

JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

FIFTY-EIGHTH DAY, TUESDAY, APRIL 21, 2009

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Msgr. Donald W. Lammers.

Let us pray, first from *Psalms 126*:

Then they said among the nations,
"The Lord has done great things for them."
The Lord has done great things for us;
we are glad indeed. (*Psalms 126:2-3*)

Almighty God, the resources at our disposal ultimately are among the great things You have given us. We are entrusted to participate in their distribution. Help us to do so with the greatest sense of justice and right.

May the virtues enshrined in the decor of this House Chamber fall upon us and come alive in our work. Then by us our people will be served and You will be glorified.

To You be glory and honor forever. 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: Holly Loncarich, Cheyenne Loncarich, Kelly Jordan and Ashley Snyder.

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

SPECIAL RECOGNITION

Deputy Chief Don Zweifel, Lieutenant Gary Banderma, Firefighters Tim Schmuke, Joe Straatmann, Joe Van Leer and Brad Hamilton from the Union Fire Protection District and Captain Dan Cooley, Engineer Brad Whitworth and Firefighter Bill Walsh from the Saint Clair Fire Protection District were introduced by Representative Nieves and recognized as Outstanding Missourians.

SECOND READING OF SENATE BILL

SS SCS SB 376 was read the second time.

THIRD READING OF SENATE BILL

SCS SB 355, relating to a fee for the sale of a vehicle, was taken up by Representative Wasson.

On motion of Representative Wasson, **SCS SB 355** was truly agreed to and finally passed by the following vote:

AYES: 128

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Cox	Cunningham
Curls	Day	Deeken	Denison	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
El-Amin	Emery	Englund	Faith	Fisher 125
Flanigan	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Icet	Jones 89	Jones 117	Keeney	Kingery
Kirkton	Koenig	Kratky	Kraus	Lair
Lampe	Leara	LeBlanc	Liese	Loehner
McClanahan	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Pace
Parkinson	Parson	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Self	Shively
Silvey	Smith 14	Smith 150	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright
Yaeger	Zimmerman	Mr Speaker		

NOES: 028

Bringer	Burnett	Cooper	Davis	Dethrow
Ervin	Fallert	Fischer 107	Flook	Frame
Harris	Kander	Kelly	Komo	Kuessner
LeVota	Low	McDonald	Oxford	Pollock
Scavuzzo	Schupp	Skaggs	Stevenson	Still
Wildberger	Witte	Yates		

PRESENT: 000

ABSENT WITH LEAVE: 007

Jones 63	Largent	Lipke	Schaaf	Spreng
Viebrock	Zerr			

Speaker Pro Tem Pratt declared the bill passed.

Representative Nieves assumed the Chair.

PERFECTION OF HOUSE BILL

HB 156, relating to supplemental food stamp assistance, was taken up by Representative Nance.

On motion of Representative Nance, **HB 156** was ordered perfected and printed.

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HCS HB 2, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SS SCS HCS HB 2** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SS SCS HCS HB 3, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SS SCS HCS HB 3** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 4, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 4** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 5, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 5** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 6, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 6** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 7, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 7** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 8, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 8** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 9, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 9** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted by the following vote:

AYES: 091

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kelly	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Meiners
Molendorp	Munzlinger	Nance	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Rucker	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Wasson	Wells	Weter	Wildberger	Wilson 119
Wilson 130	Wood	Wright	Yates	Zerr
Mr Speaker				

NOES: 066

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Curls	El-Amin
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Kander	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows

Morris	Nasheed	Norr	Oxford	Pace
Quinn	Roorda	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Vogt
Walton Gray	Webb	Webber	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 006

Grisamore	Jones 63	Salva	Viebrock	Wallace
Walsh				

SCS HCS HB 10, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 10** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Representative Bringer made a substitute motion that the House refuse to adopt **SCS HCS HB 10** and request the Senate to recede from its position and, failing to do so, grant conference thereon and that the conferees be allowed to exceed the differences for the purpose of fully utilizing federal dollars to restore health care for Missouri’s children in HB 10, including but not limited to Sections 10.225 and 10.645.

Which motion was defeated by the following vote:

AYES: 073

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Curls	Dougherty
El-Amin	Englund	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeBlanc
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meadows	Meiners	Morris	Nasheed
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Vogt
Walsh	Walton Gray	Webb	Webber	Wildberger
Witte	Yaeger	Zimmerman		

NOES: 085

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus

Lair	Largent	Lipke	Loehner	McGhee
McNary	Munzlinger	Nance	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Tracy	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright	Yates	Zerr	Mr Speaker

PRESENT: 000

ABSENT WITH LEAVE: 005

Cox	Jones 63	Leara	Molendorp	Viebrock
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Representative Icet again moved that the House refuse to adopt **SCS HCS HB 10** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 11, relating to appropriations, was taken up by Representative Icet.

Speaker Richard assumed the Chair.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 11** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HCS HB 12, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HCS HB 12** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HB 13, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that the House refuse to adopt **SCS HB 13** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

On motion of Representative Tilley, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HB 2** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HB 3** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 4** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 5** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 6** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 7** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 8** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 9** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 10** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 11** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 12** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 13** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 382**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 395**, entitled:

An act to repeal sections 198.074, 198.075, 198.096, 198.525, 198.527, and 208.819, RSMo, and to enact in lieu thereof ten new sections relating to long-term care facilities.

With Senate Amendment No. 1 and Senate Amendment No. 2.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 395, Page 15, Section 208.016, Line 16, by inserting immediately after said line the following:

"208.437. 1. A Medicaid managed care organization reimbursement allowance period as provided in sections 208.431 to 208.437 shall be from the first day of July to the thirtieth day of June. The department shall notify each Medicaid managed care organization with a balance due on the thirtieth day of June of each year the amount of such balance due. If any managed care organization fails to pay its managed care organization reimbursement allowance within thirty days of such notice, the reimbursement allowance shall be delinquent. The reimbursement allowance may remain unpaid during an appeal.

2. Except as otherwise provided in this section, if any reimbursement allowance imposed under the provisions of sections 208.431 to 208.437 is unpaid and delinquent, the department of social services may compel the payment of such reimbursement allowance in the circuit court having jurisdiction in the county where the main offices of the Medicaid managed care organization are located. In addition, the director of the department of social services or the director's designee may cancel or refuse to issue, extend or reinstate a Medicaid contract agreement to any Medicaid managed care organization which fails to pay such delinquent reimbursement allowance required by sections 208.431 to 208.437 unless under appeal.

3. Except as otherwise provided in this section, failure to pay a delinquent reimbursement allowance imposed under sections 208.431 to 208.437 shall be grounds for denial, suspension or revocation of a license granted by the department of insurance, financial institutions and professional registration. The director of the department of insurance, financial institutions and professional registration may deny, suspend or revoke the license of a Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) which fails to pay a managed care organization's delinquent reimbursement allowance unless under appeal.

4. Nothing in sections 208.431 to 208.437 shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) granted by state law.

5. Sections 208.431 to 208.437 shall expire on [June] **September 30, [2009] 2011**.

208.480. Notwithstanding the provisions of section 208.471 to the contrary, sections 208.453 to 208.480 shall expire on September 30, [2009] **2011**."; and

Further amend said bill, Page 16, Section 208.819, Line 28, by inserting immediately after said line the following:

"338.535. 1. The pharmacy tax owed or, if an offset has been made, the balance after such offset, if any, shall be remitted by the pharmacy **or the pharmacy's designee** to the department of social services. The remittance shall be made payable to the director of the department of revenue and shall be deposited in the state treasury to the credit of the "Pharmacy Reimbursement Allowance Fund" which is hereby created to provide payments for services related to the Medicaid pharmacy program. All investment earnings of the fund shall be credited to the fund.

2. An offset authorized by section 338.530 or a payment to the pharmacy reimbursement allowance fund shall be accepted as payment of the obligation set forth in section 338.500.

3. The state treasurer shall maintain records showing the amount of money in the pharmacy reimbursement allowance fund at any time and the amount of investment earnings on such amount.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the pharmacy reimbursement allowance fund at the end of the biennium shall not revert to the credit of the general revenue fund.

338.550. 1. The pharmacy tax required by sections 338.500 to 338.550 shall expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee as appropriated by the general assembly paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement as appropriated by the general assembly for products dispensed by pharmacies is changed resulting in lower reimbursement to the pharmacist in the aggregate than provided in fiscal year 2003; or

(3) [June] **September 30, [2009] 2011.**

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection. The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

2. Sections 338.500 to 338.550 shall expire on [June] **September 30, [2009] 2011.**

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

(1) "Engaging in the business of providing health benefit services", accepting payment for health benefit services;

(2) "Intermediate care facility for the mentally retarded", a private or department of mental health facility which admits persons who are mentally retarded or developmentally disabled for residential habilitation and other services pursuant to chapter 630, RSMo. Such term shall include habilitation centers and private or public intermediate care facilities for the mentally retarded that have been certified to meet the conditions of participation under 42 CFR, Section 483, Subpart 1;

(3) "Net operating revenues from providing services of intermediate care facilities for the mentally retarded" shall include, without limitation, all moneys received on account of such services pursuant to rates of reimbursement established and paid by the department of social services, but shall not include charitable contributions, grants, donations, bequests and income from nonservice related fund-raising activities and government deficit financing, contractual allowance, discounts or bad debt;

(4) "Services of intermediate care facilities for the mentally retarded" has the same meaning as the term used in Title 42 United States Code, Section 1396b(w)(7)(A)(iv), as amended, and as such qualifies as a class of health care services recognized in federal Public Law 102-234, the Medicaid Voluntary Contribution and Provider Specific Tax Amendment of 1991.

2. Beginning July 1, 2008, each provider of services of intermediate care facilities for the mentally retarded shall, in addition to all other fees and taxes now required or paid, pay assessments on their net operating revenues for the privilege of engaging in the business of providing services of the intermediate care facilities for the mentally retarded or developmentally disabled in this state.

3. Each facility's assessment shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. For purposes of determining rates of payment under the medical assistance program for providers of services of intermediate care facilities for the mentally retarded, the assessment imposed pursuant to this section on net operating

revenues shall be a reimbursable cost to be reflected as timely as practicable in rates of payment applicable within the assessment period, contingent, for payments by governmental agencies, on all federal approvals necessary by federal law and regulation for federal financial participation in payments made for beneficiaries eligible for medical assistance under Title XIX of the federal Social Security Act.

5. Assessments shall be submitted by or on behalf of each provider of services of intermediate care facilities for the mentally retarded on a monthly basis to the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the assessment payment owed for any month.

7. Assessment payments shall be deposited in the state treasury to the credit of the "Intermediate Care Facility Mentally Retarded Reimbursement Allowance Fund", which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the intermediate care facility mentally retarded reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Each provider of services of intermediate care facilities for the mentally retarded shall keep such records as may be necessary to determine the amount of the assessment for which it is liable under this section. On or before the forty-fifth day after the end of each month commencing July 1, 2008, each provider of services of intermediate care facilities for the mentally retarded shall submit to the department of social services a report on a cash basis that reflects such information as is necessary to determine the amount of the assessment payable for that month.

9. Every provider of services of intermediate care facilities for the mentally retarded shall submit a certified annual report of net operating revenues from the furnishing of services of intermediate care facilities for the mentally retarded. The reports shall be in such form as may be prescribed by rule by the director of the department of mental health. Final payments of the assessment for each year shall be due for all providers of services of intermediate care facilities for the mentally retarded upon the due date for submission of the certified annual report.

10. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed pursuant to the provisions of this section.

11. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying assessments required under this section, the director of the department of social services shall withhold, and shall remit to the director of the department of revenue, an assessment amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

12. In the event a provider objects to the estimate described in subsection 11 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the assessment determination and a final decision by the director of the department of mental health, an intermediate care facility for the mentally retarded provider's appeal of the director's final decision shall be to the administrative hearing commission in accordance with sections 208.156 and 621.055, RSMo.

13. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the facility is located. The circuit court shall hear the matter as the court of original jurisdiction.

14. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any intermediate care facility for the mentally retarded granted by state law.

15. The director of the department of mental health shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, 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, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

16. The provisions of this section shall expire on [June] **September** 30, [2009] **2011**."; and

Further amend said bill, Page 18, Section 1, Line 3, by inserting immediately after said line the following:

"Section B. Because of the need for continued imposition and collection of certain provider taxes, the repeal and reenactment of sections 208.437, 208.480, 338.535, 338.550, and 633.401, RSMo, of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 208.437, 208.480, 338.535, 338.550, and 633.401, RSMo, of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 395, Page 15, Section 208.016, Line 16, by inserting after all of said line the following:

"208.212. 1. For purposes of MO HealthNet eligibility, the stream of income from investment in annuities shall be excluded as an available resource for those annuities that:

- (1) Are actuarially sound as measured against the Social Security Administration Life Expectancy Tables, as amended;
- (2) Provide equal or nearly equal payments for the duration of the device and which exclude balloon-style final payments;
- (3) Provide the state of Missouri secondary or contingent beneficiary status ensuring payment if the individual predeceases the duration of the annuity, in an amount equal to the MO HealthNet expenditure made by the state on the individual's behalf; and
- (4) Name and pay the MO HealthNet claimant as the primary beneficiary.

For purposes of this section, the primary beneficiary and the annuitant shall not be the same individual.

2. The department shall establish a sixty month look-back period to review any investment in an annuity by an applicant for MO HealthNet benefits. If an investment in an annuity is determined by the department to have been made in anticipation of obtaining or with an intent to obtain eligibility for MO HealthNet benefits, the department shall have available all remedies and sanctions permitted under federal and state law regarding such investment. The fact that an investment in an annuity which occurred prior to August 28, 2005, does not meet the criteria established in subsection 1 of this section shall not automatically result in a disallowance of such investment.

3. The department of social services shall promulgate rules to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, 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, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

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 **HB 747**.

PERFECTION OF HOUSE BILLS

HCS HB 426, relating to the Large Carnivore Act, was taken up by Representative Sutherland.

Speaker Richard resumed the Chair.

On motion of Representative Sutherland, **HCS HB 426** was adopted.

On motion of Representative Sutherland, **HCS HB 426** was ordered perfected and printed.

HCS HB 384, relating to criminal offenses and procedures, was taken up by Representative Keeney.

Speaker Pro Tem Pratt resumed the Chair.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 384, Section 210.1012, Page 2, Line 30, by inserting immediately after all of said section and line the following:

"211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall have exclusive original jurisdiction in proceedings:

(1) Involving any child or person seventeen years of age who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child or person seventeen years of age, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child or person seventeen years of age shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child or person seventeen years of age is otherwise without proper care, custody or support; or

(c) The child or person seventeen years of age was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130, RSMo;

(d) The child or person seventeen years of age is a child in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; or

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; or

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification; or

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, and except that the juvenile court shall have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent jurisdiction with the circuit court on any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child or person seventeen years of age to the guardianship of the department of social services as provided by law.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person seventeen years of age who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child or person seventeen years of age may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence or the residence of the person seventeen years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age, or the county in which the offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child or person seventeen years of age under the supervision of another juvenile court within or without the state pursuant to section 210.570, RSMo, with the consent of the receiving court;

(5) Upon motion of any child or person seventeen years of age or his or her parent, the court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court Rules;

(6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or person seventeen years of age, certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child or person seventeen years of age taken into custody in a county other than the county of the child's residence or the residence of a person seventeen years of age, the juvenile court of the county of the child's residence or the residence of a person seventeen years of age shall be notified of such taking into custody within seventy-two hours.

4. When an investigation by a juvenile officer pursuant to this section reveals that the only basis for action involves an alleged violation of section 167.031, RSMo, involving a child who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child to verify that the child is being home schooled and not in violation of section 167.031, RSMo, before making a report of such a violation. Any report of a violation of section 167.031, RSMo, made by a juvenile officer regarding a child who is being home schooled shall be made to the prosecuting attorney of the county where the child legally resides."; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 384, Section 192.925, Page 2, Line 18, by inserting after all of said section and line the following:

"195.202. 1. Except as authorized by sections 195.005 to 195.425, it is unlawful for any person to possess or have under his control a controlled substance.

2. **Except as provided in subsection 4 of this section**, any person who violates this section with respect to any controlled substance except thirty-five grams or less of marijuana is guilty of a class C felony.

3. Any person who violates this section with respect to not more than thirty-five grams of marijuana is guilty of a class A misdemeanor.

4. **Any person who violates subsection 2 of this section in the presence of a person less than seventeen years of age or in a residence where a person less than seventeen years of age resides is guilty of a class B felony.**

568.045. 1. A person commits the crime of endangering the welfare of a child in the first degree if:

(1) The person knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years old; or

(2) The person knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) The person knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

(4) Such person enlists the aid, either through payment or coercion, of a person less than seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport, test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any material used to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues; or

(5) Such person, in the presence of a person less than seventeen years of age or in a residence where a person less than seventeen years of age resides, unlawfully manufactures, or attempts to manufacture compounds, **possesses**, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.

2. Endangering the welfare of a child in the first degree is a class C felony unless the offense is committed as part of a ritual or ceremony, or except on a second or subsequent offense, in which case the crime is a class B felony.

3. **This section shall be known as "Hope's Law".**; and

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

Representative Ictet assumed the Chair.

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

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 384, Section 192.925, Page 2, Line 18, by inserting immediately after all of said section and line the following:

"195.202. 1. Except as authorized by sections 195.005 to 195.425, it is unlawful for any person to possess or have under his **or her** control a controlled substance.

2. Any person who violates this section with respect to any controlled substance except thirty-five grams or less of marijuana is guilty of a class C felony.

3. Any person who violates this section with respect to not more than thirty-five grams of marijuana is guilty of a class A misdemeanor **and as part of their punishment shall be required to perform ten hours of community service for a first offense and twenty-five of community service for a second or subsequent offense, except in the case of extraordinary circumstances, in which case the judge shall detail such circumstances in the record.**"; and

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

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

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for House Bill No. 384, Page 1, Line 10, by inserting immediately after the word "**twenty-five**" the word "**hours**"; and

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

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

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

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 384, Section 566.266, Page 5, Line 12, by inserting immediately after all of said section and line the following:

"589.425. 1. A person commits the crime of failing to register as a sex offender when the person is required to register under sections 589.400 to 589.425 and fails to comply with any requirement of sections 589.400 to 589.425. Failing to register as a sex offender is a class D felony unless the person is required to register based on having committed an offense in chapter 566, RSMo, which was an unclassified felony, a class A or B felony, or a felony involving a child under the age of fourteen, in which case it is a class C felony.

2. A person commits the crime of failing to register as a sex offender as a second offense by failing to comply with any requirement of sections 589.400 to 589.425 and he or she has previously pled guilty to or has previously been found guilty of failing to register as a sex offender. Failing to register as a sex offender as a second offense is a class D felony unless the person is required to register based on having committed an offense in chapter 566, RSMo, **or an offense in any other state or foreign country, or under federal, tribal, or military jurisdiction, which if committed in this state would be an offense under chapter 566, RSMo**, which was an unclassified felony, a class A or B felony, or a felony involving a child under the age of fourteen, in which case it is a class C felony.

3. **(1)** A person commits the crime of failing to register as a sex offender as a third offense by failing to meet the requirements of sections 589.400 to 589.425 and he or she has, on two or more occasions, previously pled guilty to or has previously been found guilty of failing to register as a sex offender. Failing to register as a sex offender as a third offense is a felony which shall be punished by a term of imprisonment of not less than ten years and not more than thirty years.

~~[(1)]~~ **(2)** No court may suspend the imposition or execution of sentence of a person who pleads guilty to or is found guilty of failing to register as a sex offender as a third offense. No court may sentence such person to pay a fine in lieu of a term of imprisonment.

~~[(2)]~~ **(3)** A person sentenced under this subsection shall not be eligible for conditional release or parole until he or she has served at least two years of imprisonment.

~~[(3)]~~ **(4)** Upon release, an offender who has committed failing to register as a sex offender as a third offense shall be electronically monitored as a mandatory condition of supervision. Electronic monitoring may be based on a global positioning system or any other technology which identifies and records the offender's location at all times."; and

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

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

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 384, Page 5, Section 550.040, Line 5, by inserting immediately after said line the following:

- "565.020. 1. **This section shall be known and may be cited as "Erica and Zayquon's Law".**
2. A person commits the crime of murder in the first degree if [he] **such person:**
- (1) Knowingly causes the death of another person after deliberation upon the matter[.
 - 2.]; **or**
 - (2) **Knowingly causes the death of a child and a heinous element is involved in the commission of the crime. For purposes of this subsection, a "heinous element" includes:**
 - (a) **Torturing the victim;**
 - (b) **Intentionally inflicting great bodily harm upon the victim;**
 - (c) **Intentionally mutilating the victim;**
 - (d) **Exposing the victim to extreme inhumane conditions;**
 - (e) **Being armed with a dangerous weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon and such weapon or article is used or threatened to be used to cause the victim to submit;**
 - (f) **The offense involves sexual penetration or sexual contact with the victim; or**
 - (g) **Moving the victim from one location to another.**
3. **As used in this section "child" means any person under eighteen years of age.**
4. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached his **or her** sixteenth birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor."; and

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

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

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

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 384, Page 5, Section 566.226, Line 12, by inserting after all of said section the following:

- "570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.
2. Evidence of the following is admissible in any criminal prosecution pursuant to this section on the issue of the requisite knowledge or belief of the alleged stealer:
- (1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;
 - (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;
 - (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;
 - (4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse;
 - (5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal price code label, or possesses with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.
3. Notwithstanding any other provision of law, any offense in which the value of property or services is an element is a class C felony if:

- (1) The value of the property or services appropriated is five hundred dollars or more but less than twenty-five thousand dollars; or
- (2) The actor physically takes the property appropriated from the person of the victim; or
- (3) The property appropriated consists of:
 - (a) Any motor vehicle, watercraft or aircraft; or
 - (b) Any will or unrecorded deed affecting real property; or
 - (c) Any credit card or letter of credit; or
 - (d) Any firearms; or
 - (e) **Any explosive weapon as defined in section 571.010, RSMo; or**
 - (f) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or
 - [(f)] (g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or
 - [(g)] (h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or
 - [(h)] (i) Any book of registration or list of voters required by chapter 115, RSMo; or
 - [(i)] (j) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
 - [(j)] (k) Live fish raised for commercial sale with a value of seventy-five dollars; or
 - [(k)] (l) Any controlled substance as defined by section 195.010, RSMo; or
 - [(l)] (m) Anhydrous ammonia;
 - [(m)] (n) Ammonium nitrate; or
 - [(n)] (o) Any document of historical significance which has fair market value of five hundred dollars or more.
4. If an actor appropriates any material with a value less than five hundred dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.
5. The theft of any item of property or services pursuant to subsection 3 of this section which exceeds five hundred dollars may be considered a separate felony and may be charged in separate counts.
6. Any person with a prior conviction of paragraph [(i)] (j) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph [(i)] (j) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.
7. Any offense in which the value of property or services is an element is a class B felony if the value of the property or services equals or exceeds twenty-five thousand dollars.
8. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

570.080. 1. A person commits the crime of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he or she receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

2. Evidence of the following is admissible in any criminal prosecution pursuant to this section to prove the requisite knowledge or belief of the alleged receiver:

- (1) That he or she was found in possession or control of other property stolen on separate occasions from two or more persons;
- (2) That he or she received other stolen property in another transaction within the year preceding the transaction charged;
- (3) That he or she acquired the stolen property for a consideration which he or she knew was far below its reasonable value;
- (4) That he or she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen.

3. Receiving stolen property is a class A misdemeanor unless the property involved has a value of five hundred dollars or more, or the person receiving the property is a dealer in goods of the type in question, **or the property involved is a firearm or explosive weapon as those terms are defined in section 571.010, RSMo**, in which cases receiving stolen property is a class C felony."; and

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

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

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

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 384, Page 5, Section 550.040, Line 5, by inserting after all of said line the following:

- "566.145. 1. A person commits the crime of sexual contact with a prisoner or offender if:
- (1) Such person is an employee of, or assigned to work in, any jail, prison or correctional facility and such person has sexual intercourse or deviate sexual intercourse with a prisoner or **an offender who is confined in or being transported to a jail, prison, or correctional facility**; or
 - (2) Such person is a probation and parole officer and has sexual intercourse or deviate sexual intercourse with an offender who is under the direct supervision of the officer.
2. For the purposes of this section the following terms shall mean:
- (1) "Offender", includes any person in the custody of a prison or correctional facility and any person who is under the supervision of the state board of probation and parole;
 - (2) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or after disposition of a charge.
3. Sexual contact with a prisoner or offender is a class D felony.
 4. Consent of a prisoner or offender is not an affirmative defense."; and

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

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

Representative Still offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for House Bill No. 384, Page 5, Section 566.226, Line 12, by inserting after said line the following:

- "568.045. 1. **This law shall be called and may be cited as "Karra's and Jocelyn's Law"**.
2. A person commits the crime of endangering the welfare of a child in the first degree if:
 - (1) The person knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years old; or
 - (2) The person knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;
 - (3) The person knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 195, RSMo;
 - (4) Such person enlists the aid, either through payment or coercion, of a person less than seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport, test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any material used to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues; or
 - (5) Such person, in the presence of a person less than seventeen years of age or in a residence where a person less than seventeen years of age resides, unlawfully manufactures, or attempts to manufacture compounds, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.
- [2.] **3. Except as provided in subsection 4 of this section**
endangering the welfare of a child in the first degree is a class C felony unless the offense is committed as part of a ritual or ceremony, or except on a second or subsequent offense, in which case the crime is a class B felony.
4. **Endangering the welfare of a child in the first degree when committed under subdivision (1) of subsection 2 of this section, and when the manner in which such person acts to create a substantial risk to the life,**

body, or health of a child is by shaking a child under the age of five by the arms, legs, chest, or shoulders, is a felony for which the authorized term of imprisonment is any term of years but not less than fifteen years."; and

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

On motion of Representative Still, **House Amendment No. 8** was adopted.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 083

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Emery	Ervin
Faith	Fisher 125	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 121	Icey	Jones 89	Jones 117	Keeney
Kingery	Koenig	Kraus	Lair	Largent
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nieves	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright
Yates	Zerr	Mr Speaker		

NOES: 070

Atkins	Aull	Biermann	Bringer	Brown 73
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Corcoran	Curls	Dougherty	El-Amin
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meadows	Morris	Nasheed	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Walsh	Walton Gray	Webb
Webber	Wildberger	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 010

Brown 50	Dugger	Dusenberg	Flanigan	Holsman
Leara	Meiners	Nolte	Schaaf	Vogt

On motion of Representative Keeney, **HCS HB 384, as amended**, was adopted.

On motion of Representative Keeney, **HCS HB 384, as amended**, was ordered perfected and printed.

HCS HB 577, relating to captive insurance companies, was taken up by Representative Yates.

On motion of Representative Yates, **HCS HB 577** was adopted.

On motion of Representative Yates, **HCS HB 577** was ordered perfected and printed.

HCS HB 316, relating to the open meetings and records law, was taken up by Representative Jones (89).

Representative Jones (89) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 316, Section 610.010, Page 15, Line 53, by inserting after the phrase "public tax revenues;" the following:

"or any Missouri high school athletic association that receives public funding through dues paid by a public governmental body or its members;"; and

Further amend House Committee Substitute for House Bill No. 316, Section 610.020, Page 17, Lines 47 and 48, by removing all of said lines from the bill and inserting in lieu thereof the following:

"individual member of the public governmental body. Minutes shall reflect a summary of the discussions occurring during any closed meeting, but nothing in this subsection shall require the disclosure of records or votes that are properly closed pursuant to section 610.021."; and

Further amend said section, Page 17, Lines 49 through 61, by removing all of said lines from the bill and inserting in lieu thereof the following:

"8. Notwithstanding other provisions of this section to the contrary, for any public meeting addressing issues regarding a fee or tax increase, eminent domain, zoning, transportation development districts, capital improvement districts, commercial improvement districts, or tax increment financing, the governing body of any county, city, town, or village, or any entity created by such county, city, town, or village, shall give notice conforming with all the requirements of subsection 1 of this section at least five days before such entity may vote to address such issues, exclusive of weekends and holidays when the facility is closed. Each public meeting described in this subsection shall include a period of time in which the members of the public may offer comments on matters of the public business of the entity holding the meeting. Public comment shall be taken after the proponents of the proposal have made their presentation. If the notice required under this subsection is not properly given, any discussion of such issues shall be postponed, and no vote on such issues shall be held for at least twenty days after the public meeting for which notice under this subsection should have been provided. An entity may discuss and vote on any issue if proper notice has been provided pursuant to this subsection. For the purpose of this subsection, a tax increase shall not include the setting of the annual tax rates provided for under sections 67.110 and 137.055, RSMo."; and

Further amend Section 610.021, Page 18, Line 23, by deleting from said line the phrase "**although not yet**" and inserting in lieu thereof the phrase:

"regardless of whether the lawsuit has been"; and

Further amend said section, Page 18, Line 25, by deleting from said line the phrase "**, or that a substantial likelihood exists that litigation may occur**" and inserting in lieu thereof the phrase:

"and the body agrees that such demands will not be met or are unlikely to be met, or the body agrees that a substantial likelihood exists that litigation may occur"; and

Further amend said section, Page 21, Line 117, by inserting after the phrase "public governmental body" on said section and line the following:

"(22) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contain sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business; except the name of the individual, corporation, or other business entity and the amount of any public funding provided to such individual, corporation, or other business entity by the public institution of higher education shall be deemed as records open for public inspection"; and

Further amend said bill, Section 610.022, Page 21, Line 17, by inserting after the phrase "**needed by**" on said line the phrase "**or requested by**"; and

Further amend said bill, Section 610.027, Page 23, Lines 13 through 17, by enclosing all of said lines in brackets and inserting after all of said lines the following:

"2. In any legal proceeding, there shall be a presumption that a meeting, record, or vote is open to the public. The burden shall be on a public governmental body or a member of a public governmental body to prove that such meeting, record, or vote may be closed to the public."; and

Further amend said section, Page 23, Line 19, by removing the brackets enclosing the word "knowingly" on said line; and

Further amend said section, Page 23, Line 21, by removing all of said line from the bill and inserting in lieu thereof the following:

"amount [up to] of one thousand dollars. If the court finds that there is a knowing"; and

Further amend said section, Page 23, Line 24, by inserting after the phrase "violation." on said line the following: "**[**"; and

Further amend said section, Page 23, Line 26, by inserting after the phrase "610.026 previously." the following:

"]"; and

Further amend said bill, Section 610.029, Page 24, Lines 4 and 5, by removing from the bill the phrase:

"usable electronic [formats to the greatest extent feasible] format" and inserting in lieu thereof the phrase:

"format easily accessed and managed by programs commonly available to the public [usable electronic formats to the greatest extent feasible]"; and

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

Representative Nieves resumed the Chair.

On motion of Representative Jones (89), **House Amendment No. 1** was adopted.

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

Representative Roorda raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

Representative Nieves requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 316, Section 610.010, Page 14, Line 12, by inserting after all of said line the following:

"Any public official, statewide elected official, or employee of the state or its agencies when such persons are serving in their official capacities and using state-funded equipment for their official communications."; and

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

Representative Zimmerman moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 079

Atkins	Aull	Biermann	Bringer	Brown 30
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Curls	Dixon
Dusenberg	El-Amin	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Hoskins 121	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kraus
Kuessner	Lampe	Largent	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meadows	Meiners	Morris	Nasheed	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Silvey	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Walsh
Walton Gray	Webb	Webber	Wildberger	Witte
Wood	Yaeger	Yates	Zimmerman	

NOES: 081

Allen	Bivins	Brandom	Brown 149	Bruns
Burlison	Cooper	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dougherty	Dugger	Emery	Ervin
Faith	Fisher 125	Flanigan	Flook	Franz

Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 80	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Lair	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schoeller	Self	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wright	Zerr

Mr Speaker

PRESENT: 000

ABSENT WITH LEAVE: 003

Brown 50 Leara Vogt

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 316, Page 21, Section 610.021, Line 117, by inserting at the end of said line the following:

”; and

(22) Records and documents of and pertaining to internal investigations by a law enforcement agency into matters of fitness and conduct of a law enforcement officer employed by such investigating law enforcement agency used solely in connection with matters relating to the employment of such law enforcement officer, and records and documents pertaining to any determinations or actions relating to an officer’s employment status taken in connection with or following such investigations. However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports or other documents covered under section 610.100 shall apply.”; and

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

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

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 316, Page 25, Section 610.029, Line 28, by inserting after all of said section the following:

“610.040. 1. Each elected or appointed public official who is a member of a public governmental body subject to this chapter shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the public governmental body and its members concerning open meetings laws not later than the ninetieth day after the date the member:

(1) Takes the oath of office, if the member is required to take an oath of office to assume the person's duties as a member of the public governmental body; or

(2) Otherwise assumes responsibilities as a member of the public governmental body, if the member is not required to take an oath of office to assume the person's duties as a member of the public governmental body.

2. The attorney general shall ensure that the training is made available. The office of the attorney general may provide the training and may also approve any acceptable course of training offered by a public governmental body or other entity. The attorney general shall ensure that at least one course of training approved or provided by the attorney general is available on videotape or a functionally similar and widely available medium at no cost. The training must include:

- (1) The general background of the legal requirements for open meetings;
- (2) The applicability of this chapter to public governmental bodies;
- (3) Procedures and requirements regarding quorums, notice, and record keeping under this chapter;
- (4) Procedures and requirements for holding an open meeting and for holding a closed meeting under this chapter;
- (5) Procedures for retaining e-mails, memos, and other office communications; and
- (6) Penalties and other consequences for failure to comply with this chapter.

3. The office of the attorney general or other entity providing the training shall provide a certificate of course completion to persons who complete the training required by this section. A public governmental body shall maintain and make available for public inspection the record of its members' completion of the training.

4. Completing the required training as a member of the public governmental body satisfies the requirements of this section with regard to the member's service on a committee or subcommittee of the public governmental body and the member's ex-officio service on any other public governmental body.

5. The training required by this section may be used to satisfy any corresponding training requirements concerning this chapter or open meetings required by law for the members of a public governmental body. The attorney general shall attempt to coordinate the training required by this section with training required by other law to the extent practicable.

6. The failure of one or more members of a public governmental body to complete the training required by this section does not affect the validity of an action taken by the public governmental body.

7. A certificate of course completion is admissible as evidence in a criminal prosecution under this chapter. However, evidence that a defendant completed a course of training offered under this section is not prima facie evidence that the defendant knowingly violated this chapter.

610.045. 1. This section applies to an elected or appointed public official who is:

- (1) A member of a multimember public governmental body;
- (2) The governing officer of a public governmental body that is headed by a single officer rather than by a multimember public governmental body; or
- (3) The officer for public information of a public governmental body, without regard to whether the officer is elected or appointed to a specific term.

2. Each public official shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the public governmental body with which the official serves and its officers and employees concerning open records and public information laws not later than the ninetieth day after the date the public official:

- (1) Takes the oath of office, if the person is required to take an oath of office to assume the person's duties as a public official; or
- (2) Otherwise assumes the person's duties as a public official, if the person is not required to take an oath of office to assume the person's duties.

3. A public official may designate a public information coordinator to satisfy the training requirements of this section for the public official if the public information coordinator is primarily responsible for administering the responsibilities of the public official or public governmental body under this chapter. Designation of a public information coordinator under this subsection does not relieve a public official from the duty to comply with any other requirement of this chapter that applies to the public official. The designated public information coordinator shall complete the training course regarding the responsibilities of the public governmental body with which the coordinator serves and of its officers and employees under this chapter not later than the ninetieth day after the date the coordinator assumes the person's duties as coordinator.

4. The attorney general shall ensure that the training is made available. The office of the attorney general may provide the training and may also approve any acceptable course of training offered by a public governmental body or other entity. The attorney general shall ensure that at least one course of training approved or provided by the attorney general is available on videotape or a functionally similar and widely available medium at no cost. The training must include instruction in:

- (1) The general background of the legal requirements for open records and public information;

- (2) The applicability of this chapter to public governmental bodies;
- (3) Procedures and requirements regarding complying with a request for information under this chapter;
- (4) The role of the attorney general under this chapter;
- (5) Procedures for retaining e-mails, memos, and other office communications; and
- (6) Penalties and other consequences for failure to comply with this chapter.

5. The office of the attorney general or other entity providing the training shall provide a certificate of course completion to persons who complete the training required by this section. A public governmental body shall maintain and make available for public inspection the record of its public officials or, if applicable, the public information coordinator's completion of the training.

6. Completing the required training as a public official of the public governmental body satisfies the requirements of this section with regard to the public official's service on a committee or a subcommittee of the public governmental body and the public official's ex-officio service on any other public governmental body.

7. The training required by this section may be used to satisfy any corresponding training requirements concerning this chapter or open records required by law for a public official or public information coordinator. The attorney general shall attempt to coordinate the training required by this section with training required by other law to the extent practicable.

8. A certificate of course completion is admissible as evidence in a criminal prosecution under this chapter. However, evidence that a defendant completed a course of training offered under this section is not prima facie evidence that the defendant knowingly violated this chapter.

610.050. Each elected or appointed public official who is a member of a public governmental body subject to sections 610.040 and 610.045 and who has taken the oath of office or otherwise assumed the person's responsibilities before January 1, 2009, must complete the course of training required by sections 610.040 and 610.045 before January 1, 2010."; and

Further amend said bill, Page 27, Section 610.100, Line 87, by inserting after all of said section the following:

"Section B. The enactment of sections 610.040, 610.045, and 610.050, RSMo, of section A of this act shall become effective on January 1, 2009."; and

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

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

On motion of Representative Jones (89), **HCS HB 316, as amended**, was adopted.

On motion of Representative Jones (89), **HCS HB 316, as amended**, was ordered perfected and printed.

PERFECTION OF HOUSE JOINT RESOLUTION

HJR 15, relating to a tax exemption for prisoners of war, was taken up by Representative Chappelle-Nadal.

On motion of Representative Chappelle-Nadal, **HJR 15** was ordered perfected and printed.

PERFECTION OF HOUSE BILL

HCS HB 390, relating to unauthorized aliens, was taken up by Representative Nolte.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 390, Section 208.009, Page 4, Line 11, by inserting after the phrase "**section 173.1110, RSMo, or**" the phrase:

"contracts or agreements between public utility providers and their customers or"; and

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

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

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

Representative Parkinson raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

Representative Nieves requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 390, Page 1, Section 172.360, Line 8, by inserting at the end of said line the following:

"A student who is classified as unlawfully present in the United States may be eligible for enrollment in a state college or university provided the student graduates from and has been enrolled in a public school in the state for the five consecutive years immediately preceding the application for admission to the college or university and providing that the college or university verifies that admission of the unlawfully present student will not deny admission of any student who is eligible for admission and is lawfully present in the United States."; and

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

HCS HB 390, as amended, with House Amendment No. 3, pending, was laid over.

On motion of Representative Tilley, the House recessed until 8:00 p.m.

EVENING SESSION

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2075 through House Resolution No. 2121

PERFECTION OF HOUSE BILLS

HCS HB 390, as amended, with House Amendment No. 3, pending, relating to unauthorized aliens, was again taken up by Representative Nolte.

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

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

AMEND House Amendment No. 3 to House Committee Substitute for House Bill No. 390, Page 1, Line 5, by inserting "**or private**" after "**public**"; and

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

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

Representative Aull moved that **House Amendment No. 3, as amended**, be adopted.

Which motion was defeated.

On motion of Representative Nolte, **HCS HB 390, as amended**, was adopted.

On motion of Representative Nolte, **HCS HB 390, as amended**, was ordered perfected and printed.

HCS HB 883, relating to investments by the State Treasurer, was taken up by Representative Flook.

On motion of Representative Flook, **HCS HB 883** was adopted.

On motion of Representative Flook, **HCS HB 883** was ordered perfected and printed.

HCS HBs 978 & 1028, relating to energy and the environment, was taken up by Representative Bivins.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 978 & 1028, Section 135.663, Page 15, Line 71, by inserting after all of said line the following:

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

(1) "Made in America", manufactured or produced within the United States of America or, if premanufactured, having a fair market value at least seventy percent of which results from domestic labor and materials;

(2) "Storm shelter", an above-ground safe room or an in-ground shelter in or near the taxpayer's primary residence that protects from injury or death caused by dangerous and extreme windstorms, that is in compliance with the requirements established in the Federal Emergency Management Agency's Publication 320 or its successor publication in effect at the time the storm shelter was completed, and that is made in America;

(3) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

(4) "Taxpayer", any individual subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.

2. For all taxable years beginning on or after January 1, 2009, a taxpayer shall be allowed a tax credit for the costs incurred in building a storm shelter on or after January 1, 2003. The tax credit amount shall be equal to the lesser of one thousand five hundred dollars or fifty percent of the incurred costs. The amount of the tax credit issued shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed. No amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall be refundable, nor shall any tax credit granted under this section be transferred, sold, or assigned. No taxpayer shall be issued a tax credit more than once under this section.

3. The aggregate amount of tax credits which may be issued under this section in any one fiscal year shall not exceed two million dollars. The tax credits issued under this section shall be issued on a first-come, first-served filing basis.

4. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, 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, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

5. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and

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

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

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill Nos. 978 & 1028, Page 15, Section 256.620, by deleting Lines 5 through 10, and by inserting in lieu thereof:

"2. (1) Any water system that only serves a charitable or benevolent organization, if the total volume of water drawn from such wells does not exceed fifteen thousand gallons per calendar month, as self-reported by the owner or operator of the water system, shall be exempt from all rules relating to well construction except any rules applying to domestic wells and rules that require proof of the quantity of water drawn from such wells, unless such wells or pump installations for such wells are determined to present a threat to groundwater or produce water that does not meet safe drinking water standards. Failure to report or false reporting shall be subject to civil or administrative penalties as set forth in sections 640.130 or 640.131.

3. The water system shall be evaluated for significant deficiencies as required by regulations promulgated by the Safe Drinking Water Commission. The owner or operator shall implement actions necessary

to correct the significant deficiencies and provide safe drinking water that may include installing treatment to meet 4-log removal of viruses, replacing the well, or connecting to an alternative water system."; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill Nos. 978 & 1028, Page 30, Section 640.345, Line 3, by inserting after all of said line the following:

"640.698. 1. This section shall be known and may be cited as the "Solar Water Heating System Incentive Program", which shall provide financial incentives for the purchase and installation of solar water heating systems in private residences.

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

(1) "Homebuilder" or "homebuilders", a person, commercial firm, or company whose occupation is to build private residences;

(2) "Homeowner" or "homeowners", one who owns a private residence;

(3) "Private residence" or "private residences", the place in which a homeowner lives or resides.

3. Subject to appropriations from the general assembly, the department of natural resources shall provide an incentive to a homeowner or a homebuilder for the purchase and installation of a solar water heating system in a private residence.

4. A solar water heating system qualifies for an incentive under this section if:

(1) The homeowner or homebuilder provides proof-of-purchase of the solar water heating system;

(2) The homeowner or homebuilder provides proof that the solar water heating system was installed in conformity with the manufacturer's specifications and all applicable codes and standards;

(3) The solar water heating system's components are new and unused and have not previously been placed in service in any other location or for any other homeowner or homebuilder;

(4) The solar water heating system has a warranty of not less than two years to protect against defects and undue degradation;

(5) The solar water heating system has been installed in a private residence;

(6) The solar water heating system conforms to any other applicable requirements as determined by the department of natural resources.

5. To receive an incentive under this section, a homeowner or homebuilder shall apply to the department of natural resources. If the solar water heating system qualifies, the homeowner or homebuilder shall receive an incentive in the amount of five hundred dollars. One five hundred dollar incentive shall be allowed per homeowner per year, and three five hundred dollar incentives shall be allowed per homebuilder per year. Incentives under this subsection shall not exceed one hundred thousand dollars in any given year.

6. Incentives to qualifying homeowners or homebuilders shall be dispersed in January, March, May, July, and September, but no more than forty incentives shall be dispersed in each month provided in this subsection.

7. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, 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, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

8. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

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

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

Further amend said title, enacting clause and intersectional references accordingly.

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

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill Nos. 978 & 1028, Section 135.403, Page 13, Line 40, by inserting after all of said line the following:

"135.610. 1. For all tax years beginning on or after January 1, 2009, any taxpayer who is a volunteer firefighter with a registered fire department in this state shall be allowed a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo. The taxpayer may claim a credit in the amount of one hundred eighty dollars for each tax year in which the taxpayer has completed at least twelve hours of any firefighter training program approved by the office of the state fire marshal in the tax year for which the credit is claimed.

2. For all tax years beginning on or after January 1, 2011, the amount of the tax credit a taxpayer may claim under this section shall increase to three hundred sixty dollars for any tax year in which the taxpayer has completed the Basic Fire Fighter program or has been certified after completing the Fire Fighter I or Fire Fighter II program by the division of fire safety for a minimum of thirty-six hours in the tax year for which the credit is claimed.

3. The state fire marshal shall develop or approve existing training programs necessary for volunteer firefighters to claim the credit authorized in this section, shall establish procedures for providing documentation that the taxpayer is a volunteer firefighter in good standing with a registered fire department, as required in chapter 320, RSMo, and has completed the training requirements in this section, and shall promulgate rules to implement the provisions of this section.

4. The tax credit allowed by this section shall be claimed by the qualified taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo, after all other credits provided by law have been applied. If the amount of the tax credit exceeds the taxpayer's tax liability, the difference shall not be refundable but may be carried forward to any of the taxpayer's four subsequent taxable years.

5. The director of revenue shall establish the procedure by which the tax credit in this section may be claimed, and shall promulgate rules to implement the provisions of this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, 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, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

7. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly; and

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

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

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

Representative Talboy raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order not timely.

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

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill Nos. 978 & 1028, Sections 640.300, 640.305, 640.310, 640.315, 640.320, 640.325, 640.330, 640.335, 640.340 and 640.345, Page 25, Line 1, to Page 30, Line 3, by deleting all of said sections and lines from the substitute; and

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

Representative Rucker moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 072

Atkins	Aull	Bringer	Brown 50	Brown 73
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Corcoran	Curls	Dougherty	El-Amin
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeBlanc
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meadows	Meiners	Morris	Nasheed
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Still	Storch
Swinger	Talboy	Todd	Wallace	Walsh
Walton Gray	Webb	Webber	Wildberger	Witte
Yaeger	Zimmerman			

NOES: 087

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock

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Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright	Yates
Zerr	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 004

Biermann	Leara	Spreng	Vogt
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Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Bivins	Brandom	Brown 30	Brown 149
Burlison	Cooper	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberger
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Silvey	Smith 14	Smith 150	Stevenson	Stream
Sutherland	Thomson	Tilley	Tracy	Viebrock
Wallace	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright	Yates	Zerr	Mr Speaker

NOES: 068

Atkins	Aull	Bringer	Brown 50	Brown 73
Burnett	Calloway	Casey	Chappelle-Nadal	Colona
Corcoran	Curls	El-Amin	Englund	Fallert
Fischer 107	Frame	Grill	Harris	Hodges
Holsman	Hoskins 80	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Still	Storch	Swinger	Talboy	Todd
Walsh	Walton Gray	Webb	Webber	Wildberger
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 010

Biermann	Bruns	Carter	Guernsey	Leara
Nasheed	Self	Spreng	Vogt	Wasson

On motion of Representative Bivins, **HCS HBs 978 & 1028, as amended**, was adopted.

On motion of Representative Bivins, **HCS HBs 978 & 1028, as amended**, was ordered perfected and printed.

HCS HB 228, relating to the circulation of petitions, was taken up by Representative Parson.

Representative Cox assumed the Chair.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 228, Section 116.090, Page 2, Line 15, by inserting immediately after said line the following:

"Section 1. (1) Whenever the governing body of any taxing authority receives a petition, signed by at least thirty-three percent of the registered voters within such taxing authority's boundaries, calling for an election to decrease the taxing authority's tax rates, the governing body shall submit to the voters residing within the taxing authority's boundaries a proposal to lower the tax rates of the taxing authority at the next regular election. Such petition shall include the proposed tax rate and tax rate's purpose for such taxing authority. If at least sixty-six percent of the votes cast on the question by the qualified voters voting thereon are in favor of decreasing the tax rate, the lowered tax rate shall become effective. If more than thirty-three percent of the votes cast on the question by the qualified voters voting thereon are opposed to lowering the tax rate, then the tax rate established under this section shall remain effective until such tax rate is revised as provided in this section. No petition to lower the tax rate on levies imposed for debt service shall be valid under this subsection, and this subsection shall not be construed to require any taxing authority to lower the tax rate on levies imposed for debt service.

(2) The petition shall be in substantially the following form:

WARNING

It is a felony for anyone to sign a petition with any name other than his or her own, or to knowingly sign his or her name more than once for the measure, or to sign such petition when the person is not a legal voter.

INITIATIVE PETITION To the governing body of the (insert name of taxing authority):

We the undersigned, citizens and voters of the state of Missouri and the (insert taxing authority's name), respectfully order that an election be called to reduce the tax rate for the purposes of (describe purpose of tax rate) of the taxing authority. The tax rate decrease proposal shall be referred to the people of the district for their approval or rejection, at the regular (special) election to be held on the day of, 20..., and each for himself or herself says: I have personally signed this petition; I am a duly qualified elector of the state and district; my residence and post office address are correctly written after my name.

Name Residence Post Office
(if in a city, street and number)
(Here follow numbered lines for signatures).

(3) Every sheet for petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure proposed by the petition.

(4) Each sheet of every petition containing signatures shall be verified in substantially the following form by the person who circulated the sheet, by that person's affidavit thereon:

State of Missouri County of

I,....., being first duly sworn, say that each person whose name appears on this sheet signed his or her name thereto in my presence; I believe that each has stated his or her name, post office address, and residence correctly, and that each signer is a voter of the state of Missouri and (insert name of taxing authority).

(signature and post office address of affiant)

Subscribed and sworn to before me this day of, (year)

(signature and title of officer before whom oath is made and his or her post office address).

(5) The ballot question for a decrease in a taxing authority's tax rate shall be submitted in substantially the following form:

"Shall the tax rate of the (insert name of taxing authority) for the purpose of (describe purpose of tax rate) be reduced from (insert amount) to (insert proposed tax rate)?"

(6) The decreased tax rate as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and improvements since the date of the election approving such decrease, the revenue derived from the adjusted tax rate is equal to the sum of: the amount of revenue which would have been derived by applying the voter-approved decreased tax rate to the total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such decrease is approved, increased by the percentage increase in the consumer price index, as certified by the state tax commission under subdivision (1) of subsection 4 of this section. Such adjusted tax rate shall be the taxing authority's tax rate ceiling and may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate."; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 228, Page 1, Section 116.080, Line 6, by deleting all of said line and inserting in lieu thereof the following:

"of this state.

2. No person or organization shall compensate or offer to compensate any person, nor shall any person or organization receive compensation or agree to receive compensation, for collecting signatures on an initiative or referendum petition if such compensation is based on the number of signatures obtained. This subsection shall not be construed to prohibit compensation for collection of signatures on an initiative or referendum petition that is not based on the number of signatures obtained.

3. Signatures collected by any circulator who has not registered with the secretary of"; and

Further amend said bill, Page 2, Section 116.080, Line 22, by deleting all of said line and inserting in lieu thereof the following:

"3. The circulator information required in [subsection 2 of] this section shall be submitted"; and

Further amend said bill, Page 2, Section 116.080, Line 27, by deleting all of said line and inserting in lieu thereof the following:

"INVOLVING FORGERY, AND THAT I HAVE NOT ACCEPTED AND WILL NOT ACCEPT COMPENSATION FOR OBTAINING SIGNATURES BASED ON THE NUMBER OF SIGNATURES I OBTAIN. I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF"; and

Further amend said bill, Page 2, Section 116.080, Line 37, by deleting all of said line and inserting in lieu thereof the following:

"guilty of a class A misdemeanor punishable, notwithstanding the provisions of section [560.021] **560.016**,";
and

Further amend said bill, Page 2, Section 116.090, Line 15, by inserting after all of said line the following:

"116.332. 1. Before a constitutional amendment petition, a statutory initiative petition, or a referendum petition may be circulated for signatures, a sample sheet [must] **shall** be submitted to the secretary of state in the form in which it will be circulated. When a person submits a sample sheet of a petition he or she shall designate to the secretary of state the name and address of the person to whom any notices shall be sent pursuant to sections 116.140 and 116.180. **The person submitting the sample sheet shall also deposit with the secretary of state five hundred dollars for each petition submitted. Upon the certification of the proposed measure as sufficient for the general election ballot under section 116.150, the deposit shall be immediately refunded to such person. If such proposed measure is not certified for the general election ballot under section 116.150, the deposit shall be forfeited and shall be deposited into the state's general revenue fund. A person submitting a petition may withdraw and resubmit a petition without paying an additional deposit if the petition is withdrawn before the secretary of state's rejection of approval as to form under this section.**

2. The secretary of state shall refer a copy of the petition sheet to the attorney general for [his] **the attorney general's** approval and to the state auditor for purposes of preparing a fiscal note and fiscal note summary. The secretary of state and attorney general [must] **shall** each review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any.

[2.] 3. Upon receipt of a petition from the office of the secretary of state, the attorney general shall examine the petition as to form. If the petition is rejected as to form, the attorney general shall forward his or her comments to the secretary of state within ten days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward his or her approval as to form to the secretary of state within ten days after receipt of the petition by the attorney general.

[3.] 4. The secretary of state shall review the comments and statements of the attorney general as to form and make a final decision as to the approval or rejection of the form of the petition. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval within thirty days after submission of the petition sheet. The secretary of state shall send written notice if the petition has been rejected, together with reasons for rejection, within thirty days after submission of the petition sheet."; and

Further amend said title, enacting clause and intersectional references accordingly.

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

House Amendment No. 1
to
House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 228, Page 1, Line 8, by inserting after "**obtained.**" the following:

"Signatures collected by a petition circulator paid on a per signature basis shall not be counted."; and

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

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

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

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

Representative Witte raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

Representative Skaggs raised an additional point of order that **House Amendment No. 3** is unconstitutional according to Section 49, Article III of the Constitution.

Representative Cox requested a parliamentary ruling.

The Parliamentary Committee ruled the first point of order well taken.

On motion of Representative Parson, **HCS HB 228, as amended**, was adopted.

AYES: 137

Allen	Atkins	Aull	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Calloway	Casey	Cooper	Corcoran
Cox	Cunningham	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Hobbs	Hodges
Holsman	Hoskins 121	Hummel	Icet	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Wasson
Webber	Wells	Weter	Wilson 119	Wilson 130
Witte	Wood	Wright	Yaeger	Yates
Zerr	Mr Speaker			

NOES: 020

Brown 73	Burnett	Carter	Chappelle-Nadal	Colona
Curls	Davis	El-Amin	Emery	Harris
Hoskins 80	Jones 63	LeBlanc	Morris	Oxford
Roorda	Schupp	Walton Gray	Webb	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 006

Biermann	Hughes	Leara	Spreng	Vogt
Wildberger				

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Parson, **HCS HB 228, as amended**, was ordered perfected and printed.

Representative Cox resumed the Chair.

HCS HB 1075, relating to unemployment compensation, was taken up by Representative Fisher (125).

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1075, Page 9, Section 288.050, Line 97, by inserting after all of said line the following:

"288.062. 1. As used in this section, unless the context clearly requires otherwise:

(1) "Extended benefit period" means a period which begins with the third week after a week for which there is a state "on" indicator, and ends with either of the following weeks, whichever occurs later:

(a) The third week after the first week for which there is a state "off" indicator; or

(b) The thirteenth consecutive week of such period; provided, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.

(2) There is a "state 'on' indicator" for this state for a week if the director determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this law:

(a) Equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years; [and]

(b) Equaled or exceeded four percent for weeks beginning prior to or on September 25, 1982, or five percent for weeks beginning after September 25, 1982; except that, if the rate of insured unemployment as contemplated in this subdivision equals or exceeds five percent for weeks beginning prior to or on September 25, 1982, or six percent for weeks beginning after September 25, 1982, the determination of an "on" indicator shall be made under this subdivision as if this subdivision did not contain the provisions of paragraph (a) of this subdivision; **and**

(c) With respect to weeks of unemployment beginning on or after February 1, 2009, and ending on or before December 12, 2009:

a. The average rate of total unemployment in the state (seasonally adjusted), as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week equals or exceeds six and one-half percent; and

b. The average rate of total unemployment in the state (seasonally adjusted), as determined by the United States Secretary of Labor, for the three-month period referred to in subparagraph a. of this paragraph, equals or exceeds one hundred and ten percent of such average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(3) There is a "state 'off' indicator" for this state for a week if the director determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this law:

(a) Was less than one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years; or

(b) Was less than four percent (five percent for weeks beginning after September 25, 1982); except, there shall not be an "off" indicator for any week in which an "on" indicator as contemplated in paragraph (b) of subdivision (2) of this subsection exists.

(4) "Rate of insured unemployment", for the purposes of subdivisions (2) and (3) of this subsection, means the percentage derived by dividing:

(a) The average weekly number of individuals filing claims for regular compensation in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the director on the basis of his **or her** reports to the United States Secretary of Labor, by

(b) The average monthly employment covered under this law for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

(5) "Regular benefits" means benefits payable to an individual under this law or under any other state law (including benefits payable to federal civilian employees and ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits.

(6) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this section for weeks of unemployment in his **or her** eligibility period.

(7) "Eligibility period" of an individual means the period consisting of the weeks in his **or her** benefit year which begin in an extended benefit period and, if his **or her** benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(8) "Exhaustee" means an individual who, with respect to any week of unemployment in his **or her** eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were available to him **or her** under this law or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his **or her** current benefit year that includes such week; provided, that, for the purposes of this paragraph, an individual shall be deemed to have received all of the regular benefits that were available to him **or her** although as a result of a pending appeal with respect to wages or employment, or both, that were not considered in the original monetary determination in his **or her** benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(b) Has received, prior to such week, all the regular compensation available to him **or her** in his **or her** current benefit year that includes such week under the unemployment compensation law of the state in which he **or she** files a claim for extended compensation or the unemployment compensation law of any other state after a cancellation of some or all of his **or her** wage credits or the partial or total reduction of his **or her** right to regular compensation; or

(c) His **or her** benefit year having expired prior to such week, he **or she** has insufficient wages or employment, or both, on the basis of which he **or she** could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he **or she** is precluded from receiving regular compensation by reason of a state law provision which meets the requirement of section 3304(a)(7) of the Internal Revenue Code of 1954; and

(d) a. Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and

b. Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if he **or she** is seeking such benefits and the appropriate agency finally determines that he **or she** is not entitled to benefits under such law he **or she** is considered an exhaustee.

(9) "State law" means the unemployment insurance law of any state, approved by the United States Secretary of Labor under section 3304 of the Internal Revenue Code of 1954.

2. Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the director, the provisions of this law which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

3. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his **or her** eligibility period only if the deputy finds that with respect to such week:

(1) He **or she** is an "exhaustee" as defined in subdivision (8) of subsection 1 of this section;

(2) He **or she** has satisfied the requirements of this law for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits; except that, in the case of a claim for benefits filed in another state, which is acting as an agent state under the Interstate Benefits Payment Plan as provided by regulation, which claim is based on benefit credits accumulated in this state, eligibility for extended benefits shall be limited to the first two compensable weeks unless there is an extended benefit period in effect in both this state and the agent state in which the claim was filed;

(3) The other provisions of this law notwithstanding, as to new extended benefit claims filed after September 25, 1982, an individual shall be eligible to receive extended benefits with respect to any week of unemployment in his **or her** eligibility period only if the deputy finds that the total wages in the base period of his **or her** benefit year equal at least one and one-half times the wages paid during that quarter of his **or her** base period in which his **or her** wages were highest.

4. A claimant shall not be eligible for extended benefits following any disqualification imposed under subsection 1 or 2 of section 288.050, unless subsequent to the effective date of the disqualification, the claimant has been employed during at least four weeks and has earned wages equal to at least four times his **or her** weekly benefit amount.

5. For the purposes of determining eligibility for extended benefits, the term "suitable work" means any work which is within such individual's capabilities except that, if the individual furnishes satisfactory evidence that the prospects for obtaining work in his **or her** customary occupation within a reasonably short period are good, the determination of what constitutes "suitable work" shall be made in accordance with the provisions of subdivision (3) of subsection 1 of section 288.050. If a deputy finds that a person who is claiming extended benefits has refused to accept or to apply for suitable work, as defined in this subsection, or has failed to actively engage in seeking work subsequent to the effective date of his **or her** claim for extended benefits, that person shall be ineligible for extended benefits for the period beginning with the first day of the week in which such refusal or failure occurred. That ineligibility shall remain in effect until the person has been employed for at least four weeks after the week in which the refusal or failure occurred and has earned wages equal to at least four times his **or her** weekly benefit amount.

6. Extended benefits shall not be denied under subsection 5 of this section to any individual for any week by reason of a failure to accept an offer of or apply for suitable work if:

(1) The gross average weekly remuneration for such work does not exceed the individual's weekly benefit amount plus the amount of any supplemental unemployment benefits, as defined in section 501(c)(17)(d) of the Internal Revenue Code, payable to such individual for such week; or

(2) The position was not offered to such individual in writing or was not listed with the state employment service; or

(3) If the remuneration for the work offered is less than the minimum wage provided by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, without regard to any exemption or any applicable state or local minimum wage, whichever is the greater.

7. For the purposes of this section, an individual shall be considered as actively engaged in seeking work during any week with respect to which the individual has engaged in a systematic and sustained effort to obtain work as indicated by tangible evidence which the individual provides to the division.

8. Extended benefits shall not be denied for failure to apply for or to accept suitable work if such failure would not result in a denial of benefits under subdivision (3) of subsection 1 of section 288.050 to the extent that the provisions of subdivision (3) of subsection 1 of section 288.050 are not inconsistent with the provisions of subsection 5 and subsection 6 of this section.

9. The division shall refer any claimant entitled to extended benefits under this law to any suitable work which meets the criteria established in subsections 5 and 6 of this section.

10. Notwithstanding other provisions of this chapter to the contrary, as to claims of extended benefits, subsections 4 to 9 of this section shall not apply to weeks of unemployment beginning after March 6, 1993, and before January 1, 1995. Entitlement to extended benefits for weeks beginning after March 6, 1993, and before January 1, 1995, shall be determined in accordance with provisions of this chapter not excluded by this subsection.

11. "Weekly extended benefit amount." The weekly extended benefit amount payable to an individual for a week of total unemployment in his **or her** eligibility period shall be an amount equal to the weekly benefit amount payable to him **or her** during his **or her** applicable benefit year, reduced by a percentage equal to the percentage of the

reduction in federal payments to states under section 204 of the Federal State Extended Unemployment Compensation Act of 1970, in accord with any order issued under any law of the United States. Such weekly benefit amount, if not a multiple of one dollar, shall be reduced to the nearest lower full dollar amount.

12. (1) "Total extended benefit amount." The total extended benefit amount payable to any eligible individual with respect to his **or her** applicable benefit year shall be the lesser of the following amounts:

(a) Fifty percent of the total amount of regular benefits which were payable to him **or her** under this law in his **or her** applicable benefit year;

(b) Thirteen times his **or her** weekly benefit amount which was payable to him **or her** under this law for a week of total unemployment in the applicable benefit year.

(2) Notwithstanding subdivision (1) of this subsection, during any fiscal year in which federal payments to states under section 204 of the Federal State Extended Unemployment Compensation Act of 1970 are reduced under any order issued under any law of the United States, the total extended benefit amount payable to an individual with respect to his **or her** applicable benefit year shall be reduced by an amount equal to the aggregate of the reductions under subsection 11 of this section in the weekly amounts paid to the individual.

(3) Notwithstanding the other provisions of this subsection, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that such individual would, but for this subdivision, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced, but not below zero, by the product of the number of weeks for which the individual received trade readjustment allowances under the Trade Act of 1974, as amended, within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

(4) (a) Effective with respect to weeks beginning in a high unemployment period, subdivision (1) of this subsection shall be applied by substituting:

a. Eighty percent for fifty percent in paragraph (a) of subdivision (1) of this subsection; and

b. Twenty times for thirteen times in paragraph (b) of subdivision (1) of this subsection.

(b) For purposes of paragraph (a) of this subdivision, the term "high unemployment period" means any period during which an extended benefit period would be in effect if subparagraph a. of paragraph (c) of subdivision (2) of subsection 1 of this section were applied by substituting eight percent for six and one-half percent.

13. (1) Whenever an extended benefit period is to become effective in this state as a result of a state "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator, the director shall make an appropriate public announcement.

(2) Computations required by the provisions of subdivision (4) of subsection 1 of this section, shall be made by the director, in accordance with regulations prescribed by the United States Secretary of Labor."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Englund, **House Amendment No. 1** was adopted by the following vote:

AYES: 139

Allen	Atkins	Aull	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Corcoran	Cox
Curls	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	El-Amin	Emery	Englund	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Jones 63
Kander	Keeney	Kelly	Kingery	Kirkton
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	LeBlanc	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald

McGhee	McNary	McNeil	Meadows	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Sander	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Walsh
Walton Gray	Webb	Webber	Wells	Weter
Wilson 119	Wilson 130	Witte	Wood	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker	

NOES: 016

Cooper	Cunningham	Davis	Ervin	Guernsey
Icet	Jones 89	Jones 117	Koenig	Nieves
Pollock	Pratt	Sater	Wallace	Wasson
Yates				

PRESENT: 000

ABSENT WITH LEAVE: 008

Biermann	Grisamore	Leara	Meiners	Salva
Spreng	Vogt	Wildberger		

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Fisher (125), **HCS HB 1075, as amended**, was adopted.

On motion of Representative Fisher (125), **HCS HB 1075, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE JOINT RESOLUTION

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

HJR 11 - Fiscal Review (Fiscal Note)

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 156 - Fiscal Review (Fiscal Note)

HCS HB 631 - Fiscal Review (Fiscal Note)

HCS HB 958 - Fiscal Review (Fiscal Note)

HB 1177 - Special Standing Committee on Health Insurance

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SS SCS SB 376 - Energy and Environment
SCS SB 542 - Financial Institutions

COMMITTEE REPORTS

Committee on Judiciary, Chairman Stevenson reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 262**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Rural Community Development, Chairman Wilson (119) reporting:

Mr. Speaker: Your Committee on Rural Community Development, to which was referred **HB 1181**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Special Standing Committee on General Laws, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SCS SJR 5**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SCS SB 37**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SCS SB 140**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SS SCS SB 141**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **SB 480**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Special Standing Committee on Health Insurance, Chairman Wilson (130) reporting:

Mr. Speaker: Your Special Standing Committee on Health Insurance, to which was referred **SCS#2 SB 9**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 17**, 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 HBs 323 & 528**, begs leave to report it has examined the same and recommends that it **Be Returned to Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 591**, 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 819**, 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 1055**, 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 1058**, 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 **SCS SB 140**, 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 141**, 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 **SCS SB 153**, 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 171**, 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 **SCS SB 202**, 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 217**, 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 224**, 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 **SCS SB 231**, 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 **SCS SB 243**, 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 296**, 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 SS SB 307**, 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 377**, 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 513**, 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 526**, begs leave to report it has examined the same and recommends that it **Do Pass**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SS SCS HCS HB 2**: Senators Nodler, Mayer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SS SCS HCS HB 3**: Senators Nodler, Mayer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HCS HB 4**: Senators Nodler, Mayer, Rupp, Green and Bray.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HCS HB 5**: Senators Nodler, Mayer, Rupp, Green and Bray.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HCS HB 6**: Senators Nodler, Mayer, Bray, Green and Rupp.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HCS HB 7**: Senators Nodler, Mayer, Green, Bray and Rupp.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HCS HB 8**: Senators Nodler, Mayer, Green, Rupp and Bray.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HCS HB 9**: Senators Nodler, Mayer, Bray, Rupp and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HCS HB 10**: Senators Nodler, Mayer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HCS HB 11**: Senators Nodler, Mayer, Green, Rupp and Bray.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HCS HB 12**: Senators Nodler, Mayer, Green, Bray and Rupp.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HB 13**: Senators Nodler, Mayer, Rupp, Bray and Green.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 91**, entitled:

An act to amend chapter 227, RSMo, by adding thereto seven new sections relating to the designation of state highways and bridges.

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 HB 269**, entitled:

An act to repeal sections 301.190, 306.410, 430.082, and 700.320, RSMo, and to enact in lieu thereof four new sections relating to certificates of ownership, with penalty provisions.

With Senate Amendment No. 1 and Senate Amendment No. 2.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 269, Page 6, Section 301.190, Line 190, by inserting immediately after said line the following:

"301.218. 1. No person shall, except as an incident to the sale, repair, rebuilding or servicing of vehicles by a licensed franchised motor vehicle dealer carry on or conduct the following business unless licensed to do so by the department of revenue under sections 301.217 to 301.229:

- (1) Selling used parts of or used accessories for vehicles as a used parts dealer, as defined in section 301.010;
 - (2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof as a salvage dealer or dismantler, as defined in section 301.010;
 - (3) Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar year as a rebuilder or body shop, as defined in section 301.010;
 - (4) Processing scrapped vehicles or vehicle parts as a mobile scrap processor, as defined in section 301.010.
- April 22, 2009

2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to persons actually engaged in and holding a current license under sections 301.217 to 301.221 and 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his or her state of domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor vehicles or salvage vehicles, and to persons who reside in a foreign country that are purchasing salvage vehicles for export outside of the United States. Operators of salvage pools or salvage disposal sales shall keep a record, for three years, of sales of salvage vehicles with the purchasers' name and address, and the year, make, and vehicle identification number for each vehicle. These records shall be open for inspection as provided in section 301.225. Such records shall be submitted to the department on a quarterly basis.

3. The [seller of] **operator of a salvage pool or salvage disposal sale, or subsequent purchaser, who sells** a nonrepairable motor vehicle or a salvage motor vehicle to a person who is not a resident of the United States at a salvage pool or a salvage disposal sale shall:

- (1) Stamp on the face of the title so as not to obscure any name, date, or mileage statement on the title the words "FOR EXPORT ONLY" in capital letters that are black; and
- (2) Stamp in each unused reassignment space on the back of the title the words "FOR EXPORT ONLY" and print the number of the dealer's salvage vehicle license, name of the salvage pool, or the name of the governmental entity, as applicable.

The words "FOR EXPORT ONLY" required under subdivisions (1) and (2) of this subsection shall be at least two inches wide and clearly legible. Copies of the stamped titles shall be forwarded to the department.

4. The director of revenue shall issue a separate license for each kind of business described in subsection 1 of this section, to be entitled and designated as either "used parts dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; or "mobile scrap processor" license."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Bill No. 269, Page 6, Section 301.190, Line 190, by inserting immediately after said line the following:

"301.560. 1. In addition to the application forms prescribed by the department, each applicant shall submit the following to the department:

- (1) Every application other than a renewal application for a motor vehicle franchise dealer shall include a certification that the applicant has a bona fide established place of business. Such application shall include an annual certification that the applicant has a bona fide established place of business for the first three years and only for every other year thereafter. The certification shall be performed by a uniformed member of the Missouri state highway patrol or authorized or designated employee stationed in the troop area in which the applicant's place of business is located; except that in counties of the first classification, certification may be performed by an officer of a metropolitan police department when the applicant's established place of business of distributing or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police officer is employed. When the application is being made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a uniformed member of the Missouri state water patrol stationed in the district area in which the applicant's place of business is located or by a uniformed member of the Missouri state highway patrol stationed in the troop area in which the applicant's place of business is located or, if the applicant's place of business is located within the jurisdiction of a metropolitan police department in a first class county, by an officer of such metropolitan police department. A bona fide established place of business for any new motor vehicle franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer,

wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall be a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or trailers and wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The applicant's place of business shall contain a working telephone which shall be maintained during the entire registration year. In order to qualify as a bona fide established place of business for all applicants licensed pursuant to this section there shall be an exterior sign displayed carrying the name of the business set forth in letters at least six inches in height and clearly visible to the public and there shall be an area or lot which shall not be a public street on which multiple vehicles, boats, personal watercraft, or trailers may be displayed. The sign shall contain the name of the dealership by which it is known to the public through advertising or otherwise, which need not be identical to the name appearing on the dealership's license so long as such name is registered as a fictitious name with the secretary of state, has been approved by its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a copy of such fictitious name registration has been provided to the department. Dealers who sell only emergency vehicles as defined in section 301.550 are exempt from maintaining a bona fide place of business, including the related law enforcement certification requirements, and from meeting the minimum yearly sales;

(2) The initial application for licensure shall include a photograph, not to exceed eight inches by ten inches but no less than five inches by seven inches, showing the business building, lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing dealership building, lot and sign but shall be required to submit a new photograph upon the installation of the new dealership sign as required by sections 301.550 to 301.573. Applicants shall not be required to submit a photograph annually unless the business has moved from its previously licensed location, or unless the name of the business or address has changed, or unless the class of business has changed;

(3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by any state or federal financial institution in the penal sum of twenty-five thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the dealer's license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party. Additionally, every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish with the application a copy of a current dealer garage policy bearing the policy number and name of the insurer and the insured;

(4) Payment of all necessary license fees as established by the department. In establishing the amount of the annual license fees, the department shall, as near as possible, produce sufficient total income to offset operational expenses of the department relating to the administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created. The motor vehicle commission fund shall be administered by the Missouri department of revenue. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in such fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the motor vehicle commission fund at the end of the biennium exceeds two times the amount of the appropriation from such fund for the preceding fiscal year or, if the department requires permit renewal less frequently than yearly, then three times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation from such fund for the preceding fiscal year.

2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction, trailer dealer, or a public motor vehicle auction submits an application for a license for a new business and the applicant has complied with all the provisions of this

section, the department shall make a decision to grant or deny the license to the applicant within eight working hours after receipt of the dealer's application, notwithstanding any rule of the department.

3. Upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number and two additional number plates or certificates of number within eight working hours after presentment of the application. Upon renewal, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or new or used motor vehicle dealer.

4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to:

New motor vehicle franchise dealers D-0 through D-999

New powersport dealers and motorcycle franchise dealers D-1000 through D-1999

Used motor vehicle, used powersport, and used motorcycle dealers D-2000 through D-9999

Wholesale motor vehicle dealers W-0 through W-1999

Wholesale motor vehicle auctions WA-0 through WA-999

New and used trailer dealers T-0 through T-9999

Motor vehicle, trailer, and boat manufacturers DM-0 through DM-999

Public motor vehicle auctions A-0 through A-1999

Boat dealers M-0 through M-9999

New and used recreational motor vehicle dealers RV-0 through RV-999

For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions annually. In order for salvage dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of purchases during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.

The provisions of this subsection shall become effective on the date the director of the department of revenue begins to reissue new license plates under section 301.130, or on December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new license plates under the authority granted under section 301.130 prior to December 1, 2008, the director of the department of revenue shall notify the revisor of statutes of such fact.

5. Upon the sale of a currently licensed new motor vehicle franchise dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer.

6. In the case of new motor vehicle manufacturers, motor vehicle dealers, powersport dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue two additional number plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each additional number plate. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee. Additional number plates and as many additional certificates of number may be obtained upon payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor vehicle manufacturers

shall not be issued or possess more than three hundred forty-seven additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit qualified transactions annually, **except that this limitation shall not apply to any wholesale motor vehicle dealer that is operated in conjunction with a wholesale motor vehicle auction by the same owner.** New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the director to issue the appropriate number of additional plates or certificates of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a distinctive dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of sales during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.

7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle, for use and display purposes during, but not limited to, parades, private events, charitable events, or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and boat manufacturers may display their certificate of number on a vessel or vessel trailer when transporting a vessel or vessels to an exhibit or show.

9. (1) Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve months, has completed an educational seminar course approved by the department as prescribed by subdivision (2) of this subsection. Wholesale and public auto auctions and applicants currently holding a new or used license for a separate dealership shall be exempt from the requirements of this subsection. The provisions of this subsection shall not apply to current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were licensed prior to August 28, 2006.

(2) The educational seminar shall include, but is not limited to, the dealer requirements of sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer sections 301.550 to 301.570, and any other rules and regulations promulgated by the department."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 661**, entitled:

An act to repeal sections 260.273, 260.275, 260.276, 640.107, 640.150, 644.036, 644.054, and 644.101, RSMo, and to enact in lieu thereof seventeen new sections relating to programs administered by the department of natural resources, with an emergency clause for certain sections.

With Senate Amendment No. 2 and Senate Amendment No. 3.

Senate Amendment No. 2

AMEND Senate Substitute for House Committee Substitute for House Bill No. 661, Pages 7 - 11, Section 260.1250, by striking said section from the bill; and

Further amend said bill, Pages 11 to 12, Section 260.1253, by striking said section from the bill; and

Further amend said bill, Page 13, Section 260.1256, Lines 1 to 14 of said page, by striking said section from the bill; and

Further amend said bill, Pages 13 to 14, Section 260.1259, by striking said section from the bill; and

Further amend said bill, Pages 14 to 15, Section 260.1262, by striking said section from the bill; and

Further amend said bill, Pages 15 to 16, Section 260.1265, by striking said section from the bill; and

Further amend said bill, Page 16, Section 260.1268, Lines 14 to 24 of said page, by striking said section from the bill; and

Further amend said bill, Pages 16 to 17, Section 260.1271, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for House Committee Substitute for House Bill No. 661, Page 1, Section A, Line 7, by inserting immediately after said line the following:

"204.659. No person who owns real property that is used for residential purposes within the boundaries of any district created under section 30 of article VI of the Missouri Constitution shall be assessed any fee, charge, or tax for storm water management services if the district does not directly provide sanitary sewer services to such property and if the storm water runoff from such person's property does not flow, or is not otherwise conveyed, to a sewer maintained by such district."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, April 22, 2009.

COMMITTEE MEETINGS

ADMINISTRATION AND ACCOUNTS

Wednesday, April 22, 2009, 12:30 p.m. Hearing Room 7.

Discussion on allowable uses of members' 800 account and legislative salaries.

Executive session may follow.

Public hearing to be held on: HR 515

CRIME PREVENTION

Wednesday, April 22, 2009, Hearing Room 5 upon morning recess.

Executive session only.

ELECTIONS

Thursday, April 23, 2009, 8:00 a.m. Hearing Room 6.

Executive session.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, April 22, 2009, 8:00 a.m. Hearing Room 6.

Executive session.

ELEMENTARY AND SECONDARY EDUCATION

Thursday, April 23, 2009, 8:00 a.m. Hearing Room 4.

Executive session.

FINANCIAL INSTITUTIONS

Wednesday, April 22, 2009, Hearing Room 6 upon afternoon adjournment.

Executive session may follow.

Public hearing to be held on: SCS SB 542

FISCAL REVIEW

Thursday, April 23, 2009, 8:30 a.m. House Chamber south gallery.

All bills referred to committee.

Executive session may follow.

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, April 22, 2009, 5:00 p.m. Hearing Room 1.

Executive session.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 23, 2009, 8:00 a.m. Hearing Room 3.

Personnel subcommittee meeting.

Pursuant to Section 610.022.2 relating to closed meetings and Section 610.021.3 relating to personnel matters, a vote will be taken to hold a closed meeting.

LOCAL GOVERNMENT

Wednesday, April 22, 2009, 9:00 a.m. Hearing Room 7.

Executive session may be held.

Public hearings to be held on: HB 1044, SCS SB 123

RULES - PURSUANT TO RULE 25(32)(f)

Wednesday, April 22, 2009, Hearing Room 3 upon afternoon adjournment.

Any bills referred to Rules - Pursuant to Rule 25(32)(f).

Possible Executive session.

RULES - PURSUANT TO RULE 25(32)(f)

Thursday, April 23, 2009, 9:00 a.m. Hearing Room 3.

Any bills referred to Rules - Pursuant to Rule 25(32)(f).

Possible Executive session.

RURAL COMMUNITY DEVELOPMENT

Thursday, April 23, 2009, 8:00 a.m. Hearing Room 7.

Executive session.

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Wednesday, April 22, 2009, 8:30 a.m. Hearing Room 1.

Executive session.

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Wednesday, April 22, 2009, 9:00 a.m. Hearing Room 4.

Executive session may follow.

Public hearing to be held on: HCR 48

SPECIAL STANDING COMMITTEE ON INFRASTRUCTURE AND TRANSPORTATION FUNDING

Wednesday, April 22, 2009, Hearing Room 4 upon afternoon adjournment.

Executive session only.

SPECIAL STANDING COMMITTEE ON PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 22, 2009, 12:00 p.m. Hearing Room 4.

Executive session.

TAX REFORM

Wednesday, April 22, 2009, 9:30 a.m. Hearing Room 5.

Executive session may follow.

Public hearing to be held on: SCS SB 71

TOURISM

Thursday, April 23, 2009, 9:00 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HCR 46, SCR 2

TRANSPORTATION

Thursday, April 23, 2009, 8:00 a.m. House Chamber south gallery.
Executive session only.

WAYS AND MEANS

Thursday, April 23, 2009, 8:30 a.m. Hearing Room 1.
Possible Executive session.
Public hearing to be held on: SS#2 SCS SB 5

HOUSE CALENDAR

FIFTY-NINTH DAY, WEDNESDAY, APRIL 22, 2009

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 16 - Davis
- 2 HJR 37 - Cunningham
- 3 HCS HJR 9 - Cox
- 4 HJR 17 - Icet

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

HCS HB 17 - Icet

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 522 - Fisher (125)
- 2 HCS HB 703 - Jones (89)
- 3 HCS HB 497 - Ervin
- 4 HCS HB 414 - Low
- 5 HCS HB 967 - Hobbs
- 6 HB 746 - Bringer
- 7 HCS HB 330 - Riddle
- 8 HCS HB 313 - Yates
- 9 HCS HBs 568 & 534 - Koenig
- 10 HCS HB 799 - Jones (89)
- 11 HCS HBs 915 & 923 - Hobbs
- 12 HCS HB 162 - Dusenberg
- 13 HB 321 - Emery
- 14 HCS HB 363 - Silvey
- 15 HCS HB 735 - Yates
- 16 HCS HB 387 - Cooper
- 17 HCS HB 566 - Salva
- 18 HCS HB 190 - Flook
- 19 HCS HB 857 - Pollock
- 20 HCS HB 657 - Cooper
- 21 HCS HB 647 - Schaaf

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- 22 HCS#2 HB 372 - Schaaf
- 23 HCS HB 356 - Wallace
- 24 HCS HB 654 - Schoeller
- 25 HCS HBs 64 & 545 - Lipke
- 26 HB 45 - Sater
- 27 HCS HB 937 - Icet
- 28 HCS HB 1055 - Pratt

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HJR 11, (Fiscal Review 4-21-09) - McGhee

HOUSE BILLS FOR THIRD READING - APPROPRIATIONS

HB 15 - Icet

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 95, (Fiscal Review 4-02-09) - Schaaf
- 2 HCS HB 958, (Fiscal Review 4-21-09) - Smith (14)
- 3 HCS HB 631, (Fiscal Review 4-21-09) - Jones (89)

HOUSE BILLS FOR THIRD READING - INFORMAL

HCS HBs 620 & 671 - Lair

HOUSE BILLS FOR THIRD READING - CONSENT

HCS HB 304 - Schad

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 17, (3-12-09, Pages 593-594) - Sander
- 2 HCR 19, (3-11-09, Pages 554-555) - Wright
- 3 HCR 45, (4-07-09, Page 956) - Wallace

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SB 277 - Brandom
- 2 HCS SB 421, E.C. - Cunningham
- 3 SB 66 - Hoskins (121)
- 4 SCS SB 127 - Funderburk
- 5 SCS SB 394 - Ervin

(4/15/09)

- 1 HCS SB 147 - Zerr
- 2 HCS SB 154 - Wallace
- 3 SB 156 - Wood
- 4 SB 232 - Dixon
- 5 HCS SCS SB 338 - Lipke
- 6 HCS SCS SB 157 - Scharnhorst
- 7 HCS SCS SB 47 - Bruns
- 8 HCS SCS SB 563 - Leara
- 9 HCS SB 435 - Brown (149)
- 10 SB 398 - Loehner
- 11 HCS SB 263 - Wright
- 12 SCS SB 265 - Jones (89)
- 13 SB 161 - Viebrock
- 14 HCS SCS SB 411 - Viebrock
- 15 HCS SCS SB 152 - Loehner

(4/16/09)

HCS SB 196 - Scavuzzo

SENATE BILLS FOR THIRD READING

- 1 HCS SS SCS SB 1 - Wasson
- 2 HCS SCS SB 242, E.C. - Jones (89)
- 3 HCS SB 377, E.C. - Flook

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HCS HBs 93 & 216, as amended, E.C. - Thomson
- 2 SCS HCS HB 111 - Day
- 3 SCS HB 861 - Day
- 4 SCS HCS HB 265, E.C. - Franz
- 5 SCS HCS HB 752 - Schieffer
- 6 SS SCS HCS HB 359, as amended, E.C. - Denison
- 7 SS SCS HB 395, as amended, E.C. - Nance
- 8 SCS HB 269 - Parson
- 9 SCS HB 91 - Pollock
- 10 SS HCS HB 661, as amended, E.C. - Ruzicka

BILLS IN CONFERENCE

- 1 SS SCS HCS HB 2 - Icet
- 2 SS SCS HCS HB 3 - Icet
- 3 SCS HCS HB 4 - Icet
- 4 SCS HCS HB 5 - Icet
- 5 SCS HCS HB 6 - Icet
- 6 SCS HCS HB 7 - Icet
- 7 SCS HCS HB 8 - Icet
- 8 SCS HCS HB 9 - Icet
- 9 SCS HCS HB 10 - Icet
- 10 SCS HCS HB 11 - Icet
- 11 SCS HCS HB 12 - Icet
- 12 SCS HB 13 - Icet