

JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

FIFTY-FIRST DAY, WEDNESDAY, APRIL 4, 2012

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Blessed are the pure in heart; for they shall see God. (Matthew 5:8)

Eternal God, from the busy traffic of daily living we pause in Your presence and wait upon You seeking strength for the day, wisdom to make wise decisions, courage to carry our responsibilities with honor, and love to motivate all our endeavors.

Should we fail in achieving some of our objectives, let not the spirit of defeat dampen our devotion; should others criticize, let not criticism get us down, but seeing the good in it may we let it lift us up; if others misunderstand, let not bitterness blight our best judgment; and if we can win, help us to be humble in victory.

In this moment of prayer we recharge our lives that we may face this day with high principles, real integrity, abounding good will, and with a pure heart that sees You.

And the House says, "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: Mark Schwartz, Danielle Schwartz, Jack Schwartz, Anna Schwartz, Jarrica Williams, Stephanie Trevino and Amiya Tatum.

The Journal of the fiftieth day was approved as corrected.

PERFECTION OF HOUSE BILLS

HB 1691, relating to salvage dealers, was taken up by Representative Dugger.

On motion of Representative Dugger, **HB 1691** was ordered perfected and printed.

HCS HB 1134, relating to insurance coverage, was taken up by Representative Scharnhorst.

HCS HB 1134 was laid over.

HCS HB 1475, as amended, relating to tanning devices, was taken up by Representative Cross.

Representative Cross moved that **HCS HB 1475, as amended**, be recommitted to the committee on Rules as **HB 1475**.

Which motion was adopted.

HCS HB 1640, relating to motor vehicles, was taken up by Representative Denison.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1640, Page 54, Section 302.132, Line 27, by inserting after all of said line the following:

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

- (1) "Department", the department of revenue;
- (2) "Director", the director of the department of revenue;
- (3) "Emergency responder", a municipal, county, or state law enforcement officer or firefighter, or other person who has been trained to provide emergency medical first response services;
- (4) "Program participant", an individual who has completed a health information card that includes health and emergency contact information, and affixed the decal provided by the department of revenue under this section to the individual's motor vehicle.

2. There is hereby established a "Missouri Yellow Dot Program" in the department of revenue. The purpose of the program is to provide emergency responders with critical health and emergency contact information about program participants so emergency responders may aid program participants when those individuals are involved in motor vehicle emergencies or accidents and are unable to communicate.

3. The department of revenue shall design Missouri yellow dot program materials, giving consideration to the program materials used by other states in similar programs. Program materials shall include, but shall not be limited to:

- (1) A yellow decal of a size and design to be determined by the department which shall be affixed to the rear driver's side window of the program participant's vehicle;
- (2) A health information card which provides space for an individual to attach a recent photograph and indicate the individual's name, emergency contact information, physician's names and contact information, medical conditions, recent surgeries, allergies, medications, and any other information the director deems relevant to emergency responders in the case of emergency;
- (3) A yellow envelope of a size and design to be determined by the director into which the health information card established under this subsection is to be inserted and placed into the program participant's glove compartment; and
- (4) A program instruction sheet including an electronic mail address required under subsection 4 of this section.

4. The department shall establish an electronic mail mechanism through which persons may ask questions about the program and receive assistance in completing the health information card.

5. The department shall provide sufficient program materials to other state departments or agencies seeking to distribute or make program materials available to interested persons.

6. The director shall notify the state highway patrol regarding the implementation of the Missouri yellow dot program so that all emergency responders are informed about the program.

7. The department may charge an individual seeking to participate in the program a nominal fee to cover the administrative cost of the program.

8. The department shall make Missouri yellow dot program materials available for pick up by any interested person at any driver's license office and shall provide for an online means through which individuals

can request the materials required to participate in the program. Any other state department or agency may make the program materials available for distribution to, or pick up by, any interested person.

9. The department shall develop and undertake a public education campaign to inform the public about the program established in this section.

10. The director may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

11. Under section 23.253 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 bill by amending the title, enacting clause, and intersectional references accordingly.

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1640, Page 26, Section 301.140, Line 64, by deleting the word, “plate” and inserting in lieu thereof the word, “plates”; and

Further amend said bill, Page 33, Section 301.216, Line 4, by inserting at the end of said line the following:

“The power of arrest of a department investigator acting as a peace officer shall be limited to offenses involving fees, licenses, taxes or in situations of imminent danger to the investigator or another person.”; and

Further amend said bill, Page 51, Section 301.580, Line 8, by deleting the word, “if” and inserting in lieu thereof the word, “is”; and

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

Representative Leara assumed the Chair.

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

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1640, Page 20, Section 301.032, Line 49, by inserting after all of said section and line, the following:

“301.064. 1. The annual registration fee for a land improvement contractors' commercial motor vehicle is three hundred fifty dollars. The maximum gross weight for which such a vehicle may be registered is eighty thousand pounds. Transporting for hire by such a motor vehicle is prohibited.

2. Upon application to the director of revenue accompanied by an affidavit signed by the owner or owners stating that the motor vehicle to be licensed as a land improvement contractors' commercial motor vehicle shall not be operated in any manner other than as prescribed in section 301.010, and by the amount of the registration fee prescribed [above] **in subsection 1 of this section**, and otherwise complying with the laws relating to the registration and licensing of motor vehicles, the owner or owners shall be issued a [set of] **distinctive** land improvement contractors' license [plates. The director of revenue shall by regulation determine the characteristic features of land improvement contractors' license plates so that they] **plate so that it** may be readily identified as such.”; and

Further amend said bill, Page 21, Section 301.069, Line 40, by inserting after all of said section and line, the following:

“301.120. 1. When the owner of a motor vehicle moves the vehicle to another state, [he] **the owner** shall return the license plates to the director of revenue within ninety days or upon the expiration of the period of reciprocity granted by the new state of residence; or if the owner of a motor vehicle ceases to operate the vehicle in Missouri, [he] **the owner** shall return the license plates to the director of revenue within ninety days.

2. For motor vehicles that require the issuance of only one license plate under section 301.130 on or after August 28, 2012, an owner whose motor vehicle has a front license plate on the effective date of this section shall surrender the front license plate to the department of revenue at the next renewal of registration for the motor vehicle.”; and

Further amend said bill, Pages 21-24, Section 301.130, Lines 1-115, by removing all of said lines from the bill and inserting in lieu thereof the following:

“301.130. 1. **Beginning August 28, 2012**, the director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and [a set of license plates] **only one license plate**, or other evidence of registration, as provided by this section. Each **license plate or** set of license plates shall bear the name or abbreviated name of this state, the words "SHOW-ME STATE", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. The **plate or** plates shall also contain fully reflective material with a common color scheme and design for each type of license plate issued pursuant to this chapter. The **plate or** plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "SHOW-ME STATE" and special plates for members of the national guard will have the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

3. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, or with the state highways and transportation commission as otherwise provided in this chapter, but only one license plate shall be issued for each such vehicle, **except as provided in this subsection. The applicant for registration of any property-carrying commercial motor vehicle may request and be issued two license plates for such vehicle, and if such plates are issued the director of revenue may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144.**

4. The plates issued to manufacturers and dealers shall bear the letters and numbers as prescribed by section 301.560, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate [or set of license plates] issued by the director of revenue or the state highways and transportation commission and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired. [License plates] **The license plate** shall be fastened to all motor

vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the [front and] rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

6. (1) The director of revenue shall issue annually or biennially a tab [or set of tabs] as provided by law as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs positively correlate with the license plate or plates issued by the department of revenue for such vehicle. Such tabs shall be produced in each license bureau office.

(2) The vehicle owner to whom a tab [or set of tabs] is issued shall affix and display such tab [or tabs] in the designated area of the license plate[, no more than one per plate].

(3) A tab [or set of tabs] issued by the director of revenue when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as otherwise provided in this section, the director of revenue shall issue plates for a period of at least six years.

(5) For those commercial motor vehicles and trailers registered pursuant to section 301.041, the plate issued by the highways and transportation commission shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the highways and transportation commission upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the highways and transportation commission shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the highways and transportation commission and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

7. The director of revenue and the highways and transportation commission may prescribe rules and regulations for the effective administration of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of eighteen thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for eighteen thousand pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030.

9. No later than January 1, 2009, the director of revenue shall commence the reissuance of new license plates of such design as directed by the director consistent with the terms, conditions, and provisions of this section and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire during the period of reissuance, applicants for registration of trailers or semitrailers with license plates that expire during the period of reissuance and applicants for registration of vehicles that are to be issued new license plates during the period of reissuance shall pay the cost of the plates required by this subsection. The additional cost prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and specialized license plates are exempt from the provisions of this subsection. Except for new,

replacement, and transfer applications, permanent nonexpiring license plates issued to commercial motor vehicles and trailers registered under section 301.041 are exempt from the provisions of this subsection.

10. The provisions of this section regarding the issuance of only one license plate for a motor vehicle shall apply to the issuance of personalized license plates.”; and

Further amend said bill, Page 33, Section 301.142, Line 215, by inserting after all of said section and line, the following:

“301.144. 1. The director of revenue shall establish and issue special personalized license plates containing letters or numbers or combinations of letters and numbers. 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. Any person desiring to obtain a special personalized license plate for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight shall apply to the director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in addition to the regular registration fees. The director of revenue shall issue rules and regulations setting the standards and establishing the procedure for application for and issuance of the special personalized license plates and shall provide a deadline each year for the applications. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. No two owners shall be issued identical plates. An owner shall make a new application and pay a new fee each year such owner desires to obtain or retain special personalized license plates; however, notwithstanding the provisions of subsection 8 of section 301.130 to the contrary, the director shall allow the special personalized license plates to be replaced with new plates every three years without any additional charge, above the fee established in this section, to the renewal applicant. Any person currently in possession of an approved personalized license plate shall have first priority on that particular plate for each of the following years that timely and appropriate application is made.

2. Upon application for a personalized plate by the owner of a motor vehicle for which the owner has no registration plate available for transfer as prescribed by section 301.140, the director shall issue a temporary permit authorizing the operation of the motor vehicle until the personalized plate is issued.

3. No personalized license plates shall be issued containing any letters, numbers or combination of letters and numbers which are obscene, profane, patently offensive or contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present an unreasonable danger to the health or safety of the applicant, of other users of streets and highways, or of the public in any location where the vehicle with such a plate may be found. The director may recall any personalized license plates, including those issued prior to August 28, 1992, if the director determines that the plates are obscene, profane, patently offensive or contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present an unreasonable danger to the health or safety of the applicant, of other users of streets and highways, or of the public in any location where the vehicle with such a plate may be found. Where the director recalls such plates pursuant to the provisions of this subsection, the director shall reissue personalized license plates to the owner of the motor vehicle for which they were issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the standards established pursuant to this section. The director shall not apply the provisions of this statute in a way that violates the Missouri or United States Constitutions as interpreted by the courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle license plates is to identify motor vehicles. Nothing in the issuance of a personalized license plate creates a designated or limited public forum. Nothing contained in this subsection shall be interpreted to prohibit the use of license plates, which are no longer valid for registration purposes, as collector's items or for decorative purposes.

4. The director may also establish categories of special license plates from which license plates may be issued. Any such person, other than a person exempted from the additional fee pursuant to subsection 7 of this section, that desires a personalized special license plate from any such category shall pay the same additional fee and make the same kind of application as that required by subsection 1 of this section, and the director shall issue such plates in the same manner as other personalized special license plates are issued.

5. The director of revenue shall issue to residents of the state of Missouri who hold an unrevoked and unexpired official amateur radio license issued by the Federal Communications Commission, upon application and upon payment of the additional fee specified in subsection 1 of this section, except for a person exempted from the additional fee pursuant to subsection 7 of this section, personalized special license plates bearing the official amateur radio call letters

assigned by the Federal Communications Commission to the applicant with the words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The application shall be accompanied by a statement stating that the applicant has an unrevoked and unexpired amateur radio license issued by the Federal Communications Commission and the official radio call letters assigned by the Federal Communications Commission to the applicant. An owner making a new application and paying a new fee to retain an amateur radio plate may request a replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". If application is made to retain a plate that is three years old or older, the replacement plate shall be issued upon the payment of required fees.

6. Notwithstanding any other provision to the contrary, any business that repossesses motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard displaying the word "Repossessed", provided such business pays the license fees presently required of a manufacturer, distributor, or dealer in section 301.560. Such placard shall bear a number and shall be in such form as the director of revenue shall determine, and shall be only used for demonstrations when displayed substantially as provided for number plates on the rear of the repossessed motor vehicle or trailer.

7. Notwithstanding any provision of law to the contrary, any person who has retired from any branch of the United States armed forces or reserves, the United States Coast Guard or reserve, the United States Merchant Marines or reserve, the National Guard, or any subdivision of any such services shall be exempt from the additional fee required for personalized license plates issued pursuant to section 301.441. As used in this subsection, "retired" means having served twenty or more years in the appropriate branch of service and having received an honorable discharge.

8. The provisions of section 301.130 regarding the issuance of only one license plate for a motor vehicle shall apply to personalized license plates issued under this section.; and

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

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

Which motion was defeated.

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 1640, Page 34, Section 301.225, Lines 12-13, by deleting the words "**, any representative of the department,**"; and

Further amend said bill, Page 38, Section 301.425, Lines 1-2, by deleting the words "**or the director of revenue or his or her designated representative**"; and

Further amend said bill, page and section, Line 5, by deleting the words "**or the director of revenue or his or her designated representative**"; and

Further amend said bill, Page 45, Section 301.560, Line 182, by deleting the words "**or agent of the department**"; and

Further amend said bill, Page 47, Section 301.562, Lines 66-67, by deleting the words "**, or any peace officer certified under chapter 590 acting in his or her official capacity**"; and

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

On motion of Representative Bahr, **House Amendment No. 4** was adopted by the following vote:

AYES: 081

Asbury	Bahr	Barnes	Bernskoetter	Berry
Brandom	Brattin	Brown 85	Brown 116	Burlison
Cauthorn	Cierpiot	Conway 14	Cox	Crawford
Cross	Curtman	Davis	Day	Dieckhaus
Diehl	Dugger	Elmer	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Higdon	Hinson	Hoskins	Hough
Houghton	Jones 117	Keeney	Kelley 126	Koenig
Lair	Lant	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
McCaherty	McNary	Nance	Neth	Parkinson
Phillips	Redmon	Reiboldt	Richardson	Sater
Schad	Schieber	Schneider	Schoeller	Smith 150
Solon	Sommer	Stream	Torpey	Wallingford
Wells	White	Wieland	Wyatt	Zerr
Mr Speaker				

NOES: 068

Allen	Anders	Atkins	Aull	Black
Carlson	Carter	Casey	Colona	Conway 27
Cookson	Denison	Ellinger	Ellington	Entlicher
Fallert	Fisher	Harris	Hodges	Holsman
Hughes	Hummel	Johnson	Jones 63	Kander
Kelly 24	Kirkton	Kratky	May	McCann Beatty
McCreery	McDonald	McGeoghegan	McManus	McNeil
Molendorp	Montecillo	Morgan	Nasheed	Newman
Nichols	Nolte	Oxford	Pace	Pierson
Quinn	Rizzo	Rowland	Ruzicka	Scharnhorst
Schieffer	Schupp	Shively	Shumake	Sifton
Silvey	Smith 71	Spreng	Still	Swearingen
Swinger	Talboy	Taylor	Thomson	Walton Gray
Webb	Weter	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 014

Brown 50	Funderburk	Hubbard	Jones 89	Klippenstein
Korman	Lampe	Largent	McGhee	Meadows
Pollock	Riddle	Schatz	Webber	

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 1640, Page 54, Section 302.132, Line 27, by inserting after all of said section and line, the following:

“302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered upervision as provided in section 302.303. 2 points
(except any violation of municipal stop sign ordinance where no accident is involved. 1 point)

(2) Speeding
In violation of a state law. 3 points
In violation of a county or municipal ordinance. 2 points

(3) Leaving the scene of an accident in violation of section 577.060. 12 points
In violation of any county or municipal ordinance. 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016. 4 points
In violation of a county or municipal ordinance. 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:
(a) For the first conviction. 2 points
(b) For the second conviction. 4 points
(c) For the third conviction. 6 points
(6) Operating with a suspended or revoked license prior to restoration of operating privileges. 12 points
(7) Obtaining a license by misrepresentation. 12 points
(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs. 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight. 12 points

(10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight In violation of state law. 8 points
In violation of a county or municipal ordinance or federal law or regulation. 8 points

(11) Any felony involving the use of a motor vehicle. 12 points
(12) Knowingly permitting unlicensed operator to operate a motor vehicle. 4 points

(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025. 4 points

(14) Endangerment of a highway worker in violation of section 304.585. 4 points
(15) Aggravated endangerment of a highway worker in violation of section 304.585. 12 points

(16) For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency. 4 points

(17) Endangerment of an emergency responder in violation of section 304.894. 4 points

(18) Aggravated endangerment of an emergency responder in violation of section 304.894. 12 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

304.890. As used in sections 304.890 to 304.894, the following terms shall mean:

(1) "Active emergency", any incident occurring on a highway, as the term "highway" is defined in section 302.010, that requires emergency services from any emergency responder;

(2) "Active emergency zone", any area upon or around any highway, which is visibly marked by emergency responders performing work for the purpose of emergency response, and where an active emergency, or incident removal, is temporarily occurring. This area includes the lanes of highway leading up to an active emergency or incident removal, beginning within three hundred feet of visual sighting of:

(a) Appropriate signs or traffic control devices posted or placed by emergency responders; or

(b) An emergency vehicle displaying active emergency lights or signals;

(3) "Emergency responder", any law enforcement officer, paid or volunteer firefighter, first responder, emergency medical worker, tow truck operator, or other emergency personnel responding to an emergency on a highway.

304.892. 1. Upon the first conviction, finding of guilt, or plea of guilty by any person for a moving violation, as the term "moving violation" is defined in section 302.010, or any offense listed in section 302.302, other than a violation described in subsection 2 of this section, when the violation or offense occurs within an active emergency zone, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized by law.

2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 3 of this section, when the violation or offense occurs within an active emergency zone and emergency responders were present in such zone at the time of the offense or violation, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine under this subsection shall also be assessed an additional fine under subsection 1 of this section.

3. The driver of a motor vehicle may not overtake or pass another motor vehicle within an active emergency zone. Violation of this subsection is a class C misdemeanor.

4. The additional fines imposed by this section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302.

304.894. 1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone:

- (1) Exceeding the posted speed limit by fifteen miles per hour or more;
 - (2) Passing in violation of subsection 3 of section 304.892;
 - (3) Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone;
 - (4) Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone;
 - (5) Physically assaulting, attempting to assault, or threatening to assault an emergency responder with a motor vehicle or other instrument;
 - (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect emergency responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person; or
 - (7) Committing any of the following offenses for which points may be assessed under section 302.302:
 - (a) Leaving the scene of an accident in violation of section 577.060;
 - (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;
 - (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020;
 - (d) Operating with a suspended or revoked license;
 - (e) Driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content;
 - (f) Any felony involving the use of a motor vehicle.
2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of an emergency responder under subsection 1 of this section, if no injury or death to an emergency responder resulted from the offense, the court shall assess a fine of not more than one thousand dollars, and four points shall be assessed to the operator's license pursuant to section 302.302.
3. A person commits the offense of aggravated endangerment of an emergency responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a plea of guilty for committing the offense of aggravated endangerment of an emergency responder, in addition to any other penalty authorized by law, the court shall assess a fine of not more than five thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand dollars if the offense resulted in the death of an emergency responder. In addition, twelve points shall be assessed to the operator's license pursuant to section 302.302.
4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to have committed the offense of endangerment of an emergency responder except when the act or omission constituting the offense occurred when one or more emergency responders were responding to an active emergency.
5. No person shall be cited for, or found guilty of, endangerment of an emergency responder or aggravated endangerment of an emergency responder, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence of another person or emergency responder.”; and

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

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

House Amendment No. 1
to
House Amendment No. 5

AMEND House Amendment No. 5 to House Committee Substitute for House Bill No. 1640, Page 6, Line 26, by inserting after all of said line the following:

“Further amend said bill, Page 3, Section 136.055, Line 47, by inserting after all of said section and line the following:

144.010. 1. The following words, terms, and phrases when used in sections 144.010 to 144.525 have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.525;

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.525. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.525 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

(3) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under permit issued by the Missouri department of conservation for hunting purposes. The provisions of this subdivision shall not apply to sales tax on a harvested animal;

(4) "Gross receipts", except as provided in section 144.012, means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.525 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;

(5) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

(6) "Motor vehicle leasing company" shall be a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

(7) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(8) "Purchaser" means a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.525;

(9) "Research or experimentation activities" are the development of an experimental or pilot model, plant process, formula, invention or similar property, and the improvement of existing property of such type. Research or experimentation activities do not include activities such as ordinary testing or inspection of materials or products for quality control, efficiency surveys, advertising promotions or research in connection with literary, historical or similar projects;

(10) "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.525;

(11) "Sale at retail" means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to

144.525 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer-assisted photo compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer-assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property. Where necessary to conform to the context of sections 144.010 to 144.525 and the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

(a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;

(b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(c) Sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;

(d) Sales of service for transmission of messages by telegraph companies;

(e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;

(f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(g) Registration with the director of revenue of motor vehicles, trailers, boats and outboard motors, regardless of whether the sale took place in this state;

(12) "Seller" means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed pursuant to section 144.020;

(13) The noun "tax" means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he or she is required to report his or her collections, as the context may require;

(14) "Telecommunications service", for the purpose of this chapter, the transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include the following if such services are separately stated on the customer's bill or on records of the seller maintained in the ordinary course of business:

(a) Access to the internet, access to interactive computer services or electronic publishing services, except the amount paid for the telecommunications service used to provide such access;

(b) Answering services and one-way paging services;

(c) Private mobile radio services which are not two-way commercial mobile radio services such as wireless telephone, personal communications services or enhanced specialized mobile radio services as defined pursuant to federal law; or

(d) Cable or satellite television or music services; and

(15) "Product which is intended to be sold ultimately for final use or consumption" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state.

2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning given it in section 700.010.

3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law"; and"; and

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

On motion of Representative Rowland, **House Amendment No. 1 to House Amendment No. 5** was adopted by the following vote:

AYES: 082

Anders	Atkins	Aull	Barnes	Black
Brandom	Carlson	Carter	Casey	Cauthorn
Colona	Conway 27	Cookson	Denison	Diehl
Dugger	Ellinger	Ellington	Entlicher	Fallert
Fisher	Fitzwater	Fraker	Franz	Gatschenberger
Gosen	Hampton	Harris	Hodges	Holsman
Hoskins	Houghton	Hughes	Hummel	Jones 63
Jones 89	Jones 117	Keeney	Kelly 24	Kirkton
Kratky	McCann Beatty	McCreery	McDonald	McGeoghegan
McNeil	Montecillo	Morgan	Nasheed	Neth
Newman	Nichols	Oxford	Pace	Phillips
Pierson	Quinn	Redmon	Richardson	Rizzo
Rowland	Ruzicka	Sater	Schad	Scharnhorst
Schieffer	Shively	Shumake	Silvey	Spreng
Still	Stream	Swearingen	Talboy	Taylor
Thomson	Walton Gray	Webb	Wells	Weter
Wright	Zerr			

NOES: 062

Allen	Asbury	Bahr	Bernskoetter	Berry
Brattin	Brown 50	Brown 85	Burlison	Cierpiot
Conway 14	Cox	Crawford	Cross	Curtman
Davis	Elmer	Flanigan	Franklin	Frederick
Fuhr	Grisamore	Guernsey	Haefner	Higdon
Hinson	Johnson	Kander	Kelley 126	Koenig
Lair	Lant	Largent	Lasater	Lauer
Leach	Leara	Lichtenegger	Loehner	Marshall
May	McCaherty	McGhee	McManus	McNary
Molendorp	Nance	Parkinson	Reiboldt	Schieber
Schoeller	Schupp	Sifton	Smith 71	Smith 150
Solon	Sommer	Torpey	White	Wieland
Wyatt	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 019

Brown 116	Day	Dieckhaus	Funderburk	Hough
Hubbard	Klippenstein	Korman	Lampe	Long
Meadows	Nolte	Pollock	Riddle	Schatz
Schneider	Swinger	Wallingford	Webber	

Representative Franklin offered **House Amendment No. 2 to House Amendment No. 5**.

House Amendment No. 2
to
House Amendment No. 5

AMEND House Amendment No. 5 to House Committee Substitute for House Bill No. 1640, Page 6, Line 26, by inserting after all of said line the following:

“Further amend said bill, Page 1 through 3, Section 136.055, Lines 1 through 47, by deleting all of said section and inserting in lieu thereof the following:

‘136.055. 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

- (1) For each motor vehicle or trailer registration issued, renewed or transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147;
- (2) For each application or transfer of title--two dollars and fifty cents;
- (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less--two dollars and fifty cents and five dollars for licenses or instruction permits issued or renewed for a period exceeding three years;
- (4) For each notice of lien processed--two dollars and fifty cents;
- (5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. The director of revenue shall award fee office contracts under this section through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities **located within the community where the office will be established** that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986, as amended, and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts. **Any not-for-profit entity awarded a contract under this section shall submit the most recent annual report, prior to February first of each year, to the director of the department of revenue, which shall contain from the immediately preceding year:**

- (1) **The net receipts of the fee office;**
- (2) **An itemization of all expenditures and administrative fees paid including both operating expenses and charitable contributions; and**
- (3) **A list of all charities that benefit from the fees collected pursuant to this section.**

Any not-for-profit entity awarded a contract under this section shall prominently display at their business location all charitable entities that will benefit from any fees collected pursuant to this section. The director of the department of revenue may promulgate rules and regulations necessary to carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. All fees collected by a tax-exempt organization may be retained and used by the organization.
4. All fees charged shall not exceed those in this section. The fees imposed by this section shall be collected by all permanent offices and all full-time or temporary offices maintained by the department of revenue.

5. Any person acting as agent of the department of revenue for the sale and issuance of registrations, licenses, and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

6. The fees authorized by this section shall not be collected by motor vehicle dealers acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers authorized to collect and remit sales tax under subsection 8 of section 144.070.

7. Notwithstanding any other provision of law to the contrary, the state auditor may audit all records maintained and established by the fee office in the same manner as the auditor may audit any agency of the state, and the department

shall ensure that this audit requirement is a necessary condition for the award of all fee office contracts. No confidential records shall be divulged in such a way to reveal personally identifiable information.”; and”; and

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

On motion of Representative Franklin, **House Amendment No. 2 to House Amendment No. 5** was adopted.

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

On motion of Representative Denison, **HCS HB 1640, as amended**, was adopted.

On motion of Representative Denison, **HCS HB 1640, as amended**, was ordered perfected and printed.

HCS HB 1272, relating to actions and damages against jails, was taken up by Representative Kelley (126).

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1272, Page 1, Section 537.082, Lines 4-6, by deleting all of said lines and inserting in lieu thereof the following:

“therein, the standard of proof shall be gross negligence.”; and

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

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

HCS HB 1272, as amended, was laid over.

On motion of Representative Jones (89), 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 Schoeller.

HOUSE RESOLUTION

Representative Barnes, et al., offered House Resolution No. 1726.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1644 through House Resolution No. 1725

House Resolution No. 1727 through House Resolution No. 1729

HOUSE CONCURRENT RESOLUTIONS

Representative Nolte, et al., offered House Concurrent Resolution No. 55.
 Representative Nasheed offered House Concurrent Resolution No. 56.

PERFECTION OF HOUSE BILLS

HCS HB 1272, as amended, relating to actions and damages against jails, was again taken up by Representative Kelley (126).

On motion of Representative Kelley (126), **HCS HB 1272, as amended**, was adopted.

On motion of Representative Kelley (126), **HCS HB 1272, as amended**, was ordered perfected and printed by the following vote:

AYES: 074

Allen	Bahr	Bernskoetter	Berry	Black
Brandom	Brattin	Brown 116	Burlison	Cauthorn
Cierpiot	Conway 14	Cookson	Cox	Curtman
Davis	Denison	Dieckhaus	Diehl	Dugger
Entlicher	Fisher	Fitzwater	Fraker	Franklin
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Hinson	Hoskins	Hough	Houghton
Jones 89	Keeney	Kelley 126	Koenig	Korman
Lair	Lant	Largent	Lasater	Leara
Lichtenegger	Loehner	Long	McNary	Molendorp
Nance	Neth	Parkinson	Phillips	Pollock
Redmon	Reiboldt	Richardson	Rowland	Ruzicka
Sater	Schad	Scharnhorst	Schoeller	Shumake
Smith 150	Sommer	Stream	Thomson	Wallingford
Wright	Wyatt	Zerr	Mr Speaker	

NOES: 070

Anders	Asbury	Atkins	Aull	Barnes
Brown 50	Brown 85	Carlson	Casey	Colona
Conway 27	Crawford	Cross	Day	Ellinger
Ellington	Elmer	Fallert	Frederick	Fuhr
Harris	Higdon	Hodges	Holsman	Hubbard
Hughes	Johnson	Jones 63	Kander	Kirkton
Kratky	Lauer	Marshall	May	McCaherty
McCann Beatty	McCreery	McDonald	McGeoghegan	McGhee
McManus	McNeil	Montecillo	Morgan	Newman
Nichols	Oxford	Pace	Pierson	Quinn
Rizzo	Schieber	Schieffer	Schupp	Shively
Sifton	Smith 71	Solon	Spreng	Still
Swearingen	Swinger	Talboy	Taylor	Walton Gray
Webb	Webber	Weter	White	Wieland

PRESENT: 001

Silvey

ABSENT WITH LEAVE: 018

Carter	Flanigan	Franz	Funderburk	Hummel
Jones 117	Kelly 24	Klippenstein	Lampe	Leach
Meadows	Nasheed	Nolte	Riddle	Schatz
Schneider	Torpey	Wells		

HCS HB 1515, relating to crimes and criminal procedures, was taken up by Representative Schad.

Speaker Tilley resumed the Chair.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1515, Page 3, Section 306.130, Line 20, by inserting after all of said line the following:

“455.020. 1. Any [adult] **person** who has been subject to domestic violence by a present or former family or household member, or who has been the victim of stalking, may seek relief under sections 455.010 to 455.085 by filing a verified petition alleging such domestic violence or stalking by the respondent.

2. [An adult's] **A person's** right to relief under sections 455.010 to 455.085 shall not be affected by his leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.010 to 455.085 shall be effective throughout the state in all cities and counties.

455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte order of protection. An immediate and present danger of [abuse] **domestic violence** to the petitioner **or the child on whose behalf the petition is filed** shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion. **The court shall deny the ex parte and dismiss the petition if the petitioner is not authorized to seek relief under section 455.020.**

2. Failure to serve an ex parte order of protection on the respondent shall not affect the validity or enforceability of such order. If the respondent is less than seventeen years of age, unless otherwise emancipated, service of process shall be made upon a **custodial** parent or guardian of the respondent, or upon a guardian ad litem appointed by the court, **requiring that the person appear and bring the respondent before the court at the time and place stated.**

3. If an ex parte order is entered and [the allegations in the petition would give rise to jurisdiction under section 211.031 because] the respondent is less than seventeen years of age, the court shall transfer the case to juvenile court for a hearing on a full order of protection. The court shall appoint a guardian ad litem for any such respondent not represented by a parent or guardian.

455.040. 1. Not later than fifteen days after the filing of a petition [pursuant to sections 455.010 to 455.085] **that meets the requirements of section 455.020**, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of abuse or stalking by a preponderance of the evidence, the court shall issue a full order of protection for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the originally issued full order of protection. The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection for one year shall automatically renew unless the respondent requests a hearing by thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the motion to renew or the objection to an automatic renewal of the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. When an automatic renewal is not authorized, upon

motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. For purposes of this subsection, a finding by the court of a subsequent act of abuse is not required for a renewal order of protection.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be served upon the respondent as provided by law or by any sheriff or police officer at least three days prior to such hearing. [Such notice shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature.] The court shall cause a copy of any full order of protection to be served upon or mailed by certified mail to the respondent at the respondent's last known address. **Notice of an ex parte or full order of protection shall be served at the earliest time and service of such notice shall take priority over service in other actions, except those of a similar emergency nature.** Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law enforcement system the same day the order is granted. The law enforcement agency responsible for maintaining MULES shall, for purposes of verification, within twenty-four hours from the time the order is granted, enter information contained in the order including but not limited to any orders regarding child custody or visitation and all specifics as to times and dates of custody or visitation that are provided in the order. A notice of expiration or of termination of any order of protection or any change in child custody or visitation within that order shall be issued to the local law enforcement agency and to the law enforcement agency responsible for maintaining MULES or any other comparable law enforcement system. The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system within twenty-four hours of receipt of information evidencing such expiration or termination. The information contained in an order of protection may be entered in the Missouri uniform law enforcement system or comparable law enforcement system using a direct automated data transfer from the court automated system to the law enforcement system.

4. The court shall cause a copy of any objection filed by the respondent and notice of the date set for the hearing on such objection to an automatic renewal of a full order of protection for a period of one year to be personally served upon the petitioner by personal process server as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such service of process shall be served at the earliest time and shall take priority over service in other actions except those of a similar emergency nature.

455.060. 1. After notice and hearing, the court may modify an order of protection at any time, upon subsequent motion filed by the guardian ad litem, the court-appointed special advocate or by either party together with an affidavit showing a change in circumstances sufficient to warrant the modification. All full orders of protection shall be final orders and appealable and shall be for a fixed period of time as provided in section 455.040.

2. Any order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate prior to the time fixed in the order upon the issuance of a subsequent order pursuant to chapter 452 or any other Missouri statute.

3. No order entered pursuant to sections 455.010 to 455.085 shall be res judicata to any subsequent proceeding, including, but not limited to, any action brought under chapter 452[, RSMo 1978, as amended].

4. All provisions of an order of protection shall terminate upon entry of a decree of dissolution of marriage or legal separation except as to those provisions which require the respondent to participate in a court-approved counseling program or enjoin the respondent from abusing, molesting, stalking or disturbing the peace of the petitioner and which enjoin the respondent from entering the premises of the dwelling unit of the petitioner as described in the order of protection when the petitioner continues to reside in that dwelling unit unless the respondent is awarded possession of the dwelling unit pursuant to a decree of dissolution of marriage or legal separation.

5. Any order of protection or order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate upon the order of the court granting a motion to terminate the order of protection by the petitioner. [The court shall set the motion to dismiss for hearing and both parties shall have an opportunity to be heard.] Prior to terminating any order of protection, the court may [examine the circumstances of the motion to dismiss and may] inquire of the petitioner or others **in camera** in order to [assist the court in determining if] **determine whether the** dismissal is voluntary.

6. The order of protection may not change the custody of children when an action for dissolution of marriage has been filed or the custody has previously been awarded by a court of competent jurisdiction.

455.085. 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to abuse or assault, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act [of abuse] in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest he is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party he believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

- (1) The intent of the law to protect victims [of domestic violence] from continuing [abuse] **domestic violence**;
- (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
- (3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of [family] **domestic violence** shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether he should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to [abuse] **domestic violence**, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to [abuse] **domestic violence**, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to

submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of abuse or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

455.505. 1. An order of protection for a child who has been subject to domestic violence by a present or former [adult] household member or person stalking the child may be sought under sections 455.500 to 455.538 by the filing of a verified petition alleging such domestic violence by the respondent.

2. A child's right to relief under sections 455.500 to 455.538 shall not be affected by his leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.500 to 455.538 shall be effective throughout the state in all cities and counties.

455.513. 1. Upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and upon finding that no prior order regarding custody is pending or has been made or that the respondent is less than seventeen years of age, the court may immediately issue an ex parte order of protection. An immediate and present danger of [abuse] **domestic violence** to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. **The court shall deny the ex parte and dismiss the petition if the petitioner is not authorized to seek relief under section 455.505.**

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the court may direct the children's division to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

4. If [an ex parte order is entered and] the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the court **may issue an ex parte order and** shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035.

455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting or disturbing the peace of the victim;

(2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;

(3) Temporarily enjoining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court.

2. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Award visitation;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;

(6) Order the respondent to participate in a court-approved counseling program designed to help [child abusers] stop violent behavior or to treat substance abuse;

(7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;

(8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence.

455.538. 1. When a law enforcement officer has probable cause to believe that a party, against whom a protective order for a child has been entered, has committed an act of [abuse] **domestic violence** in violation of that order, he shall have the authority to arrest the respondent whether or not the violation occurred in the presence of the arresting officer.

2. When a person, against whom an order of protection for a child has been entered, fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

3. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

4. (1) Violation of the terms and conditions of an ex parte or full order of protection with regard to abuse, child custody, communication initiated by the respondent, or entrance upon the premises of the victim's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

(2) For purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection for a child if the law enforcement officer responding to a call of a reported incident of abuse or violation of an order of protection for a child presents a copy of the order of protection to the respondent.

5. The fact that an act by a respondent is a violation of a valid order of protection for a child shall not preclude prosecution of the respondent for other crimes arising out of the incident in which the protection order is alleged to have been violated.”; and

Further amend said bill, Page 4, Section 513.653, Line 18, by inserting after all of said line the following:

“527.290. 1. Public notice of such a change of name shall be given at least three times in a newspaper published in the county where such person is residing, within twenty days after the order of court is made, and if no newspaper is published in his or any adjacent county, then such notice shall be given in a newspaper published in the City of St. Louis, or at the seat of government.

2. Public notice of such name change through publication as required in subsection 1 of this section shall not be required **and any system operated by the judiciary that is designed to provide public case information electronically shall not post the name change** if the petitioner is:

(1) The victim of a crime, the underlying factual basis of which is found by the court on the record to include an act of domestic violence, as defined in section 455.010;

(2) The victim of child abuse, as defined in section 210.110; or

(3) The victim of [abuse] **domestic violence** by a family or household member, as defined in section 455.010.

565.074. 1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member [or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor], as defined in section 455.010 and:

(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or

(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.

3. A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family or household member as defined in section 455.010, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be a violation of this section, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this subsection may be against the same family or household member or against different family or household members.”; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1515, Section 610.205, Page 11, Lines 35 to 37, by removing all of said lines and inserting the following:

“to counsel representing a defendant. Counsel may disclose such”; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1515, Page 1, Section A, Line 5, by inserting after all of said section and line, the following:

“160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's

education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Forcible rape under section 566.030;
- (6) Forcible sodomy under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020;
- (10) Distribution of drugs under section 195.211;
- (11) Distribution of drugs to a minor under section 195.212;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;
- (15) Second degree assault under section 565.060;
- (16) Sexual assault under section 566.040;
- (17) Felonious restraint under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067;
- (21) Deviate sexual assault pursuant to section 566.070;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse pursuant to section 566.100;
- (24) Harassment under section 565.090; or
- (25) Stalking under section 565.225; committed on school property, including but not limited to actions on any

school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

- (1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;
- (2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;
- (3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or
- (4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115,

such person and the superintendent of the school district shall [forward] **report** the allegation to the children's division [within twenty-four hours of receiving the information] **as set forth in section 210.115**. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the juvenile officer of the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the juvenile officer or a law enforcement officer designated by the juvenile officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by the juvenile officer or a law enforcement officer designated by the juvenile officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child

abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or juvenile officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report [or cause a report to be made] to the division in accordance with the provisions of sections 210.109 to 210.183. As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. [Whenever such person is required to report pursuant to sections 210.109 to 210.183 in an official capacity as a staff member of a medical institution, school facility, or other agency, whether public or private, the person in charge or a designated agent shall be notified immediately. The person in charge or a designated agent shall then become responsible for immediately making or causing such report to be made to the division. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect] **When two or more persons who are required to report jointly have knowledge of a known or suspected instance of child abuse or neglect, a single report may be made by a member of the team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.**

3. **The reporting requirements under this section are individual, and no supervisor or administrator may impede or inhibit any reporting under this section. No person making a report under this section shall be subject to any sanction for making such report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided such internal procedures are not inconsistent with this section.**

4. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

[4.] 5. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

[5.] 6. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452 and shall report the findings to the child fatality review panel established pursuant to section 210.192.

[6.] 7. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting [or causing a report to be made] to the division.

[7.] 8. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri division of family services, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the [Missouri] division [of family services].”; and

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

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

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 1515, Page 4, Section 513.653, Line 18, by inserting after all of said line the following:

“558.019. 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, section 558.018 or section 571.015, which set minimum terms of sentences, or the provisions of section 559.115, relating to probation.

2. The provisions of subsections 2 to 5 of this section shall be applicable to all classes of felonies except those set forth in chapter 195, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378. Other provisions of the law to the contrary notwithstanding, any offender who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;

(2) If the offender has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the offender has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be eighty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any offender who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members shall be appointed to a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for offenders convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) [The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

- (a) The nature and severity of each offense;
- (b) The record of prior offenses by the offender;
- (c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime;

and

(d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4)] The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

[(5) The commission shall publish and distribute its recommendations on or before July 1, 2004. The commission shall study the implementation and use of the recommendations until July 1, 2005, and return a report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 2005, report, the commission shall revise the recommended sentences every two years.

(6)] (4) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

[(7)] (5) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

[(8)] (6) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.

8. If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:

- (1) Restitution to any victim or a statutorily created fund for costs incurred as a result of the offender's actions;
- (2) Offender treatment programs;
- (3) Mandatory community service;
- (4) Work release programs in local facilities; and
- (5) Community-based residential and nonresidential programs.

9. The provisions of this section shall apply only to offenses occurring on or after August 28, 2003.

10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any

restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

11. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a defendant to make payment.

12. A defendant who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

13. Nothing in this section shall be construed to allow the sentencing advisory commission to issue recommended sentences in specific cases pending in the courts of this state.”; and

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

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

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 1515, Page 10, Section 575.080, Line 18, by inserting after all of said section and line, the following:

“610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public.

As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions

shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, [2012] **2016**;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(d) This exception shall sunset on December 31, [2012] **2016**;

(20) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

(21) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public

governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; and

(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 contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business.”; and

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

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

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

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 1515, Page 4, Section 513.653, Line 18, by inserting after all of said section and line, the following:

“544.456. 1. This section shall be known and may be cited as "Sam Pratt's Law".

2. In any case involving abuse, neglect, or death of a child, any court with competent jurisdiction may impose as a condition of release of a defendant under section 544.455 that such defendant be prohibited from providing child care services for compensation pending final disposition of the case.”; and

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

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 090

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Fisher	Fitzwater	Fraker
Frederick	Fuhr	Gosen	Grisamore	Guernsey
Haefner	Hampton	Hinson	Hoskins	Hough
Houghton	Johnson	Jones 89	Keeney	Kelley 126
Koenig	Korman	Lair	Lant	Largent
Lasater	Lauer	Leach	Leara	Lichtenegger
Loehner	Marshall	McCaherty	McGhee	Molendorp
Nance	Neth	Parkinson	Phillips	Redmon
Reiboldt	Riddle	Rowland	Ruzicka	Sater
Schad	Scharnhorst	Schieber	Schoeller	Shumake
Silvey	Smith 150	Solon	Sommer	Stream
Thomson	Torpey	Wallingford	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

NOES: 049

Anders	Atkins	Aull	Black	Brown 50
Carlson	Casey	Conway 27	Ellinger	Ellington
Fallert	Harris	Hodges	Hubbard	Jones 63
Kander	Kirkton	Kratky	Lampe	May
McCann Beatty	McCreery	McDonald	McGeoghegan	McManus
McNeil	Montecillo	Morgan	Newman	Nichols
Oxford	Pace	Pierson	Quinn	Rizzo
Schieffer	Schupp	Shively	Sifton	Smith 71
Spreng	Still	Swearingen	Swinger	Talboy
Taylor	Walton Gray	Webb	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 024

Carter	Colona	Flanigan	Franklin	Franz
Funderburk	Gatschenberger	Higdon	Holsman	Hughes
Hummel	Jones 117	Kelly 24	Klippenstein	Long
McNary	Meadows	Nasheed	Nolte	Pollock
Richardson	Schatz	Schneider	Wells	

On motion of Representative Schad, **HCS HB 1515, as amended**, was adopted.

On motion of Representative Schad, **HCS HB 1515, as amended**, was ordered perfected and printed.

HCS HB 1608, relating to unfunded and obsolete programs, was taken up by Representative White.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1608, Pages 3-4, Section 198.087, Lines 1-37, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 4, Section 198.527, Line 9, by placing an opening bracket “[“ immediately before the phrase “the Missouri”; and

Further amend said bill, page, section, and line, by placing a closing bracket “]” immediately after the phrase “process, and”; and

Further amend said bill, page, and section, Lines 18-26, by deleting all of said lines from the bill; and

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

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

On motion of Representative White, **HCS HB 1608, as amended**, was adopted.

On motion of Representative White, **HCS HB 1608, as amended**, was ordered perfected and printed.

HB 1066, relating to unemployment compensation, was taken up by Representative McGhee.

On motion of Representative McGhee, **HB 1066** was ordered perfected and printed.

HB 1109, relating to federal holidays, was taken up by Representative Brattin.

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

House Amendment No. 1

AMEND House Bill No. 1109, Page 1, Section 9.015, Line 3, by inserting after the word “**holiday.**” on said line the following:

“This shall not be construed to limit the ability of a state or local governmental entity, public building, public park, public school, or public setting or place from restricting the use of fireworks.”; and

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

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Fisher	Fitzwater	Fraker
Franklin	Frederick	Fuhr	Gosen	Guernsey
Haefner	Hampton	Hoskins	Hough	Houghton
Johnson	Jones 89	Jones 117	Keeney	Kelley 126
Koenig	Korman	Lair	Lant	Largent
Lasater	Lauer	Leach	Leara	Lichtenegger
Loehner	Long	Marshall	McCaherty	McGhee
Molendorp	Nance	Nolte	Parkinson	Phillips
Redmon	Reiboldt	Richardson	Riddle	Rowland
Ruzicka	Sater	Schad	Scharnhorst	Schieber
Schoeller	Shumake	Silvey	Smith 150	Solon
Sommer	Stream	Thomson	Torpey	Wallingford
Weter	White	Wieland	Wright	Wyatt
Zerr	Mr Speaker			

NOES: 052

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Conway 27	Ellinger
Ellington	Fallert	Harris	Hodges	Holsman
Hughes	Jones 63	Kander	Kirkton	Kratky
Lampe	May	McCann Beatty	McCreery	McDonald
McGeoghegan	McManus	McNeil	Meadows	Montecillo
Morgan	Newman	Nichols	Oxford	Pace
Pierson	Quinn	Rizzo	Schieffer	Schupp
Shively	Sifton	Smith 71	Spreng	Still
Swearingen	Swinger	Talboy	Taylor	Walton Gray
Webb	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 019

Colona	Flanigan	Franz	Funderburk	Gatschenberger
Grisamore	Higdon	Hinson	Hubbard	Hummel
Kelly 24	Klippenstein	McNary	Nasheed	Neth
Pollock	Schatz	Schneider	Wells	

On motion of Representative Brattin, **HB 1109, as amended**, was ordered perfected and printed.

HCS HB 1110, relating to veterans treatment courts, was taken up by Representative Barnes.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1110, Page 3, Section 478.008, Line 19, by inserting after the phrase “**or modified.**” on said line, the phrase “**This subsection shall not apply to any veterans treatment court participant who has previously had the charges, petition, or penalty dismissed, reduced, or modified under the provisions of this subsection.**”; and

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

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

On motion of Representative Barnes, **HCS HB 1110, as amended**, was adopted.

On motion of Representative Barnes, **HCS HB 1110, as amended**, was ordered perfected and printed.

HCS HB 1789, relating to student travel hardships, was taken up by Representative Schad.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 091

Allen	Asbury	Bahr	Barnes	Bernskoetter
Brandom	Brattin	Brown 85	Brown 116	Burlison
Cauthorn	Cierpiot	Conway 14	Cookson	Cox
Crawford	Cross	Curtman	Davis	Dieckhaus
Diehl	Dugger	Elmer	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Frederick	Fuhr
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Higdon	Hinson	Hoskins	Hough
Houghton	Johnson	Jones 89	Jones 117	Keeney
Kelley 126	Koenig	Korman	Lair	Lant
Largent	Lasater	Lauer	Leach	Leara
Lichtenegger	Loehner	Long	Marshall	McCaherty
McGhee	Molendorp	Nance	Neth	Phillips
Redmon	Reiboldt	Richardson	Riddle	Rowland
Ruzicka	Schad	Schieber	Schneider	Schoeller
Shumake	Silvey	Smith 150	Solon	Sommer
Stream	Thomson	Torpey	Wallingford	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 048

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Conway 27	Ellinger
Ellington	Fallert	Harris	Hodges	Hubbard
Jones 63	Kander	Kirkton	Lampe	May
McCann Beatty	McCreery	McGeoghegan	McNeil	Meadows
Montecillo	Morgan	Nasheed	Newman	Nichols
Oxford	Pace	Pierson	Quinn	Rizzo
Schupp	Shively	Sifton	Smith 71	Spreng
Still	Swearingen	Swinger	Talboy	Taylor
Walton Gray	Webb	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 024

Berry	Colona	Day	Denison	Entlicher
Franz	Funderburk	Holsman	Hughes	Hummel
Kelly 24	Klippenstein	Kratky	McDonald	McManus
McNary	Nolte	Parkinson	Pollock	Sater
Scharnhorst	Schatz	Schieffer	Wells	

On motion of Representative Schad, **HCS HB 1789** was adopted by the following vote:

AYES: 085

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 50	Brown 85
Brown 116	Burlison	Cauthorn	Cierpiot	Conway 14
Cookson	Cox	Crawford	Cross	Curtman
Davis	Day	Denison	Dieckhaus	Diehl
Dugger	Elmer	Entlicher	Fisher	Frederick
Fuhr	Gatschenberger	Gosen	Guernsey	Haefner
Hampton	Higdon	Hinson	Hoskins	Hough
Houghton	Johnson	Jones 89	Jones 117	Keeney
Kirkton	Koenig	Korman	Lair	Lant
Lauer	Leach	Leara	Lichtenegger	Loehner
Long	McCaherty	Neth	Parkinson	Pollock
Reiboldt	Richardson	Riddle	Ruzicka	Schad
Scharnhorst	Schneider	Schoeller	Shumake	Silvey
Smith 150	Solon	Sommer	Stream	Swearingen
Thomson	Torpey	Wallingford	Wells	Weter
White	Wieland	Wyatt	Zerr	Mr Speaker

NOES: 065

Anders	Atkins	Aull	Black	Carlson
Carter	Casey	Conway 27	Ellinger	Ellington
Fallert	Fitzwater	Flanigan	Fraker	Franklin
Grisamore	Harris	Hodges	Holsman	Hubbard
Jones 63	Kander	Kelley 126	Kratky	Lampe
Largent	Lasater	Marshall	May	McCann Beatty
McCreery	McDonald	McGeoghegan	McGhee	McManus
McNeil	Meadows	Molendorp	Montecillo	Morgan
Nance	Newman	Nichols	Oxford	Pace
Phillips	Pierson	Quinn	Redmon	Rizzo
Rowland	Schieber	Schupp	Shively	Sifton
Smith 71	Spreng	Still	Swinger	Talboy
Taylor	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 013

Colona	Franz	Funderburk	Hughes	Hummel
Kelly 24	Klippenstein	McNary	Nasheed	Nolte
Sater	Schatz	Schieffer		

On motion of Representative Schad, **HCS HB 1789** was ordered perfected and printed.

HB 1273, relating to school bus advertisement, was taken up by Representative Kelley (126).

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

House Amendment No. 1

AMEND House Bill No. 1273, Page 2, Section 171.400, Line 15, by inserting after all said line the following:

"2. Notwithstanding any provision of this section or any other law to the contrary, no advertising shall be permitted on any new school bus purchased after January 1, 2015, unless such bus is also equipped with passenger safety belts for each student. This prohibition on advertising shall not apply to any school bus purchased prior to such date."; and

Further amend said bill, Page 2, Section 171.400, Line 16, by deleting "2." and inserting in lieu thereof "3."; and

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

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

Which motion was defeated by the following vote:

AYES: 050

Anders	Atkins	Black	Brown 50	Carlson
Carter	Casey	Conway 27	Ellinger	Ellington
Fallert	Hubbard	Jones 63	Jones 117	Kander
Kirkton	Kratky	Lampe	May	McCann Beatty
McCreery	McDonald	McGeoghegan	McGhee	McManus
McNeil	Meadows	Montecillo	Morgan	Nasheed
Newman	Nichols	Oxford	Pace	Pierson
Rizzo	Scharnhorst	Schupp	Shively	Sifton
Silvey	Smith 71	Spreng	Still	Talboy
Taylor	Walton Gray	Webb	Webber	Mr Speaker

NOES: 099

Allen	Asbury	Aull	Bahr	Barnes
Bernskoetter	Berry	Brandom	Brattin	Brown 85
Brown 116	Burlison	Cauthorn	Cierpiot	Conway 14
Cookson	Cox	Crawford	Cross	Curtman
Davis	Day	Diehl	Dugger	Elmer
Entlicher	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Frederick	Fuhr	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Harris
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Johnson	Jones 89	Keeney	Kelley 126
Koenig	Korman	Lair	Lant	Largent
Lasater	Lauer	Leach	Leara	Lichtenegger
Loehner	Long	Marshall	McCaherty	McNary
Molendorp	Nance	Neth	Parkinson	Phillips
Pollock	Quinn	Redmon	Reiboldt	Richardson
Riddle	Rowland	Ruzicka	Sater	Schad
Schieber	Schneider	Schoeller	Smith 150	Solon

Sommer	Stream	Swearingen	Swinger	Thomson
Torpey	Wallingford	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	

PRESENT: 000

ABSENT WITH LEAVE: 014

Colona	Denison	Dieckhaus	Franz	Funderburk
Holsman	Hughes	Hummel	Kelly 24	Klippenstein
Nolte	Schatz	Schieffer	Shumake	

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Asbury	Barnes	Bernskoetter	Berry
Brandom	Brattin	Brown 85	Brown 116	Burlison
Cauthorn	Cierpiot	Conway 14	Cookson	Cox
Crawford	Cross	Curtman	Davis	Day
Dieckhaus	Diehl	Dugger	Elmer	Entlicher
Fisher	Fitzwater	Flanigan	Fraker	Frederick
Fuhr	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Higdon	Hinson	Hoskins
Hough	Houghton	Johnson	Jones 89	Keeney
Kelley 126	Koenig	Korman	Lair	Lant
Largent	Lasater	Kauer	Leach	Leara
Lichtenegger	Loehner	Long	Marshall	McCaherty
McGhee	McNary	Molendorp	Nance	Nasheed
Neth	Parkinson	Phillips	Pollock	Redmon
Reiboldt	Richardson	Riddle	Rowland	Ruzicka
Sater	Schad	Scharnhorst	Schieber	Schneider
Schoeller	Shumake	Silvey	Smith 150	Solon
Sommer	Stream	Thomson	Torpey	Wallingford
Wells	Weter	Wieland	Wright	Wyatt
Zerr	Mr Speaker			

NOES: 048

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Conway 27	Ellinger
Ellington	Fallert	Harris	Hodges	Jones 63
Kander	Kirkton	Kratky	Lampe	McCann Beatty
McCreery	McDonald	McGeoghegan	McManus	McNeil
Meadows	Montecillo	Morgan	Newman	Nichols
Oxford	Pace	Pierson	Quinn	Rizzo
Schupp	Shively	Sifton	Smith 71	Spreng
Still	Swearingen	Swinger	Talboy	Taylor
Walton Gray	Webb	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 018

Bahr	Colona	Denison	Franklin	Franz
Funderburk	Holsman	Hubbard	Hughes	Hummel
Jones 117	Kelly 24	Klippenstein	May	Nolte
Schatz	Schieffer	White		

On motion of Representative Kelley (126), **HB 1273** was ordered perfected and printed.

REFERRAL OF HOUSE CONCURRENT RESOLUTION

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

HCR 52 - General Laws

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

HJR 80 - Veterans
HJR 87 - Elections
HJR 90 - Elementary and Secondary Education
HJR 91 - General Laws
HJR 92 - Elections

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 1403 - Fiscal Review
HCS HB 1515 - Fiscal Review
HCS HB 1640 - Fiscal Review
HB 1727 - Ways and Means
HB 1883 - Crime Prevention and Public Safety
HB 1913 - Special Standing Committee on Disability Services
HB 1915 - Crime Prevention and Public Safety
HB 1961 - Insurance Policy
HB 1970 - Judiciary
HB 1983 - International Trade and Job Creation
HB 1989 - General Laws
HB 1990 - Health Care Policy
HB 1997 - Elementary and Secondary Education
HB 2029 - General Laws
HB 2030 - General Laws
HB 2033 - Economic Development
HB 2034 - Economic Development
HB 2044 - Economic Development
HB 2046 - General Laws

HB 2057 - Workforce Development and Workplace Safety
HB 2058 - Transportation
HB 2059 - Local Government
HB 2063 - Transportation
HB 2078 - Children and Families
HB 2079 - Elementary and Secondary Education
HB 2081 - Crime Prevention and Public Safety
HB 2099 - Workforce Development and Workplace Safety
HB 2109 - Elections

REFERRAL OF SENATE JOINT RESOLUTION

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

SS#2 SJR 48 - Special Standing Committee on Judicial Reform

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SS SCS SBs 489 & 637 - General Laws
SCS SB 591 - General Laws
SS SCS SB 592 - Workforce Development and Workplace Safety
SS SB 607 - Transportation
SS SB 781 - Local Government

COMMITTEE REPORTS

Committee on Budget, Chairman Silvey reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2019**, 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 Economic Development, Chairman Zerr reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 1592**, 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 Committee on Economic Development, to which was referred **HB 1709**, 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.

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 1710**, 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.

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 1779**, 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.

Committee on Elections, Chairman Dugger reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HJR 89**, 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 Health Care Policy, Chairman Sater reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HCR 18**, 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.

HOUSE CONCURRENT RESOLUTION NO. 18

WHEREAS, there are currently more than 105,000 people waiting for an organ donation, with the largest waiting group being persons 18 to 49 years of age; and

WHEREAS, more than 7,000 people die each year due to the lack of organs, with an average of 18 people dying each day while on the waiting list for an organ donation; and

WHEREAS, approximately 30,000 people a year have begun new lives thanks to an organ transplant; and

WHEREAS, organs and tissue from a single nonliving donor can be used to benefit more than 50 people. Living donors can donate a kidney and parts of their liver, lung, pancreas, or intestine, and can be evaluated to help a friend, family member, or even donate anonymously to patients of the wait list; and

WHEREAS, raising and promoting awareness and information about the need for organ and tissue donors and encouraging people to become an organ donor and tissue donor is vitally important to increase the number of lives saved and changed for the better through organ donation; and

WHEREAS, every person must be advised of their option to donate an organ. By focusing on education and donor awareness, every person can be informed on the need for organ donors; and

WHEREAS, the following excerpt is from "To Remember Me - I Will Live Forever", written by American Poet Robert Noel Test (1926 - 1994):

"...And don't call this my deathbed. Let it be called the bed of life, and let my body be taken from it to help others lead fuller lives.

Give my sight to the man who has never seen a sunrise, a baby's face or love in the eyes of a woman.

Give my heart to a person whose own heart has caused nothing but endless days of pain.

Give my blood to the teenager who was pulled from the wreckage of his car, so that he might live to see his grandchildren play.

Give my kidneys to the one who depends on a machine to exist from week to week.

Take my bones, every muscle, every fiber and nerve in my body and find a way to make a crippled child walk. Explore every corner of my brain.

Take my cells, if necessary, and let them grow so that, someday a speechless boy will shout at the crack of a bat and a deaf girl will hear the sound of rain against her window..."; and

WHEREAS, public awareness of the great need for organ donation is the key to increasing the number of organ donors and thereby saving lives and improving the quality of life for recipients of organ donation:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby designate April 2012 as "Donate Life Month" in Missouri.

BE IT FURTHER RESOLVED that the General Assembly encourages and recommends that people of the State of Missouri observe Organ Donor Life Month through activities which will increase awareness of organ donation and the need for organ donors.

Committee on Higher Education, Chairman Thomson reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **SCS SB 655**, 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 Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 1328**, 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 Local Government, Chairman Gatschenberger reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 1358**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Utilities, Chairman Pollock reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HCR 46**, 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.

HOUSE CONCURRENT RESOLUTION NO. 46

WHEREAS, Ameren Missouri owns and manages the Lake of the Ozarks, Bagnell Dam, and Osage hydroelectric plant under its license from the Federal Energy Regulatory Commission (FERC); and

WHEREAS, under its license agreement, Ameren Missouri was required to develop a shoreline management plan, which was submitted to FERC in 2008; and

WHEREAS, FERC regulations require that only land needed for the dam's operation, recreation, shoreline control, and environmental protection be included in the boundary; and

WHEREAS, Lake area residents and visitors enjoy a wide range of recreational activities and opportunities on lakefront property, including a 17,441 acre playground just south of Osage Beach; and

WHEREAS, Lake of the Ozarks State Park is Missouri's largest park with over 85 miles of shoreline and two public beaches, plus boat launching areas; and

WHEREAS, with the significant role that recreational activities play in the economic well-being of the Lake region, the current lakefront access enjoyed by residents, businesses, and visitors is vital to the financial viability and growth of the Lake of the Ozarks; and

WHEREAS, on July 26, 2011, FERC issued its order modifying and approving the shoreline management plan. In its order, FERC required Ameren Missouri to file for FERC approval a detailed report to each nonconforming structure and encroachment and Ameren Missouri's proposed course of action; and

WHEREAS, FERC did not demand or otherwise require any of the nonconforming structures be removed. On August 25, 2011, Ameren Missouri requested that FERC allow them to revise the project boundary to exclude those properties that were not needed to serve the purpose of the project; and

WHEREAS, Ameren Missouri requested that for those properties located within the current project boundary, where Ameren Missouri owns property in fee, upon which a residential dwelling has been built either in whole or in part, Ameren Missouri would redraw the project boundary to exclude the property, subject to certain conditions, such as environmental assessments, one-time fees, and legal surveys; and

WHEREAS, FERC clarified its position and specifically stated that "Nothing in the SMP, the July 26 Order or in this order has any impact on property rights. Whatever rights entities have in lands within the boundaries of the Osage Project - whether conferred by deed, lease, easement, or other conveyance - have not been and will not be altered by action in these proceedings. This Commission has no jurisdiction to rule on property rights, which are matters of state law."; and

WHEREAS, FERC did not approve the request to make homeowner's pay for legal surveys or the request for the payment of a one-time fee from the homeowners; and

WHEREAS, as part of the creation of the project boundary, Union Electric Land and Development Company reserved an easement to all of the lands that became the Lake of the Ozarks. For approximately 60 years thereafter, Union Electric allowed unrestricted access with little or no permits required; and

WHEREAS, developers and property owners acted in relation to that easement without question, with the common understanding that if land adjoining the lake was purchased, access to the water came with such property; and

WHEREAS, on January 31, 2012, Ameren Missouri filed its amended shoreline management plan with FERC which included a new project boundary for approval. Ameren Missouri says the new plan will ensure that most, but not all, of the 1,600 homes along the Lake of the Ozarks shoreline are not threatened with removal; and

WHEREAS, Ameren Missouri's new shoreline management plan revises the shoreline boundary so that most of the homes are no longer encroaching onto land that is part of the Bagnell Dam hydroelectric project; and

WHEREAS, banks and real estate companies in the Lake area warned that removal of homes and other structures would damage an already fragile real estate market; and

WHEREAS, the Missouri General Assembly is sensitive to the important nature of these issues for the property owners, citizens, and businesses; and

WHEREAS, hoping to end months of anxiety and confusion, to provide certainty, and to facilitate a swift resolution between FERC, Ameren Missouri, and the affected property owners, the Missouri General Assembly urges FERC and Ameren Missouri to cooperate and coordinate the proposed shoreline management plan with local government and the affected property owners; and

WHEREAS, coordination works because most federal agencies are specifically directed by Congress to work with local governments through this process before implementing policies or plans that will impact the local community; and

WHEREAS, given the impact of these important property questions on real estate transactions within the Lake of the Ozarks region, these property issues must be resolved with the utmost diligence; and

WHEREAS, since there is sufficient time prior to FERC's deadline for submission of a revised shoreline management plan in June 2012, Ameren Missouri should work with local government and the affected property owners to ensure that under the amended shoreline management plan no property owners in the affected areas will lose their homes or businesses:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly urges Ameren Missouri, the Federal Energy Regulatory Commission, and the affected property owners to cooperate in coordinating a swift resolution to the shoreline management plan project at the Lake of the Ozarks that respects the rights of property owners under Missouri law; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Ameren Missouri and the Federal Energy Regulatory Commission.

Committee on Veterans, Chairman Day reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HJR 85**, 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.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 28**.

SENATE CONCURRENT RESOLUTION NO. 28

WHEREAS, the State of Missouri first adopted the Missouri Criminal Code in 1977 to create a cohesive body of criminal law to be published in one portion of the Revised Statutes of Missouri; and

WHEREAS, the Code now lacks the cohesiveness it was created to embody after more than three decades of criminal statutes being enacted outside of the Missouri Criminal Code and non-criminal statutes being added to the Code; and

WHEREAS, the statutes enacted over the years include duplicative and conflicting criminal laws and inconsistent penalties; and

WHEREAS, some of these laws, in practice, have not had the intended effect of serving practitioners of criminal law and victims of crimes; and

WHEREAS, the Missouri Bar Association has spent four years developing recommendations for improving the Missouri Criminal Code, making the Code more cohesive and consistent, and repealing duplicative and conflicting provisions; and

WHEREAS, the recommendations of the Missouri Bar Association encompass more than 700 sections of law; and

WHEREAS, the General Assembly understands the importance and immensity of reviewing the recommendations and developing a plan to revise the Missouri Criminal Code:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Committee on the Missouri Criminal Code; and

BE IT FURTHER RESOLVED that the Committee shall be composed of two majority party members to be appointed by the President Pro Tempore of the Senate and one minority party member to be appointed by the Minority Leader of the Senate, and two majority party members to be appointed by the Speaker of the House of Representatives, and one minority party member to be appointed by the Minority Leader of the House of Representatives; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive review of the Missouri Criminal Code and the Missouri Bar Associations recommendations, examine any other issues that the Committee deems relevant, and make any recommendations for improving the cohesiveness, consistency, and effectiveness of the state's criminal laws; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of House Research and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the actual expenses of the Joint Committee, its members, and any staff assigned to the Joint Committee incurred by the Joint Committee shall be paid by the Joint Contingency Fund; and

BE IT FURTHER RESOLVED that the Joint Committee is authorized to begin its work beginning on the adoption of this resolution and continue during the legislative interim between the Second Regular Session of the Ninety-sixth General Assembly and the First Regular Session of the Ninety-seventh General Assembly through December 31, 2012, as authorized by *State v. Atterbury*, 300 S.W. 2d 806 (Mo. 1957); and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by November 15, 2012, and the authority of such Committee shall terminate on November 14, 2012.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Schatz.

ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Thursday, April 5, 2012.

CORRECTIONS TO THE HOUSE JOURNAL

AFFIDAVITS

I, State Representative Steve Hodges, District 161, hereby state and affirm that my presence as recorded on Page 873 of the Journal of the House for Monday, April 2, 2012, was not properly recorded. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I was present, and my absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 4th day of April 2012.

/s/ Steve Hodges
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Miller)

Subscribed and sworn to before me this 4th day of April in the year 2012.

/s/ Megan Limbach
Notary Public

I, State Representative Donna Lichtenegger, District 157, hereby state and affirm that my vote as recorded on Page 881 of the Journal of the House for Tuesday, April 3, 2012, by which House Bill No. 1403, as amended, was ordered perfected and printed, was incorrectly recorded as No. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted Present. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 4th day of April 2012.

/s/ Donna Lichtenegger
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Miller)

Subscribed and sworn to before me this 4th day of April in the year 2012.

/s/ Leticia J. Long
Notary Public

COMMITTEE MEETINGS

AGRICULTURE POLICY

Thursday, April 5, 2012, Upon Morning Adjournment South Gallery.
Executive session will be held: HB 1895
Executive session may be held on any matter referred to the committee.

AGRICULTURE POLICY

Tuesday, April 10, 2012, 2:00 PM House Hearing Room 6.
Executive session will be held: HB 1254
Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Thursday, April 5, 2012, 9:00 AM House Hearing Room 4.
Executive session will be held: HJR 42, HB 1900, SS SCS SB 467, SS SCS SB 469

FINANCIAL INSTITUTIONS

Wednesday, April 11, 2012, 5:00 PM House Hearing Room 6.
Public hearing will be held: HB 1844, SCS SB 635, SCS SB 726
Executive session will be held: HB 1844, SCS SB 635, SCS SB 726
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 5, 2012, 8:30 AM South Gallery.
Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Thursday, April 5, 2012, 9:00 AM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.

HIGHER EDUCATION

Thursday, April 5, 2012, 9:30 AM North Gallery.
Executive session will be held: SCS SB 563
Executive session may be held on any matter referred to the committee.

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

Thursday, April 5, 2012, 9:40 AM House Hearing Room 6.
Executive session will be held: HCR 6, HCS HCR 33, HCR 53, HCS HB 1274, HCS HB 1305, HCS#2 HB 1323, HB 1359, HCS HB 1476, HCS HB 1490, HCS HB 1521, HCS HB 1854, HCS HB 1794, HCS HB 1865, HCS HBs 1934 & 1654, HCS HB 1367
Executive session may be held on any or all bills which have been referred to this committee.

TOURISM AND NATURAL RESOURCES

Thursday, April 5, 2012, 8:00 AM House Hearing Room 7.
Public hearing will be held: HCR 49, HB 1752
Executive session will be held: HB 1795
Executive session may be held on any matter referred to the committee.

TRANSPORTATION FUNDING AND PUBLIC INSTITUTIONS

Thursday, April 5, 2012, 9:45 AM South Gallery.
Executive session will be held: HB 1836
Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTY-SECOND DAY, THURSDAY, APRIL 5, 2012

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 47 - Dugger
- 2 HJR 49 - Brattin
- 3 HJR 71 - Elmer

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1198 - Fisher
- 2 HCS HB 1275 - Koenig
- 3 HCS HB 1134 - Scharnhorst
- 4 HCS HB 1549 - Richardson
- 5 HCS HB 1717 - Kelley (126)
- 6 HCS HB 1256 - Diehl
- 7 HCS HB 1211 - Dieckhaus
- 8 HCS HB 1364 - Schieffer
- 9 HCS HB 1383 - Cox
- 10 HCS HB 1444 - Smith (150)
- 11 HCS HB 1458 - Hinson
- 12 HB 1534 - Bahr
- 13 HB 1540 - Jones (89)
- 14 HCS HBs 1574 & 1097 - Meadows
- 15 HCS HB 1661 - Hoskins
- 16 HCS HB 1826 - Fitzwater
- 17 HCS HB 1860 - Guernsey

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS HJR 61 - Loehner

HOUSE BILLS FOR THIRD READING

- 1 HB 1277 - Long
- 2 HCS HBs 1298 & 1180 - Parkinson
- 3 HB 1431 - Hoskins
- 4 HB 1403, (Fiscal Review 4/4/12), E.C. - Schatz
- 5 HCS HB 1060 - Dugger
- 6 HCS HB 1361 - Pollock
- 7 HCS HB 1111 - Gosen
- 8 HCS HB 1150 - Smith (150)
- 9 HB 1691 - Dugger
- 10 HCS HB 1640, (Fiscal Review 4/4/12) - Denison
- 11 HCS HB 1272 - Kelley (126)

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- 12 HCS HB 1515, (Fiscal Review 4/4/12) - Schad
- 13 HCS HB 1608 - White
- 14 HB 1066 - McGhee
- 15 HB 1109 - Brattin
- 16 HCS HB 1110 - Barnes
- 17 HCS HB 1789 - Schad
- 18 HB 1273 - Kelley (126)

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 7 - Rowland
- 2 HCR 31 - Schieffer
- 3 HCR 36 - Asbury
- 4 HCR 42 - Rowland

HOUSE RESOLUTIONS

HR 677 - Hinson

HOUSE BILLS VETOED FROM SECOND REGULAR SESSION

HB 1219 - Elmer

SENATE BILLS VETOED FROM SECOND REGULAR SESSION

SS SCS SB 572 - Richardson