

JOURNAL OF THE HOUSE

Second Regular Session, 97th GENERAL ASSEMBLY

FIFTY-NINTH DAY, TUESDAY, APRIL 29, 2014

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative Sue Entlicher.

Let us pray.

Psalm 15 in the Message asks: God, who gets invited to dinner at Your place? How do we get on Your guest list? God says: Walk straight, act right, tell the truth, don't hurt your friend, don't blame your neighbor, keep your word even when it costs you, make an honest living, and never take a bribe. If you live like this you'll be invited.

So today Lord, we ask for Your presence in this House. Keep us ever mindful God of Your love for us, Your protection over us and Your provision that sustains us. Help us God, to throw off our shackles of destruction that destroy us, and God give us a glorious new song. Abide in us today to keep these words of the Psalmist David foremost in our minds as we do the work set before us.

In Your precious Son's name we pray, Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Caroline Burke, Brynn Hollister, Christopher Mesfin, Evan Thomassen, Ruthie Underwood, Makayla Voris, and Christian Heston.

The Journal of the fifty-eighth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2577 through House Resolution No. 2634

HOUSE CONCURRENT RESOLUTION

Representative Torpey, et al., offered House Concurrent Resolution No. 52.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 662**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SB 812**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF SENATE BILLS

HCS SS SB 694, relating to unsecured loans of five hundred dollars or less, was taken up by Representative Dugger.

On motion of Representative Dugger, **HCS SS SB 694** was adopted.

On motion of Representative Dugger, **HCS SS SB 694** was read the third time and passed by the following vote:

AYES: 112

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fraker	Franklin	Frederick	Funderburk
Gannon	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeier	Korman	Kratky	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
McCaherty	McGaugh	McKenna	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Nichols	Otto	Parkinson	Pfautsch	Phillips
Pike	Redmon	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieffer	Shull
Smith	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Wright
Zerr	Mr. Speaker			

NOES: 039

Anders	Black	Burns	Butler	Curtis
Curtman	Dunn	Ellington	Frame	Gardner
Gosen	Hurst	Johnson	Kelly 45	Kirkton
LaFaver	Marshall	McCann Beatty	McDonald	McManus
McNeil	Meredith	Mims	Mitten	Montecillo

Moon	Morgan	Newman	Norr	Pace
Peters	Pierson	Pogue	Rehder	Rizzo
Runions	Schieber	Schupp	Walton Gray	

PRESENT: 000

ABSENT WITH LEAVE: 008

Carpenter	Gatschenberger	Hodges	Hummel	May
Mayfield	Shumake	Webber		

VACANCIES: 003

Speaker Jones declared the bill passed.

SS SB 741, relating to financial transactions of gaming establishments, was taken up by Representative Scharnhorst.

Speaker Pro Tem Hoskins assumed the Chair.

On motion of Representative Scharnhorst, **SS SB 741** was truly agreed to and finally passed by the following vote:

AYES: 125

Allen	Anders	Anderson	Austin	Barnes
Bernskoetter	Berry	Black	Brown	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Crawford
Cross	Curtis	Davis	Diehl	Dohrman
Dunn	Engler	English	Englund	Fitzpatrick
Fitzwater	Flanigan	Fraker	Frame	Franklin
Frederick	Gannon	Gardner	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Houghton	Hubbard	Hummel	Hurst	Johnson
Jones 50	Keeney	Kelley 127	Kelly 45	Koenig
Kolkmeier	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Lynch	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Morgan	Muntzel
Neely	Neth	Nichols	Norr	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Runions	Scharnhorst	Schieffer	Schupp
Shull	Smith	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Torpey	Walker
Walton Gray	Wieland	Wright	Zerr	Mr. Speaker

NOES: 021

Bahr	Brattin	Cox	Dugger	Ellington
Entlicher	Justus	Kirkton	Korman	Love
Marshall	McNeil	Moon	Newman	Pogue
Remole	Rowland	Schatz	Schieber	Thomson
White				

PRESENT: 000

ABSENT WITH LEAVE: 013

Curtman	Elmer	Funderburk	Gatschenberger	Hodges
Hough	May	Morris	Otto	Shumake
Webber	Wilson	Wood		

VACANCIES: 003

Speaker Pro Tem Hoskins declared the bill passed.

PERFECTION OF HOUSE BILLS - APPROPRIATIONS

HCS HB 2020 was taken up by Representative Stream.

On motion of Representative Stream, **HCS HB 2020** was adopted.

On motion of Representative Stream, **HCS HB 2020** was ordered perfected and printed.

PERFECTION OF HOUSE BILLS

HB 1157, relating to the privacy of student data, was taken up by Representative Lair.

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

House Amendment No. 1

AMEND House Bill No. 1157, Page 2, Section 161.108, Lines 44-47, by deleting all of said lines and inserting in lieu thereof the following:

"(6) Ensure that any contracts that govern databases, assessments, or instructional supports which include student or redacted data and are outsourced to private vendors include express provisions that safeguard privacy and security, including but not limited to provisions that prohibit private vendors from selling student data or from using student data in furtherance of advertising, and include penalties for noncompliance; and"; and

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

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

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Diehl	Dohrman	Dugger
Elmer	Entlicher	Fitzwater	Flanigan	Fraker
Franklin	Frederick	Gannon	Gosen	Guernsey
Haahr	Haefner	Hansen	Hicks	Higdon
Hinson	Hoskins	Hough	Houghton	Hurst
Johnson	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr. Speaker				

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
Englund	Frame	Gardner	Harris	Hubbard
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schupp	Smith	Swearingen	Walton Gray
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 016

Curtman	Davis	Engler	English	Fitzpatrick
Funderburk	Gatschenberger	Grisamore	Hampton	Hodges
Jones 50	Marshall	May	Richardson	Schieffer
Shumake				

VACANCIES: 003

On motion of Representative Lair, **HB 1157, as amended**, was ordered perfected and printed.

THIRD READING OF SENATE BILLS

SS SCS SB 510, relating to disqualification from unemployment benefits, was taken up by Representative Cierpiot.

On motion of Representative Cierpiot, **SS SCS SB 510** was truly agreed to and finally passed by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtman	Davis
Diehl	Dohrman	Dugger	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker
Franklin	Frederick	Funderburk	Gannon	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Learn
Lichtenegger	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Scharnhorst	Schatz	Schieber
Shull	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr. Speaker			

NOES: 045

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellington	English
Englund	Frame	Gardner	Harris	Hubbard
Hummel	Kirkton	Kratky	LaFaver	Marshall
Mayfield	McCann Beatty	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith	Swearingen	Walton Gray

PRESENT: 000

ABSENT WITH LEAVE: 007

Gatschenberger	Grisamore	Hodges	May	McDonald
Rowland	Shumake			

VACANCIES: 003

Speaker Pro Tem Hoskins declared the bill passed.

SB 689, relating to the sale of intoxicating liquors in the original package, was taken up by Representative Gosen.

On motion of Representative Gosen, **SB 689** was truly agreed to and finally passed by the following vote:

AYES: 143

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dunn	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Montecillo	Moon	Morgan	Morris
Muntzel	Neely	Neth	Newman	Nichols
Norr	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowland	Runions	Scharnhorst
Schatz	Schieber	Schieffer	Schupp	Shull
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr. Speaker		

NOES: 001

Pogue

PRESENT: 000

ABSENT WITH LEAVE: 015

Burns	Dugger	Flanigan	Gatschenberger	Hicks
Hodges	May	McCann Beatty	McDonald	Molendorp
Otto	Redmon	Rowden	Shumake	Smith

VACANCIES: 003

Speaker Pro Tem Hoskins declared the bill passed.

HCS SS SB 525, relating to food safety, was taken up by Representative Fraker.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 525, Page 1, Section 196.056, Line 3, by deleting the word, "**shall**" and inserting in lieu thereof the word, "**may**"; and

Further amend said section and page, Line 18, by deleting the second occurrence of the word, "**and**"; and

Further amend said section, Page 2, Line 20, by inserting immediately after the word, "**inhabitants**" the words, "**, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, and any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants**"; and

Further amend said bill, Page 2, Section 196.298, Line 30, by inserting after all of said line the following:

"6. Nothing in this section shall be construed to prohibit the authority of the department of health and senior services or local health departments to conduct an investigation of a foodborne disease or outbreak."; and

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

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

On motion of Representative Fraker, **HCS SS SB 525, as amended**, was adopted.

On motion of Representative Fraker, **HCS SS SB 525, as amended**, was read the third time and passed by the following vote:

AYES: 125

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Burlison
Burns	Butler	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Dohrman	Dugger	Ellington
Elmer	Engler	English	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Hinson	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Koenig
Kolkmeyer	Korman	Kratky	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	Messenger	Miller	Mims	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Nichols	Otto	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rizzo	Roorda	Ross	Rowden
Rowland	Runions	Scharnhorst	Schatz	Schieffer

Shull	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr. Speaker

NOES: 023

Carpenter	Colona	Curtis	Dunn	Englund
Gardner	Kirkton	LaFaver	Marshall	McManus
McNeil	Meredith	Mitten	Molendorp	Newman
Norr	Pace	Pogue	Schieber	Schupp
Smith	Swearingen	Walton Gray		

PRESENT: 000

ABSENT WITH LEAVE: 011

Brattin	Brown	Diehl	Gatschenberger	Higdon
Hodges	Hummel	May	Shumake	Webber
Wright				

VACANCIES: 003

Speaker Pro Tem Hoskins declared the bill passed.

SCS SB 529, relating to the payment of public works projects, was taken up by Representative Korman.

Representative Keeney assumed the Chair.

On motion of Representative Korman, **SCS SB 529** was truly agreed to and finally passed by the following vote:

AYES: 143

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Dohrman	Dugger	Dunn	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzwater
Flanigan	Fraker	Frame	Franklin	Frederick
Gannon	Gardner	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Higdon
Hinson	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch

1341 *Journal of the House*

Phillips	Pierson	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Schatz	Schieber	Schieffer	Schupp
Shull	Smith	Solon	Sommer	Spencer
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webber	White	Wieland	Wilson
Wood	Zerr	Mr. Speaker		

NOES: 001

Pogue

PRESENT: 000

ABSENT WITH LEAVE: 015

Bernskoetter	Brown	Diehl	Fitzpatrick	Funderburk
Gatschenberger	Grisamore	Hicks	Hodges	Hummel
May	Scharnhorst	Shumake	Stream	Wright

VACANCIES: 003

Representative Keeney declared the bill passed.

HCS SB 606, relating to prepaid legal service plans, was taken up by Representative Rhoads.

On motion of Representative Rhoads, **HCS SB 606** was adopted.

On motion of Representative Rhoads, **HCS SB 606** was read the third time and passed by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Curtman	Davis
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fraker	Franklin	Frederick
Funderburk	Gannon	Gosen	Haahr	Haefner
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Marshall	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Scharnhorst	Schatz	Schieber	Shull
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr. Speaker	

NOES: 042

Anders	Burlison	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	English	Englund
Frame	Harris	Hubbard	Kirkton	Kratky
LaFaver	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Otto
Pace	Peters	Pierson	Pogue	Rizzo
Roorda	Runions	Schupp	Smith	Swearingen
Walton Gray	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 018

Diehl	Ellington	Flanigan	Gardner	Gatschenberger
Grisamore	Guernsey	Hampton	Hodges	Hummel
Lynch	May	McCaherty	Norr	Rowland
Schieffer	Shumake	Wright		

VACANCIES: 003

Representative Keeney declared the bill passed.

SB 609, relating to providing certain insurance documents through electronic means, was taken up by Representative Gosen.

On motion of Representative Gosen, **SB 609** was truly agreed to and finally passed by the following vote:

AYES: 141

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Ellington	Elmer	Engler	Englund
Englund	Entlicher	Fitzpatrick	Fitzwater	Fraker
Franklin	Frederick	Funderburk	Gannon	Gardner
Gosen	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Molendorp
Montecillo	Moon	Morgan	Morris	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Rehder	Reiboldt	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross

1343 *Journal of the House*

Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieber	Schieffer	Schupp	Shull	Smith
Solon	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Torpey	Walker	Walton Gray
Webber	White	Wieland	Wood	Zerr
Mr. Speaker				

NOES: 002

Marshall	Pogue
----------	-------

PRESENT: 000

ABSENT WITH LEAVE: 016

Flanigan	Frame	Gatschenberger	Grisamore	Guernsey
Hinson	Hodges	Hummel	May	Mitten
Muntzel	Redmon	Remole	Shumake	Wilson
Wright				

VACANCIES: 003

Representative Keeney declared the bill passed.

SB 610, relating to commercial exterior contractors, was taken up by Representative Gosen.

On motion of Representative Gosen, **SB 610** was truly agreed to and finally passed by the following vote:

AYES: 134

Allen	Anders	Anderson	Austin	Bahr
Barnes	Berry	Black	Brattin	Burlison
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Davis	Dohrman
Dunn	Ellington	Engler	English	Englund
Entlicher	Fitzwater	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gardner	Gosen
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Love	Lynch
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pierson	Pike
Pogue	Redmon	Rehder	Reiboldt	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Runions	Scharnhorst	Schatz	Schieber
Schieffer	Schupp	Shull	Smith	Solon

Sommer	Spencer	Stream	Swearingen	Thomson
Torpey	Walker	Walton Gray	White	Wieland
Wood	Wright	Zerr	Mr. Speaker	

NOES: 002

Elmer Marshall

PRESENT: 000

ABSENT WITH LEAVE: 023

Bernskoetter	Brown	Curtman	Diehl	Dugger
Fitzpatrick	Flanigan	Gatschenberger	Grisamore	Guernsey
Hodges	Hummel	Kelly 45	Lichtenegger	May
Muntzel	Peters	Remole	Rowland	Shumake
Swan	Webber	Wilson		

VACANCIES: 003

Representative Keeney declared the bill passed.

SCS SB 526, relating to a database for workers' compensation claims, was taken up by Representative Fraker.

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

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 526, Page 1, in the title, Lines 2-3, by deleting "a database for workers' compensation claims" and inserting in lieu thereof "workers' compensation"; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:

"287.140. 1. In addition to all other compensation paid to the employee under this section, the employee shall receive and the employer shall provide such medical, surgical, chiropractic, and hospital treatment, including nursing, custodial, ambulance and medicines, as may reasonably be required after the injury or disability, to cure and relieve from the effects of the injury. If the employee desires, he shall have the right to select his own physician, surgeon, or other such requirement at his own expense. Where the requirements are furnished by a public hospital or other institution, payment therefor shall be made to the proper authorities. Regardless of whether the health care provider is selected by the employer or is selected by the employee at the employee's expense, the health care provider shall have the affirmative duty to communicate fully with the employee regarding the nature of the employee's injury and recommended treatment exclusive of any evaluation for a permanent disability rating. Failure to perform such duty to communicate shall constitute a disciplinary violation by the provider subject to the provisions of chapter 620. When an employee is required to submit to medical examinations or necessary medical treatment at a place outside of the local or metropolitan area from the employee's principal place of employment, the employer or its insurer shall advance or reimburse the employee for all necessary and reasonable expenses; except that an injured employee who resides outside the state of Missouri and who is employed by an employer located in Missouri shall have the option of selecting the location of services provided in this section either at a location within one hundred miles of the injured employee's residence, place of injury or place of hire by the employer. The choice of provider within the location selected shall continue to be made by the employer. In case of a medical examination if a dispute arises as to what expenses shall be paid by the employer, the matter shall be presented to the legal advisor, the administrative law judge or the commission, who shall set the sum to be paid and same shall be paid by the employer prior to the medical examination. In no event, however, shall the employer or its insurer be required to pay transportation costs for a greater distance than two hundred fifty miles each way from place of treatment.

2. If it be shown to the division or the commission that the requirements are being furnished in such manner that there is reasonable ground for believing that the life, health, or recovery of the employee is endangered thereby, the division or the commission may order a change in the physician, surgeon, hospital or other requirement.

3. All fees and charges under this chapter shall be fair and reasonable, shall be subject to regulation by the division or the commission, or the board of rehabilitation in rehabilitation cases. A health care provider shall not charge a fee for treatment and care which is governed by the provisions of this chapter greater than the usual and customary fee the provider receives for the same treatment or service when the payor for such treatment or service is a private individual or a private health insurance carrier. The division or the commission, or the board of rehabilitation in rehabilitation cases, shall also have jurisdiction to hear and determine all disputes as to such charges. A health care provider is bound by the determination upon the reasonableness of health care bills.

4. The division shall, by regulation, establish methods to resolve disputes concerning the reasonableness of medical charges, services, or aids. This regulation shall govern resolution of disputes between employers and medical providers over fees charged, whether or not paid, and shall be in lieu of any other administrative procedure under this chapter. The employee shall not be a party to a dispute over medical charges, nor shall the employee's recovery in any way be jeopardized because of such dispute. Any application for payment of additional reimbursement, as such term is used in 8 CSR 50-2.030, as amended, shall be filed not later than:

(1) Two years from the date the first notice of dispute of the medical charge was received by the health care provider if such services were rendered before July 1, 2013; and

(2) One year from the date the first notice of dispute of the medical charge was received by the health care provider if such services were rendered after July 1, 2013.

Notice shall be presumed to occur no later than five business days after transmission by certified United States mail. **For the purposes of this section, the phrase "notice of dispute" shall include, but not be limited to, an explanation of benefits delivered with final payment of the medical fee or charge that evidences that the payment is considered to be the full payment of the fee or charge.**

5. No compensation shall be payable for the death or disability of an employee, if and insofar as the death or disability may be caused, continued or aggravated by any unreasonable refusal to submit to any medical or surgical treatment or operation, the risk of which is, in the opinion of the division or the commission, inconsiderable in view of the seriousness of the injury. If the employee dies as a result of an operation made necessary by the injury, the death shall be deemed to be caused by the injury.

6. The testimony of any physician or chiropractic physician who treated the employee shall be admissible in evidence in any proceedings for compensation under this chapter, subject to all of the provisions of section 287.210.

7. Every hospital or other person furnishing the employee with medical aid shall permit its record to be copied by and shall furnish full information to the division or the commission, the employer, the employee or his dependents and any other party to any proceedings for compensation under this chapter, and certified copies of the records shall be admissible in evidence in any such proceedings.

8. The employer may be required by the division or the commission to furnish an injured employee with artificial legs, arms, hands, surgical orthopedic joints, or eyes, or braces, as needed, for life whenever the division or the commission shall find that the injured employee may be partially or wholly relieved of the effects of a permanent injury by the use thereof. The director of the division shall establish a procedure whereby a claim for compensation may be reactivated after settlement of such claim is completed. The claim shall be reactivated only after the claimant can show good cause for the reactivation of this claim and the claim shall be made only for the payment of medical procedures involving life-threatening surgical procedures or if the claimant requires the use of a new, or the modification, alteration or exchange of an existing, prosthetic device. For the purpose of this subsection, "life threatening" shall mean a situation or condition which, if not treated immediately, will likely result in the death of the injured worker.

9. Nothing in this chapter shall prevent an employee being provided treatment for his injuries by prayer or spiritual means if the employer does not object to the treatment.

10. The employer shall have the right to select the licensed treating physician, surgeon, chiropractic physician, or other health care provider; provided, however, that such physicians, surgeons or other health care providers shall offer only those services authorized within the scope of their licenses. For the purpose of this subsection, subsection 2 of section 287.030 shall not apply.

11. Any physician or other health care provider who orders, directs or refers a patient for treatment, testing, therapy or rehabilitation at any institution or facility shall, at or prior to the time of the referral, disclose in writing if such health care provider, any of his partners or his employer has a financial interest in the institution or facility to which the patient is being referred, to the following:

(1) The patient;

(2) The employer of the patient with workers' compensation liability for the injury or disease being treated;

(3) The workers' compensation insurer of such employer; and

(4) The workers' compensation adjusting company for such insurer.

12. Violation of subsection 11 of this section is a class A misdemeanor.

13. (1) No hospital, physician or other health care provider, other than a hospital, physician or health care provider selected by the employee at his own expense pursuant to subsection 1 of this section, shall bill or attempt to collect any fee or any portion of a fee for services rendered to an employee due to a work-related injury or report to any credit reporting agency any failure of the employee to make such payment, when an injury covered by this chapter has occurred and such hospital, physician or health care provider has received actual notice given in writing by the employee, the employer or the employer's insurer. Actual notice shall be deemed received by the hospital, physician or health care provider five days after mailing by certified mail by the employer or insurer to the hospital, physician or health care provider.

(2) The notice shall include:

(a) The name of the employer;

(b) The name of the insurer, if known;

(c) The name of the employee receiving the services;

(d) The general nature of the injury, if known; and

(e) Where a claim has been filed, the claim number, if known.

(3) When an injury is found to be noncompensable under this chapter, the hospital, physician or other health care provider shall be entitled to pursue the employee for any unpaid portion of the fee or other charges for authorized services provided to the employee. Any applicable statute of limitations for an action for such fees or other charges shall be tolled from the time notice is given to the division by a hospital, physician or other health care provider pursuant to subdivision (6) of this subsection, until a determination of noncompensability in regard to the injury which is the basis of such services is made, or in the event there is an appeal to the labor and industrial relations commission, until a decision is rendered by that commission.

(4) If a hospital, physician or other health care provider or a debt collector on behalf of such hospital, physician or other health care provider pursues any action to collect from an employee after such notice is properly given, the employee shall have a cause of action against the hospital, physician or other health care provider for actual damages sustained plus up to one thousand dollars in additional damages, costs and reasonable attorney's fees.

(5) If an employer or insurer fails to make payment for authorized services provided to the employee by a hospital, physician or other health care provider pursuant to this chapter, the hospital, physician or other health care provider may proceed pursuant to subsection 4 of this section with a dispute against the employer or insurer for any fees or other charges for services provided.

(6) A hospital, physician or other health care provider whose services have been authorized in advance by the employer or insurer may give notice to the division of any claim for fees or other charges for services provided for a work-related injury that is covered by this chapter, with copies of the notice to the employee, employer and the employer's insurer. Where such notice has been filed, the administrative law judge may order direct payment from the proceeds of any settlement or award to the hospital, physician or other health care provider for such fees as are determined by the division. The notice shall be on a form prescribed by the division.

14. The employer may allow or require an employee to use any of the employee's accumulated paid leave, personal leave, or medical or sick leave to attend to medical treatment, physical rehabilitation, or medical evaluations during work time. The intent of this subsection is to specifically supercede and abrogate any case law that contradicts the express language of this section."; and

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

Representative Roorda raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

Representative Keeney requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

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

Representative Jones (50) offered **House Amendment No. 2.**

House Amendment No. 2

AMEND Senate Committee Substitute for Senate Bill No. 526, Page 1, in the title, Lines 2 through 3, by deleting the words "a database for workers' compensation claims" and inserting in lieu thereof the words "workers' compensation"; and

Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said line the following:

"287.040. 1. Any person who has work done under contract on or about his premises which is an operation of the usual business which he there carries on shall be deemed an employer and shall be liable under this chapter to such contractor, his subcontractors, and their employees, when injured or killed on or about the premises of the employer while doing work which is in the usual course of his business.

2. The provisions of this section shall not apply to the owner of premises upon which improvements are being erected, demolished, altered or repaired by an independent contractor but such independent contractor shall be deemed to be the employer of the employees of his subcontractors and their subcontractors when employed on or about the premises where the principal contractor is doing work.

3. In all cases mentioned in the preceding subsections, the immediate contractor or subcontractor shall be liable as an employer of the employees of his subcontractors. All persons so liable may be made parties to the proceedings on the application of any party. The liability of the immediate employer shall be primary, and that of the others secondary in their order, and any compensation paid by those secondarily liable may be recovered from those primarily liable, with attorney's fees and expenses of the suit. Such recovery may be had on motion in the original proceedings. No such employer shall be liable as in this section provided, if the employee was insured by his immediate or any intermediate employer.

4. The provisions of this section shall not apply to:

(1) The relationship between a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041 or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies, and an owner, as defined in subdivision (43) of section 301.010, and operator of a motor vehicle; **or**

(2) **An independent contractor providing application of agricultural materials used in crop dusting, seeding, spraying or fertilizing operations from an aircraft.**"; and

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

On motion of Representative Jones (50), **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND Senate Committee Substitute for Senate Bill No. 526, Page 1, in the title, Lines 2-3, by deleting "a database for workers' compensation claims" and inserting in lieu thereof "workers' compensation"; and

Further amend said bill and page, Section A, Line 2, by inserting the following after all of said line:

"287.221. Notwithstanding the provisions of subsection 15 of section 287.220 to the contrary, the division shall be authorized to pay second injury fund liabilities for physical rehabilitation payments under subsection 3 of section 287.141, medical expenses under subsection 7 of section 287.220 incurred after a temporary or final award of future medical benefits, and wage loss benefits under subsection 11 of section 287.220."; and

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

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

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to Senate Committee Substitute for Senate Bill No. 526, Page 1, Line 11, by deleting all of said line and inserting in lieu thereof the following:

"loss benefits under subsection 11 of section 287.220.

287.957. The experience rating plan shall contain reasonable eligibility standards, provide adequate incentives for loss prevention, and shall provide for sufficient premium differentials so as to encourage safety. The uniform experience rating plan shall be the exclusive means of providing prospective premium adjustment based upon measurement of the loss-producing characteristics of an individual insured. An insurer may submit a rating plan or plans providing for retrospective premium adjustments based upon an insured's past experience. Such system shall provide for retrospective adjustment of an experience modification and premiums paid pursuant to such experience modification where a prior reserved claim produced an experience modification that varied by greater than fifty percent from the experience modification that would have been established based on the settlement amount of that claim. The rating plan shall prohibit an adjustment to the experience modification of an employer if the total medical cost does not exceed [one thousand dollars] **twenty percent of the current split point of primary and excess losses under the uniform experience rating plan**, and the employer pays all of the total medical costs and there is no lost time from the employment, other than the first three days or less of disability under subsection 1 of section 287.160, and no claim is filed. An employer opting to utilize this provision maintains an obligation to report the injury under subsection 1 of section 287.380.

287.975. 1. The advisory organization shall file with the director every pure premium rate, every manual of rating rules, every rating schedule and every change or amendment, or modification of any of the foregoing, proposed for use in this state no more than thirty days after it is distributed to members, subscribers or others.

2. The advisory organization which makes a uniform classification system for use in setting rates in this state shall collect data for two years after January 1, 1994, on the payroll differential between employers within the construction group of code classifications, including, but not limited to, payroll costs of the employer and number of hours worked by all employees of the employer engaged in construction work. Such data shall be transferred to the department of insurance, financial institutions and professional registration in a form prescribed by the director of the department of insurance, financial institutions and professional registration, and the department shall compile the data and develop a formula to equalize premium rates for employers within the construction group of code classifications based on such payroll differential within three years after the data is submitted by the advisory organization.

3. The formula to equalize premium rates for employers within the construction group of code classifications established under subsection 2 of this section shall be the formula in effect on January 1, 1999. This subsection shall become effective on January 1, 2014.

4. For the purposes of calculating the premium credit under the Missouri contracting classification premium adjustment program, an employer within the construction group of code classifications may submit to the advisory organization the required payroll record information for the first, second, third, or fourth calendar quarter of the year prior to the workers' compensation policy beginning or renewal date, provided that the employer clearly indicates for which quarter the payroll information is being submitted."; and"; and

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

Representative Roorda raised points of order that **House Amendment No. 1 to House Amendment No. 3** is not properly drafted and is not germane to the bill.

Representative Keeney requested a parliamentary ruling.

The Parliamentary Committee ruled the points of order not well taken.

On motion of Representative Schatz, **House Amendment No. 1 to House Amendment No. 3** was adopted.

On motion of Representative Austin, **House Amendment No. 3, as amended**, was adopted.

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

House Amendment No. 4

AMEND Senate Committee Substitute for Senate Bill No. 526, Page 1, in the title, Line 3, by deleting all of said line and inserting in lieu thereof "workers' compensation."; and

Further amend said bill and page, Section A, Line 2, by inserting the following after all of said line:

"287.120. 1. Every employer subject to the provisions of this chapter shall be liable, irrespective of negligence, to furnish compensation under the provisions of this chapter for personal injury or death of the employee by accident or occupational disease arising out of and in the course of the employee's employment. Any employee of such employer shall not be liable for any injury or death for which compensation is recoverable under this chapter and every employer and employees of such employer shall be released from all other liability whatsoever, whether to the employee or any other person, except that an employee shall not be released from liability for injury or death if the employee engaged in an affirmative negligent act that purposefully and dangerously caused or increased the risk of injury. The term "accident" as used in this section shall include, but not be limited to, injury or death of the employee caused by the unprovoked violence or assault against the employee by any person.

2. The rights and remedies herein granted to an employee shall exclude all other rights and remedies of the employee, his wife, her husband, parents, personal representatives, dependents, heirs or next kin, at common law or otherwise, on account of such injury or death by accident or occupational disease, except such rights and remedies as are not provided for by this chapter.

3. No compensation shall be allowed under this chapter for the injury or death due to the employee's intentional self-inflicted injury, but the burden of proof of intentional self-inflicted injury shall be on the employer or the person contesting the claim for allowance.

4. Where the injury is caused by the failure of the employer to comply with any statute in this state or any lawful order of the division or the commission, the compensation and death benefit provided for under this chapter shall be increased [fifteen] **twenty-five** percent.

5. Where the injury is caused by the failure of the employee to use safety devices where provided by the employer, or from the employee's failure to obey any reasonable rule adopted by the employer for the safety of employees, the compensation and death benefit provided for herein shall be reduced [at least twenty-five but not more than fifty] **twenty-five** percent; provided, that it is shown that the employee had actual knowledge of the rule so adopted by the employer; and provided, further, that the employer had, prior to the injury, made a reasonable effort to cause his or her employees to use the safety device or devices and to obey or follow the rule so adopted for the safety of the employees.

6. (1) Where the employee fails to obey any rule or policy adopted by the employer relating to a drug-free workplace or the use of alcohol or nonprescribed controlled drugs in the workplace, the compensation and death benefit provided for herein shall be reduced fifty percent if the injury was sustained in conjunction with the use of alcohol or nonprescribed controlled drugs.

(2) If, however, the use of alcohol or nonprescribed controlled drugs in violation of the employer's rule or policy is the proximate cause of the injury, then the benefits or compensation otherwise payable under this chapter for death or disability shall be forfeited.

(3) The voluntary use of alcohol to the percentage of blood alcohol sufficient under Missouri law to constitute legal intoxication shall give rise to a rebuttable presumption that the voluntary use of alcohol under such circumstances was the proximate cause of the injury. A preponderance of the evidence standard shall apply to rebut such presumption. An employee's refusal to take a test for alcohol or a nonprescribed controlled substance, as defined by section 195.010, at the request of the employer shall result in the forfeiture of benefits under this chapter if the employer had sufficient cause to suspect use of alcohol or a nonprescribed controlled substance by the claimant or if the employer's policy clearly authorizes post-injury testing.

7. Where the employee's participation in a recreational activity or program is the prevailing cause of the injury, benefits or compensation otherwise payable under this chapter for death or disability shall be forfeited regardless that the employer may have promoted, sponsored or supported the recreational activity or program, expressly or impliedly, in whole or in part. The forfeiture of benefits or compensation shall not apply when:

(1) The employee was directly ordered by the employer to participate in such recreational activity or program;

(2) The employee was paid wages or travel expenses while participating in such recreational activity or program; or

(3) The injury from such recreational activity or program occurs on the employer's premises due to an unsafe condition and the employer had actual knowledge of the employee's participation in the recreational activity or program and of the unsafe condition of the premises and failed to either curtail the recreational activity or program or cure the unsafe condition.

8. Mental injury resulting from work-related stress does not arise out of and in the course of the employment, unless it is demonstrated that the stress is work related and was extraordinary and unusual. The amount of work stress shall be measured by objective standards and actual events.

9. A mental injury is not considered to arise out of and in the course of the employment if it resulted from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination or any similar action taken in good faith by the employer.

10. The ability of a firefighter to receive benefits for psychological stress under section 287.067 shall not be diminished by the provisions of subsections 8 and 9 of this section."; and

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

Representative Fitzpatrick offered **House Amendment No. 1 to House Amendment No. 4.**

House Amendment No. 1

to

House Amendment No. 4

AMEND House Amendment No. 4 to Senate Committee Substitute for Senate Bill No. 526, Page 1, Line 25, by deleting the words, "[fifteen] **twenty-five**" and inserting in lieu thereof the word, "fifteen"; and

Further amend said page, Line 29, by deleting the number "**twenty-five**" and inserting in lieu thereof the number, "**fifteen**"; and

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

On motion of Representative Fitzpatrick, **House Amendment No. 1 to House Amendment No. 4** was adopted.

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

House Amendment No. 2

to

House Amendment No. 4

AMEND House Amendment No. 4 to Senate Committee Substitute for Senate Bill No. 526, Page 1, Line 2, by inserting after all of said line the following:

"Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"287.203. Whenever the employer has provided compensation under section **287.140**, 287.170, 287.180 or 287.200, and terminates such compensation, the employer shall notify the employee of such termination and shall advise the employee of the reason for such termination. If the employee disputes the termination of such benefits, the employee may request a hearing before the division and the division shall set the matter [for hearing] **to be heard** within sixty days

of such request and the division shall hear the matter on the date of hearing and no continuances or delays may be granted except upon a showing of good cause or by consent of the parties. The division shall render a decision within thirty days of the date of hearing. If the division or the commission determines that any proceedings have been brought, prosecuted, or defended without reasonable grounds, the division may assess the whole cost of the proceedings upon the party who brought, prosecuted, or defended them."; and"; and

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

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

Which motion was defeated.

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

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

House Amendment No. 5

AMEND Senate Committee Substitute for Senate Bill No. 526, Page 1, Section A, Line 2, by inserting after said line the following:

"287.090. 1. This chapter shall not apply to:

(1) Employment of farm labor, domestic servants in a private home, including family chauffeurs, or occasional labor performed for and related to a private household;

(2) Qualified real estate agents and direct sellers as those terms are defined in Section 3508 of Title 26 United States Code;

(3) Employment where the person employed is an inmate confined in a state prison, penitentiary or county or municipal jail, or a patient or resident in a state mental health facility, and the labor or services of such inmate, patient, or resident are exclusively on behalf of the state, county or municipality having custody of said inmate, patient, or resident. Nothing in this subdivision is intended to exempt employment where the inmate, patient or resident was hired by a state, county or municipal government agency after direct competition with persons who are not inmates, patients or residents and the compensation for the position of employment is not contingent upon or affected by the worker's status as an inmate, patient or resident;

(4) Except as provided in section 287.243, volunteers of a tax-exempt organization which operates under the standards of Section 501(c)(3) or **Section 501(c)(19)** of the federal Internal Revenue Code, where such volunteers are not paid wages, but provide services purely on a charitable and voluntary basis;

(5) Persons providing services as adjudicators, sports officials, or contest workers for interscholastic activities programs or similar amateur youth programs who are not otherwise employed by the sponsoring school, association of schools or nonprofit tax-exempt organization sponsoring the amateur youth programs.

2. Any employer exempted from this chapter as to the employer or as to any class of employees of the employer pursuant to the provisions of subdivision (3) of subsection 1 of section 287.030 or pursuant to subsection 1 of this section may elect coverage as to the employer or as to the class of employees of that employer pursuant to this chapter by purchasing and accepting a valid workers' compensation insurance policy or endorsement, or by written notice to the group self-insurer of which the employer is a member. The election shall take effect on the effective date of the workers' compensation insurance policy or endorsement, or by written notice to the group self-insurer of which the employer is a member, and continue while such policy or endorsement remains in effect or until further written notice to the group self-insurer of which the employer is a member. Any such exempt employer or employer with an exempt class of employees may withdraw such election by the cancellation or nonrenewal of the workers' compensation insurance policy or endorsement, or by written notice to the group self-insurer of which the employer is a member. In the event the employer is electing out of coverage as to the employer, the cancellation shall take effect on the later date of the cancellation of the policy or the filing of notice pursuant to subsection 3 of this section.

3. Any insurance company authorized to write insurance under the provisions of this chapter in this state shall file with the division a memorandum on a form prescribed by the division of any workers' compensation policy issued to any employer and of any renewal or cancellation thereof.

4. The mandatory coverage sections of this chapter shall not apply to the employment of any member of a family owning a family farm corporation as defined in section 350.010 or to the employment of any salaried officer of a family farm corporation organized pursuant to the laws of this state, but such family members and officers of such family farm corporations may be covered under a policy of workers' compensation insurance if approved by a resolution of the board of directors. Nothing in this subsection shall be construed to apply to any other type of corporation other than a family farm corporation.

5. A corporation may withdraw from the provisions of this chapter, when there are no more than two owners of the corporation who are also the only employees of the corporation, by filing with the division notice of election to be withdrawn. The election shall take effect and continue from the date of filing with the division by the corporation of the notice of withdrawal from liability under this chapter. Any corporation making such an election may withdraw its election by filing with the division a notice to withdraw the election, which shall take effect thirty days after the date of the filing, or at such later date as may be specified in the notice of withdrawal."; and

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

Representative McGaugh offered **House Substitute Amendment No. 1 for House Amendment No. 5.**

*House Substitute Amendment No. 1
for
House Amendment No. 5*

AMEND Senate Committee Substitute for Senate Bill No. 526, Page 1, Section A, Line 2, by inserting after said line the following:

"287.030. 1. The word "employer" as used in this chapter shall be construed to mean:

(1) Every person, partnership, association, corporation, limited liability partnership or company, trustee, receiver, the legal representatives of a deceased employer, and every other person, including any person or corporation operating a railroad and , any public service corporation, using the service of another for pay;

(2) The state, county, municipal corporation, township, school or road, drainage, swamp and levee districts, or school boards, board of education, regents, curators, managers or control commission, board or any other political subdivision, corporation, or quasi-corporation, or cities under special charter, or under the commission form of government;

(3) Any of the above-defined employers must have five or more employees to be deemed an employer for the purposes of this chapter unless election is made to become subject to the provisions of this chapter as provided in subsection 2 of section 287.090, except that construction industry employers who erect, demolish, alter or repair improvements shall be deemed an employer for the purposes of this chapter if they have [one] **three** or more employees. An employee who is a member of the employer's family within the third degree of affinity or consanguinity shall be counted in determining the total number of employees of such employer.

2. Any reference to the employer shall also include his or her insurer or group self-insurer.

287.090. 1. This chapter shall not apply to:

(1) Employment of farm labor, domestic servants in a private home, including family chauffeurs, or occasional labor performed for and related to a private household;

(2) Qualified real estate agents and direct sellers as those terms are defined in Section 3508 of Title 26 United States Code;

(3) Employment where the person employed is an inmate confined in a state prison, penitentiary or county or municipal jail, or a patient or resident in a state mental health facility, and the labor or services of such inmate, patient, or resident are exclusively on behalf of the state, county or municipality having custody of said inmate, patient, or resident. Nothing in this subdivision is intended to exempt employment where the inmate, patient or resident was hired by a state, county or municipal government agency after direct competition with persons who are not inmates, patients

or residents and the compensation for the position of employment is not contingent upon or affected by the worker's status as an inmate, patient or resident;

(4) Except as provided in section 287.243, volunteers of a tax-exempt organization which operates under the standards of Section 501(c)(3) or **Section 501(c)(19)** of the federal Internal Revenue Code, where such volunteers are not paid wages, but provide services purely on a charitable and voluntary basis;

(5) Persons providing services as adjudicators, sports officials, or contest workers for interscholastic activities programs or similar amateur youth programs who are not otherwise employed by the sponsoring school, association of schools or nonprofit tax-exempt organization sponsoring the amateur youth programs.

2. Any employer exempted from this chapter as to the employer or as to any class of employees of the employer pursuant to the provisions of subdivision (3) of subsection 1 of section 287.030 or pursuant to subsection 1 of this section may elect coverage as to the employer or as to the class of employees of that employer pursuant to this chapter by purchasing and accepting a valid workers' compensation insurance policy or endorsement, or by written notice to the group self-insurer of which the employer is a member. The election shall take effect on the effective date of the workers' compensation insurance policy or endorsement, or by written notice to the group self-insurer of which the employer is a member, and continue while such policy or endorsement remains in effect or until further written notice to the group self-insurer of which the employer is a member. Any such exempt employer or employer with an exempt class of employees may withdraw such election by the cancellation or nonrenewal of the workers' compensation insurance policy or endorsement, or by written notice to the group self-insurer of which the employer is a member. In the event the employer is electing out of coverage as to the employer, the cancellation shall take effect on the later date of the cancellation of the policy or the filing of notice pursuant to subsection 3 of this section.

3. Any insurance company authorized to write insurance under the provisions of this chapter in this state shall file with the division a memorandum on a form prescribed by the division of any workers' compensation policy issued to any employer and of any renewal or cancellation thereof.

4. The mandatory coverage sections of this chapter shall not apply to the employment of any member of a family owning a family farm corporation as defined in section 350.010 or to the employment of any salaried officer of a family farm corporation organized pursuant to the laws of this state, but such family members and officers of such family farm corporations may be covered under a policy of workers' compensation insurance if approved by a resolution of the board of directors. Nothing in this subsection shall be construed to apply to any other type of corporation other than a family farm corporation.

5. A corporation may withdraw from the provisions of this chapter, when there are no more than two owners of the corporation who are also the only employees of the corporation, by filing with the division notice of election to be withdrawn. The election shall take effect and continue from the date of filing with the division by the corporation of the notice of withdrawal from liability under this chapter. Any corporation making such an election may withdraw its election by filing with the division a notice to withdraw the election, which shall take effect thirty days after the date of the filing, or at such later date as may be specified in the notice of withdrawal."; and

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

MOTION

Representative Roorda moved that pursuant to Rule 25(22), **SCS SB 526, as amended**, be referred to the Committee on Fiscal Review prior to such time as said bill is third read and finally passed.

Speaker Pro Tem Hoskins resumed the Chair.

Representative Roorda again moved that pursuant to Rule 25(22), **SCS SB 526, as amended**, be referred to the Committee on Fiscal Review prior to such time as said bill is third read and finally passed.

Which motion was defeated by the following vote:

AYES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Marshall	Mayfield	McCann Beatty	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Smith
Swearingen	Walton Gray	Webber	Wright	

NOES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fraker	Franklin
Frederick	Funderburk	Gannon	Gosen	Grisamore
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hoskins	Hough	Houghton	Hurst
Johnson	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Scharnhorst	Schieber
Shull	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wilson	Wood	Zerr	Mr. Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 011

Gatschenberger	Guernsey	Hinson	Hodges	Jones 50
May	McDonald	Rowland	Schatz	Shumake
Wieland				

VACANCIES: 003

Representative Frederick offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 5.**

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

AMEND House Substitute Amendment No. 1 for House Amendment No. 5 to Senate Committee Substitute for Senate Bill No. 526, Page, 1, Line 13, by deleting the word "five" and inserting lieu thereof the following:

"[five] ten"; and

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

Representative Roorda raised a point of order that **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 5** is not properly drafted.

The Chair ruled the point of order not well taken.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 091

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Fraker
Franklin	Frederick	Funderburk	Gannon	Gosen
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hoskins	Houghton	Hurst	Johnson
Justus	Keeney	Kelley 127	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Scharnhorst	Schieber	Shull	Solon
Sommer	Spencer	Swan	Thomson	Walker
White	Wieland	Wilson	Wood	Zerr
Mr. Speaker				

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Marshall	Mayfield	McCann Beatty	McKenna

McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Schupp	Swearingen
Walton Gray	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 021

Barnes	Davis	Diehl	Flanigan	Gatschenberger
Grisamore	Guernsey	Hinson	Hodges	Hough
Jones 50	May	McDonald	Neth	Rowland
Schatz	Shumake	Smith	Stream	Torpey
Webber				

VACANCIES: 003

On motion of Representative Frederick, **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 5** was adopted.

Representative McGaugh moved that **House Substitute Amendment No. 1 for House Amendment No. 5, as amended**, be adopted, the ayes and noes having been demanded by Representative Hummel.

Which motion was defeated by the following vote:

AYES: 050

Anderson	Austin	Bahr	Berry	Brattin
Brown	Burlison	Cierpiot	Cookson	Crawford
Curtman	Davis	Diehl	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fraker	Franklin	Frederick
Guernsey	Hansen	Hoskins	Houghton	Johnson
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Leara	Love
Lynch	McGaugh	Neely	Phillips	Pike
Redmon	Rehder	Reiboldt	Ross	Shull
Spencer	Swan	Walker	Wilson	Mr. Speaker

NOES: 097

Allen	Anders	Barnes	Bernskoetter	Black
Burns	Butler	Carpenter	Colona	Conway 10
Conway 104	Cornejo	Cox	Cross	Curtis
Dohrman	Dugger	Dunn	Ellington	Elmer
Engler	English	Englund	Frame	Funderburk
Gannon	Gardner	Gosen	Grisamore	Haahr
Haefner	Hampton	Harris	Hicks	Higdon
Hubbard	Hummel	Hurst	Jones 50	Kelly 45
Kirkton	Kratky	LaFaver	Lauer	Lichtenegger
Marshall	Mayfield	McCaherty	McCann Beatty	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Moon
Morgan	Morris	Muntzel	Newman	Nichols

Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Pierson	Pogue	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Rowden
Runions	Schamhorst	Schieber	Schieffer	Schupp
Smith	Solon	Sommer	Stream	Swearingen
Thomson	Walton Gray	White	Wieland	Wood
Wright	Zerr			

PRESENT: 001

Torpey

ABSENT WITH LEAVE: 011

Gatschenberger	Hinson	Hodges	Hough	May
McDonald	Neth	Rowland	Schatz	Shumake
Webber				

VACANCIES: 003

On motion of Representative Dohrman, **House Amendment No. 5** was adopted.

Speaker Jones resumed the Chair.

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

House Amendment No. 6

AMEND Senate Committee Substitute for Senate Bill No. 526, Page 1, in the title, Lines 2-3, by deleting the phrase "a database for"; and

Further amend said bill and said page, Section A, Line 2, by inserting immediately after said line the following:

"287.037. **1.** Notwithstanding any other provision of law to the contrary, beginning January 1, 1997, those insurance companies providing coverage pursuant to chapter 287, to a limited liability company, as defined in section 347.015, shall provide coverage for the employees of the limited liability company who are not members of the limited liability company. Members of the limited liability company, as defined in section 347.015, shall also be provided coverage pursuant to chapter 287, but such members may individually elect to reject such coverage by providing a written notice of such rejection on a form developed by the department of insurance, financial institutions and professional registration to the limited liability company and its insurer. Failure to provide notice to the limited liability company shall not be grounds for any member to claim that the rejection of such coverage is not legally effective. A member who elects to reject such coverage shall not thereafter be entitled to workers' compensation benefits under the policy, even if serving or working in the capacity of an employee of the limited liability company, at least until such time as said member provides the limited liability company and its insurer with a written notice which rescinds the prior rejection of such coverage. The written notice which rescinds the prior rejection of such coverage shall be on a form developed by the department of insurance, financial institutions and professional registration. Any rescission shall be prospective in nature and shall entitle the member only to such benefits which accrue on or after the date the notice of rescission form is received by the insurance company.

2. Notwithstanding any other provision of law to the contrary, beginning January 1, 2015, a shareholder of an S corporation, as defined in subsection 1 of section 143.471, with at least forty percent or greater interest in the S corporation may individually elect to reject coverage under this chapter by providing a written notice of such rejection to the S corporation and its insurer. Failure to provide notice to the S corporation shall not be grounds for any shareholder to claim that the rejection of such coverage is not legally effective. A shareholder who elects to reject such coverage shall not thereafter be entitled to workers' compensation benefits under the

policy, even if serving or working in the capacity of an employee of the S corporation, at least until such time as such shareholder provides the S corporation and its insurer with a written notice which rescinds the prior rejection of such coverage. Any rescission shall be prospective in nature and shall entitle the shareholder only to such benefits which accrue on or after the date the notice of rescission is received by the insurance company."; and

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

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

On motion of Representative Fraker, **SCS SB 526, as amended**, was read the third time and passed by the following vote:

AYES: 091

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fraker	Franklin	Frederick	Gannon
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Hoskins	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Schamhorst	Schatz	Shull	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr. Speaker				

NOES: 059

Anders	Barnes	Black	Burns	Butler
Carpenter	Conway 10	Conway 104	Curtis	Dunn
Ellington	English	Englund	Frame	Funderburk
Gardner	Grisamore	Harris	Higdon	Hubbard
Hummel	Kelly 45	Kirkton	Korman	Kratky
LaFaver	Marshall	Mayfield	McCaherty	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Moon	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Pogue	Rizzo	Roorda
Runions	Schieber	Schieffer	Schupp	Smith
Solon	Swearingen	Walton Gray	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 009

Colona	Gatschenberger	Hinson	Hodges	Hough
May	Rowland	Shumake	Webber	

VACANCIES: 003

Speaker Jones declared the bill passed.

SCS SB 675, relating to the Missouri Local Government Employees' Retirement System, was taken up by Representative Leara.

On motion of Representative Leara, **SCS SB 675** was truly agreed to and finally passed by the following vote:

AYES: 136

Allen	Anders	Bahr	Barnes	Bernskoetter
Berry	Black	Brown	Burns	Butler
Carpenter	Cierpiot	Colona	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtis	Davis	Diehl	Dohrman	Dunn
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzwater	Flanigan	Fraker	Frame
Franklin	Frederick	Gannon	Gardner	Gosen
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hoskins	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Rowden
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Schupp	Shull	Smith	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr. Speaker				

NOES: 010

Anderson	Austin	Burlison	Dugger	Fitzpatrick
Hough	Moon	Phillips	Pogue	Ross

PRESENT: 000

ABSENT WITH LEAVE: 013

Brattin	Curtman	Funderburk	Gatschenberger	Grisamore
Guernsey	Hinson	Hodges	May	Neth
Parkinson	Rowland	Shumake		

VACANCIES: 003

Speaker Jones declared the bill passed.

SCS SB 612, relating to nonresident entertainer income taxes, was taken up by Representative Hoskins.

Representative Jones (50) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 612, Page 1, in the title, Line 3, by deleting the words, "nonresident entertainer income taxes" and inserting in lieu thereof the words "taxation"; and

Further amend said bill, Page 5, Section 143.183, Line 142, by inserting immediately after said line the following:

"143.451. 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner, or the manner set forth in subdivision (3) of this subsection:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "Wholly in this state" if both the seller's shipping point and the purchaser's destination point are in this state;

b. "Partly within this state and partly without this state" if the seller's shipping point is in this state and the purchaser's destination point is outside this state, or the seller's shipping point is outside this state and the purchaser's destination point is in this state;

c. Not "wholly in this state" or not "partly within this state and partly without this state" only if both the seller's shipping point and the purchaser's destination point are outside this state.

(d) For purposes of this subdivision:

a. The purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale; and

b. The seller's shipping point is determined without regard to the location of the seller's principle office or place of business.

(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. "In this state" if the purchaser's destination point is in this state;

b. Not "in this state" if the purchaser's destination point is outside this state;

(d) For purposes of this subdivision, the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser's location outside this state;

(e) For the purposes of this subdivision, a transaction involving the sale other than the sale of tangible property is "in this state" if the taxpayer's market for the sales is in this state. The taxpayer's market for sales is in this state:

a. In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;

b. In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;

c. In the case of sale of a service, if and to the extent the benefit of the service is delivered to a purchaser location in this state; and

d. In the case of intangible property:

(i) That is rented, leased, or licensed, if and to the extent the property is used in this state by the rentee, lessee, or licensee, provided that intangible property utilized in marketing a good or service to a consumer is "used in this state" if that good or service is purchased by a consumer who is in this state. Franchise fees or royalties received for the rent, lease, license, or use of a trade name, trademark, service mark, or franchise system or provides a right to conduct business activity in a specific geographic area are "used in this state" to the extent the franchise location is in this state; and

(ii) That is sold, if and to the extent the property is used in this state, provided that:

i. A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is "used in this state" if the geographic area includes all or part of this state;

ii. Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under item (I) of this subparagraph; and

iii. All other receipts from a sales of intangible property shall be excluded from the numerator and denominator of the sales factor;

(f) If the state or states of assignment under paragraph (e) of this subdivision cannot be determined, the state or states of assignment shall be reasonably approximated;

(g) If the state of assignment cannot be determined under paragraph (e) of this subdivision or reasonably approximated under paragraph (f) of this subdivision, such sales shall be excluded from the denominator of the sales factor;

(h) The director may prescribe such rules and regulations as necessary or appropriate to carry out the purposes of this section.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) "Administration services" include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) "Affiliate", the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from time to time;

(c) "Distribution services" include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) "Investment company", any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) "Investment funds service corporation" includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) "Management services" include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) "Qualifying sales", gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, "gross income" is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) "Residence", presumptively the fund shareholder's mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder's primary residence or principal place of business is different than the fund shareholder's mailing address such presumption shall not control. To the extent an investment funds service corporation does not have access to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder's residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are resided in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation's total dollar amount of qualifying sales from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter."; and

Further amend said bill, Page 5, Section 143.183, Line 142, by inserting immediately after said line the following:

"144.021. 1. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020 and for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. Except as otherwise provided, the primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. Excluding subdivision (9) of subsection 1 of section 144.020 and sections 144.070, 144.440 and 144.450, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross receipts", defined herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross receipts.

2. If the amount of taxes due under sections 144.010 to 144.510 is modified by a decision of:

- (1) The director of revenue;**
- (2) The administrative hearing commission; or**
- (3) A court of competent jurisdiction;**

which changes which items of tangible personal property or services are taxable, all affected sellers shall be notified by the department of revenue before such modification shall take effect for such sellers. Failure of the department of revenue to notify a seller shall relieve such seller of liability for taxes that would be due under the modification until the seller is notified. The waiver of liability for taxes under this subsection shall only apply to sellers actively selling the type of tangible personal property or service affected by the decision on the date the decision is made or handed down.

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

(1) "Processing", any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085 and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business.

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669.

5. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all materials, manufactured goods, machinery and parts, electrical energy and gas, whether natural, artificial or propane, water, coal and other energy sources, chemicals, soaps, detergents, cleaning and sanitizing agents, and other ingredients and materials inserted by commercial or industrial laundries to treat, clean, and sanitize textiles in facilities which process at least five hundred pounds of textiles per hour and at least sixty thousand pounds per week.."; and

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

On motion of Representative Jones (50), **House Amendment No. 1** was adopted.

Representative Kelley (127) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND Senate Committee Substitute for Senate Bill No. 612, Page 5, Section 143.183, Line 142, by inserting immediately after said line the following:

"143.221. 1. Every employer required to deduct and withhold tax under sections 143.011 to 143.996 shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, file a withholding return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

2. Where the aggregate amount required to be deducted and withheld by any employer exceeds fifty dollars for at least two of the preceding twelve months, the director, by regulation, may require a monthly return. The due dates of the monthly return and the monthly payment or deposit for the first two months of each quarter shall be by the fifteenth day of the succeeding month. The due dates of the monthly return and the monthly payment or deposit for the last month of each quarter shall be by the last day of the succeeding month. The director may increase the amount required for making a monthly employer withholding payment and return to more than fifty dollars or decrease such required amount, however, the decreased amount shall not be less than fifty dollars.

3. Where the aggregate amount required to be deducted and withheld by any employer is less than [twenty] **one hundred** dollars in each of the four preceding quarters, **and to the extent the employer does not meet the requirements in subsection 1 or 2 of this section for filing a withholding return on a quarterly or monthly basis**, the employer shall file a withholding return for a calendar year. The director, by regulation, may also allow other employers to file annual returns. The return shall be filed and the taxes if any paid on or before January thirty-first of the succeeding year. The director may increase the amount required for making an annual employer withholding payment and return to more than [twenty] **one hundred** dollars or decrease such required amount, however, the decreased amount shall not be less than [twenty] **one hundred** dollars.

4. If the director of revenue finds that the collection of taxes required to be deducted and withheld by an employer may be jeopardized by delay, he may require the employer to pay over the tax or make a return at any time. A lien outstanding with regard to any tax administered by the director shall be a sufficient basis for this action."; and

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

On motion of Representative Kelley (127), **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND Senate Committee Substitute for Senate Bill No. 612, Page 5, Section 143.183, Line 142, by inserting after all of said section the following:

"144.080. 1. Every person receiving any payment or consideration upon the sale of property or rendering of service, subject to the tax imposed by the provisions of sections 144.010 to 144.525, is exercising the taxable privilege of selling the property or rendering the service at retail and is subject to the tax levied in section 144.020. The person shall be responsible not only for the collection of the amount of the tax imposed on the sale or service to the extent possible under the provisions of section 144.285, but shall, on or before the last day of the month following each calendar quarterly period of three months, file a return with the director of revenue showing the person's gross receipts and the amount of tax levied in section 144.020 for the preceding quarter, and shall remit to the director of revenue, with the return, the taxes levied in section 144.020, except as provided in subsections 2 and 3 of this section. The director of revenue may promulgate rules or regulations changing the filing and payment requirements of sellers, but shall not require any seller to file and pay more frequently than required in this section.

2. Where the aggregate amount levied and imposed upon a seller by section 144.020 is in excess of two hundred and fifty dollars for either the first or second month of a calendar quarter, the seller shall file a return and pay such aggregate amount for such months to the director of revenue by the twentieth day of the succeeding month.

3. Where the aggregate amount levied and imposed upon a seller by section 144.020 is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the seller to file a return for a calendar year. The return shall be filed and the taxes paid on or before January thirty-first of the succeeding year.

4. The seller of any property or person rendering any service, subject to the tax imposed by sections 144.010 to 144.525, shall collect the tax from the purchaser of such property or the recipient of the service to the extent possible under the provisions of section 144.285, but the seller's inability to collect any part or all of the tax does not relieve the seller of the obligation to pay to the state the tax imposed by section 144.020; except that the collection of the tax imposed by sections 144.010 to 144.525 on motor vehicles and trailers shall be made as provided in sections 144.070 and 144.440.

5. [It shall be unlawful for] Any person [to] **may** advertise or hold out or state to the public or to any customer directly [or indirectly] that the tax or any part thereof imposed by sections 144.010 to 144.525, and required to be collected by the person, will be assumed or absorbed by the person, [or that it will not be separately stated and added to the selling price of the] **provided that the amount of tax assumed or absorbed shall be stated on any invoice or receipt for the property sold or service rendered**], or if added, that it or any part thereof will be refunded]. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. **This subsection shall not apply to any retailer prohibited from collecting and remitting sales tax under section 66.630.**"; and

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

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

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

House Amendment No. 4

AMEND Senate Committee Substitute for Senate Bill No. 612, Page 1, Section in the title, Line 3, by deleting the words, "nonresident entertainer income taxes" and inserting in lieu thereof the word, "taxation"; and

Further amend said bill, page, Section A, Line 2, by inserting after all of said line and section the following:

"32.383. 1. Notwithstanding the provisions of any other law to the contrary, with respect to taxes administered by the department of revenue under this chapter and chapters 143, 144, and 147, an amnesty from the assessment or payment of all penalties, additions to tax, and interest shall apply with respect to unpaid taxes or taxes due and owing reported and paid in full from July 1, 2014, to September 30, 2014, regardless of whether previously assessed, except for penalties, additions to tax, and interest paid before July 1, 2014. The amnesty shall

apply only to tax liabilities due or due but unpaid on or before December 31, 2013, and shall not extend to any taxpayer who at the time of payment is a party to any criminal investigations or to any civil or criminal litigation that is pending in any court of the United States or this state for nonpayment, delinquency, or fraud in relation to any state tax imposed by this state.

2. Upon written application by the taxpayer, on forms prescribed by the director of revenue, and upon compliance with the provisions of this section, the department of revenue shall not seek to collect any penalty, addition to tax, or interest that may be applicable. The department of revenue shall not seek civil or criminal prosecution for any taxpayer for the taxable period for which the amnesty has been granted unless subsequent investigation or audit shows that the taxpayer engaged in fraudulent or criminal conduct in applying for amnesty.

3. Amnesty shall be granted only to those taxpayers who have applied for amnesty within the period stated in this section, who have filed a tax return for each taxable period for which amnesty is requested, who have paid the entire balance by September 30, 2014, and who agree to comply with state tax laws for the next eight years from the date of the agreement. No taxpayer shall be entitled to a waiver of any penalty, addition to tax, or interest under this section unless full payment of the tax due is made in accordance with rules established by the director of revenue.

4. All taxpayers granted amnesty under this section shall in good faith comply with this state's tax laws for the eight years following the date of the amnesty agreement. If any such taxpayer fails to comply with all of this state's tax laws at any time during the eight years following the date of the agreement, all penalties, additions to tax, and interest that were waived under the amnesty agreement shall become due and owing immediately.

5. If a taxpayer is granted amnesty under this section, such taxpayer shall not be eligible to participate in any future amnesty for the same tax.

6. If a taxpayer elects to participate in the amnesty program established in this section as evidenced by full payment of the tax due as established by the director of revenue, that election shall constitute an express and absolute relinquishment of all administrative and judicial rights of appeal. No tax payment received under this section shall be eligible for refund or credit.

7. Nothing in this section shall be interpreted to disallow the department of revenue to adjust a taxpayer's tax return as a result of any state or federal audit.

8. All tax payments received as a result of the amnesty program established in this section, other than revenues earmarked by the Constitution of Missouri or this state's statutes, shall be deposited in the state general revenue fund.

9. The department may promulgate rules or issue administrative guidelines as are necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2014, shall be invalid and void.

10. This section shall become effective on July 1, 2014, and shall expire on December 31, 2022.

11. If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable."; and

Further amend said bill, Page 5, Section 143.183, Line 142, by inserting after all of said section and line the following:

"Section B. Because immediate action is necessary to secure adequate state revenue, the enactment of section 32.383 is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and the enactment of section 32.383 is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 32.383 shall be in full force and effect on July 1, 2014, or upon its passage and approval, whichever occurs later."; and

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

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

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

House Amendment No. 5

AMEND Senate Committee Substitute for Senate Bill No. 612, Page 5, Section 143.183, Line 142, by inserting after all of said line the following:

"143.801. 1. A claim for credit or refund of an overpayment of any tax imposed by sections 143.011 to 143.996 shall be filed by the taxpayer within three years from the time the return was filed or two years from the time the tax was paid, whichever of such periods expires the later; or if no return was filed by the taxpayer, within two years from the time the tax was paid. No credit or refund shall be allowed or made after the expiration of the period of limitation prescribed in this subsection for the filing of a claim for credit or refund, unless a claim for credit or refund is filed by the taxpayer within such period.

2. If the claim is filed by the taxpayer during the three-year period prescribed in subsection 1 **of this section**, the amount of the credit or refund shall not exceed the portion of the tax paid within the three years immediately preceding the filing of the claim plus the period of any extension of time for filing the return. If the claim is not filed within such three-year period, but is filed within the two-year period, the amount of the credit or refund shall not exceed the portion of the tax paid during the two years immediately preceding the filing of the claim. If no claim is filed, the credit or refund shall not exceed the amount which would be allowable under either of the preceding sentences, as the case may be, if a claim was filed on the date the credit or refund is allowed.

3. If pursuant to subsection 6 of section 143.711 an agreement for an extension of the period for assessment of income taxes is made within the period prescribed in subsection 1 of this section for the filing of a claim for credit or refund, the period for filing a claim for credit or for making a credit or refund if no claim is filed, shall not expire prior to six months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension thereof. The amount of such credit or refund shall not exceed the portion of the tax paid after the execution of the agreement and before the filing of the claim or the making of the credit or refund, as the case may be, plus the portion of the tax paid within the period which would be applicable under subsection 1 of this section if a claim had been filed on the date the agreement was executed.

4. If a taxpayer is required by section 143.601 to report a change or correction in federal taxable income reported on his federal income tax return, or to report a change or correction which is treated in the same manner as if it were an overpayment for federal income tax purposes, an amended return or a claim for credit or refund of any resulting overpayment of tax shall be filed by the taxpayer within one year from the time the notice of such change or correction or such amended return was required to be filed with the director of revenue. If the report or amended return required by section 143.601 is not filed within the ninety-day period therein specified, interest on any resulting refund or credit shall cease to accrue after such ninetieth day. The amount of such credit or refund shall not exceed the amount of the reduction in tax attributable to:

(1) The issues on which such federal change or correction or the items amended on the taxpayer's amended federal income tax return are based, and

(2) Any change in the amount of [his] **the taxpayer's** federal income tax deduction under the provisions of subsection 1 of section 143.171. No effect shall be given in the preceding sentence to any federal change or correction or to any item on an amended return unless it is timely under the applicable federal period of limitations. The time and amount provisions of this subsection shall be in lieu of any other provisions of this section. This subsection shall not affect the time within which or the amount for which a claim for credit or refund may be filed apart from this subsection.

5. If the claim for credit or refund relates to an overpayment of tax on account of the deductibility by the taxpayer of a debt as a debt which became worthless or a loss from worthlessness of a security or the effect that the deductibility of a debt or of a loss has on the application to the taxpayer of a carryover, the claim may be made, under regulations prescribed by the director of revenue within seven years from the date prescribed by law for filing the return for the year with respect to which the claim is made.

6. If the claim for credit or refund relates to an overpayment attributable to a net operating loss carryback or a capital loss carryback, in lieu of the three-year period of limitations prescribed in subsection 1 of this section, the period shall be that period which ends with the expiration of the fifteenth day of the fortieth month (or the thirty-ninth month, in the case of a corporation) following the end of the taxable year of the net operating loss or net capital loss which results in such carryback, or the period prescribed in subsection 3 of this section in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsections 2, 3 and 4 of this section, whichever is applicable, to the extent of the amount of the overpayment attributable to such carryback.

7. (1) No period of limitations provided in subsections 1 to 6 of this section shall apply if the director of revenue examines or causes to have examined any return filed and retained as provided in section 143.971 and:

(a) Such examination is conducted after any period of limitations provided in subsections 1 to 6 of this section has expired;

(b) Such examination reveals that the taxpayer is eligible to claim a credit or refund of an overpayment of any tax imposed under this chapter; and

(c) A period of limitations provided in subsections 1 to 6 of this section prohibits the taxpayer from claiming such credit or refund.

(2) The director shall notify the taxpayer of any overpayment discovered under this subsection and inform the taxpayer of the procedure for filing a claim for a credit or refund of such overpayment. If the taxpayer files a claim for such credit or refund, the claim shall be filed in the manner provided in this chapter and shall be filed within one year from the time the director provided notice to the taxpayer."; and

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

On motion of Representative Miller, **House Amendment No. 5** was adopted.

On motion of Representative Hoskins, **SCS SB 612, as amended**, was read the third time and passed by the following vote:

AYES: 150

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Butler	Carpenter
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtis
Curtman	Davis	Diehl	Dohrman	Dugger
Dunn	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Kelly 45	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Neth	Newman	Nichols	Norr
Otto	Pace	Parkinson	Peters	Pfautsch
Phillips	Pierson	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Runions
Schamhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Smith	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr. Speaker

NOES: 002

Marshall Pogue

PRESENT: 000

ABSENT WITH LEAVE: 007

Ellington Gatschenberger Hinson Hodges May
Rowland Shumake

VACANCIES: 003

Speaker Jones declared the bill passed.

PERFECTION OF HOUSE BILLS

HB 2163, relating to city commercial zones, was taken up by Representative Riddle.

On motion of Representative Riddle, **HB 2163** was ordered perfected and printed.

HOUSE BILLS WITH SENATE AMENDMENTS

SS HB 1361, as amended, relating to domestic surplus lines insurers, was taken up by Representative Gosen.

Representative Gosen moved that the House refuse to adopt **SS HB 1361, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

COMMITTEE REPORTS

Committee on Elections, Chairman Entlicher reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **SCS SB 630**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 49**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 1188**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1734**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1894**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2021**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 2272**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 567**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SCS SB 593**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 719**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 727**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 777**, begs leave to report it has examined the same and recommends that it **Be Returned to the Committee of Origin as SCS SB 777**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 859**, begs leave to report it has examined the same and recommends that it **Do Pass**.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HCS HB 1898 - Fiscal Review

REFERRAL OF SENATE JOINT RESOLUTION

The following Senate Joint Resolution was referred to the Committee indicated:

SCS SJR 27 - Fiscal Review

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SB 621 - Fiscal Review
HCS SB 859 - Fiscal Review
SCS SB 892 - Fiscal Review
SCS SB 680 - Government Oversight and Accountability
SB 818 - Transportation

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2006**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2007**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2008**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; and further provided that no funds shall be expended, loaned or granted for the purchase, leasing, operation or maintenance of license plate readers unless authorized specifically by the legislature.

With Senate Amendment No. 1, Senate Amendment No. 1 to Senate Amendment No. 2, Senate Amendment No. 2, as amended, and Senate Amendment No. 3.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, Page 4, Section 8.040, Line 4, by striking the number "\$7,500,000" and inserting in lieu thereof the number "\$9,000,000"; and

Further amend bill totals accordingly.

*Senate Amendment No. 1
to
Senate Amendment No. 2*

AMEND Senate Amendment No. 2 to Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, Page 1, Line 5, by deleting the amount "\$150" and inserting therein the amount "\$143".

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, Page 1, Section 8.005, Line 6, by inserting immediately after said line the following:

"For the purpose of purchasing a facsimile machine for communication between the department and the General Assembly From General Revenue.....\$ 150"; and

Further amend section and bill totals accordingly.

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, Page 2, Section 8.010, Line 3, by inserting immediately after said line the following:

"From Federal Funds.....\$ 1,240,042"; and

Further amend said section, Page 3, Line 14, by striking all of said line from the bill and inserting in lieu thereof the following:

"From General Revenue.....1,000,000"; and
Further amend section and bill totals accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2009**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 2009, Page 14, Section 9.270, Line 7, by inserting immediately after the word "RSMo" the following:

"Provided that such funds shall only be deposited into the Inmate Prisoner Detainee Security Fund for the county in which the jail is located".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2010**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 2011**, entitled:

An act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2012**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2014 and ending June 30, 2015.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2013**, entitled:

An act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Wednesday, April 30, 2014.

COMMITTEE HEARINGS

AGRI-BUSINESS

Thursday, May 1, 2014, Upon Morning Adjournment, House Hearing Room 6.
Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, April 30, 2014, 12:00 PM or Upon Morning Recess, whichever is later, House Hearing Room 3.

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

Oversight hearing.

There will be a limited period of public testimony. Please email sue.allen@house.mo.gov if you are interested in speaking.

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, April 30, 2014, 1:45 PM, South Gallery.

Executive session will be held: SCS SB 852

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

Only ½ hour meeting. Unable to post as such. Note location and time change.

CORRECTED

DOWNSIZING STATE GOVERNMENT

Thursday, May 1, 2014, 9:00 AM, House Hearing Room 4.

Executive session will be held: SS SB 575, HB 1381

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

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 30, 2014, 8:00 AM, House Hearing Room 6.

Executive session will be held: HB 1418, HB 1619, HB 1907, HB 1919, HB 2026

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

FINANCIAL INSTITUTIONS

Wednesday, April 30, 2014, 12:00 PM, House Hearing Room 4.

Public hearing will be held: SB 794

Executive session will be held: SB 794

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

FISCAL REVIEW

Wednesday, April 30, 2014, 8:30 AM, House Hearing Room 2.

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

FISCAL REVIEW

Thursday, May 1, 2014, 8:30 AM, House Hearing Room 2.

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

GENERAL LAWS

Wednesday, April 30, 2014, Upon Evening Adjournment, House Hearing Room 3.

Public hearing will be held: SB 655, SB 696, SB 786, SCS SB 824, SCS SB 854, SB 869, SCS SB 873, SB 992

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

HEALTH CARE POLICY

Wednesday, April 30, 2014, Upon Morning Recess or Noon, whichever is later, House Hearing Room 6.

Executive session will be held: SB 660, SCR 32

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

HEALTH INSURANCE

Wednesday, April 30, 2014, 8:00 AM, House Hearing Room 4.

Public hearing will be held: SB 508

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

JUDICIARY

Wednesday, April 30, 2014, 12:00 PM or 15 minutes following Morning Recess, House Hearing Room 1.

Public hearing will be held: HR 380, HR 476, HR 923

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

LOCAL GOVERNMENT

Thursday, May 1, 2014, 8:00 AM, House Hearing Room 5.

Public hearing will be held: SCS SB 896, HB 2109

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

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 30, 2014, 12:00 PM, House Hearing Room 5.

Public hearing will be held: SCS SB 809, SB 717, SCS SB 704

Executive session will be held: SCS SB 809, SB 717, SCS SB 704

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

RETIREMENT

Thursday, May 1, 2014, 9:00 AM, House Hearing Room 1.

Public hearing will be held: HB 2105

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

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, April 30, 2014, 8:00 AM, House Hearing Room 5.

Public hearing will be held: SB 674

Executive session will be held: SB 674

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

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, April 30, 2014, 8:00 AM, House Hearing Room 1.

Public hearing will be held: SCR 33, SS SB 758

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

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Thursday, May 1, 2014, 8:30 AM, House Hearing Room 6.

Public hearing will be held: SS#2 SB 754

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

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, April 30, 2014, 12:00 PM or Upon Morning Recess, House Hearing Room 7.

Public hearing will be held: SCR 34

Executive session will be held: SCR 34

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

TOURISM AND NATURAL RESOURCES

Thursday, May 1, 2014, 8:00 AM, House Hearing Room 7.

Public hearing will be held: SCS SB 642, SCS SB 785

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

UTILITIES

Wednesday, April 30, 2014, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 1664, HB 1917, SB 734

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

HOUSE CALENDAR

SIXTIETH DAY, WEDNESDAY, APRIL 30, 2014

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 62 - Bahr
- 2 HJR 70 - Jones (50)
- 3 HCS HJR 75 - Burlison

HOUSE BILLS FOR PERFECTION

- 1 HB 1821 - Diehl
- 2 HB 1342 - Scharnhorst
- 3 HCS HB 1350 - Richardson
- 4 HCS HB 1116 - Hicks
- 5 HCS HB 1662 - Richardson
- 6 HB 1474 - Brattin
- 7 HCS HB 1967 - Koenig
- 8 HCS#2 HB 1153 - Pace
- 9 HB 1314 - Frederick
- 10 HCS HB 1484 - Korman
- 11 HB 1541 - Hubbard
- 12 HCS HB 1583 - Berry
- 13 HCS HB 1728 - Love
- 14 HB 2070 - Hough
- 15 HCS HB 2078 - Funderburk
- 16 HCS HB 2131 - Elmer
- 17 HCS HB 2141 - Diehl
- 18 HB 2155 - Scharnhorst
- 19 HCS HB 1054 - Barnes
- 20 HCS HB 1056 - Johnson
- 21 HCS HB 1183 - Gosen
- 22 HCS HB 1478 - Swan
- 23 HB 1486 - Fitzpatrick
- 24 HB 1543 - Hinson
- 25 HCS HB 1725 - Frederick

- 26 HCS HB 1743 - Funderburk
- 27 HCS HB 1935 - Austin
- 28 HCS HB 1949 - Thomson
- 29 HCS HB 1990 - Fitzwater
- 30 HB 1993 - Bernskoetter
- 31 HCS HB 2049 - Fitzpatrick
- 32 HB 2099 - Franklin
- 33 HB 1142 - Flanigan
- 34 HB 1152 - Pace
- 35 HCS HB 1200 - Burlison
- 36 HCS HB 1247 - Wood
- 37 HCS HBS 1258 & 1267 - Rowden
- 38 HCS HB 1448 - Cox
- 39 HB 1668 - Allen
- 40 HCS HB 1807 - Solon
- 41 HCS HB 1823 - Berry
- 42 HB 1976 - Spencer
- 43 HB 2053 - Curtman
- 44 HB 2219 - Peters
- 45 HB 1111 - Rowland
- 46 HCS HB 1488 - Bahr
- 47 HCS HB 1492 - Lichtenegger
- 48 HCS HB 1540 - Fitzwater
- 49 HB 1737 - Burlison
- 50 HCS HB 1842 - Frederick
- 51 HCS HB 2209 - Molendorp

HOUSE BILLS FOR THIRD READING

- 1 HB 1770 - Burlison
- 2 HCS HB 2118 - Cox
- 3 HB 2063, (Fiscal Review 4/23/14) - Wieland
- 4 HB 1792 - Fitzwater
- 5 HB 2077 - Stream
- 6 HCS HB 1898, (Fiscal Review 4/29/14) - Bahr

HOUSE BILLS FOR THIRD READING - CONSENT

HB 1568 - Frederick

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 8 - Richardson
- 2 HCR 16 - Guernsey
- 3 HCR 19 - Gannon
- 4 HCR 27 - May
- 5 HCR 22 - Wieland
- 6 HCR 48 - McGaugh

SENATE JOINT RESOLUTIONS FOR THIRD READING

- 1 SCS SJR 36 - Diehl
- 2 SCS SJR 27, (Fiscal Review 4/29/14) - Curtman

SENATE BILLS FOR THIRD READING

- 1 SB 652 - Funderburk
- 2 SCS SB 613 - Funderburk
- 3 SB 766 - Mitten
- 4 SCS SB 612 - Hoskins
- 5 SS SB 745, (Fiscal Review 4/23/14) - Jones (50)
- 6 HCS SCS SBs 493, 485, 495, 516, 534, 545, 595, 616, & 624, E.C. - Stream
- 7 SB 628, E.C. - Wilson
- 8 HCS SB 656, E.C. - Jones (50)
- 9 SB 701 - Thomson
- 10 HCS SCS SB 716 - Scharnhorst
- 11 SB 718 - Davis
- 12 HCS SCS SB 723 - Stream
- 13 HCS SCS SB 530 - Lichtenegger
- 14 HCS SCS SB 643 - Austin
- 15 HCS SB 662 - Koenig
- 16 HCS SCS SB 672, (Fiscal Review 4/28/14) - Jones (50)
- 17 SS SB 673 - Barnes
- 18 HCS SB 693, (Fiscal Review 4/28/14) - Jones (50)
- 19 HCS SCS SB 808 - Burlison
- 20 SB 812 - Jones (50)
- 21 HCS SB 614 - Cox
- 22 HCS SB 621, (Fiscal Review 4/29/14) - Cox
- 23 SCS SB 639 - Allen
- 24 SS SCS SB 706 - Cox
- 25 SB 719 - Wood
- 26 HCS SB 859, (Fiscal Review 4/29/14) - Jones (50)
- 27 SCS SB 892, (Fiscal Review 4/29/14) - Dugger

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HB 1968 - Gosen
- 2 SCS HCS HB 2002, as amended - Stream
- 3 SCS HCS HB 2003, as amended - Stream
- 4 SCS HCS HB 2004 - Stream
- 5 SCS HCS HB 2005 - Stream
- 6 SCS HCS HB 2006 - Stream
- 7 SCS HCS HB 2007 - Stream
- 8 SCS HCS HB 2008, as amended - Stream
- 9 SCS HCS HB 2009, as amended - Stream
- 10 SCS HCS HB 2010 - Stream
- 11 SS SCS HCS HB 2011 - Stream
- 12 SCS HCS HB 2012 - Stream
- 13 SCS HCS HB 2013 - Stream

BILLS CARRYING REQUEST MESSAGES

SS HB 1361, as amended (request Senate recede/grant conference) - Gosen

SENATE CONCURRENT RESOLUTIONS

- 1 SCR 29 - Richardson
- 2 SS SCR 36 - Lauer

HOUSE RESOLUTIONS

- 1 HR 1485 - Diehl
- 2 HR 1016 - Curtman