unless the zone board commits to the creation of a certain number of new jobs, as described in the act.

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

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

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

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

No new TIME zone shall be created after August 28, 2025. (Section 620.2250)

This provision is identical to HB 1685 (2022), and is substantially similar to HCS/HB 379 (2021) and HCS/HB 1695 (2020), and to a provision contained in SCS/SB 174 (2021), CCS/HCS/SB 365 (2021), HCS/SS/SCS/SB 594 (2020), HCS/SS/SCS/SB 570 (2020), HCS/SCS/SB 725 (2020), and SS#2/SCS/HCS/HB 1854 (2020).

- *Passed in SB 672*

TAX CREDIT ACCOUNTABILITY ACT

This bill modifies the definition of "domestic and social tax credits" by removing the health care access fund tax credit, which has expired, and by adding the previously authorized Health, Hunger, and Hygiene tax credit.

This bill also modifies the definition of "recipient" to provide that such term does not include the transferee of a tax credit .

This bill requires an applicant for a tax credit, as a part of the application process, to sign a statement affirming that the applicant is aware of the reporting requirements and penalty provisions of the Tax Credit Accountability Act.

This bill requires that a person or entity begin submitting annual reports within one month after the credit issuance date.

This bill requires such annual reports to include both the estimated and actual project costs. This bill allows the name of a tax credit recipient to be made available either on the Department of Economic Development's website or through the Missouri Accountability Portal.

This bill modifies the penalties for late filing of required reports. Failure to file the first annual report for more than three months shall result in a penalty of 1% of the value of the credits, not to exceed 10%. Failure to file the second or third annual report for more than three months shall result in a penalty of 1.5% of the value of the credits, not to exceed 20% per report.

Current law provides for a penalty equal to 100% of the value of the credits for fraud in the tax credit application process. This bill increases such penalty to 200% for fraud in the application or reporting process.

This bill also provides that the Administrative Hearing Commission shall determine whether fraud has occurred. The Department of Revenue (DOR), the Department of Economic Development (DED), or the administering agency may file a fraud complaint to the

Administrative Hearing Commission, as described in the bill.

Currently, an administering agency is required to send a notice of delinquency 90 days after the annual report is due. This bill changes such requirement to 30 days.

This bill allows DOR to enter into agreements to compromise or abate some or all of any penalties administered under the bill.

Currently, tax credit applicants are required to forfeit and repay tax credits if such applicant purposely and directly employs unauthorized aliens. This bill changes such standard to an applicant knowingly employing unauthorized aliens.

- *Passed in HB 2400*

TRANSIENT ACCOMMODATION UTILITY SALES TAX

This bill exempts from the definition of "retail sale" or "sale at retail" for the purposes of sales tax law the purchase by persons operating hotels, motels, or other transient accommodation establishments of certain utilities, which are used to heat, cool, or provide water or power to the guests' accommodations, as specified in the bill, and which are included in the charge made for the accommodations. Any person required to remit sales tax on these purchases prior to August 28, 2022, is entitled to a refund on such taxes.

- *Passed in HB 2400*

TRUST DECANTING

Under this act, a trustee, other than a settlor, who has discretionary power to make a distribution, may exercise such power by distributing all or part of the income or principal to a trustee of a second trust. The power may be exercised by distributing property from the first trust to one or more second trusts or by modifying the first trust instrument to become one or more second trusts.

This act provides requirements regarding permissible distributees of second trusts, including that at least one permissible distributee of the first trust shall be a permissible distributee of the second trust immediately after the distribution and that only a beneficiary of the first trust may be a beneficiary of the second trust. In addition, this act modifies the use of powers of appointment in the second trust. The second trust instrument may retain, modify, or omit a power of appointment granted by the first trust and the second trust instrument may create a general or nongeneral power of appointment if the powerholder is a beneficiary of the second trust. Furthermore, this act provides that a special-needs fiduciary may exercise the authority to make a distribution to a second trust if the second trust is a special-needs trust that has a beneficiary with a disability and if the fiduciary determines that the exercise of authority will further the purposes of the trust.

The act repeals the current provisions regarding a second trust's beneficiaries, the limitations on a trustee's authority to make distributions from the first trust in certain circumstances, trust contributions treated as gifts, and the exercise of the discretionary power to reduce the income interest of any income beneficiary in certain trusts. The act provides that if the exercise of the distribution authority is limited by an ascertainable standard, under which the trustee exercising such authority is a permissible distributee of the first trust, then the discretionary power shall be subject to at least the same standard as the first trust and the trust instrument for the second trust shall not modify powers of appointment nor grant a power of appointment to a trustee who did not exist in the first trust.

A second trust shall not include or omit terms that would prevent the first trust property from qualifying as a marital deduction, as a charitable deduction, for exclusion from the gift tax, as a qualified subchapter-S trust, or for a zero inclusion ratio for purposes of the generation skipping transfer tax under the Internal Revenue Code. Additionally, if the first trust property includes shares of an S-corporation's stock and the first trust is a permitted shareholder, then the trustee of the first trust may exercise the authority with respect to the S-corporation stock if the second trust is a permitted shareholder.

Currently, a notification shall be made at least sixty days prior to making a discretionary distribution to the permissible distributees of the second trust or if none then to the qualified beneficiaries of the second trust. This act requires that the notification be made to the permissible distributees of the first trust and to the permissible distributees of the second trust.

The second trust may have a duration that is the same as the first trust. However, the property of the second trust that is attributable to the first trust is subject to the rules governing maximum perpetuity, accumulation, or suspension of the power of alienation that apply to the property of the first trust. This provision shall not preclude the creation of a general power of appointment in the second trust instrument.

In the event that part of the second trust instrument does not comply with this act, the exercise of the discretionary power is effective and the provisions of the second trust instrument that are not permitted in or are required to be in the trust instrument are deemed void or included to the extent necessary to comply.

This provision is identical to a provision in HCS/SCS/SB 119 (2021), in SB 338 (2021), in SCS/HB 585 (2021), in HB 758 (2021), in SCS/HCS/HB 1204 (2021), and in SCS/HCS/HB 1242 (2021), is substantially similar to a provision in HB 2001 (2022) and in the perfected HB 1008 (2021), and is similar to HB 929 (2021), HB 2533 (2020), SB 418 (2019), and HB 1041 (2019).

- *Passed in SB 886*

VERTICAL REAL ESTATE MANAGEMENT

Under the act, any political subdivision is authorized to erect vertical real estate or towers, as such terms are defined in the act, on its property unless otherwise proscribed by law. Such political subdivisions are also authorized to enter into public-private partnerships in order to effectuation construction of vertical real estate or towers.

These provisions are identical to provisions in the perfected HCS/HB 2638 (2022)

- *Passed in SB 820*

UTILITIES/ENERGY RESOURCES/ENVIRONMENT

ACCOUNTING PRACTICES OF UTILITIES

Under this act, electrical corporations, gas corporations, sewer corporations, and water corporations shall defer to a regulatory asset or liability account any difference in state or local property tax expenses actually incurred, and those on which the revenue requirement used to set rates in the corporation's most recently completed general rate proceeding was based. The regulatory asset or liability account balances shall be included in the revenue requirement used to set rates through an amortization over a reasonable period of time in such corporation's subsequent general rate proceedings. Such expenditures deferred under this provision are subject to Commission prudence review in the next general rate proceeding after deferral.

This provision is identical to a provision contained in the perfected SS/SCS/SB 756 (2022) and in SCS/HCS/HB 1734 (2022).

- *Passed in SB 745*

ADVANCED RECYCLING

This bill defines and redefines certain terms including, but not limited to, "advanced recycling", "advanced recycling facility", "depolymerization", "gasification", "mechanical processing", "mill scale and slag", "post-use polymer", "pyrolysis", "recovered feedstock", "recycled content", "recycled plastics", "solid waste", and "solvolysis". The bill specifies that an advanced recycling facility, is not subject to the solid waste processing facility operating permit requirements and no permit is required for the use of advanced recycling at an advanced recycling facility, as long as the feedstocks received by such facility are source-separated or diverted or recovered from municipal or other waste streams prior to acceptance at the advanced recycling facility.

- *Passed in HB 2485*

BROADBAND INTERNET GRANT PROGRAM

This act modifies provisions of the Broadband Internet Grant Program to expand broadband internet access in unserved and underserved areas of the state to include improving the reliability of broadband in such areas.

The act adds a definition for "project" and modifies the definition of "underserved area", which is now defined as a project area without access to wireline or fixed wireless broadband internet service of speeds of at least 100 Mbps download and 20 Mbps upload. The definition of "unserved area" is also modified to mean a project area without access to wireline or fixed wireless broadband internet services of speeds of at least 25 Mbps download and 3 Mbps upload.

Grants awarded under the program shall prioritize projects providing speeds of the higher of 100 Mbps download and 100 Mbps upload that is scalable to higher speeds, or the minimum acceptable speed established by the Federal Communications Commission.

The funds awarded by the Department of Economic Development for the purposes of the grant program shall require the entity to use the funds specifically for purposes set forth in the grant.

For an application to receive grant moneys from the Broadband Internet Grant Program to expand access to broadband internet service in unserved and underserved areas of the state to be considered, an applicant shall provide the Department of Economic Development with certain data detailed in the act.

These provisions are identical to provisions in the perfected HCS/HB 2638 (2022).

- *Passed in SB 820*

CAPITAL INVESTMENT PLAN FOR UTILITIES

For each project in the specific capital investment plan on which construction commences on or after January 1st of the year in which the plan is submitted, and where the cost of the project is estimated to exceed $20 million, the electrical corporation shall identify all costs and benefits that can be quantitatively evaluated.

If a cost or benefit cannot be quantitatively evaluated, the corporation shall state the reasons why not, and how the corporation addresses such costs and benefits when reviewing and deciding to pursue a project.

No project shall be based solely on costs and benefits that cannot be quantitatively evaluated, and any quantification for such a project shall be accompanied by additional justification in support of the project.

In its report to the PSC on capital investments, an electrical corporation shall include information on the quantitatively evaluated costs and benefits generated by each of those investments that exceeded $20 million and any efficiencies achieved as a result of those investments.

This provision is identical to a provision contained in the perfected SS/SCS/SB 756 (2022) and in SCS/HCS/HB 1734 (2022).

- *Passed in SB 745*

DISCOUNTED ELECTRIC RATES

This act modifies the criteria for electric customers to be considered for a discounted electric rate. The first discount of 35% is for customers with new load that is projected to be between 300 kilowatts but not more than 10 megawatts with a load factor of 45% and shall apply for 5 years. The second discount applies for new load that is projected to be more than 10 megawatts and have a load factor of 55% and the discount percentage shall be determined such that the applicant's total bill is expected to provide revenues equal to 120% of the corporation's variable cost, as described in the act, to serve the corporation's accounts that are to receive the discount. Such discount shall apply for 10 years.

In order to obtain one of the discounts, the customer's load shall be incremental, the customer must receive an economic development incentive from the local, regional, state, or federal government, and the customer must meet criteria set forth in the electrical corporation's economic development rider tariff sheet.

The electrical corporation shall verify the customer's incremental demand annually to determine continued qualification for the applicable discount.

In each general rate proceeding concluded after August 28, 2022, the difference in revenues generated by applying the discounted rates and the revenue that would have been generated without such discounts shall not be imputed into the electrical corporation's revenue requirement but instead such revenue requirement shall be set as described in the act.

An electrical corporation's authority to offer discounted rates shall terminate on the date that such electrical corporation's authority to make deferrals expires.

This provision is identical to a provision contained in the perfected SS/SCS/SB 756 (2022) and in SCS/HCS/HB 1734 (2022).

- *Passed in SB 745*

EMINENT DOMAIN FOR UTILITY PURPOSES

The authority for an electrical corporation, as defined in the act, to condemn property for purposes of constructing electric plant subject to a certificate of convenience and necessity shall not extend to the construction of a merchant transmission line with Federal Regulatory Energy Commission negotiated rate authority unless such line has a substation or converter station located in Missouri which is capable of delivering an amount of its electrical capacity to electrical customers in this state that is greater than or equal to the proportionate number of miles of the line that passes through the state. This provision shall not apply to applications for a certificate of convenience and necessity filed prior to August 28, 2022. (Section 523.010)

If an electrical corporation acquires any involuntary easement in this state by means of eminent domain and does not obtain the financial commitments necessary to construct a project for which the involuntary easement was needed in this state within 7 years of the date that such easement rights are recorded, the corporation shall return possession of the easement to the title holder within 60 days and record the dissolution with the county recorder of deeds. In the event of such return of the easement to the title holder, no reimbursement of any payment made by the corporation to the title holder shall be due. (Section 523.025)

For eminent domain proceedings of any agricultural or horticultural property by an electrical corporation for purposes of constructing electric plant subject to a certificate of convenience and necessity, just compensation shall be an amount equivalent to 150% of fair market value as determined by the court. This provision shall not apply to applications for a certificate of convenience and necessity filed prior to August 28, 2022. (Section 523.039)

In any eminent domain proceeding involving agricultural or horticultural property for purposes of constructing electric plant subject to a certificate of convenience and necessity, at least one of the disinterested commissioners appointed by the court shall be a farmer who has been engaged in farming for a minimum of 10 years in the county where such property is situated. This provision shall not apply to applications for a certificate of convenience and necessity filed prior to August 28, 2022. (Section 523.040)

A condemning authority shall be deemed to have engaged in good faith negotiations if, for condemnation of any agricultural or horticultural property for the construction of an electrical transmission line designed to transmit electricity at 345 kilovolts or greater, but not for condemnation of such property by an electrical corporation operating under a cooperative business plan, for the purpose of constructing electric plant subject to a certificate of convenience and necessity, the total compensation package offered was no lower than the amount reflected in an

appraisal performed by a state-licensed or state-certified appraiser for the condemning authority multiplied by 150% percent. This provision shall not apply to applications for a certificate of convenience and necessity filed prior to August 28, 2022. (Section 523.256)

These provisions are similar to SS/HCS/*HB 2005* (2022).

- *Passed in HB 2005 and SB 820*

HAZARDOUS WASTE MANAGEMENT

Under the bill, the Hazardous Waste Management Commission shall not promulgate rules that are stricter than, apply prior to, or apply mandatory obligations outside of the requirements of regulations promulgated pursuant to the Resource Conservation and Recovery Act.

The bill repeals the Commission's authority to retain, modify, or repeal rules relating to:

1. Thresholds for determining whether a hazardous waste generator is a large quantity generator, small quantity generator, or conditionally exempt small quantity generator;

2. Rules requiring hazardous waste generators to display hazard labels on containers and tanks during the time hazardous waste is stored on-site;

3. The exclusion for hazardous secondary materials used to make zinc fertilizers; and

4. The exclusions for hazardous secondary materials that are burned for fuel or that are recycled.

The Commission shall promulgate rules for the reporting of hazardous waste activities to the Department of Natural Resources, effective beginning with the reporting period July 1, 2017-June 30, 2018, that allow for the submittal of reporting data in any format on an annual basis by large quantity generators and treatment storage and disposal facilities.

The bill also repeals a requirement that the Department identify certain rules relating to hazardous waste in the Missouri Code of State Regulations that are inconsistent with certain rules promulgated by the Commission.

On December 31, 2017, any rule relating to hazardous waste, resource recovery, or used oil contained in the Missouri Code of State Regulations that remains inconsistent with certain rules promulgated by the Commission shall be null and void to the extent that such rule is inconsistent, and the least stringent rule shall control. Any rule that applies mandatory obligations outside of the requirements of certain federal regulations promulgated pursuant to Subtitle C of the Resource Conservation and Recovery Act, as amended, shall be null and void.

Except for provisions of law relating to voluntary remediation of contaminated real property, the Commission shall not promulgate rules that are stricter than, apply prior to, or apply mandatory obligations outside of the requirements of certain federal regulations promulgated pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, for provisions of law relating to abandoned or uncontrolled sites. The Commission shall file with the Missouri Secretary of State any amendments necessary to ensure that rules are not inconsistent with the provisions of the bill. Any rule that is inconsistent with provisions of the bill or applies mandatory obligations outside of the federal regulations shall be null and void.

Except for provisions of law relating to voluntary remediation of contaminated real property, the Director of the Department of Natural Resources shall not promulgate rules that are stricter than, apply prior to, or apply mandatory

obligations outside of the requirements of certain federal regulations promulgated pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, for provisions of law relating to the cleanup of hazardous substances. The Director shall file with the Missouri Secretary of State any amendments necessary to ensure that rules are not inconsistent with the provisions of the bill. Any rule that is inconsistent with provisions of the bill or applies mandatory obligations outside of the federal regulations shall be null and void.

PENALTIES ISSUED BY DEPARTMENT OF NATURAL RESOURCES (Section 640.095)

This bill specifies that in instances where the Department of Natural Resources has authority to issue penalties and determines that a penalty should be levied, the Department is required to provide information as set forth in the bill to the alleged violator in order for the alleged violator to understand the basis for the penalty. Any statement provided by the Department in compliance with this provision shall be treated as confidential information and shall not be disclosed to any party except the alleged violator.

- *Passed in HB 2845*

HIGH SPEED INTERNET IN UNSERVED AND UNDERSERVED AREAS

The Department of Economic Development shall implement a program to increase high-speed internet access in unserved and underserved areas.

- *Passed in SB 820*

INTERNET ACCESS AT THE STATE CAPITOL

Beginning January 1, 2024, high speed wi-fi internet access shall be provided to the public within the State Capitol building and on Capitol grounds.

This provision is identical to a provision in the perfected HCS/HB 2638 (2022).

- *Passed in SB 820*

MISSOURI DISASTER FUND

The act allows rural electric cooperatives, as defined in the act, to receive funds from the Missouri Disaster Fund.

This provision is identical to a provision in SCS/HCS/HB 1734 (2022) and the perfected SS/SCS/SB 756 (2022).

Passed in SB 745 and SB 820

OFFICE OF BROADBAND DEVELOPMENT

This act authorizes the state office of broadband development to engage in pre-operational site inspections for broadband providers to which it has provided grants or loans.

These provisions are identical to provisions in the perfected HCS/HB 2638 (2022).

- *Passed in SB 820*

NET METERING

The act establishes the Task Force on Distributed Energy Resources and Net Metering, to conduct hearings and research information related to net metering as set forth in the act. The Task Force shall compile a report for the General Assembly by December 31, 2023. The Task Force shall dissolve on December 31, 2023, or when the Task Force concludes its work, whichever is sooner.

The act modifies the definitions of "department", which is changed from the Department of Economic Development to the Department of Natural Resources, and "retail electric supplier", which now includes municipally-owned utilities.

The sale of qualified electric energy units to any customer-generator shall be subject to provisions of law related to consumer protection.

These provisions are identical to provisions in the perfected SS/SCS/SB 756 (2022) and to provisions in SCS/HCS/HB 1734 (2022), substantially similar to SCS/SB 763 (2022), and similar to HB 1852 (2022).

- *Passed in SB 745 and SB 820*

PENALTIES BY DEPARTMENT OF NATURAL RESOURCES

This bill specifies that in instances where the Department of Natural Resources has authority to issue penalties and determines that a penalty should be levied, the Department is required to provide information as set forth in the bill to the alleged violator in order for the alleged violator to understand the basis for the penalty. Any statement provided by the Department in compliance with this provision shall be treated as confidential information and shall not be disclosed to any party except the alleged violator.

- *Passed in HB 2485*

PLANT-IN-SERVICE ACCOUNTING

This act modifies the definition of "weighted average cost of capital" for a provision relating to plant-in-service accounting.

Current law states that an electrical corporation's election to defer depreciation expense, as set forth in statute, shall allow it to make such deferrals until December 31, 2023, or if approved by the Public Service Commission, continue to make such deferrals from January 1, 2024, through December 31, 2028. Under this act, an electrical corporation may seek permission to continue to make such deferrals for an additional 5 years beyond December 31, 2028, by filing an application with the Commission seeking such permission by December 31, 2026. The application shall be ruled on within 180 days after its filing.

The Commission shall make the determination of whether to grant such permission to continue after a hearing.

Failure to obtain such Commission permission to continue shall not affect deferrals made through the date for which permission has been granted, or the regulatory and ratemaking treatment of the regulatory assets arising from such deferrals.

The Commission may take into account any change in business risk to the electrical corporation resulting from implementation of the deferrals in setting the corporation's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the corporation.

This provision is identical to a provision contained in the perfected SS/SCS/SB 756 (2022) and in SCS/HCS/HB 1734 (2022).

- *Passed in SB 745*

RATE ADJUSTMENTS OUTSIDE OF GENERAL RATE PROCEEDINGS

Current law allows an electrical corporation to apply to the Public Service Commission to approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings due to changes in customer usage due to weather and conservation or to defer and recover certain depreciation expense and return for qualifying electric plant recorded to plant-in-service on the utility's books, but an electrical corporation cannot elect to do both.

Under this act, an electrical corporation may make one application to the Commission to either approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings or to defer and recover certain depreciation expense and return for qualifying electric plant recorded to plant-in-service on the utility's books if the corporation has provided notice to the Commission to elect the opposite option. However, the corporation shall not concurrently utilize electric rate adjustments and the deferrals.

This provision is identical to a provision in the perfected SS/SCS/SB 756 (2022) and in SCS/HCS/HB 1734 (2022).

- *Passed in SB 745*

RECYCLED ASPHALT SHINGLES

The bill specifies that processed recycled asphalt shingles may be used for fill, reclamation, and other beneficial purposes without any permits relating to solid waste management or any permits relating to the Missouri Clean Water Law if such shingles are inspected for toxic and hazardous substances, provided they may not be used for fill, reclamation, or other beneficial purposes within 500 feet of any lake, river, sink hole, perennial stream, or ephemeral stream or below surface level within 50ft of the water table.

- *Passed in HB 1720 and HB 2485*

RESTRICTIVE COVENANTS - RENEWABLE ENERGY

This act specifies that no deed restriction, covenant, or similar binding agreement running with the land shall limit or prohibit the installation of solar panels or solar collectors, as defined in the act, on the rooftop of any property or structure.

A homeowners' association may adopt reasonable rules regarding the placement of solar panels or solar collectors to the extent those rules do not prevent the installation of the device or adversely affect its functioning, use, cost, or efficiency.

These provisions shall apply only with regard to rooftops that are owned, controlled, and maintained by the owner of the individual property or structure.

These provisions shall take effect January 1, 2023. (Section B).

These provisions are identical to SCS/SB 249 (2021) and provisions in the truly agreed to and finally passed HCS/SS#2/SCS/*SB 745* (2022), and similar to HB 938 (2021), SB 1008 (2020), HB 2526 (2020), provisions in

HCS/SS/SCS/SB 594 (2020), provisions in HCS/SS/SB 618 (2020), provisions in HCS/SB 664 (2020), and provisions in HCS/SCS/SB 725 (2020).

- *Passed in SB 820*

RESTRICTIVE COVENANTS FOR SOLAR PANELS

This act also specifies that no deed restriction, covenant, or similar binding agreement running with the land shall limit or prohibit the installation of solar panels or solar collectors, as defined in the act, on the rooftop of any property or structure.

This provision goes into effect on January 1, 2023.

This provision is identical to a provision in HCS/SB 820 (2022) and to a provision in the perfected SS/SCS/SB 756 (2022), and SCS/HCS/HB 1734 (2022).

- *Passed in SB 745*

RETURN OF FEDERAL BROADBAND FUNDS

The state is authorized to seek the return of broadband funding from any provider that defaults or breaches agreements to deploy broadband. The Office of Broadband Development may adjudicate such matters consistent with state law. Providers who default in any state shall provide notice to the Office and there shall be a presumption of default in Missouri as specified in the act.

These provisions are similar to provisions in the perfected HCS/HB 2638 (2022).

- *Passed in SB 820*

REVENUE REQUIREMENT FOR ELECTRICAL CORPORATIONS

Beginning January 1, 2024, that part of an electrical corporation's retail revenue requirement used to set the electrical corporation's base rates in each of the electrical corporation's general rate proceedings that are concluded on or after August 31, 2023, that consists of revenue requirement arising from inclusion in rate base of certain regulatory asset balances shall not exceed the revenue requirement impact cap, as such term is defined in the act. Such provision shall continue to apply to electrical corporations until such corporation's permission to defer and recover certain depreciation expense and return for qualifying electric plant recorded to plant-in-service on the utility's books expires.

This provision is identical to a provision contained in the perfected SS/SCS/SB 756 (2022) and in SCS/HCS/HB 1734 (2022).

- *Passed in SB 745*

SALES TAX EXEMPTION FOR CERTAIN PURCHASES

This act authorizes a sales tax exemption for purchases by a company of solar photovoltaic energy systems, components used to construct a solar photovoltaic energy system, and all purchases of materials and supplies used directly to construct or make improvements to such systems, provided that the systems are sold or leased to an end user or are used to produce, collect and transmit electricity for resale or retail.

This provision is identical to a provision in the truly agreed to and finally passed CCS/HCS/*SB 820* (2022) and similar to SCS/SB 881 (2022).

- *Passed in SB 745*

SALES TAX ON CERTAIN PURCHASES OF UTILITIES

This act provides that, for the purposes of levying sales tax, the definition of "sale at retail" shall not include the purchase by persons operating hotels, motels, or other transient accommodation establishments of electricity, electrical current, water, and gas, whether natural or artificial, which are used to heat, cool, or provide water or power to the guests' accommodations of such establishments, including sleeping rooms, meeting and banquet rooms, and any other customer space rented by guests, and which are included in the charge made for such accommodations. Any person required to remit sales tax on such purchases prior to August 28, 2022, shall be entitled to a refund on such taxes remitted.

This provision is identical to SB 945 (2022) and to a provision in the perfected SS/SCS/SB 756 (2022) and in SCS/HCS/HB 1734 (2022).

- *Passed in SB 745*

SUNESHINE LAW FOR MUNICIPALLY OWNED UTILITIES

This act adds individually identifiable customer usage and billing records for customers of a municipally owned utility, unless the records are requested by the customer or authorized for release by the customer, to the list of records that may be closed under the Sunshine Law. A municipally owned utility shall make available to the public the customer's name, billing address, location of service, and dates of service provided for any commercial service account.

This provision is identical to SB 827 (2022), a provision in the perfected SS/SCS/SB 756 (2022), a provision in SCS/HCS/HB 1734 (2022), a provision contained in the truly agreed SCS/HCS/HB 362 (2021), SB 214 (2021), and SCS/HB 657 (2021).

- *Passed in SB 745*

TASK FORCE ON SOLAR ENERGY SYSTEMS

This act establishes the "Task Force on Fair, Nondiscriminatory Local Taxation Concerning Solar Energy Systems".

The Task Force shall compile a report for delivery to the General Assembly by December 31, 2022. The report shall include information on the taxation of solar energy systems and related issues as stated in the act.

This provision is identical to a provision in the perfected SS/SCS/SB 756 (2022) and identical to a provision in SCS/HCS/HB 1734 (2022).

- *Passed in SB 745*

UTILITY FINANCING ORDERS

Current provisions of law regarding utility financing orders state that an electrical corporation may be permitted to retain coal-fired generating assets in rate base and recover costs associated with operating the coal-fired assets that

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

Under this act, the electrical corporation shall be permitted to retain coal-fired generating assets in rate base and recover prudently incurred costs associated with such assets, including at a low capacity factor, or that are offline and providing capacity only in order to remain in service to customers for reliability during events such as extreme weather.

- *Passed in SB 745*